

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JULY 18, 2018**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Phillip Hayman**, Valley Baptist Church gave the invocation. **Mike Erfert**, Public Information Officer for the Yuma Fire Department, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Shelton, Watts, Thomas, Knight, Miller and Mayor Nicholls
Councilmembers Absent:	McClendon
Staffmembers Present:	City Administrator, Gregory K. Wilkinson
	Fire Chief, Steve Irr
	Deputy Chief of Police, Susan Smith
	Various Department Heads or their representative
	City Attorney, Richard Files
	City Clerk, Lynda L. Bushong

**FINAL CALL**

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

**PRESENTATIONS**

**Wilkinson** presented a video produced by City of Yuma's media department on the dedication of the new Playa Linda Beach located at West Wetlands Park.

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**Chief Steve Irr** honored two town heroes for their involvement in two incidents that occurred in the community.

- Angela Matthews was presented the Heroism Award for the risk she took in providing assistance to an injured person involved in a severe car accident on the evening of May 18<sup>th</sup>, 2018.
- Jeff Burgan was presented the Lifesaving Award from the Yuma Fire Department for rescuing two individuals swimming at Gateway Park on the evening of June 13<sup>th</sup>, 2018.

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**Mayor Nicholls** recognized the following Board and Commission members whose terms are expiring this quarter:

- Clean and Beautiful Commission- Alejandro Molina
- Community Tree Board-Daren Dalgleish & Cory Mayrant
- Parks, Arts, and Recreation Commission-Jeffrey Marnati & Victoria Nguyen
- Yuma Fire Public Safety Board-Thomas Lund

Mayor Nicholls continued by informing the public of current vacancies and the process to become a community board member.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.2- Special Event Liquor License: City of Yuma Parks and Recreation Department-Beat the Heat Block Party - The event will take place on the 200-300 block of Main Street on Friday, August 17, 2018, from 12:00 p.m. to 1:00 a.m. (SP18-26) (Admin)

**Motion:** (Thomas/Knight): To amend the request for City Council Action for Special Event Liquor License regarding the Beat the Heat Block Party to state the event will take place on the 100-300 blocks of Main Street, instead of 200-300 blocks. Voice vote: **approved 6-0.**

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**Motion:** (Knight/Thomas): To approve the Motion Consent Agenda as amended. Voice vote: **approved 6-0.**

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

Regular Council Worksession	March 20, 2018
Regular Council Meeting	March 21, 2018

**B. Approval of Staff Recommendations:**

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal. Litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Atty.)
2. Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the City of Yuma Parks and Recreation Department for the Beat the Heat Block Party. The event will take place on the 100-300 blocks of Main Street on Friday, August 17, 2018, from 12:00 p.m. to 1:00 a.m. (SP18-26) (Admin)
3. Authorize the City Administrator to negotiate and execute a one-year contract for Environmental Laboratory Testing Services, with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for an estimated annual expenditure of \$185,000.00, with the following firms: Aquatic Consulting & Testing, Inc., Tempe, Arizona; Eurofins Eaton Analytical, LLC, Monrovia, California; TestAmerica Analytical Testing Corporation, Phoenix, Arizona; Turner Laboratories, Inc., Tucson, Arizona (RFP 2018-20000107) (Utilities)
4. Award to lowest responsive/responsible bidders for Hot and Cold Mix (Asphaltic Concrete) with the option to renew for four additional one-year periods, one period at a time, depending on the availability of funds and satisfactory performance for an estimated annual expenditure of \$170,000.00 with the following companies: BLT Asphalt, LLC, Yuma, Arizona; Vulcan Materials Company, Flagstaff, Arizona (Bid #2018-20000148) (Public Works)

5. Award to the lowest responsive/responsible bidder meeting specifications for Uniforms (city wide), a one-year contract, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance at an estimated annual expenditure of \$41,000.00 to: UniFirst Company, San Diego, California (Bid #2018-20000128) (Purchasing)
6. Authorization to use the Arizona NVP Software Contract number ADSP017-149774 to purchase Microsoft software required for the YRCS Public Safety Software System upgrade with an estimated total cost of \$105,289.90 (ITS/YRCS)
7. Authorize the City Administrator to execute the Grant Agreement and accept funding received under the City of Tucson High Intensity Drug Trafficking Area (HIDTA) grant program to support the YPD Officer assigned to the U.S. Marshals' Arizona Warrant Apprehension Network Targeted Enforcement Detail (AZWANTED) (YPD)
8. Authorize the City Administrator to execute a Maintenance and Support Agreement #0004106-006 LiveScan with MorphoTrak to provide maintenance and support services for equipment used by the Yuma Police Department to scan fingerprints electronically (YPD)
9. Authorize the City Administrator to execute an agreement with the Western Arizona Council of Governments to provide annual funding for up to three years to provide assistance to qualified City utility customers (Utilities)
10. Acquire the second of two parcels of real property located at 1230 S. 2<sup>nd</sup> Avenue through an exchange for surplus City-owned property along with payment of \$90,000.00 by the City to Maha LLC in accordance with the terms of the attached Option Agreement. Approval of this motion authorizes City staff to exercise the option (Utilities)

## II. RESOLUTION CONSENT AGENDA

Resolution R2018-014- Economic Development and Deferral Agreement: Botanical Food Company, Inc. (in support of a new 100,000 square-foot production facility for lightly dried spices and chilled packaged herbs) (Admin)

**Motion** (Thomas/Miller): To adopt Resolution Consent Agenda item R2018-014.

**Bushong** displayed the following title:

### **Resolution R2018-014**

**A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Economic Development and Deferral Agreement between the City of Yuma and Botanical Food Company, Inc. (Gourmet Garden), a division of McCormick & Company, Inc. (in support of a new Yuma production facility)**

Roll call vote: **adopted** 6-0.

**Resolution R2018-018-** The formation of a Citizen's Oversight Committee and to establish City data access policies to ensure privacy of our residents (establish City policies and procedures for access and use of City data from the anyComm nodes) (Admin)

**Thomas** questioned if the Citizen's Oversight Committee would have authorized access to evidence. **Wilkinson** stated they would after going through background checks and meeting certain qualifications. **Thomas** asked how the City is proposing storing video evidence. **Smith** informed City Council a copy of the evidence would be issued and stored in the evidence room on a compact disc for a certain amount of time based on policy and procedure, type of crime, and the length of prosecution.

Speaker:

**Mary Kaffer**, 1967 S. Naples Avenue pondered what the procedures would be to elect citizens for the Citizen's Oversight Committee. **Mayor Nicholls** explained the current proposed agreement is the Oversight Committee would include himself or appointed Council designee, and the remaining four members would be appointed by City Council. He stated the selection process is anticipated to begin within the next six months.

**Motion:** (Mayor Nicholls/Thomas): To continue Resolution Consent Agenda item R2018-018 to the next City Council Meeting. Voice vote: **approved 6-0.**

**Motion** (Knight/Thomas): To adopt the Resolution Consent Agenda with the exceptions of Resolutions R2018-014 and R2018-018.

**Bushong** displayed the following title:

**Resolution R2018-015**

**A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 995 S. Palm Avenue (Maha, LLC for property located at 995 S. Palm Avenue)**

**Resolution R2018-016**

**A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 3319 W. Phoenix Avenue (Maha, LLC for property located at 3319 W. Phoenix Avenue)**

**Resolution R2018-017**

**A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 948 S. Pagent Avenue (Tumex Corporation for property located at 948 S. Pagent Avenue)**

Roll call vote: **adopted 6-0.**

**III. ADOPTION OF ORDINANCES CONSENT AGENDA** - There were no ordinances scheduled for adoption at this time.

#### IV. INTRODUCTION OF ORDINANCES

Ordinance O2018-035- Yuma City Code Amendment: Chapter 37 Taxation (amend Section 37-02 (F) of the Tax Code of the City of Yuma setting a new repeal date for the two-level tax rate) (Finance)

**Thomas** informed the public the reason for this ordinance is to bring the current code up to date.

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Ordinance O2018-036- Acquisition of Property: Acquire a portion of PMG property at 16<sup>th</sup> Street and 4<sup>th</sup> Avenue (authorize the acquisition of real property containing approximately 254 square feet of land) (Attorney)

**Mayor Nicholls** declared a conflict of interest; however, no discussion was held.

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Ordinance O2018-031- Rezoning of Property: Located at the southeast corner of W. 8<sup>th</sup> Place and 13<sup>th</sup> Avenue; and at 887 S. 13<sup>th</sup> Avenue (rezone two parcels with a total area of approximately 23,315 square feet from Heavy Industrial (H-I) District to Low Density Single Family (R-I-5) District) (DCD)

#### Speakers:

**Bryann Olsen**, 12573 E. Del Rey, informed City Council of her concerns regarding the loading dock on the backside of her commercial property off 8<sup>th</sup> Street stating the new homeowners will be impacted by noise as the loading dock can be operated 24-7. **Knight** mentioned the possibility of having the potential home owners acknowledge the noise concerns prior to purchasing the home by signing a waiver. He asked if she would be open to further conversation about building a wall or reconfiguring placement of the homes. **Olsen** confirmed she would be open to a discussion. **Olsen** further stated that she has spoken with City staff, who have been very accommodating. **Miller** asked if the property loading dock will still be accessible. **Olsen** informed it would be very tight because of the residential street it backs to. **Olsen** finished by reiterating her main concern is the new homeowners being faced with noise from her business.

**Juan Luna**, 7296 E. 26<sup>th</sup> Street, [contractor Luna Glar Building & Development] informed City Council that his company would also be open to working together with Ms. Olsen, as an agreement is already set in place. He mentioned speaking with Ms. Olsen on the thoughts of creating a noise disclosure statement for the people who purchase homes in this development.

**Mary Evitch**, 1369 W. 9<sup>th</sup> Street, encouraged City Council to approve the rezoning so the area can be cleaned up and become well developed.

**Bushong** displayed the following title(s) at the request of the Mayor:

#### **Ordinance O2018-014**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 154, zoning, by amending Article 19, Sections 19.02, 19.03, and 19.09, and adding Section 19.11, related to personal wireless communications; and providing penalties (comply with changes to federal and state laws and regulations regarding use of the City's rights-of-ways and facilities by wireless communications providers)**

**Ordinance O2018-019**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 9 of the Yuma City Code, Chapter 92, Telecommunications, by amending Sections 02, 04, 05, 15 through 20, 30, 32, 40 through 44, and 99 related to occupying and using public highways for telecommunication services; and providing penalties for violations thereof (comply with changes to state laws and regulations regarding use of the City's rights-of-ways by communications and telecommunications providers)**

**Ordinance O2018-030**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a City alley located in the 1200 South block between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue surplus for use as a roadway, and upon the recordation of a deed vesting fee title in the City of Yuma as the abutting property owner(s), the vacating of the alley for roadway purposes (use as part of the Utilities Administration Complex)**

**Ordinance O2018-031**

**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 Heavy Industrial/Infill Overlay (H-I/IO) District to the Low Density Single-Family Residential/Infill Overlay (R-I-5/IO) District and amending the zoning map to conform with the rezoning (rezone two parcels with a total area of approximately 23,315 square feet located at the southeast corner of W. 8<sup>th</sup> Place and 13<sup>th</sup> Avenue; and at 887 S. 13<sup>th</sup> Avenue)**

**Ordinance O2018-032**

**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, providing for changes to the zoning code to update the Infill Overlay District thereof (amend Title 15, Chapter 154, Article 14, Section 14.09 to modify the Infill Overlay District)**

**Ordinance O2018-033**

**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, providing for the addition of definitions and regulations for corner markets within the Infill Overlay District thereof (amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets)**

**Ordinance O2018-034**

**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 Light Industrial (L-I) District to the Low Density Residential (R-I-6) District, while maintaining the Bed & Breakfast (BB) and the Infill Overlay (IO) Districts, and amending the zoning map to conform with the rezoning (rezone approximately 14,000 square feet located at the northeast corner of W. 9<sup>th</sup> Street and S. 2<sup>nd</sup> Avenue)**

**Ordinance O2018-035**

**An ordinance of the City Council of the City of Yuma, Arizona, amending the Yuma City Code, Chapter 37 relating to the two-level privilege tax structure on sales/purchases of retail items exceeding thirty-five thousand dollars, extending the repeal of the two-level structure; and providing penalties for violation (amend section 37-02 (F) of the Tax Code of the City of Yuma setting a new repeal date for the two-level tax rate)**

**Ordinance O2018-036**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of certain real property, together with certain access and circulation easements** (acquire a portion of PMG property at 16<sup>th</sup> Street and 4<sup>th</sup> Avenue, approximately 254 square feet of land)

**V. PUBLIC HEARING AND RELATED ITEMS**

Resolution R2018-004 – General Plan Amendment: 1421 S. Avenue B (deny the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential, for property located at 1421 S. Avenue B) (GP-19696-2017) (DCD)

**Motion** (Knight/Miller): To continue the public hearing and related actions regarding Resolution R2018-004, the General Plan Amendment for the property located at 1421 S. Avenue B, to the September 19, 2018 Regular City Council Meeting, at the request of the applicant. Voice Vote: **approved 6-0.**

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments:

**Motion** (Shelton/Thomas): To re-appoint James Sheldahl to the Design and Historic Review Commission with a term expiration of December 31, 2022. Voice vote: **approved 6-0.**

Announcements:

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

**VII. SUMMARY OF CURRENT EVENTS**

**Bushong** reported pursuant to the Yuma City Charter, Article 5, Section 1.B, that as of July 18<sup>th</sup>, 2018, City Council has been notified that valid petitions for Initiative I2018-02, which pertains to the one-half of one percent transaction privilege tax to provide funding solely dedicated to fixing pot holes, improving existing roads, and replacing asphalt, were filed in the office of the City Clerk. As required by the Arizona Revised Statutes, a review of the petitions was conducted by the City Clerk and the County Recorder. As the City Clerk she has certified that the number of remaining signatures for the set initiative exceeds the minimum required by the Constitution to place a measure on the General Election Ballot. Also provided for under Article 13, Section 7.A of the Yuma City Charter, is the requirement of any transaction privilege tax in excess of one percent to be approved by a majority of the qualified electors. Therefore, a call of election will be placed on the August 1<sup>st</sup>, 2018, Regular City Council Meeting for City Council's consideration.

**Wilkinson** reported on the following events:

- July 21<sup>st</sup>- 8:00-12:00 p.m. Back to School Rodeo at the Civic Center
- July 28<sup>th</sup>- 6:30 p.m.-11:30 p.m. Craig Wayne Boyd, Season 7 Voice Winner, concert at the Civic Center

#### **VIII. CALL TO THE PUBLIC:**

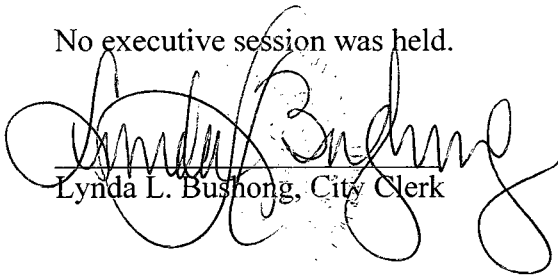
**Eric Egan**, 1500 S. 1<sup>st</sup> Avenue, President of the Fraternal Order of Police Yuma Lodge spoke to City Council regarding concerns of the Yuma Police Department. He mentioned cost associated with new officers, the timing and training it takes, turnover rates for Yuma Police Officers, the pay plan and increases for all City of Yuma employees, and the extreme importance of City Administration to take everything into consideration because the community deserves safety.

**Pemilia Gizzi**, 2825 W. 11<sup>th</sup> Place, COE of Artists Reaching To Serve (A.R.T.S.) informed the public in all the help and support A.R.T.S. has provided to the community. She spoke highly of A.R.T.S. founder and CEO, Alia Gizzi, who could not be present due to being accept to the Joffrey Ballet School of New York. Gizzi noted A.R.T.S. was Alia's dream and she wanted to share herself, passion and gifts with the great Yuma community. She concluded by stating A.R.T.S. hopes to bring industry professionals from Broadway, and urges City officials to continue assisting A.R.T.S. in bringing recognition to the greater Southwest.

#### **IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:49 p.m.

No executive session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Douglas J. Nicholls, Mayor

