

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
August 16, 2017
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Senator Steve Montenegro gave the invocation. **Gene Dalby**, President of the Yuma Regional Bike Coalition, 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 Executive Director of the YCNHAC, Charles Flynn Finance Director, 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 from members of the audience.

PRESENTATIONS

Mayor Nicholls recognized Representative Darin Mitchell and Senator Steve Montenegro from the Arizona State Legislature. Both were instrumental this last session on several bills, in particular HB2365, the bill that tonight could have an impact on our community when Council considers the anyCOMM Holdings Corporation offer. **Mayor Nicholls** continued by stating HB2365 took a lot of negotiation and work and the City of Yuma had great support from both legislators to make sure the bill did not interrupt this opportunity for the City.

I. MOTION CONSENT AGENDA

B.7 MC 2017-155 Cooperative Purchase Agreement: Siemens Industry, Inc., Building Technologies Division – Authorize the City Administrator to execute an energy performance agreement (“Agreement”) with Siemens Industry, Inc., Building Technologies Division (Siemens) using a cooperative purchase agreement with the State of Arizona. The Agreement will increase the energy efficiency of the City’s streetlights through the installation of LED lights and new ballasts. The Agreement guarantees the upgrades will save the City more than \$3.85 million over the next 10 years in energy and operational costs. (Admin)

B.8 MC 2017-160 Agreement: anyCOMM Holdings Corporation - Authorize the City Administrator to negotiate and execute (1) a Strategic Joint Development Agreement ("SJDA"), (2) a Master Smart Communities Agreement, (3) a Node Deployment Agreement, and (4) a Master Node Network Siting and License Agreement with anyCOMM Holdings Corporation ("anyCOMM") for approximately 10,000 devices ("Nodes"). (Admin)

Mayor Nicholls pulled items B.7 (MC2017-155) the Cooperative Purchase Agreement: Siemens Industry, Inc., Building Technologies Division and B.8 (MC2017-160) Agreement: anyCOMM Holdings Corporation to continue discussions from the previous night. **Mayor Nicholls** stated that the lighting installation is a partnership with anyCOMM and while the City of Yuma can potentially go a different way with lighting, it would lose the opportunity and the \$10 million dollar investment that anyCOMM has slated for our community, which concerns him. **Mayor Nicholls**, noting the economic benefits to the City, clarified that 20% of the revenue generated by this deployment will be given to the City for the 20-year life of this agreement as well as 5% of the band-width would be set aside for City use. **Mayor Nicholls** further clarified that if item B.7 related to the lighting is not approved it would not be necessary for item B.8 to be heard, because without the lighting component there is nothing to base the agreements on.

Speakers:

Bernard J. Spahn, P.O. Box 6876, Yuma, Arizona, stated he 100% supports the lighting, but is concerned with financing the project. He recommends a cash deal.

John Patch, 4313 W. 14th Lane, Yuma, Arizona, stated he did not support the use of the cameras as he believes they invade his privacy. He also expressed concern with the WiFi information collected and what that information would be used for. **Wilkinson** clarified the cameras are not being used for detecting speed and writing speeding tickets. The data will be used specifically for public safety.

Motion (Craft/Thomas): To approve item B.7 (MCA 2017-155) Cooperative Purchase Agreement Siemens Industry Building Technology Division. Voice vote: **approved** 6-1 with **Miller** voting Nay.

Motion (Craft/Thomas): To approve item B.8 (MCA 2017-160) Agreement – anyCOMM Holdings Corporation. Voice vote **approved** 7-0.

B.2 MC 2017-154 Liquor License: Harkins Yuma Palms - Approve an application for Person/Location Transfer for a Series #7 Beer and Wine Bar Liquor License submitted by Andrea Lewkowitz, agent for Harkins Yuma Palms located at 1321 S. Yuma Palms Parkway (LL17-09) (Admin/Clerk)

Mayor Nicholls pulled this item at the request of **Shelton**. **Alex Verhruysse**, a representative for Harkins Theaters, provided the following information:

- The bar will be a separate entity from the concession stand.
- The area is separated by a wall which creates a small lounge within the lobby.
- The lounge is for guests 21 and older only.
- House policy is to ask for identification from anyone 30 and under. All who visit the bar will be wrist banded.
- All bartenders and the bar manager will be Title 4 Liquor License trained.
- There will be an ID card reader that stores data on everybody served and checked.
- Only beer and wine will be served.

- There is a two drink limit per person per transaction. The drink size is 20 oz.
- Alcohol can be taken into the auditoriums.
- The bar manager and all assistant managers will have an additional management responsibility of alcohol compliant manager.
- Alcohol compliant managers will go in to each theater two times per feature to specifically look for passing of alcohol to minors and to check for anyone who is not consuming alcohol responsibly. In addition to the wrist bands, cups used at the bar are considerably different from the concession stand to more readily identify those consuming alcohol.
- Harkins currently has 5 theaters in Arizona that have bars in them as well as two theaters outside of Arizona.

Mayor Nicholls: I would like to entertain a Motion for the approval of the Motion Consent Agenda with the exception of items B.7 and B.8, that were addressed earlier and B.9 that will be addressed next.

Motion (Knight/Thomas) To approve the Motion Consent Agenda with the exception of item B.7, B.8 and B.9. Voice Vote: **approved** 7-0

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

Regular Council Worksession	April 18, 2017
Regular Council Worksession	May 2, 2017
Regular Council Worksession	May 16, 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 an application for Person/Location Transfer for a Series #7 Beer and Wine Bar Liquor License submitted by Andrea Lewkowitz, agent for Harkins Yuma Palms located at 1321 S. Yuma Palms Parkway (LL17-09) (Admin/Clerk)
3. Approve a new Series #5 Government Liquor License application submitted by Deborah Wendt, agent for the Pacific Avenue Athletic Complex located at 1700 E. 8th Street (LL17-10) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks & Recreation for the USA 2017 Class E National Men's 12" Softball Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Friday, September 1, 2017, through Monday, September 4, 2017, from 12:00 p.m. to 12:00 a.m. (LL17-20) (Admin/Clerk)
5. Approve a Special Event Liquor License application submitted by Linda Johnson on behalf of the City of Yuma Employee Association for the Adult Softball League Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Monday,

September 11, 2017, through Thursday, September 14, 2017, from 5:00 p.m. to 12:00 a.m.
(LL17-24) (Admin/Clerk)

6. Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks & Recreation for the Law Enforcement and Border Patrol Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Saturday, September 16, 2017, and Sunday, September 17, 2017, from 8:00 a.m. to 12:00 a.m. (LL17-21) (Admin/Clerk)
7. Pulled for separate consideration above.
8. Pulled for separate consideration above.
9. Pulled for separate consideration below.

B.9. MC2017-159 Fleet Service Maintenance Shop – Review the cost study for the Fleet Service Maintenance Shop and provide direction to City staff. (Public Works)

To answer **Mayor Nicholls** question regarding the doors, **Paul Mickelberg**, WSM Architects explained the difference between the four-fold door (recommended), sectional overhead door and coiling door.

Miller expressed concern with the possibility of vehicles being out-sourced for maintenance and building size of the current design. **Wilkinson** stated he did not believe the City is overbuilding even if some of the fleet may be maintained outside the City.

Motion (Craft/Knight): To give direction to the City Administrator to move forward with the process on the Fleet Service Maintenance Shop as a pre-engineered metal building structure, with hybrid air conditioning/evaporative cooling system and four-fold door system, for an approximate estimated savings of \$482,100 from the original design. Voice vote: **approved** 6-1 with **Miller** voting Nay.

VI. PUBLIC HEARING AND RELATED ITEMS

R2017-010 Public Hearing: Old Town South Subarea Revitalization Plan 2016 Implementation Strategy

- Hold the public hearing on the City of Yuma – Old Town South Subarea Revitalization Plan 2016 Implementation Strategy, and approve and adopt the Old Town South Subarea Revitalization Plan 2016 Implementation Strategy. (Admin/YCNHA)

Mayor Nicholls opened the public hearing at 6:25 p.m.

Dr. Daniel Corr, President of Arizona Western College (AWC) provided the following information regarding the position of AWC as it relates to the proposed University:

- Anything that increases the number of baccalaureate degrees obtained by members of our community has the support of AWC.
- AWC is the only institute of higher education that can deliver the 100 and 200 level courses at the price point in which they do.

- AWC's unique role as the sole provider of 100 and 200 local courses must be maintained as Yuma looks to attract new university partners or expand existing partners.
 - AWC currently partners with Northern Arizona University, Arizona State University and the University of Arizona.

Discussion

- There is a desire for greater choice among the degrees being offered including comprehensive vocational education. **(Shelton/Corr)**
- The City already has what it needs in terms of foundation and groundwork that can be built upon through the campuses that currently exist in partnership with AWC. **(Shelton)**
- A four-year university would offer students an opportunity without the added expense of leaving town. **(Knight)**
- The University will in no way compete with AWC for the 100 and 200 level courses. **(Thomas/Mayor)**
- This is not a scrap everything and start over; this is to build upon the relationships and strengths we already have for the betterment of the community. **(Mayor)**
- A petition expressing disapproval of the location by citizens in the neighborhood of the proposed Yuma University will be given to the City Clerk. **(Shelton)**
- The goal is to allow our students to pursue their dreams wherever that may take them but if a student's dream includes a degree and a desire to stay in Yuma that choice is available to them. **(Shelton/Corr)**

Charles Flynn, Executive Director of the Yuma Crossing National Heritage Area Corporation presented the following:

- In 2012-2013 the City received Federal Funding (a grant) from the Environmental Protection Agency (EPA) for Brownfields Analysis to be used as follows:
 - Planning the site.
 - Environmental assessments with the property owners (on a voluntary basis).
- There are 55-60 acres in the downtown area that have been vacant or blighted for 70 years:
 - Mainly owned by the Union Pacific Railroad
 - The rest of the land owned by various different people.
- A presentation on the concept was made by Mayor Nicholls to the Arizona Commerce Authority who was hearing ideas for border development.

Discussion

- Regarding public outreach; there was nothing substantial to share with the community until 2017 **(Shelton/Flynn)**
- Developing the plan included two levels
 - Seeing how it might work on the piece of property
 - Working with the community and the institutions of higher learning
- Planning has been ongoing and evolving since the Brownfield Grant was awarded **(Knight/Flynn)**
- Could be a hub for education in a 60-80 mile radius into Southern California and Mexico **(Flynn)**

Speakers

Carlos Mendoza, 617 S. Cemetery Avenue, Yuma, Arizona, stated he and the surrounding property owners had concerns about encroachment on their property and future expansion including the possibility of losing their property to eminent domain.

Motion (Knight/Craft): To close the public hearing. Voice vote: **approved** 7-0. The public hearing closed at 7:24 p.m.

Motion (Knight /Craft): To adopt Resolution R2017-010 Public Hearing: Old Town South Subarea Revitalization Plan 2016 Implementation Strategy.

At the request of the **Mayor**, **Bushong** displayed the following title:

Resolution R2017-010

A Resolution of the City Council of the City of Yuma, approving and adopting the Yuma North End Redevelopment Area Old Town South Subarea Revitalization Plan 2016 Implementation Strategy (adds an additional phase to the North End Redevelopment Plan to include the subarea of the Brownfield; provides the tools to help facilitate the vision for a University to be located in the Old Town South subarea) (Admin/YCNHAC)

Roll vote: **approved** 6-1 (**Shelton** Nay).

Recess: 7:26 p.m. to 7:39 p.m.

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2017-020

A resolution of the City Council of the City of Yuma, Arizona, authorizing amendments to the Trust and Indenture and Joint Payment Agreement for the Lower Colorado River Multi-Species Conservation Program (ratifies, by Resolution, the First Supplement; The Second Supplement authorizes an adjustment in the Hoover power portion of the MSCP costs as a result of the Indian Tribe contributions) (Utilities/Administration)

Resolution R2017-021

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City Administrator to execute a standard form Consent Agreement with the United States Bureau of Reclamation to construct, operate and maintain utility, emergency public access lane, and roadway infrastructure and to pay costs related thereto (allows the City Administrator to execute future Consent Agreements with the BOR with the concurrence of the Yuma Mesa Irrigation and Drainage District) (Engineering)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Mayor Nicholls pulled Ordinance O2017-025 for separate consideration and vote at the request of **Shelton** who stated he considers the parking trucks text amendment to be an overreach of City authority.

Motion (Knight /Craft): To adopt Ordinance O2017-025 Streets and Traffic Code Text Amendment Parking Trucks and Trailers on Residential Streets.

Bushong displayed the following title(s):

Ordinance O2017-025

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 212 of the Yuma City Code, as amended, relating to streets and traffic regulations, providing for changes to the streets and traffic code to provide regulations regarding the idling of vehicles and to update the types of vehicles permitted to park on local or collector streets. (places time limitations for idling of vehicles and updates code to reflect modern vehicle specifications) (DCD/Planning)

Roll call vote: **adopted** 6-1 (**Shelton** Nay)

Motion (Thomas /Knight): To adopt the Ordinances Consent Agenda as recommended with the exception of Ordinance O2017-025.

Bushong displayed the following title(s):

Ordinance O2017-026

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the zoning code to provide definitions related to rooming and boarding houses and to identify residential zoning districts which will allow rooming and boarding houses. (provides housing options for seasonal/temporary residents while maintaining the quality of life and protecting the property values of neighboring owner-occupied single-family homes) (DCD/Planning)

Ordinance O2017-027

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the zoning code to provide regulations regarding the voice or video appearance by a Planning and Zoning Commissioner (allows members of the Planning and Zoning Commission to participate by phone or video during regularly scheduled meetings) (DCD/Planning)

Ordinance O2017-028

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. (rezones approximately 2.49 acres located at 5875 E. Gila Ridge Road) (DCD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Discussion regarding Ordinance O2017-031

- The \$300 deposit for not providing a social security number, which is an average two month bill, will not likely increase in the future. (Thomas/Wicks)
- The intent of the increase in deposits is to help with collection efforts which makes use of the social security number very important. (Thomas/Wicks)

There being no further comment and no speakers, **Bushong** displayed the following title(s) at the request of **Mayor Nicholls**.

Ordinance O2017-029

An ordinance of the City Council of the City of Yuma, Arizona, amending the Yuma City Code Chapter 157 City of Yuma Development Fees (Sections: 01 and 02) to correct the use of waivers and include the infill overlay district as an area eligible for a waiver of development fees (addresses the correct identification of waivers, credits and exemptions and incorporates the infill overlay district as an area eligible for development fee waivers) (DCD/planning)

Ordinance O2017-030

An ordinance of the City Council of the City of Yuma, Arizona, declaring the City-owned residence located at 9503 S. Avenue 7E, surplus for City use and available to sell to the owners of the real property on which the residence is situated (land was originally purchased for Ave 7E improvements that will not be constructed until some future date and time) (Atty)

Ordinance O2017-031

An ordinance of the City Council of the City of Yuma, Arizona, amending title 19 of the Yuma City Code, Chapter 193, *Water and Sewers*, Sections 21 and 23, related to utility service applications and service deposits for water utility service (ensures the City's utility application follows the Privacy Act guidelines, while also protecting the City from delinquent or defaulted accounts) (Fin/Admin)

V. CITIZENS REVENUE COMMITTEE

Wilkinson suggested that the Citizen Revenue Committee be formed under the City Council and treated like a public meeting with posted agendas, minutes and open to the public. **Mayor Nicholls** requested each Council member submit four names to the City Administrator within the next month for presentation back to Council.

Regarding the interaction of the committee with City Council, **Wilkinson** suggested one of the following:

- Appoint a member of City Council to be on the committee
- Direct the City Administrator to participate or to appoint a staff member
- Establish the committee as a recommending body such as Planning and Zoning, and have a staff liaison

Discussion

- The committee is being established for the purpose of researching revenue sources to address issues such as HURF, PSPRS and salaries for public safety. (**Wilkinson/Knight**)
- Legal Counsel will be made available to the committee along with a staff liaison. Meetings will not be broadcast on TV, but minutes will be taken. (**Thomas/Wilkinson**)
- Meetings will be open to the public with agendas posted 24-hours in advance. (**Mayor/Wilkinson**)

Motion (Knight/Shelton): That the City Administrator implement a Citizens Revenue Committee under the authority of the City Council with members of the committee to be appointed by City Council. Voice vote: **adopted 7-0.**

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.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Miller, Shelton, Thomas, Craft, Wright, 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:

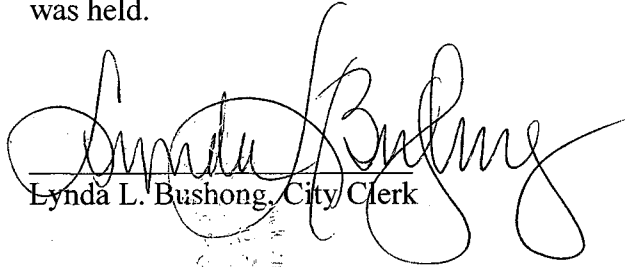
- Celebrate the Heat and Hot Summer Nights Car Show on August 18th from 6:00 p.m. to 11:00 p.m.
- Indoor Swap Meet on August 19th from 8:00 a.m. to 1:00 p.m.
- Washshoe Tournament on August 19th beginning at 1:00 p.m.
- PAAC Grand Opening on September 1st beginning at 6:00 p.m.
- Opening of Dove Season on September 1st

Wilkinson reported that 80 people, of which 26 were qualified, applied for the Information Technology Services position versus 2 qualified applicants from the previous recruitment 4 years ago. Also, 111 applications were received for the Deputy City Administrator position of which a majority met the qualifications for the position. **Wilkinson** further thank a representative from the Sheriff's office, a local citizen and Yuma County Supervisor Lynne Pancrazi for assisting with the interviews.

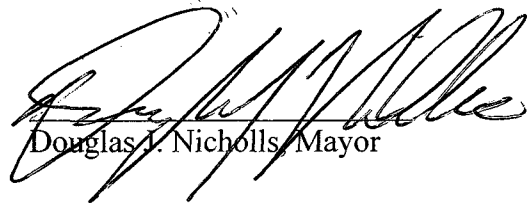
IX. CALL TO THE PUBLIC – there were no speakers scheduled at this time.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:11 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas L. Nicholls, Mayor

Approved at the City Council Meeting of:
Feb 21st, 2018
City Clerk: 