

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 20, 2016
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Father Timothy True, St. Paul's Episcopal Church, gave the invocation. James Hamersley, Chief Information Officer, led the City Council in the Pledge of Allegiance.

ROLL CALL

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| Councilmembers Present: | Thomas, Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls |
| Councilmembers Absent: | None |
| Staffmembers Present: | City Administrator, Gregory K. Wilkinson Fire Chief, Steve Irr 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.

PRESENTATIONS

Chief Irr gave recognition certificates to the following citizens who assisted the Yuma Fire Department (YFD) during two separate incidents:

- June 17th - A semi-truck rollover occurred on Interstate 8 at 16th Street, where the driver was trapped inside the cab underneath the vehicle. **Irr** stated a hoist was needed to get to the driver and Jack Jones, an operator at Dick's Towing, jumped in to give the needed assistance. Dick's Towing, and the late Dick Rautenberg, have been big supporters of public safety and the fire department for many years and Jack Jones, who worked with Dick Rautenberg, is carrying on that tradition.
- May 7th - Carson Fricke was participating as a member of the U.S. Navy Seal Cadets doing some physical training when he collapsed at Castle Dome Middle School. Two leaders, Edward Sheffield and Justin Moseley, assessed Fricke and realized that he was in cardiac arrest. They immediately called 911 and began CPR until the YFD crew arrived. **Irr** noted that according to the American Heart Associations 'chain of survival' relating to potential cardiac arrest, Sheffield and Moseley did exactly what they should have done. **Irr** stated that as a result of this incident, Castle Dome Middle School brought in CPR Trainers and the entire school received CPR training.

I. MOTION CONSENT AGENDA

Mayor Nicholls pulled item B.8 for separate discussion and possible action.

B.8 Outside Agency Agreement: Greater Yuma Economic Development Corporation –
Authorize the execution of an agreement with Greater Yuma Economic Development Corporation providing for Fiscal Year 2016-2017 funding in the amount of \$212,000.00 and setting performance standards for Greater Yuma Economic Development Corporation. (Admin)

Mayor Nicholls stated that the funding amount should be \$232,000.00 not \$212,000.00 as the pro-rata amount as discussed at last night's Worksession.

Motion (Mayor Nicholls/Knight): To modify the agreement from \$212,000.00 to \$232,000.00. Voice vote: **approved 7-0.**

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

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

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| Regular City Council Worksession | January 19, 2016 |
| Council Citizen's Forum | May 3, 2016 |
| Council Citizen's Forum | June 14, 2016 |

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). (Atty)
2. Approve a Series #6 Bar/Person Transfer Liquor License application submitted by John Spaugh, agent for Showcase Sports Bar located at 2703 S. 4th Avenue (LL16-12) (Admin/ Clerk)
3. Approve a Special Event Liquor License application submitted by Kortnee Garcia on behalf of Fort Yuma Rotary for the Beat the Heat Block Party. The event will take place on Main Street in Historic Downtown Yuma on Friday, August 19, 2016, from 5:30 p.m. to 11:30 p.m. (SP16-17) (Admin/ Clerk)
4. Approve a Special Event Liquor License application submitted by Cristyn Weil on behalf of the Humane Society of Yuma for the Fur Ball. The event will take place at the Arizona Western College, Schoening Conference Center, on Saturday, September 17, 2016, from 5:00 p.m. to 12:00 a.m. (SP16-18) (Admin/ Clerk)
5. Award to the lowest responsible and responsive bidder for the construction of the 24th Street Reconstruction – Avenue B to Avenue C – project in the amount of \$1,568,733.27 to: DPE Construction, Inc., Yuma, Arizona. (Fin/Purchasing – Bid #2016-20000195)

6. Authorize the City Administrator to execute nine subrecipient agreements totaling \$169,000.00 in accordance with the 2016 Community Development Block Grant (CDBG) Action Plan. (DCD/Neighborhood Svc)
7. Authorize the execution of an agreement with the Yuma Visitors Bureau, Inc. providing for Fiscal Year 2016-2017 funding in the amount of \$650,000.00 and setting performance standards for the Yuma Visitors Bureau, Inc. (Admin)
8. Authorize the execution of an agreement with Greater Yuma Economic Development Corporation providing for Fiscal Year 2016-2017 funding in the amount of \$212,000.00 and setting performance standards for Greater Yuma Economic Development Corporation, as amended (see above). (Admin)
9. Authorize the City Administrator to execute an agreement with the Western Arizona Council of Governments to provide funding in the amount of \$50,000 for FY2016-17 to provide qualified, City utility customers with assistance to meet a delinquent utility bill payment, avoid a disconnection for non-payment, and receive educational support regarding conservation and financial management. (Utilities/Admin)
10. Authorize the City Administrator to execute the grant agreement and accept monies received under the City of Tucson HIDTA grant program to support the Yuma Police Department Officer assigned to the U.S. Marshals Arizona Warrant Apprehension Network and Tactical Enforcement Detail (WANTED) (YPD/Admin)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2016-023

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Saguaro Unit No. 2 Subdivision (To execute a deferral agreement to defer development fees and water and sewer capacity charges) (Eng/Dev Eng)

Resolution R2016-024

A resolution of the City Council of the City of Yuma, Arizona, calling a Special Election for the purpose of referring Ordinance O2016-006 to the qualified electors of the City of Yuma (To call a special election to be held November 8, 2016, to refer Ordinance O2016-006 to the qualified electors of the City of Yuma) (Admin/Clerk)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Mayor Nicholls pulled Ordinance O2016-022 for separate discussion.

O2016-022 City of Yuma 2016 Special Election – Call a special election to be held the same time as the City of Yuma General Election on November 8, 2016 to submit to those persons qualified to vote in the City of Yuma the question of increasing the Transaction Privilege Tax levy by three-tenths of one percent (0.3%). (Administration)

Motion (Craft/Knight): I move that Ordinance O2016-022 be amended as follows:

- 1) That ‘fiscal year 2019’ be replaced with ‘fiscal year 2020’ in the 5th whereas clause; and,
- 2) That the language “at the same time as the City of Yuma General Election” be stricken from Section 1; and,
- 3) That a Clerk’s Note be placed on the staff report to reflect these changes, and
- 4) I further move to reintroduce Ordinance O2016-022, as amended.

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

Speakers:

Wayne Benesch, 230 W. Morrison Street, Yuma, stated he was pleased with the proposed form of ordinance and ballot measure as it addressed some of the points, regarding the proposed sales tax increase, that were brought up in a letter to Mayor and Council by a citizens group. Those items included adopting a moratorium on real property tax increases for a minimum of three years and limiting the use of any proceeds from the increase of the sales tax to public safety salaries and benefits or for road and street repairs or improvements. **Benesch** continued stating there were two additional items that were raised for consideration that he would like City Council to consider: 1) the formation of a transparent citizens committee that would report directly to City Council. The committee would thoroughly study the budget process, explore any weaknesses and suggest improvements; and, 2) to engage a qualified consultant to perform an efficiency study of the City’s entire operations in order to determine where cost savings may be achieved.

Mayor Nicholls responded that the letter did contribute to the conversations over the last couple of weeks and he thanked Mr. Benesch.

Bushong displayed the following title(s):

Ordinance O2016-022

An ordinance of the City Council of the City of Yuma, Arizona, ordering a Special Election for the qualified electors of the City of Yuma, Arizona, for the purpose of increasing the Transaction Privilege Tax by 0.3% (three-tenths of one percent) (2016 Special Election to be held November 8, 2016) (Admin)

Motion (Knight/Shelton): To adopt the Ordinance Consent Agenda with the exception of Ordinance O2016-022.

Bushong displayed the following title(s):

Ordinance O2016-018

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 150 of the Yuma City Code, governing the powers of the Housing Authority of the City of Yuma (to allow HACY to own and dispose of the assets and real property of the Arizona Housing Development Corporation and the real property located at 433 S. 1st Avenue) (Admin)

Ordinance O2016-019

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 Low Density Residential (R-1-8) District to the Limited Commercial (B-1) District and the Transitional (TR) District and amending the zoning map to conform with the rezoning (Rezone approximately 7.42 acres located at 2376 S. 34th Drive, Yuma) (DCD/Planning)

Ordinance O2016-020

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, Health and Safety, Chapter 131, Fire Prevention and Protection, Section 16, Amendments, of the Yuma City Code to add Section 13.1.5.1 "Systems and Equipment Service Records" with established penalties for the violations thereof (Provides the Fire Chief the authority to mandate the method in which contractors submit reports to the department) (YFD/ Risk Reduction)

Ordinance O2016-021

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereafter described, be acquired by the City of Yuma through an exchange for City-owned property, hereafter described and declared surplus for City use, for the reason that fee title to the property to be acquired is necessary for other public purposes as may be related thereto, upon the recording of a warranty deed from the City and property owner, and authorizing payment of certain costs for the acquisition and exchange in accordance with a Real Property Exchange and Development Agreement to be approved separately by City Council resolution (Authorize the exchange of surplus property to a parcel owned by Crossroads Mission, LLC, located at 541 S. Gila Street) (Admin/YCNHA)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2016-023

An ordinance of the City Council of the City of Yuma, Arizona, relating to the Privilege License Tax; adopting the "Amendments to the Tax Code of the City of Yuma for Cities and Towns in the State Collection System Performing Supplementary Local Audits" by reference; establishing effective dates

and providing for severability (Adopt the “Amendments to the Tax Code of the City of Yuma for Cities and Towns in the State Collection System Performing Supplementary Local Audits”) (Fin/Admin)

Ordinance O2016-024

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 Light Industrial (L-I) District to the Low Density Residential (R-1-6) District and amending the zoning map to conform with the rezoning (Rezone approximately 0.23 acres located at 142 W. 10th Street) (DCD/Planning)

[Clerk Note: Introduction was given to O2016-022 City of Yuma 2016 Special Election, above]

V. PUBLIC HEARING AND RELATED ITEMS - There are no public hearing items scheduled at this time.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

There were no appointments made at this time.

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

Mayor Nicholls invited the community to a Day of Unity at 6:00 p.m. on Monday, July 25th at the Historic Yuma Theatre in downtown Yuma. **Mayor Nicholls** noted in response to all the violence and hatred taking place in our world today, he sees this as an opportunity for the community to come together. There will be a brief ceremony, music, and the event will conclude with a community-wide type of pledge.

Shelton requested an update on our economic development efforts.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson noted the following upcoming events:

- July 23 – Junior Putt, Pitch and Chip Olympics at 8:00 a.m. Desert Hills
- July 23 – Back to School Rodeo
- July 23 – Aladdin at the Historic Yuma Theatre at 2:00 p.m.
- July 25 – Day of Unity at the Historic Yuma Theatre at 6:00 p.m.
- July 30 – Free Open day of Swim at Kennedy Pool from 1:00-5:45 p.m. courtesy of D&H Electric

VIII. CALL TO THE PUBLIC

Norma Nelson, 1734 Camino Cerro, thanked Mayor Nicholls for his recent attendance at a meeting [Juneteenth, June 18, 2016] where he addressed issues/concerns, on a local level, with regard to what is going on nationally. She encouraged the Mayor to continue these types of meetings.

Brian Hopson, 1513 W. Las Lomas Street, expressed an interest to see Parks and Recreation adopt a Tai Chi class for seniors with an emphasis on exercises that help people who suffer from Alzheimer and dementia.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:08 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor