

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**OCTOBER 3, 2018**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Captain Jeff Breazeale** with Salvation Army Church gave the invocation. **Jeff Kramer**, City of Yuma Engineer led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon (Telephonic), Miller (5:40 p.m./Telephonic) and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
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 Consent Agenda Item B.6 – Request For Qualifications: Music Promoter Services for City Events: Authorize the City Administrator to execute a one-year contract 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 promoters: BMC Production & Entertainment, Yuma, Arizona; Neste Event Marketing, Brentwood, Tennessee; Robb Bower Presents, LLC, San Diego, California; Selak Entertainment Inc., Pasadena, California, and Tronix Sound, LLC, Somerton, Arizona (Parks & Recreation – RFQ #2018-20000192)

**McClendon** declared a conflict of interest with regard to Motion Consent Agenda Item B.6.

**Motion:** (Knight/Thomas): To approve Motion Consent Agenda Item B.6 as recommended. Voice vote: **approved** 5-0-1, **McClendon** abstaining due to conflict of interest [Miller not in attendance during this vote].

Motion Consent Agenda Item B.2 – Temporary Extension of Premises: Takos & Beer

Responding to **Deputy Mayor Knight's** questions from the October 2, 2018 regular Worksession, **Bushong**, stated Mr. Guzman, from Takos & Beer, confirmed that he is planning to have a band from 2:00 p.m. to 7:00 p.m. on October 20<sup>th</sup> at the restaurants first year celebration.

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**Motion:** (Knight/Shelton): To approve the Motion Consent Agenda with the exception of Item B.6 as recommended. Voice vote: **approved** 6-0 [Miller not in attendance during this vote].

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

Council Citizen's Forum	April 17, 2018
Regular Council Meeting	May 16, 2018
Regular Council Worksession	July 31, 2018
Council Citizen's Forum	September 18, 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 Temporary Extension of Premises/Patio Permit application submitted by Heriberto Guzman, agent for Takos & Beer located at 2071 S. 4<sup>th</sup> Avenue, for Takos & Beer's First Anniversary celebration on Saturday, October 20, 2018 (EP18-03) (Admin)
3. Approve a Special Event Liquor License application submitted by Michael Castaneda on behalf of Immaculate Conception Church for the English Cursillo Dance. The event will take place at St. Anne's Hall, 370 S. Avenue B, on Saturday, November 10, 2018, from 6:30 p.m. to 10:30 p.m. (SP18-34) (Admin)
4. Approve a new Series #12 Restaurant Liquor License application submitted by Samir Moustafa, agent for Nadia's Gianta Pizzza, 2431 S. 4<sup>th</sup> Avenue (LL18-11) (Admin)
5. Approve a new Series #12 Restaurant Liquor License application submitted by William Albert Higuera, agent for Eduardo's Mexican Food & Cantina, 204 S. Madison Avenue (LL18-10) (Admin)
6. Pulled for separate consideration; see above.
7. Authorize the City Administrator to enter into two related Intergovernmental Agreements (IGAs) between City of Yuma Police Department (YPD) and DPS GIITEM wherein: 1) YPD agrees to the assignment of one sworn officer to liaison with the GIITEM task force; and, 2) DPS agrees to provide access to AZ GangNet and YPD agrees to enter documented gang information collected into the system (YPD)

8. Authorize the City Administrator to execute a Preconstruction Services Contract for Construction Manager at Risk (CMAR) services on the Fire Station 4 Remodel project in the amount of \$14,946.00 to: CORE Construction, Inc., Phoenix, Arizona (RFQ #2018-20000194) (Eng)
9. Authorize the City Administrator to execute a Preconstruction Services Contract for Construction Manager at Risk (CMAR) services on the Utilities System Division Relocation project in the amount of \$47,668.00 to: CORE Construction, Inc., Phoenix, Arizona (RFQ #2018-20000188) (Eng)

## II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

### **Resolution R2018-028**

**A resolution of the City Council of the City of Yuma, Arizona, designating the Old Town Zoning District as an Entertainment District for the City of Yuma (Old Town Zoning District)**

### **Resolution R2018-029**

**A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, 2018 International Building Code (order three copies of each to remain on file with the City Clerk)**

### **Resolution R2018-030**

**A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, 2018 International Residential Code for one- and two- family dwellings (order three copies of each to remain with the City Clerk)**

### **Resolution R2018-031**

**A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, 2018 International Existing Building Code (order three copies of each to remain with the City Clerk)**

### **Resolution R2018-032**

**A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, 2018 International Property Maintenance Code (order three copies of each to remain with the City Clerk)**

### **Resolution R2018-033**

**A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, 2018 International Swimming Pool and Spa Code (order three copies of each to remain with the City Clerk)**

Roll call vote: **adopted** 6-0 [Miller not in attendance during this vote].

Miller joined in the meeting telephonically at 5:40 p.m.

### III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title:

#### **Ordinance O2018-039**

**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, lease or exchange of the surplus City property** (approximately 3.85 acres of City-owned real property on the southwest corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue as surplus, preserving the established Aesthetic Easement)

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

### IV. INTRODUCTION OF ORDINANCES

**Motion:** (Knight/Watts): To amend Ordinance O2018-042: Sale of Surplus Right of Way, by replacing the address: 2805 S. Avenue B, with the correct address: 2505 W. 28<sup>th</sup> Street. Voice vote: **approved 7-0**

Bushong displayed the following title:

#### **Ordinance O2018-042**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain right-of-way, hereafter described, surplus for use by the City and authorizing the vacating of the surplus right-of-way to the adjacent property owner upon payment of the purchase price and the recording of a deed from the City** (southwest corner of Avenue B and 28<sup>th</sup> Street; 2805 S. Avenue B)

### V. BOARDS AND COMMISSIONS REVIEW AND POSSIBLE ACTION

Introduction of Ordinance O2018-040 – Code Text Amendment: Community Tree Board

Introduction of Ordinance O2018-041 – Code Text Amendment: Amend City Code Section 50-6 – Functions of the Parks, Arts, and Recreation Commission

Wilkinson shared the challenges of keeping members on the Community Tree Board to establish a quorum. Due to these issues, the Community Tree Board functions will be merged into the Parks, Arts, and Recreation Board (PARC).

Hearing no questions or discussion by City Council or the public, Mayor Nicholls requested the ordinances be introduced.

Bushong displayed the following titles:

#### **Ordinance O2018-040**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13 of the Yuma City Code, Chapter 137: Trees, by repealing Section 2, entitled Community Tree Board** (abolish

the Community Tree Board and allow Parks, Arts and Recreation Commission to assume certain Tree Board responsibilities)

**Ordinance O2018-041**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 5 of the Yuma City Code, Chapter 50, by amending Section 6, pertaining to the Functions of the Parks, Arts, and Recreation Commission** (broaden the functions of the Parks, Arts, and Recreation Commission to include the importance of maintenance and protection of City owned trees and other woody plants, and to further define the Commission's role as it relates to public art advocacy)

**VI. PUBLIC HEARING AND RELATED ITEMS** – 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.

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments:

**Motion:** (Thomas/Watts): To reappoint Melissa McKinley to the Water and Sewer Commission with a term expiration of December 31, 2023. Voice vote: **approved 7-0.**

**Motion:** (Knight/Shelton): To appoint John Jackson to the unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2020. Voice vote: **approved 7-0.**

**Motion:** (Knight/Thomas): To appoint Estela Marin to the unexpired term on the Clean and Beautiful Commission with a term expiration of December 31, 2020. Voice vote: **approved 7-0.**

Announcements:

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

Scheduling:

**Watts** stated she looks forward to the Pay Plan discussion that addresses the concerns of the Yuma Police Department (YPD) and to curb the crisis and retention issues. She mentioned that waiting for a crisis to occur is not a sustainable plan, and City Council needs to be diligent in the preparedness for the future of the City of Yuma. She requested placing a Pay Plan discussion for YPD on the November 7<sup>th</sup>, 2018 regular City Council Meeting.

**Motion:** (Watts/McClendon): To place discussion and possible action of the Pay Plan for Yuma Police Department on the November 7<sup>th</sup>, 2018 Regular Council Meeting. Voice vote: **approved 7-0.**

### VIII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reported on the following events:

- October 9<sup>th</sup> - Last day to register to vote in the General Election
- October 6<sup>th</sup> - 11:00 a.m.- 7:00 p.m.- 4<sup>th</sup> Annual Yuma Con at the Civic Center
- October 13<sup>th</sup> – 7:30 p.m. – Free Movie in the Park (Incredibles) at Desert Sun Stadium
- Dinner Theatre Tickets are for sale

### IX. CALL TO THE PUBLIC

**Norma Nelson**, 1734 Camino Cerro, stated she would like to see the City look into adopting the same model Yuma School District One uses when Military families relocate to Yuma; mentioning if the children in the family are engaged in any activity when they come to the District they will automatically resume that same activity.

**Charles R. Lenz**, 13639 S. Onammi Avenue, expressed his concerns of the City being inadequately patrolled and further requested that differential-shift pay should be considered.

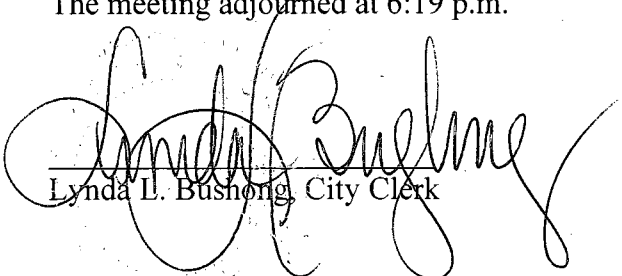
**John Courtis**, 2522 S. Elmwood Drive, stated that the budgeted balance carry over funds should be used to help alleviate some of the police department issues. He believes that addressing the Yuma Police Departments concerns and moving forward with the pay plan is essential. He understands supporting the entire City team; however agrees with the urgency in correcting the public safety compensation issues first.

**Eric Egan**, 13393 E. 43<sup>rd</sup> Lane, President of the Fraternal Order of Police, thanked City Council for taking the time in discussing the pay issues. He spoke on the urgency of getting this concern taken care of due to many other agencies, such as DPS, hiring for the Yuma area. He concluded by mentioning his team members are wanting to stay with the City of Yuma and have faith in City Council to make the right decisions during this difficult time.

**Ken Rosevear**, 4655 W. Sundown Drive, stated the presentations made by Chief Lekan and Chief Irr were excellent. They provided the numbers and solutions needed to fix the problems with the public safety pay issues. He recommended City Council act on this issue and not let it linger any further.

### X. EXECUTIVE SESSION/ADJOURNMENT

**Motion:** (Knight/Thomas): To adjourn the meeting into Executive Session. Voice vote: **approved 7-0.**  
The meeting adjourned at 6:19 p.m.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Douglas J. Nicholls, Mayor

