

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**MARCH 2, 2016**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Shawn Scribner**, Pastor of Heritage Baptist Church, gave the invocation. **Laurie Lineberry** led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Thomas, Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Senior Buyer, Melinda Holmes City Engineer, Joshua Scott 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 from members of the audience interested in addressing items scheduled on tonight's agenda.

**PRESENTATIONS**

**Wilkinson** presented Pat Wicks, Director of Financial Services, and Wendy Wrenn, Accounting Manager, with the Government Finance Officers' Association Distinguished Budget Presentation award, which was awarded to the City of Yuma on July 1, 2015. This is the 12<sup>th</sup> year in a row that the City of Yuma has received this award. He thanked Wicks and Wrenn for the great job that they do in keeping the Finance Department running smoothly and in compliance with the Government Accounting Standards Board.

**I. MOTION CONSENT AGENDA**

**Mayor Nicholls** declared a potential conflict of interest with regards to Motion Consent Agenda Item B.6. He turned the meeting over to Deputy Mayor Craft and exited the room.

**B.6 - Bid Award: 16th Street and 4th Avenue Intersection Improvements** - Award to the lowest responsive and responsible bidder for the construction of the 16th Street and 4th Avenue Intersection

Improvements project, in the amount of \$5,134,700.88 to: Cemex Construction Materials South LLC, Yuma, Arizona. (Public Works – Bid #2016-20000098)

In response to an inquiry from **Wright**, **Holmes** stated there is an error in the print; five contractors bid on the project. **Wright** noted that one bidder appears to be a local company and questioned if the complexity of the project is a factor. **Scott** explained that this project is more complex than a roadway project. There is a significant amount of underground utility, water line, sewer line, and storm drain work involved. This is a big project, and several of the contractors who submitted bids did have local subcontractors that would have handled different aspects. Given the size of the project, there are a limited number of local contractors who could handle it.

**Wright** asked what percentage of the work on a similar project would typically be assigned to a subcontractor. **Scott** stated that it would depend on the scope of the project. **Wright** asked if subcontractors are disclosed in the bids. **Scott** confirmed the subcontractors are disclosed in the bid process. **Holmes** stated that the subcontractors for this project are Desert Excavating, Westmoor Electric, Quail Construction, and Dahl, Robins & Associates. **Wright** stated that he has a deep concern regarding the diversity of the selection committee. He would like to see more local contractors get involved in the process. He asked who was on the selection committee for this project. **Scott** stated that this was a hard bid, so a selection committee was not utilized.

**Wilkinson** asked if Cemex and DPE Construction were likely the only contractors in Yuma who could have taken on this type of project, since Zellers is no longer in business. **Scott** stated that given the size of the project and the bonding capacity and expertise required, these two are likely the only contractors in Yuma able to bid. **Wright** noted that the bid from Cemex is about \$2 million below the estimated cost of the project.

**Motion** (Knight/Thomas): To approve Motion Consent Agenda item B.6 as recommended. Voice vote: **approved** 6-0-1; Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**Motion** (Knight/Thomas): To approve the Motion Consent Agenda as recommended, with the exception of Item B.6. Voice vote: **approved** 7-0.

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

Special Worksession/Roundtable	May 26, 2015
Special Worksession/Roundtable	June 15, 2015
Special Council Meeting	August 13, 2015
Council Citizen's Forum	September 15, 2015
Regular Council Worksession	November 3, 2015
Regular Council Meeting	November 18, 2015

**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 Attny)
2. Approve an application for a Temporary Extension of Premises/Patio Permit submitted by Richard Good, agent for Ricky's Other Place located at 3950 W. 24<sup>th</sup> Street. (EP16-01) (Admin/ Clerk)
3. Approve a new Series #11 Hotel/Motel Liquor License application submitted by Andrea Lewkowicz, agent for Hilton Garden Inn Yuma located at 310 N. Madison Avenue. (LL16-03) (Admin/ Clerk)
4. Approve a new Series #12 Restaurant Liquor License application submitted by Andrea Lewkowicz, agent for Pivot Point Conference Center located at 200 N. Madison Avenue. (LL16-04) (Admin/ Clerk)
5. Approve the award for Nuts & Bolts (Fasteners and Related Hardware) to the lowest responsive/responsible bidder with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance for an estimated annual cost of \$24,000.00 to: Copper State Bolt & Nut Co. Yuma, Arizona (Citywide – Bid #2016-20000096)
6. Removed for separate consideration; see above.
7. Authorize the City Administrator to execute documents consenting to the assignment of a contract for professional title and escrow services, RFQ #2011000422, from Citizen's Title and Trust to Stewart Title and Trust of Phoenix, Inc. (RFQ #2011000422) (Admin)
8. Authorize the City Administrator to execute Amendment No. 5 to the Colorado River Water Delivery Contract 14-06-W-106 with the United States Department of Interior – Bureau of Reclamation, which extends the current contract to October 1, 2017. (Utilities/Admin)

**II. RESOLUTION CONSENT AGENDA**

No resolutions were before the City Council at this meeting.

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Mayor Nicholls** stated that the two items on the Adoption of Ordinance Consent Agenda will be addressed individually.

**Motion** (Knight/Craft): To adopt Ordinance O2016-007 as recommended.

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

**Ordinance O2016-007**

**An ordinance of the City Council of the City of Yuma, Arizona, concerning the approximate south 20 feet of real property on 16<sup>th</sup> Street adjacent to Gomez Plaza, hereafter described, reserving the existing utility easement on the described real property and extinguishing the right-of-way easement, such extinguishment to be effective upon the recording of an appropriate instrument with the Yuma County Recorder (Engineering)**

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

**Mayor Nicholls** declared a potential conflict of interest with regards to Ordinance O2016-008. He turned the meeting over to Deputy Mayor Craft and exited the room.

**Shelton** asked the significance of the action taken by O2016-008. **Craft** explained that it is strictly to correct a scrivener's error.

**Motion** (Knight/Thomas): To adopt Ordinance O2016-008 as recommended.

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

**Ordinance O2016-008**

**An ordinance of the City Council of the City of Yuma, Arizona, correcting the legal description of Parcel 2 in Exhibit 5 of Ordinance O2015-041, Exhibit 5 and Exhibit 15 to the Real Property Exchange and Development Agreement attached as Exhibit "A" of Resolution R2015-045, and ratifying all prior acts of City Staff taken to correct the error (Engineering)**

Roll call vote: **adopted** 6-0-1; Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**IV. INTRODUCTION OF ORDINANCES**

No ordinances for introduction were before the City Council at this meeting.

**V. PUBLIC HEARINGS**

There were no public hearings scheduled.

**FINAL CALL – CALL TO THE PUBLIC**

**Mayor Nicholls** made a final call for Speaker Request Cards for those wishing to address the City Council at the Call to the Public.

## VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

**Motion** (Knight/Shelton): To appoint Virgil S. Tapispisan to an unexpired term on the Parks, Arts and Recreation Commission with a term expiration of 12/31/2017. Voice vote: **approved** 7-0.

**Motion** (Craft/Knight): To appoint James Allen as the Chairman and Glen Moss as the Vice-Chairman to the Housing Authority of the City of Yuma. Voice vote: **approved** 7-0.

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

**Shelton** requested that the City Council consider a resolution calling on the State of Arizona to use its \$1.2 billion surplus to avoid sweeping the budgets of local governments. **Mayor** stated that it would be placed on a future agenda for discussion.

**Wright** asked for an update or report on delinquent water accounts and trash collection changes. **Mayor** stated that the delinquent accounts would be most efficiently discussed during the upcoming budget meetings, and requested a brief update regarding trash collection.

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** noted the following upcoming events:

- March 3-6: Midnight at the Oasis
- March 5: March On City Finals 5K/10K Fun Run & Walk
- March 5: Family Fitness Fest

## VIII. CALL TO THE PUBLIC

**George Owens**, 3099 S. Arizona Ave., expressed thanks and appreciate of the City of Yuma Parks & Recreation on behalf of the Yuma Boys Baseball League for their superb field maintenance and support of youth sports. He communicated his support of the Pacific Avenue Athletic Complex, stating that the location and complex is brilliant. It will allow Yuma to bring more people to the city through regional tournaments as well as give local children participating in baseball the “big field experience.”

**Janice Schultz**, 6566 E. Mission St., spoke in support of the Pacific Avenue Athletic Complex. The complex will allow for larger and more frequent tournaments. Currently tournaments must be spread out over multiple locations, so accommodating a larger number of teams at one location is a great convenience. Its proximity to hotels, retail, and restaurants is ideal and will bring significant revenue into the city

**Phil Clark**, 4296 W. County 15<sup>th</sup> St., noted that Mayor Nicholls recused himself on two agenda items having to do with the 16<sup>th</sup> Street and 4<sup>th</sup> Avenue redevelopment project. He assumes that the Mayor is declaring that potential conflict of interest under Title 38; however, the redevelopment project area was created under Title 36. Under A.R.S. §36-1477 there is no provision for public officials to declare a conflict

of interest. It states that no public official shall voluntarily acquire any interest – direct or indirect – in any redevelopment project or in any contract or proposed contract in connection with a redevelopment project.

**Mayor Nicholls** specified that the reason he declared a conflict of interest on the agenda items having to do with the 16<sup>th</sup> Street and 4<sup>th</sup> Avenue redevelopment area is because his firm has had a contract to design the project since 2007, long before he was ever in office. Although many of the agenda items regarding this project have to do with legal description modifications, which really have no financial benefit one way or the other, he recuses himself out of an abundance of caution as he would not want to violate the statute governing conflict of interest.

**Laura Shepherd**, 11214 S. Organ Pipe Ln., employee of Arizona Western College (AWC), invited all to attend AWC's TRIO Day on March 5, 2016, from 9:00 a.m. to 2:00 p.m. at the Martin Luther King Neighborhood Center. Information will be provided regarding the TRIO programs and alumni will speak about the benefits of the program. The TRIO program has been grant funded by the Department of Education for the past 50 years, and has been running in Yuma and La Paz Counties for 25 years. AWC currently has three TRIO programs: two that focus on pre-college students – junior high through high school students – and one for college students.

**DJ Shiplet**, 1333 W. 17<sup>th</sup> St., Construction Manager for Cemex Construction Materials South, respectfully asserted that Cemex is a local business. They have been doing business in the Yuma community since 1946 under various names including Tanner, Rinker, and United Metro, and have been in their current office on 20<sup>th</sup> Street since 1976. They employ approximately 90 people, the vast majority of which live in Yuma, and have spent tens of thousands of dollars in donations to various causes throughout the community.

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

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:26 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