

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JUNE 6, 2018**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:30 p.m.

**INVOCATION/PLEDGE**

**Pastor Jeremy Dillman**, Vertical Church gave the invocation. **Kathy Moon**, Executive Assistant for Mayor and Council, 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  
Finance Officer Consultant, Pat Wicks  
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** – There were no presentations scheduled at this time.

**I. MOTION CONSENT AGENDA**

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

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

Regular Council Meeting                      February 7, 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 Special Event Liquor License application submitted by William Regenhardt on behalf of Adult Literacy Plus of Southwest Arizona, Inc., for The Big Build Open House. The event will take place at Adult Literacy Plus of Southwest Arizona, Inc., located at 825 S. Orange Avenue on Friday, June 15, 2018, from 4:30 p.m. to 9:30 p.m. (SP18-25) (Admin/Clerk)
3. Award to the lowest responsive/responsible bidders for Tire Retread Services a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated first-year expenditure of \$50,000.00, which will exceed \$100,000.00 over the five-year life of the contract with the following vendors: Active Tire LLC, dba Ed Whitehead's Tire, Yuma, Arizona; Purcell Tire & Service Center, Yuma, Arizona, Redburn Tire Company, Yuma, Arizona. (PW/Fleet Svc.) (Bid #2018-20000106)
4. Authorize the purchase of pump and electric motor repair and replacement utilizing the Yuma Educational Materials Management Consortium (YEMMC) cooperative purchase agreement to enter into a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, with an estimated annual expenditure of \$150,000 to: Precision Electric, Inc., Yuma, Arizona; Phoenix Pumps, Inc., Phoenix, Arizona. (Bid #2018-20000168) (Utilities)
5. Authorize the execution of an agreement with Greater Yuma Economic Development Corporation (GYEDC) providing for Fiscal Year 2018-2019 funding in the amount of \$232,000.00 and setting the City's reporting and performance standards for GYEDC. The outside agency agreement is renewable for three additional one-year terms upon approval of the City of Yuma's annual budget and in the amount City Council determines to fund GYEDC. (Admin/Ec Dev)
6. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2018-19 in the total amount of \$914,366.00 (Atty.)

## **II. RESOLUTION CONSENT AGENDA**

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

**Bushong** displayed the following title:

### **Resolution R2018-008**

**A Resolution of the City Council of the City of Yuma, Arizona, supporting the application for a Better Utilizing Investments to Leverage Development (BUILD) transportation grant to complete the development of a multi-modal transportation center in Downtown Yuma (Located at the historic Hotel Del Sol)**

**Resolution R2018-009**

**A Resolution of the City Council of the City of Yuma, Arizona, to participate in the Census 2020 Complete Count Committee and to encourage every person to be counted (Support the establishment of the Census 2020 Yuma County Complete Count Committee)**

**Resolution R2018-010**

**A Resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 102, serving Cielo Verde Unit Three, Phase 1 and 2, to operate, maintain and repair Landscaping Improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Cielo Verde Unit Three, Phases 1 and 2, as more particularly described in the Resolution, and declaring the Landscape Improvements to be of more than local or ordinary public benefit, and the cost of the Landscape Improvement District No. 102; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (Order improvements for Municipal Improvement District (MID) No. 102)**

**Resolution R2018-011**

**A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 909 S. Dora Avenue (Authorize a Preannexation Development Agreement with Eliceo Aguilar)**

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Motion** (Miller/Knight): To adopt Ordinance Consent Agenda as recommended.

**Bushong** displayed the following title:

**Ordinance O2018-024**

**An Ordinance of the City Council of the City of Yuma, Arizona, referencing Chapter 153 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 (Rezone approximately 89.8 acres located at the southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street)**

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

**IV. INTRODUCTION OF ORDINANCES**

Being no speakers or City Council discussion, **Bushong** displayed the following title(s) at the request of the Mayor:

**Ordinance O2018-025**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain Parcel of real property, hereafter described, surplus for use by the City and authorizing conveyance of the property to the State of Arizona, Department of Veterans' Services, for the purpose of**

**constructing a Veteran's Care Facility, and declaring an emergency** (Declare certain property at the southeast corner of Avenue 6E and the 34<sup>th</sup> Street alignment surplus)

**Ordinance O2018-026**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring Parcel 1 of the 40<sup>th</sup> Street and Avenue 3E retention basin lot split surplus for the City use and available for exchange for other necessary real property or in the alternative, for sale through a competitive process** (Declare City-owned vacant property surplus and authorize exchange of the surplus property)

**Ordinance O2018-027**

**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 Industrial Park (I-P) District to the General Commercial (B-2) District and amending the zoning map to conform with the rezoning** (Rezone approximately 4.8 acres located at 2555 E. Gila Ridge Road)

**V. PUBLIC HEARING FOR 2018-2019 BUDGET AND RELATED ITEMS**

Adopt Resolution R2018-012 – Capital Improvement Program Fiscal Years 2019 through 2023 (Adopt the Capital Improvement Program for Fiscal Years 2019 through 2023 pursuant to the 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.

**Miller** recused himself due to his employer being involved with several of the projects and left the dais.

**Motion** (Thomas/Watts): To adopt the portion of the Capital Improvement Program (CIP) for Fiscal Years 2019 through 2023 authorized by Resolution R2018-012 that is specific to the following projects:

- 3<sup>rd</sup> Avenue and Orange Avenue paving
- Avenue 6E multi use path
- Avenue A paving from 32<sup>nd</sup> Street to 36<sup>th</sup> Street
- Fleet Services Maintenance Shop

Roll call vote: **adopted** 5-0-2, **Mayor Nicholls** and **Miller** abstaining due to conflict of interest.

**Miller** returned to the dais.

**Motion** (Shelton/Watts): To amend the CIP to include possible upgrades to 2<sup>nd</sup> Avenue around 10<sup>th</sup> and 12<sup>th</sup> Street to be funded by grant and/or improvement district, timing to be determined, placed as other in the CIP.

Speakers:

**Juan Leal Rubio**, 1025 S. 2<sup>nd</sup> Avenue, presented the following:

- 2<sup>nd</sup> Avenue has continuously been left out of improvements from when the road was in the County Island, and now that the City has annexed the area.
- The County used public funds to improve 1<sup>st</sup> Avenue, but didn't include 2<sup>nd</sup> Avenue

- The City used grant money to improve the 10<sup>th</sup> and 12<sup>th</sup> Street areas, and public funding to improve 11<sup>th</sup> Street, between 1<sup>st</sup> and 3<sup>rd</sup> Avenues.
- Within half a mile of the 2<sup>nd</sup> Avenue there are major improvements going in by the private sector and the City that include a residential area and facility building [Fleet Maintenance Shop]
- These improvements are likely to increase traffic on 2<sup>nd</sup> Avenue

In conclusion, Mr. Rubio respectfully asked City Council to add 2<sup>nd</sup> Avenue to the CIP plan and to direct staff to start a plan to get this street improved as soon as possible.

**Annette Roscoe**, 1006 S. 2<sup>nd</sup> Avenue, stated that all the new construction on 1<sup>st</sup> Avenue is going to bring heavy traffic on 2<sup>nd</sup> Avenue. She requested City Council to include 2<sup>nd</sup> Avenue improvements in this year's CIP.

Discussion:

**Shelton** stated his motion will put 2<sup>nd</sup> Avenue in the CIP to satisfy the residents and allow staff time to find the proper means of funding or consider an improvement district. **Thomas** asked Rubio how many lots are on the side that was annexed in 2007. **Rubio** responded 28 lots. **Thomas** asked when those City streets were annexed. **Wilkinson** stated he believes they were annexed over a period from 1991 until around 2007. However improvements to the streets around 2<sup>nd</sup> Avenue were done by Improvement District 66. **Thomas** questioned what would happen if the City put 2<sup>nd</sup> Avenue into the CIP. **Wilkinson** stated City Council has already given guidance to look for grants or other funding sources. By entertaining this motion it also gives direction for staff to look at forming an Improvement District.

Voice vote: **approved** 5-1-1, **Thomas** voting NAY and **Mayor Nicholls** abstaining due to conflict of interest.

**Motion** (McClendon/Watts): To adopt the remaining portion of the CIP for Fiscal Years 2019 through 2023 authorized by Resolution R2018-012 as amended.

**Bushong** displayed the following title:

**Resolution R2018-012**

**A Resolution of the City Council of the City of Yuma, Arizona, adopting the Capital Improvement Program Fiscal Years 2019 through 2023** (pursuant to Yuma City Charter, Article XIII, Section 11)

Roll call vote: **adopted** 5-1-1, **Miller** voting NAY and **Mayor Nicholls** abstaining due to conflict of interest.

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**Deputy Mayor Knight** opened the public hearing at 6:00 p.m.

Public Hearing on Resolution R2018-013 – Public Hearing and Final Budget Adoption for Fiscal year 2018-2019 (Conduct a public hearing on the proposed Budget for Fiscal Year 2018-2019 and adopt the City of Yuma 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 \$176,281,937) (Admin/Finance)

**Motion** (Thomas/Watts): That the Request for Council Action related to Resolution R2018-013 be amended to correct the Operating Budget from \$176,281,937 to \$179,556,524.

**Miller** asked what the additional \$2.4 million dollar was. **Wilkinson** informed it was a typo on the RFCCA [Request for City Council Action]. The approved budget had the correct amount; however, the RFCCA had a different amount that carried over from another year.

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

**Miller** recused himself due to a conflict of interest.

**Motion** (Watts/Thomas): To adopt the portion of the Capital Improvement Program Budget included in the Final Budget for the Fiscal Year 2018-2019 authorized by Resolution R2018-013 in the amount of \$10,670,317 that is specific to the following projects:

- 3<sup>rd</sup> Avenue and Orange Avenue paving
- Avenue 6E multi-use path
- Avenue A paving from 32<sup>nd</sup> Street to 36<sup>th</sup> Street
- Fleet Services Maintenance Shop

Roll call vote: **adopted 5-0-2, Mayor Nicholls** and **Miller** abstaining due to conflict of interest.

**Miller** returned to the dais.

**Motion** (Shelton/Thomas): To adopt the remaining portion of the Capital Improvement Program Budget included in the Final Budget for Fiscal Year 2018-2019 authorized by R2018-013 in the amount of \$29,954,000 which excludes the following projects:

- 3<sup>rd</sup> Avenue and Orange Avenue paving
- Avenue 6E multi-use path
- Avenue A paving from 32<sup>nd</sup> Street to 36<sup>th</sup> Street
- Fleet Services Maintenance Shop

Roll call vote: **adopted 5-1-1, Miller** voting NAY and **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**McClendon** recused herself due to an item in the budget pertaining to an employer and left the dais.

**Motion** (Knight/Watts): To adopt the portion of the Final Budget for Fiscal Year 2018-2019 authorized by Resolution R2018-013 specifically related to the Yuma Visitors Bureau in the amount of \$600,000.

Roll call vote: **adopted 6-0-1, McClendon** abstaining due to conflict of interest.

**McClendon** returned to the dais.

Discussion:

**Motion (Miller):** To remove the \$25,000 funding for health insurance from Mayor and Councils portion of the budget and place the money back into the general fund.

**Miller** stated he had a conversation with Greg Wilkinson two years ago about the potential for getting City insurance. However he recalls being told that City Council cannot have insurance, as benefits and compensation for elected officials are set by voters. **Files** informed Miller that insurance benefits are not taxable by the IRS, therefore it is not considered compensation. **Mayor Nicholls** stated the motion has died for a lack of second.

**Bushong** stated there is one speaker on the general budget.

**Russell McCloud**, 5736 E View Park Way, [County Board of Supervisor] stated he was shocked to learn that City Council members were not covered under the City's Health Insurance Plan until recently, because they are City of Yuma employees and deserve the same benefits as any other employee. He expressed his understanding in knowing how much time and effort goes into doing their job properly and stated how proud he is of the City. However, he expressed disappointment that the Yuma community does not properly value the work City Council does. He opined that higher compensation should be granted to them.

Discussion:

**Miller** responded, stating that City Councilmembers are not considered full-time employees, and part-time employees of the City do not receive health insurance. **Miller** also noted that it is his intent to focus on public safety and getting more funding into the budget, although 40% of the general fund for a Police Department is fairly consistent with other communities our size. **Mayor Nicholls** stated City Council having insurance is not dramatically out of line with what is standard and customary around the State of Arizona. **Thomas** agreed.

**Motion** (Thomas/Knight): To adopt Resolution R2018-013, the Final Budget for Fiscal Year 2018-2019 in the amount of \$178,956,524 which excludes the CIP Budget and the Yuma Visitors Bureau allocation, approved through prior motions.

**Bushong** displayed the following title:

**Resolution R2018-013**

**A Resolution of the City Council of the City of Yuma, Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019; and declaring that such shall constitute the adopted budget of the City of Yuma for such Fiscal Year; and declaring necessity of Boards and Commissions (Public Hearing and Final Budget Adoption for Fiscal Year 2018-2019)**

Roll call vote: **adopted** 5-2. **McClendon** and **Miller** voting NAY.

**Motion** (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 7-0.

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Introduce Ordinance O2018-028 – Adopt the 2018-2019 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy (Finance/Admin)

City Council had no questions and there were no speakers. **Mayor Nicholls** requested **Bushong** display the following title:

**Ordinance O2018-028**

**An Ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing Primary Property Taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2018-2019 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous Fiscal Year, providing a General Fund; and fixing, levying, and assessing upon property within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1 subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said district, all for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 (Adopt the 2018-2019 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy)**

Discussion:

**Thomas** stated during his first year on City Council, Pat Wicks mentioned if City Council lets the Primary Property Tax Levy go as is it, it is likely to become a problem because the tax levy will continue to increase. **Wicks** referenced a recap of the maximum Tax Levy calculation showing the City's new maximum levy would be \$13,102,141. By adopting this ordinance the amount is set at \$12,593,215, which is \$500,000+ lower than the allowable maximum levy. **Thomas** expressed concern in taking in less money and having expenditures increase. He suggested increasing the initial budget by 1%. **Mayor Nicholls** asked **Wicks** if this was an option because City Council already set the ceiling and that would violate the ceiling. **Wicks** stated the City would have to conduct a truth and taxation hearing and by doing that there are legal requirements to publish when that public hearing would be conducted. However, the maximum levy will stay in place and should be considered for next year.

**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**

Appointments:

**Motion** (Thomas/Knight): To appoint Lisa Marlin, Director of Financial Services to the Yuma Area Benefits No. 3 Consortium (YABC) in place of Pat Wicks. Voice vote: **approved 7-0**.

Announcements:

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

Scheduling:

**Miller** requested to place the Impact Fee discussion on the August 14<sup>th</sup> Worksession as some Community Development staff are unable to attend the meeting in July.

**Harvey Campbell**, 4155 E. County 13 ½ Street, on behalf of BetterYuma.Org and the concerned citizen committee regarding development fees, asked to delay the request for a Worksession with City



Council until August or later. **Mayor Nicholls** thanked Mr. Campbell for coming forward and making the request public so that people don't think the City is arbitrarily moving the dates. **Campbell** asked if the City Administrator could keep him informed of the date and time as he will be out of state. **Wilkinson** asked if August 14<sup>th</sup> would work. **Campbell** suggested September 4<sup>th</sup>.

**Motion** (Miller/McClendon): To place the presentation and discussion of Impact Fees on the September 4<sup>th</sup> City Council Worksession. Voice vote: **approved 7-0.**

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reported on the following events:

- June 8<sup>th</sup>- 9:00 a.m.-2:00 p.m. Surplus Auction
- June 12<sup>th</sup>- June 15<sup>th</sup> - Arts Smart Camp (2<sup>nd</sup> Session)
- July 4<sup>th</sup> - 4:00-10:00 p.m. - American BBQ and Fireworks Spectacular at the Civic Center
- July 21<sup>st</sup>- 8:00-12:00 p.m. Back to School Rodeo at the Civic Center
- July 28<sup>th</sup>- 6:30 p.m. Chris Wayne Boyd, Season 7 Voice Winner, concert at the Civic Center

## VIII. CALL TO THE PUBLIC:

**Jesus Martinez**, 1421 S. 10<sup>th</sup> Avenue, Phoenix, AZ, spoke with the assistance of a translator, Lucy Valencia, about a few suggestions he has regarding the Port of Entry at Los Algodones. He works as a volunteer at the border crossing and notices many visitors cross through the Port after parking in the parking lot on the U.S. side. Martinez suggested there should be some sort of public transportation provided to shuttle people to and from the border. Another deficiency is a lack of attention to the bus and transportation system in Yuma known as the YCAT. The buses are too small and there is a lack of shading and benches for those waiting for a public transportation bus. He continued by asking if there was a point of contact at the City of Yuma that he can communicate issues like this to be a voice for the Hispanics in his community. **Mayor Nicholls** informed Martinez that he would be happy to serve as the point of contact.

## IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:57 p.m. No executive session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Douglas J. Nicholls, Mayor

