

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**DECEMBER 20, 2017**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:30 p.m.

**INVOCATION/PLEDGE**

**Father Austin Mansfield**, Christ the Redeemer Anglican, gave the invocation. **Lisa Marlin**, Accounting Manager, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Wright, Miller, Knight, Thomas, Craft, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
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** - There were no presentation scheduled at this time.

**I. MOTION CONSENT AGENDA**

**Motion** (Craft /Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved**  
7-0.

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

Regular City Council Meeting	June 7, 2017
Regular Council Worksession	October 16, 2017
Regular Council Worksession	November 14, 2017
Council Citizen's Forum	December 5, 2017

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 Pamela NeelyTomkins on behalf of the Yuma Art Symposium, Inc., for Yuma Art Symposium. The event will take place at the Historic Gowan Building, 370 S. Main Street, on Saturday, February 24, 2018, from 4:00 p.m. to midnight. (SP18-05) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Anne Fisher on behalf of the North End Rotary Club for the Yuma Medjool Date Festival. The event will take place at the 200-300 blocks of Main Street on Saturday, January 27, 2018, from 9:00 a.m. to 6:00 p.m. (SP18-06) (Admin/Clerk)
4. Approve a Special Event Liquor License Application submitted by Lindsay Benacka on behalf of the City of Yuma Parks and Recreation Department for Art in the Park. The event will take place at Gateway Park located at the north end of Gila Street on Saturday, January 13, 2018, from 12:00 p.m. to 6:30 p.m. (SP18-07) (Admin/Clerk)
5. Approve a Temporary Extension of Premises/Patio Permit application submitted by Lauren Merrett, agent for Texas Roadhouse located at 594 E. 16<sup>th</sup> Street, for Bike Night on Wednesday, January 17, 2018, from 5:00 p.m. to 8:00 p.m. (EP17-04) (Admin/Clerk)
6. Award to the lowest three responsive and responsible bidders a one-year contract for heating, ventilation, and air conditioning (HVAC) services, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance for an estimated annual amount of \$220,000.00 (including tax) to: Hansberger Refrigeration, Yuma, Arizona; Polar Cooling, Yuma, Arizona; and, TRANE US, Inc., Tucson, Arizona, (Bid #2018-20000076 Citywide) (Purchasing)
7. Authorize the purchase of server hardware to support the Yuma Regional Communication System (YRCS) public safety software system upgrade utilizing the State of Arizona contract, at an estimated amount of \$435,745.10 to: Transource Services Corp., Phoenix, Arizona. (ITS – Bid #2018-20000001)
8. Authorize the City Administrator, or his designee, to execute an intergovernmental agreement with Yuma Union High School District No. 70 for the School Resource Officer program. (Police/Patrol)
9. Authorize the City Administrator, or his designee, to execute an intergovernmental agreement with Yuma Elementary School District No. 1 for the School Safety Program for a three-year period. (Police/Patrol)

10. Authorize the City Administrator to execute an agreement with Amberly's Place providing funding in the amount of \$52,380.00 for FY2017-2018 and setting performance standards. (Police/Admin)
11. Authorize the City Administrator to execute an agreement with Catholic Community Services in Western Arizona (CCS) – Safe House Program providing funding the in amount of \$15,500.00 for FY2017-2018 and setting performance standards. (Police/Admin)
12. Authorize the City Administrator to execute an agreement with Crossroads Mission providing funding in the amount of \$27,000.00 for FY2017-2018. (Police/Admin)
13. Authorize a job order with PCL Construction, Inc., in the amount not to exceed \$613,844.81, for capital improvements to the Figueroa Avenue Water Pollution Control Facility (FWPCF) pursuant to the City's Municipal Water and Wastewater Treatment Plant Infrastructure Job Order Contract. (Engineering)
14. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-19716-2017, identified as the Avenue 3E and 40<sup>th</sup> Street Annexation, located at the southeast corner of Avenue 3E and 40<sup>th</sup> Street. (DCD)
15. Authorize the City Administrator to execute an intergovernmental agreement (Agreement) with Yuma Elementary School District One for (i) the design and construction of a multi-use pathway and school crossing beacons along the east side of Avenue 6E, and (ii) the construction and use of stormwater retention facilities in substantially the same form as the attached Agreement. The stormwater retention facilities will also serve as athletic fields for the District. The Agreement includes a form of a non-exclusive easement establishing stormwater retention as the primary use of the described real property. (Atty)

**Motion** (Thomas/Knight): To recess to Executive Session at 5:37 p.m. Voice Vote: **approved** 7-0.

The City Council meeting resumed at 5:41 p.m.

## II. RESOLUTION CONSENT AGENDA

**Motion** (Knight /Thomas): To adopt Resolution R2017-030 and Resolution R2017-034.

**Bushong** displayed the following title(s):

### **Resolution R2017-030**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 100, serving Park West Units 4 and 5, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Park West Units 4 and 5 (property generally located at 28<sup>th</sup> Street and 45<sup>th</sup> Avenue) (DCD/Planning)**

**Resolution R2017-034**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its Intention to Create Municipal Improvement District No. 102, serving Cielo Verde Unit Three Phases 1 and 2, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Cielo Verde Unit Three Phases 1 and 2 (property generally located east of Avenue 8E and north of East 36<sup>th</sup> Street) (DCD/Planning)**

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

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Resolution R2017-035 Preannexation Development Agreement: Avenue 6E Land L.L.C. and Saguaro Desert Land, Inc. – Authorize and approve the execution of a Preannexation Development Agreement with the owners of the described 105 acres of land located at the southwest corner of Avenue 6E and 44<sup>th</sup> Street. (Admin)

**Motion** (Craft/Knight): To amend Exhibit 1 of Resolution R2017-035, Section 4.1(b), to add the following phrase at the end of Section 4.1(b): Provided that the lot is zoned R-1-12 and is a minimum lot size of 12,000 square feet, Owner may utilize up to 29 feet of the dedicated Avenue 5 ½ E, east of the centerline, to meet the 50 foot rear and/or 50 foot side yard setback applicable to the R-1-12 lots.

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

**Motion** (Craft/Miller): To amend Exhibit 1 of Resolution R2017-035, Section 7.3, to read as follows: 44<sup>th</sup> Street. Owner agrees to design and subject to City approval of the design, construct and install the full width segment of 44<sup>th</sup> Street from Avenue 6E to the point where it will connect to the existing roadway previously improved by Yuma County as a Local Street. The design shall be in accordance with City Standards with drainage and sidewalk (on the south side only) so as to provide one lane of travel in each direction. Owner shall make a cash deposit with the City in the sum of \$100,000 for future maintenance or upgrading of the existing 44<sup>th</sup> Street along the subdivision boundary.

**Mayor Nicholls** questioned the language that says, “install the full width segment of 44<sup>th</sup> Street”, explaining we generally only ask for the half-width segment. **Files** reported the intent was for two lanes of travel. **Mayor Nicholls** asked if there is a need to clarify. **Files** stated the clarification in the Motion and the amendments state one direction of travel - one lane of travel in each direction with the sidewalk and drainage on the south side only. **Mayor Nicholls**, with no one present from the developer to comment, called for the voice vote.

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

**Motion** (Knight/Thomas): To adopt Resolution R2017-035 as amended.

**Bushong** displayed the following title(s):

**Resolution R2017-035**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Avenue 6E Land, L.L.C. and Saguaro Desert Land, Inc., owners of approximately 105 acres of real property, hereafter described, located at the Southwest Corner of Avenue 6E and 44<sup>th</sup> Street (property owners are proposing a school site for the future Dorothy Hall Elementary School) (Admin)**

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Wright** questioned and **Wilkinson** confirmed that the Modification Agreement transfers Clark-Lankford, LLC's right, title and interest to Kesari Hospitality LLC for Phase 1 only. **Wright** asked if Clark-Lankford, LLC, per the Master DDA, would have rights to Phases 2, 3 and all the other components of the Master DDA. **Mayor Nicholls** replied that this is only for the first phase as stated.

**Motion** (Knight/Craft): To adopt the Ordinances Consent Agenda as recommended.

**Mayor Nicholls** stated there has been discussions brought to him concerning auxiliary items and wanted to assure that those items have not been dropped, however, they do not play a role in this modification.

With no speakers and no further discussion **Bushong** displayed the following title:

**Ordinance O2017-048**

**An ordinance of the City Council of the City of Yuma, Arizona, approving the terms and authorizing the City Administrator to execute the Yuma Riverfront Modification Agreement with Kesari Hospitality LLC and Clark-Lankford LLC; A Third Amendment to the Yuma Riverfront Development First Phase Land and Improvements Lease with Kesari Hospitality LLC; and a Non-Disturbance and Recognition Agreement between Wells Fargo Bank, The City of Yuma, and Kesari Hospitality LLC (assigns Clark-Lankford LLC's interest in the First Phase Lease to Kesari Hospitality LLC; incorporates provisions from the Master DDA; provides the lender sufficient assurances in order to provide refinancing of the Pivot Point Hotel and Conference Center) (City Atty)**

Roll call vote: **adopted** 6-1. **Wright** voting Nay.

**IV. INTRODUCTION OF ORDINANCES**

With no speakers and no discussion **Bushong**, at the request of **Mayor Nicholls**, displayed the following title(s):

**Ordinance O2018-001**

**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 General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District and amending the zoning map to conform**

**with the rezoning** (rezoning of property located at 632, 636 and 642 S. 4<sup>th</sup> Avenue) (Community Development/Community Planning)

**Ordinance O2018-002**

**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 Agriculture (AG) District to the Light Industrial (L-I) District and amending the zoning map to conform with the rezoning** (rezoning of property located at the northeast corner of 36<sup>th</sup> Street and Avenue 4 ½ E) (Community Development/Community Planning)

**Ordinance O2018-003**

**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** (rezoning of property located at 36<sup>th</sup> Street and the B 3.7 Canal Lateral) (Community Development/Community Planning)

**Ordinance O2018-004**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 13, Section 12, Section 11 and Section 14 of Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Light Industrial (L-I) Zoning District, and amending the zoning map to conform with the annexation, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and its amendments** (property located at the southeast corner of Avenue 3E and 40<sup>th</sup> Street) (Community Development/Community Planning)

V. **PUBLIC HEARINGS** – There were no public hearings scheduled at this time.

**FINAL CALL**

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

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Knight/Craft): To appoint Don Mitchell to the Yuma Fire Public Safety Board and the Yuma Public Safety Police Board with a term expiration of December 31, 2021.

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

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

**Wright** stated he thought of two items that may be of importance to the new Council: 1) Review of

revenues prior to going into the budget process and; 2) Public safety. **Mayor Nicholls** stated that both items will be addressed at the yearly retreat.

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reported the following events:

The inauguration will be held on January 3, 2018 at the Main Street Theater beginning at 5:30 p.m. for the newly elected Councilmembers as well as the investiture of the Presiding Municipal Judge

- Family Fun Night - December 31<sup>st</sup>
- Canoe Trip - January 6, 2018
- 5K and 10K Walk/Run – January 6
- Diamond Rocks at the Main Street Theater – January 6
- 2018 Adventures – Travel Logs Around the World on a String - January 9
- Art in the Park - January 13

## VIII. CALL TO THE PUBLIC

**Rev. Alberta Wallace**, 1602 W. 12<sup>th</sup> Lane, stated she has great pride in our community especially Yuma's focus on building community leaders with the Neighborhood Leadership Program. Further, the United for Yuma initiative is a positive statement to newcomers and to new businesses to spark our economy. However, to live in fear of discrimination, without any policies or laws for protection, limits the quality of life for many of our Yumans. She would like a public proclamation expanding Yuma's non-discrimination laws to include sexual orientation and gender identity.

**Diane Umphress**, Executive Director of Amberly's Place, 1310 S. 3<sup>rd</sup> Avenue, recognized outgoing Councilmembers Craft and Wright for their service and support. **Umphress** further stated that Amberly's Place has provided services to over 881 victims living in the City of Yuma this year which is a 16% increase from previous years. The partnership with the Yuma Police Department and the support of the Mayor and City Council is appreciated.

**Jodie Wight**, Program Director for Catholic Community Services – Safe House Domestic Violence Shelter, 690 E. 32<sup>nd</sup> Street, provided the following information:

- Safe House is the only domestic violence shelter in Yuma County
- Last year over 500 victims were served in the shelter
- 200 victims and families were provided mobile services and outreach
- One in every 4 women and one in every 7 men experience domestic violence in their lifetime

In addition to emergency shelter services victims are:

- Assessed for safety risk
- Assisted with basic needs and legal needs
- Provided a solid foundation to restart their lives with help in meeting the most basic needs of health and safety.

**Wight** thanked the City of Yuma for their support through the Outside Agency Agreement currently in place that provides Safe House with the funds to continue to make an impact in the lives of the victims in the City of Yuma.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Mayor Nicholls** extended an invitation to a celebration honoring outgoing Councilmembers **Wright** and **Craft** in the lobby immediately following adjournment. **Mayor Nicholls** expressed his appreciation to **Wright** and **Craft** for their service, acknowledging that it is not always easy to accommodate this activity in your schedule and life.

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:18 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor