

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 16, 2018
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor George Boundey, Seventh-Day Adventist Church, gave the invocation. **Jeff Kramer**, Director of Engineering, led the City Council in the Pledge of Allegiance.

ROLL CALL

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|-------------------------|---|
| Councilmembers Present: | Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls |
| Councilmembers Absent: | None |
| Staffmembers Present: | City Administrator, Gregory K. Wilkinson Director of Community Development, Laurie Lineberry Finance Officer Consultant, Pat Wicks 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

Bike Month

Mayor Nicholls read a proclamation declaring May 2018 as Bike Month and Bike Safety Month, and the weeks of May 14-28, 2018, as Bike to Work Week. He urged all who support bicycling to participate in the events planned, and the road users to share the road safely with bicyclists.

Clean Energy Ballot Initiative

Anna Chaulk, Arizona Public Service (APS) Community Affairs Manager, provided City Council with fact sheets regarding the Clean Energy Ballot Initiative.

Summer Storm Preparedness

Jeff Spohn, APS Southwest Division Manager, presented City Council with information on the steps taken by APS so that they can continue to provide reliable service to customers throughout the summer storm season.

Miller asked if there is a local number that customers can call in the event of an emergency. **Spohn** explained that all calls are funneled through the call center complex in Phoenix and are monitored based on the operation center.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.5 – Cooperative Purchase Agreement: Audit Services (one-year contract with the option to renew for three additional one-year periods with an estimated annual expenditure of \$65,000.00 with Heinfeld Meech & Company) (Finance – Bid #2018-20000172) (Finance/Purchasing)

Motion (Knight/Miller): To amend Motion Consent Agenda item B.5, the Cooperative Purchase Agreement for Audit Services, by replacing the words ‘a one-year contract with the option to renew for three additional one-year periods’ with a ‘one-year contract’. Voice vote: **approved** 7-0.

Motion Consent Agenda Item B.7 – Bylaw Amendment: Greater Yuma Port Authority (approve the GYPA Bylaws, including the Fourth Amendment approved by the board on March 29, 2018) (Administration)

Motion (Thomas/Knight): To amend the Request for City Council Action for Motion Consent Agenda item B.7, Bylaw Amendment: Greater Yuma Port Authority, to replace the language referencing the ‘fourth amendment’ with the ‘fifth amendment’. Voice vote: **approved** 7-0.

Motion (Knight/McClendon): 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 Council Worksession | February 6, 2018 |
| Regular Council Worksession | March 6, 2018 |
| Regular Council Meeting | April 4, 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 Series #9 Liquor Store/Person Transfer Liquor License Application submitted by Nicholas Carl Guttilla, agent for Safeway #2951 located at 252 W. 32nd Street. (LL18-07) (Admin/Clerk)

3. Approve a Series #9 Liquor Store/Person Transfer Liquor License Application submitted by Nicholas Carl Guttilla, agent for Safeway #3931 located at 2378 W. 24th Street. (LL18-06) (Admin/Clerk)
4. Award to the lowest responsive and responsible bidder with the highest discount offered for Turf Irrigation Supplies a one-year contract with option to renew for four additional one-year periods depending on the appropriation of funds and satisfactory performance to: Yuma Nursery LLC Yuma, Arizona. (BID #2018-20000093) (Parks/Purchasing)
5. Authorize the contracted service for Audit Services by utilizing a cooperative purchase agreement originated by the City of Tucson, a one-year contract, with an estimated annual expenditure of \$65,000.00 to: Heinfeld Meech & Company, Tucson, Arizona. (Finance – Bid #2018-20000172) (FIN)
6. Authorize a contract amendment with Tyler Technologies (formerly New World Systems), to extend existing software maintenance contract for a duration of six years and to purchase and provide implementation services to perform software upgrades for the Yuma Regional Communication System (YRCS) Public Safety Software System at an estimated total cost of \$3,131,182.31. (ITS/YRCS)
7. Approve the current Greater Yuma Port Authority (GYPA) Bylaws, including the Fifth Amendment approved through the GYPA Board on March 29, 2018. (Admin)
8. Authorize the City Administrator to execute a Facilities Maintenance Agreement (Sublicense) to permit Tuscany of Yuma Lot Owners Association, Phase II, Inc., an Arizona corporation, the use of Yuma County Water Users' Association property under the City of Yuma's License. (ENG)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

Resolution R2018-006

A resolution of the City Council of the City of Yuma, Arizona, amending an Intergovernmental Agreement with the State of Arizona for the construction of a pedestrian hybrid beacon near the intersection of 8th Street and 21st Avenue (IGA previously adopted by Resolution R2016-014) (Eng/Admin)

Resolution R2018-007

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 Cielo Verde Unit 3, Phase 1 Subdivision (deferral agreement is effective for three years from the date of execution) (Eng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following titles:

Ordinance O2018-021

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real property located on 1st Avenue between 11th Street and 12th Street surplus for City use and available for sale or exchange (property located at 1128 S. 1st Avenue) (City Atty)

Ordinance O2018-022

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 Agriculture (AG) District, Autocenter Overlay (ACO) District, and Airport Overlay (AD) District to the General Commercial (B-2) District, Autocenter Overlay (ACO) District, and Airport Overlay (AD) District and amending the zoning map to conform with the rezoning (approximately 3.6 acres of property located at 155 E. 32nd Street – Pep Boys Auto Parts & Service) (DCD/Planning)

Ordinance O2018-023

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels of real property, hereafter described, be acquired by the City of Yuma through gift, exchange for surplus City of Yuma property, purchase, or under the power of Eminent Domain, for the reason that such property is necessary and required for the construction and operation of the Utilities Administration Complex and other public purposes as may be related thereto, and authorizing payment of costs incurred in the acquisition of the described parcels (two parcels of property generally located at 1230 S. 2nd Avenue) (Utilities/Admin)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2018-024

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 Agriculture (AG) District to the Low Density Residential (R-1-12) and the Low Density Residential (R-1-8) Districts and amending the zoning map to conform with the rezoning (approximately 89.8 acres located at the southwest corner of S. Avenue 6E and E. 44th Street) (DCD/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. 2018-2019 CITY OF YUMA PRELIMINARY BUDGET

Preliminary Budget: FY2018-2019 – Adopt the City of Yuma preliminary budget for Fiscal Year 2018-2019 in the amount of \$220,180,841, which includes a Capital Improvement Program Budget of \$40,624,317 and an Operating Budget of \$179,556,524 (Finance/Admin)

Mayor Nicholls declared a potential conflict of interest on the Capital Improvement Program preliminary budget, turned the meeting over to Deputy Mayor Knight, and exited the room.

Miller declared a potential conflict of interest on the following four projects within the Capital Improvement Program preliminary budget and exited the room:

- 3rd Avenue and Orange Avenue Paving
- Avenue 6E Multiuse Path
- Avenue A paving from 32nd Street to 36th Street
- Fleet Services Maintenance Shop project

Motion (Shelton/Watts): To approve the portion of the Capital Improvement Program budget in the Fiscal Year 2018-2019 Preliminary Budget that includes the following projects:

- 3rd Avenue and Orange Avenue Paving
- Avenue 6E Multiuse Path
- Avenue A paving from 32nd Street to 36th Street
- Fleet Services Maintenance Shop projects,

in the amount of \$10,670,317. Voice vote: **approved** 5-0-2, Mayor Nicholls and Miller abstaining due to conflict of interest.

Miller returned to the dais.

Thomas noted that during a prior discussion regarding the portion of 2nd Avenue located between 10th Street and 12th Street he had requested information regarding how the City has historically addressed improvements in annexed areas, particularly those that are in disrepair, but has not received any response.

Wilkinson stated that he had some information that he could forward to City Council. He pointed out that 2nd Avenue was originally constructed by means of Improvement District #66 which was formed in 1990.

Thomas asked if it is standard procedure that areas annexed into the City need an improvement district to construct roads and sidewalks. **Wilkinson** confirmed that this is normally what has occurred. **Thomas** asked if City staff could reach out to residents in that area to provide them with this information.

Speaker

Juan Leal Rubio, 1025 S. 2nd Avenue, thanked City Council for their support of improvements to 2nd Avenue for the safety of the children who live in the area. Students must walk on the street to and from the bus stop because of a lack of sidewalks. The petition for improvements to this area started 20 years ago. City staff and Administration have been approached numerous times over this period but nothing has been

done. The portion of 2nd Avenue that was constructed via Improvement District #66 was between 8th Street and 10th Street, while the area being addressed today is between 10th Street and 12th Street. Moreover, an improvement district is appropriate for improvements that will serve a specific neighborhood; 2nd Avenue serves the entire community.

Discussion regarding 2nd Avenue, 10th Street to 12th Street

- Asking area residents to contribute to pay for the needed improvements would be a financial burden for the people of this neighborhood (**Shelton/Rubio**)
- The precedent for the funding improvements to county islands annexed into the City is through an improvement district (**Thomas**)
- The City maintains assets once they are annexed into the City, but does not construct new assets – these are paid for by homebuyers when they purchase into a new development (**Thomas/Wilkinson**)
- The City can look into applying for Highway Safety Improvement Program funding, which is for safety-related improvements (**Wilkinson**)
- One challenge in this area is that it is not as simple as adding sidewalks or streetlights; the road needs to be completely reconstructed at an estimated cost of \$1.2 million (**Wilkinson**)
- The redevelopment area that runs down 4th Avenue also includes one block on either side of the road, which does not reach far enough to include 2nd Avenue (**McClendon/Lineberry**)
- Completing a traffic count may be helpful in obtaining grant funds because it would show it is a frequently used street, not just an isolated neighborhood road (**Watts**)

Discussion regarding the remainder of the CIP Budget

- The LED streetlight project was delayed due to issues with the light recommended by Siemens, but full scale deployment should begin in eight to ten weeks (**Miller/Wilkinson**)
- The City is in discussions with APS to determine whether all or a portion of the rebate funds will still be available for the LED streetlight project (**Miller/Wilkinson**)
- As part of the contract with anyCOMM, the node will be updated, maintained, and replaced as needed for the next 25 years; the lights have a ten-year warranty (**Thomas/Wilkinson**)

Motion (Thomas/McClendon): To approve the remaining Capital Improvement Program budget included in the Fiscal Year 2018-2019 Preliminary Budget in the amount of \$29,954,000.

Miller requested confirmation that this vote is for approval of the preliminary CIP budget, and that the final budget will come back to City Council for approval along with the rest of the City budget. **Files** confirmed that this is correct.

Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Discussion regarding the remainder of the 2018-2019 Preliminary Budget

- The City pays for health insurance for all full-time employees as required by the Yuma Area Benefits Consortium (YABC), even for those who decline coverage (**Thomas/Wilkinson**)
- The City is continuously looking for alternatives and is doing everything possible to try to contain health insurance costs for the City and its employees (**Wilkinson/Wicks**)

- The payroll budget for Mayor and City Council includes salary and benefits - health insurance and retirement - for the Mayor, Councilmembers, and their Administrative Assistant (**Miller/Wicks**)
- Care must be taken in comparing payroll budget estimates to actual numbers from previous years because attrition can cause the actual numbers to be significantly less than the estimated budget for a fully-staffed department (**Miller/Wicks**)
- YPD is looking into implementing recruiting bonuses and filling some vacant positions with Public Safety Technicians rather than sworn officers to assist with staffing issues (**Watts/Wilkinson**)

Motion (Knight/Thomas): To approve the Fiscal Year 2018-2019 Preliminary Budget in the amount of \$179,556,524, which excludes the Capital Improvement Program budget approved through the prior motions. Voice vote: **approved** 6-1, Miller voting nay.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Thomas/McClendon) to appoint Miguel Sosa to an unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2020. Voice vote: **approved** 7-0.

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

VIII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- May 19th – Family Fish Fiesta at the West Wetlands Park
- May 25th – Men's 12" Softball Homerun Contest at the PAAC

IX. CALL TO THE PUBLIC

Joseph Espinoza, 1032 S. 2nd Avenue, addressed City Council regarding storm water issues and the condition of the asphalt on 2nd Avenue.

Annette Roscoe, 1006 S. 2nd Avenue, stated that there has always been a lot of traffic on 2nd Avenue due to the presence of businesses such as APS and the cable company in that area. This coupled with the absence of a sidewalk is a safety issue, especially for the children and elderly residents in the area.

Nancy Espinoza, 1032 S. 2nd Avenue, stated that residents have been waiting patiently for a very long time to have the road issues addressed and would appreciate City Council's support.

David Hernandez, 1107 S. 2nd Avenue, expressed his concern regarding safety issues in the area due to a lack of streetlights.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:05 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT