

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 2, 2018
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:33 p.m.

INVOCATION/PLEDGE

Pastor Tom Burks, Stone Ridge Church gave the invocation. **Kayla Holiman**, Fire Marshal, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon, Miller and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Neighborhood Services Manager, Rhonda Lee James
Neighborhood Services Specialist, Tad Zavodsky
Chief of Police, John Lekan
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

Recognition of efforts with Neighborhood Leadership Academy

On behalf of the 2018 Neighborhood Leadership Academy class, **Lee-James** thanked Pat Wicks, Chief Finance Officer, for the role he played in helping these citizens understand the City's budget process. **Zavodsky** also thanked Pat Wicks for bringing insight on the history of Yuma and stated he is an honorary graduate of the 2018 Neighborhood Leadership Academy.

Donation

Chief Lekan announced the donation of a Crown Victoria police vehicle to Kofa High School. The vehicle will be used in the Criminal Justice Career and Educational Program, which teaches skills to local students considering a profession in the field of public safety or law enforcement. Accepting the donation was: Assistant Principal, Amy Vialet; Teacher and former Yuma Police Department Sergeant, Melinda Alexander; and, two students.

Proclamation for Municipal Clerks Week

Mayor Nicholls recognized City Clerk, Lynda Bushong and her staff by reading a proclamation for Municipal Clerks Week.

I. MOTION CONSENT AGENDA

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

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

Regular Council Meeting	November 1, 2017
Regular Council Meeting	December 6, 2017
Special Worksession	February 27, 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 Attorney)
2. Approve a Special Event Liquor License application submitted by William Regenhardt on behalf of Adult Literacy Plus of Southwest Arizona, Inc. for The Big Build on May 11, 2018 from 6:00 p.m. to 10:00 p.m. at Adult Literacy Plus of Southwest Arizona, 825 S. Orange Avenue (SP18-23) (Admin/Clerk)
3. Authorize the City Administrator to execute a one-year contract for Pavement Maintenance 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, with the following contractors: Safeline, LLC, Yuma, Arizona; Sunland Asphalt, Phoenix, Arizona; Stormwater Plans, LLC, dba SWP Contracting and Paving, Yuma, Arizona. (Public Works/Streets - RFQ #2018-20000102)
4. Approve the final plat of the Saguaro Unit No. 3 Subdivision located at the northwest corner of S. Avenue 8E and E. 44th Street, Yuma, AZ. (DCD)

II. RESOLUTION CONSENT AGENDA – There were no resolutions scheduled for adoption at this time.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinances Consent Agenda Item O2018-016 – Rezone approximately 10 acres from the Agriculture (AG) District to the Light Industrial (L-1) District, located at the Southeast corner of East 34th Street alignment and the B 3.7 Canal Lateral, Yuma, AZ (ZONE-20709-2018) (DCD)

Ordinances Consent Agenda Item O2018-017 – Rezone approximately 19.5 acres from the Agriculture (AG) District to the Light Industrial (L-1) District, located at the Northeast corner of East 36th Street alignment and the B 3.7 Canal Lateral, and 3450 S. Avenue 5E, Yuma, AZ (ZONE-20711-2018) (DCD)

Watts stated she understands why residents fear the zoning change and informed the public that City Council heard the concerns regarding noise and smell, mentioning that light industry does not include things that would cause smells, odors or noise.

Knight assured the public that there would be no more commercial composting allowed in the area under the zoning ordinance of light industrial.

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

Bushong displayed the following titles:

Ordinance O2018-015

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, Health and Safety, of the Yuma City Code, Chapter 139, Fireworks (update to the City Code on permissible consumer fireworks)

Ordinance O2018-016

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 Light Industrial (L-1) District and amending the zoning map to conform with the rezoning (Southwest corner of the East 34th Street alignment and the B 3.7 Canal Lateral, Yuma, AZ) (ZONE-20709-2018)

Ordinance O2018-017

An ordinance of the City Council of the City of Yuma, Arizona, referencing Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agriculture (AG) District to the Light Industrial (L-1) District and amending the zoning map to conform with the rezoning (Northeast corner of the East 36th Street alignment and the B 3.7 Canal Lateral, and 3450 S. Avenue 5E, Yuma, AZ) (ZONE-20711-2018)

Ordinance O2018-018

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property, hereafter described, surplus for use by the City, and authorizing the sale of the surplus property (1602 S. 6th Avenue, Assessor's Parcel Number 665-32-167)

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

IV. INTRODUCTION OF ORDINANCES

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 (1128 S. 1st Avenue, Yuma, AZ)

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 (Rezone approximately 3.6 acres)

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 (1230 S. 2nd Avenue, Yuma, AZ)

V. PUBLIC HEARING AND RELATED ITEMS

Public Hearing: FY 2019-2023 Capital Improvement Program – Hold a public hearing on the City of Yuma Capital Improvement Program for fiscal years 2019 through 2023 pursuant to Yuma City Charter, Article XIII, Section 11. (Eng.)

Mayor Nicholls declared a conflict of interest, turned the meeting over to Deputy Mayor Knight and exited the room.

Deputy Mayor Knight opened the Public Hearing at 5:53 p.m. Being no speakers or discussion from City Council, Deputy Mayor called for a motion to close the public hearing.

Motion (Thomas/Miller): To close the Public Hearing. Voice vote: **approved 6-0-1, Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

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

Announcements:

Shelton, 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.

Thomas and Miller made a request to delay the Yuma Police Department (YPD) pay plan discussion until the first Worksession in September.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported on the following events:

- May 5th - Cinco De Mayo Block party on Main Street from 8:00 a.m. – 11:00 p.m.
- May 5th - Miss Yuma County “Follow the Yellow Ribbon Road” suicide prevention awareness walk at Gateway Park 8:00 a.m. – 10:00 a.m.
- May 5th - May 6th – Cinco De Mayo Co-Rec Softball Tournament at the PACC

VIII. CALL TO THE PUBLIC

Bill Kereluk, 12765 S. Avenue 5 ½ E, Yuma Chapter President for Local 1234 United Yuma Firefighters, voiced concerns that the firefighters were left out of the public safety equation during the Worksession discussion on May 1. Specifically, he addressed two issues brought up:

1. Firefighters don't have a pay plan
 - The Firefighters do have a pay step plan that was drafted in 2016
2. Police and Fire are too different to have a joint public safety pay plan.
 - Different job functions, but many similarities. **Kereluk** opined that both divisions can function under a joint plan.

Wilkinson provided some history of the initial pay plan discussions stemming from a previous City Council Retreat. He stated that due to budget constraints there are no pay plans being considered in this fiscal year. **Wilkinson** concluded by saying there is no intention to leave out Fire, or any department, from the discussions.

Harvey Campbell, 4155 E. County 13 ½ Street, spoke on behalf of Betteryuma.org, about concerns with the Impact Development Fees that will be coming before City Council. **Campbell** requested City Council place Betteryuma.org on a future Worksession in order to discuss the concerns and issues that are confronting our organizations.

John Weil recognized that City Council has issues to balance with regards to development fees, such as the need for roads, parks, public safety and facilities. **Weil** expressed his intent to share issues and concerns with City Council for clarification.

Wilkinson explained to Campbell and Weil that while City staff has had three meetings going over the initial study on development fees, no recommendations have been made. In 30-45 days the City plans to publish the development fees and then hold a meeting 60 days later. **Wilkinson** added that before the agreement is finalized, the City will be meeting with developers and community members.

William Kats, 3064 S. Avenue B, representing Halls General Contractor acknowledged City Council and Administration for always demonstrating a receptiveness to listening to their interests. He supports the request for a Worksession discussion to present ideas and research in an interest of the process.

Jeff Snow, 3064 S. Avenue B, representing Halls General Contractor stated they have worked with the City for many years in regards to impact fees. However many business owners are not as familiar with them and become surprised when it is time to pay these fees. He opined it would be valuable to look at some of the trends across the country and consider some alternatives that could be beneficial for the community. **Snow** expressed his appreciation for an opportunity to speak about impact fees at an upcoming Worksession.

Clint Harrington, 3111 S. Horseshoe Bend Avenue, representing Pilkington Construction and a board member of Yuma Southwest Contractors Association, stated the possibility of impact fees being doubled is becoming a subject of conversation and affecting negotiations with large companies looking to build in Yuma. He agreed that having a Worksession would be educational for everyone.

Paul Muthart, 3576 W. 12th Lane, requested that City Council grant the community the opportunity to discuss the complicated topic of impact fees during a Worksession. He expressed the importance of getting public input early in the process and requested that this matter be set on the calendar as soon as possible.

Theadora Baker, 16214 S. Avenue B ½ E, spoke to Council about being denied the use of the Martin Luther King (MLK) Center for the purpose of holding a talent show for Breaking the Cycle of Child Poverty, which helps families and children that do not have the necessities such as food and clothing. She stated she should have the opportunity to hold an event to benefit kids at that facility because the MLK Center was built to provide youth a place to participate in sports, activities, and education. **Baker** concluded stating that kids should not have to pay a price to use it.

Discussion:

Miller requested that a Worksession be scheduled at the end of June for the purpose of discussing impact fees and to help City Council make the right decisions. **Miller** stated he has spoken to many people within the development community and does not know as much as they do about impact fees. **Mayor Nicholls** stated he would like to wait until the budget is complete due to the amount of work it requires from staff. **Knight** suggested having the meeting scheduled in July, by then the budget will be done. **Wilkinson** stated that while everyone wants to be involved in the process earlier, staff does not have a handle on the budget until February and the Neighborhood Leadership Academy gets involved in December. He explained that staff put the budget together based upon the priorities that City Council sets for the City, and because of that, it would be difficult to schedule a meeting regarding Impact Fees until there is a handle on the budget numbers. **Wilkinson** stated that he understands the development community is energized about the development fees because of the way the initial study came back, but wanted to assure the community there is no intention of cutting anybody out of the discussions. **Wilkinson** continued stating from the time the City publishes the budget there has to be a 60-day waiting period and during that timeframe the committees can meet. He does not believe the development fees will double. **Mayor Nicholls** expressed that he is not interested in doubling the development fees. **Wilkinson** explained that is why staff and City Council are going through the budget line by line, validating every number.

Miller stated the reason he asked for the last meeting in June is that July only has one meeting at the end of the month. Getting information as early as possible will be very beneficial instead of waiting until the study comes out. He suggested scheduling an hour-long timeframe Worksession for development fee related issues on June 19th. **Mayor Nicholls** believes it needs to go through a subcommittee before it is presented to the community and does not know why there is an urgency to schedule the meeting for June when the budget process could potentially still be in progress. **Miller** responded to have one meeting now, and then once the development community and staff are able to meet have another meeting to get more information. **Knight** mentioned it being premature to schedule the meeting in June. He opined there needs to be input from Developers, and to get better input they will need to see what is being proposed otherwise they will not know exactly what is on the table. At that point they can explain what they believe works, does not work, and how they feel about what is being proposed. **Shelton** agreed with scheduling the Worksession for the second meeting in July and stated if there is an issue with that then a Special Meeting can be scheduled, but allow conversations between BetterYuma.Org and the City Administrator and schedule accordingly. **McClendon** stated she agrees with Miller and recommends having the meeting in June, but also suggested having one representative speak on the subject instead of five different people saying the same thing. **Miller** expressed his appreciation of the City Administrator trying to meet with the development community. However, he requests the meeting be in front of City Council, as they are the voting party.

Motion (Miller/McClendon): To schedule the first discussion on the revised Infrastructure Improvement Plan for June 19th, 2018.

Unable to hear an accurate vote, **Bushong** requested a separate vote.

Thomas questioned if City Council will have the revised Infrastructure Improvement Plan (IIP) by June 19th, 2018. **Wilkinson** stated he is unsure, staff made substantial changes to the plan but it should be close to that date. **Thomas** expressed it would be best to finalize the budget and then proceed with the IIP and development fees.

Roll call vote: **failed** 3-4, Watts, Thomas, Knight and Mayor Nicholls voting NAY.

Motion: (Knight/Watts): To pick a date in July to have a Special Worksession and hear from the Developers.

Knight requested to amend his motion.

Motion: (Knight/Watts): To modify the motion having the City Administrator schedule a Special Council Meeting with a date to be determined in the month of July.

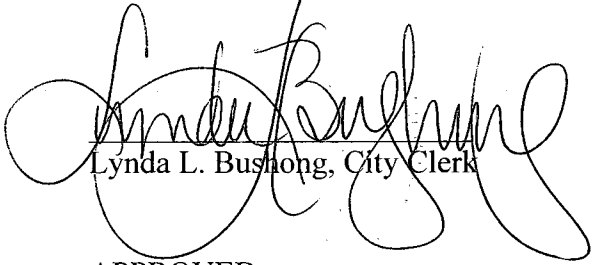
Roll call vote: **passed** 7-0.

Files informed City Council that they voted on the amendment and need to vote on the original motion as amended.

Amended Motion: (Knight/Watts): To give direction to the City Administrator Greg Wilkinson to schedule a Special Council Meeting in July that coordinates with City Councils calendars. Voice Vote: **passed** 7-0.

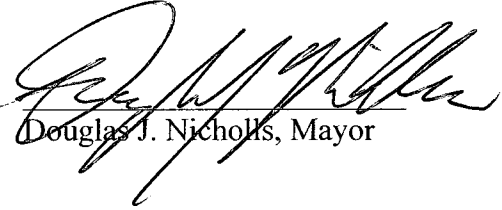
IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Shelton/McClendon): To adjourn the meeting into Executive Session. Voice vote: **approved**
7-0. The meeting adjourned at 6:52 p.m.



Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
Sept 5, 2018
[Signature]