

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**SEPTEMBER 6, 2017**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:35 p.m.

**INVOCATION/PLEDGE**

**Paul Killingsworth**, Pastor of the First Assembly of God church, gave the invocation. **Debbie Wendt**, Director of Parks and Recreation, 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 Principal Planner, Jennifer Albers 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.

**Mayor Nicholls** recognized Scout Troop 8054, in attendance at tonight's Council meeting, working on their Citizenship in the Community merit badge.

**PRESENTATIONS**

**Mayor Nicholls**, recognizing the Cocopah Tribe as a great partner in our community, acknowledged the Cocopah Indian Tribes 100<sup>th</sup> Anniversary by reading a Proclamation proclaiming the month of September 2017 as Cocopah Month. **Vice Chairman Begay** thanked **Mayor Nicholls** for the Proclamation and extended an invitation to all to come and join in the celebration and see who the Cocopah people are. A poster, presented by **Councilwoman Rosa Long** along with the Director of the Cocopah Museum, was presented for display at City Hall as an introduction to the Cocopah people in our region.

**Wilkinson** recognized the City's production crew by showing a video they put together spotlighting different murals and projects around the City.

**Wilkinson** introduced **Jeff Kramer**, who is the new City Engineer. He also announced that **Ron Corbin**, previously the Human Resources Director, was promoted as the new Deputy City Administrator.

**I. MOTION CONSENT AGENDA**

**Mayor Nicholls** declared a potential conflict of interest on Motion Consent Agenda Item B.11 (MC 2017-174) and prior to leaving the dais clarified that his firm competed for this project, but is not the recommended selected firm. The meeting was turned over to **Deputy Mayor Knight**.

Motion Consent Agenda Item B.11 – Request for Qualification (RFQ): Professional Architectural Services for Utilities Department Administration Complex. (Negotiate and execute a contract with Nicklaus Engineering, Inc.) (Utilities – RFQ #2017-20000225)

**Miller** commented that it is pretty rewarding for one of our local firms to receive this award and to design one of the facilities for the City of Yuma.

**Motion** (Craft/Thomas) To approve Motion Consent Agenda item B.11 Request for Qualifications (RFQ): Professional Architectural Services for Utilities Department Administration Complex as recommended. Voice vote: **approved** 6-0-1; **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais and called for a motion on the remainder of the Motion Consent Agenda.

**Motion** (Knight/Craft): To approve the Motion Consent Agenda with the exception of item B.11. Voice vote: **approved** 7-0.

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

City Council Worksession	June 6, 2017
City Council Worksession	July 18, 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 a Special Event Liquor License application submitted by Gladys Anaya on behalf of the AWC Foundation for Taste of Yuma. The event will take place at Yuma Quartermaster Depot State Historic Park located at 201 N. 4<sup>th</sup> Avenue on Friday, October 13, 2017, from 3:00 p.m. to 11:00 p.m. (LL17-19) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Julie Engel on behalf of Yuma 50 for Operation Yuma Strong. The event will take place at Joe Foss Hangar located at 171 E. 40<sup>th</sup> Street on Saturday, November 4, 2017, from 5:30 p.m. to 11:00 p.m. (SP17-23) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks and Recreation for Adult Softball League. The event will take place at the Pacific

Avenue Athletic Complex located at 1700 E. 8<sup>th</sup> Street on Monday, September 25, 2017, from 5:00 p.m. to 12:00 a.m. (SP17-25) (Admin/Clerk)

5. Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks and Recreation for Adult Softball League. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8<sup>th</sup> Street on Wednesday, September 27, and Thursday, September 28, 2017, from 5:00 p.m. to 12:00 a.m. (SP17-26) (Admin/Clerk)
6. Approve a Special Event Liquor License application submitted by Linda Johnson on behalf of City of Yuma Employees Association for Adult Softball League. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8<sup>th</sup> Street on Monday, September 18 through Thursday, September 21, 2017, from 5:00 p.m. to 12:00 a.m. (SP17-28) (Admin/Clerk)
7. Approve a Special Event Liquor License application submitted by Arturo Sanchez on behalf of Saint Francis of Assisi Catholic Church for the Gala Dinner. The event will take place at Saint Francis of Assisi Catholic Church located at 1815 S. 8<sup>th</sup> Avenue on Saturday, September 30, 2017, from 6:00 p.m. to 11:30 p.m. and Sunday, October 1, 2017, from 8:00 a.m. to 7:00 p.m. (SP17-27) (Admin/Clerk)
8. Approve a Temporary Extension of Premises/Patio Permit application submitted by Richard Good, agent for Ricky's Other Place located at 3950 W. 24<sup>th</sup> Street, for an outdoor concert on October 13-14, 2017 (EP17-02) (Admin/Clerk)
9. Approve a Series #12 Restaurant Liquor License application submitted by Heriberto Guzman, agent for Takos & Beer located at 2071 S. 4<sup>th</sup> Avenue (LL17-11) (Admin/Clerk)
10. Authorize the City Administrator to enter into a Cooperative Purchase Agreement with The Interlocal Purchasing System (TIPS) (Fin/Purch)
11. Pulled for separate consideration.
12. Approve an amendment to the Intergovernmental Agreement to provide Information Technology Services to Yuma County Intergovernmental Public Transportation Authority. (ITS/Admin)
13. Authorize the City Administrator to execute a memorandum of understanding (MOU) to accept a grant titled 'Meet Me at the Park Play Spaces Program' in the amount of \$35,000 from NRPA to create a Candy Land-inspired play space at the Joe Henry Optimist Center Park located at 1793 S. 1<sup>st</sup> Avenue (P&R/Admin)
14. Authorize the City Administrator to accept and execute the required documents for the Fiscal Year 2016 Staffing Adequate Fire and Emergency Response (SAFER) Grant Award No. EMW-2016-FH-00628 in the amount of \$1,457,208.00 (Fire)
15. Approve the final plat for Premier Storage Condominiums of Yuma Unit 2 Subdivision, Phase VI. The property is located at the southeast corner of Avenue 3  $\frac{3}{4}$  E and 32<sup>nd</sup> Street, Yuma, AZ. The applicant is Premier Storage Condominiums of Yuma Unit 2, LLC. (SUBD-18331-2017) (DCD/Planning)

16. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-16663-2017, identified as the Avenue B Annexation, located at the northeast corner of 15<sup>th</sup> Street and Avenue B. (DCD/Planning)

## II. RESOLUTION CONSENT AGENDA

Resolution Consent Agenda R2017-022 – Accept Transfer and Annexation of a Portion of 8<sup>th</sup> Street (terms of an Intergovernmental Agreement with Yuma County, approved by Council on June 21, 2017, for the reconstruction and widening of a portion of County 8<sup>th</sup> Street between Avenue C to east of Avenue D) (DCD)

**Motion** (Thomas/Knight): To correct the language in the second WHEREAS clause of Resolution R2017-022, by replacing the words “Ordinance O213-39” with “Ordinance O2013-39”. Voice vote: **approved** 7-0.

**Motion** (Knight/Thomas): To adopt Resolution R2017-022 as amended.

**Bushong** displayed the following title:

### **Resolution R2017-022**

**A resolution of the City Council of the City of Yuma, Arizona, accepting a transfer of property on County 8<sup>th</sup> Street, from Avenue C ½ West 140.00 feet from Yuma County, and annexing said property** (terms of an Intergovernmental Agreement with Yuma County, approved by Council on June 21, 2017, for the reconstruction and widening of a portion of County 8<sup>th</sup> Street between Avenue C to east of Avenue D) (DCD)

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

Resolution Consent Agenda R2017-024 – Yuma Pivot Point Phase Three Component: Real Property Sale and Development Agreement, Partial Assignment of Master Developer’s Interest, Covenants, and Fifth Amendment of Master DDA (for the development of a 112 room extended stay hotel on the northeast corner of 1<sup>st</sup> Street and Madison Avenue) (Admin/YCNHA)

**Motion** (Thomas/Knight): To recess to Executive Session to consult with legal counsel on Resolution R2017-024, as provided for under A.R.S. § 38-431.03 A3, A4 and A7. Voice vote: **approved** 7-0.

Recess from 6:02 p.m. to 6:33 p.m.

**Mayor Nicholls**, stating City Council would proceed with item 3 - Resolution R2017-025, and declaring a conflict for himself and **Deputy Mayor Knight** as they were candidates in the election. **Mayor Nicholls** called for a motion to appoint **Councilmember Craft** as Mayor Pro Tem for this item.

**Motion** (Thomas/Miller): In the absence of Mayor Nicholls and Deputy Mayor Knight, I move to appoint Councilmember Bill Craft as Mayor Pro Tem for the purpose of discussing and voting on Resolution

R2017-025. Voice vote: **approved** 5-0-2; Mayor Nicholls and Deputy Mayor Knight declared a conflict of interest and left the dais.

Resolution Consent Agenda R2017-025 - 2017 City of Yuma Primary Election Canvass (declare and adopt the official canvass of the results of the Primary Election held on August 29, 2017) (Admin/Clerk)

There being no questions and no speakers, **Mayor Pro Tem Craft** called for a motion.

**Motion** (Miller/Shelton): To adopt Resolution R2017-025 – 2017 City of Yuma Primary Election Canvass.

**Bushong** displayed the following title:

**Resolution R2017-025**

**A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the primary election held on August 29, 2017** (elects Douglas Nicholls, Mayor, and James Coil, Presiding Municipal Judge, at the primary election) (Admin/Clk)

Roll call vote: **adopted** 5-0-2; Mayor Nicholls and Deputy Mayor Knight declared a conflict of interest.

**Mayor Nicholls** and **Deputy Mayor Knight** returned to the dais.

**Mayor Nicholls** reverted to Resolution R2017-024 and called for a motion.

**Motion** (Knight/Thomas): That Exhibit A of Resolution R2017-024 be amended at section 5.11 to add the following language at the end of the sentence, “for the Term of Hotel Use, as defined in Section 2.68 of this Agreement.” And Exhibit D, the Deed to the property, be modified to reflect the 25 year Term of Hotel Use. Voice vote: **approved** 7-0.

**Motion** (Thomas/Knight): That Exhibit A of Resolution R2017-024 be amended in Exhibit H of subsection 2, to replace the date of December 15, 2018 with the date of December 15, 2019; and further amend Exhibit H, subsection 3, to replace the date of December 31, 2017 with the date of December 31, 2018. Voice vote: **approved** 7-0.

**Motion** (Craft/Knight): That Exhibit A of Resolution R2017-024 be amended at Article IV, subsection 4.3 to reflect the amount of \$644,337.10, as noted in Article I, subsection 1.3(d) ii. Voice vote: **approved** 7-0.

**Motion** (Knight/Miller): To adopt Resolution R2017-024 – Yuma Pivot Point Phase Three Component: Real Property Sale and Development Agreement, Partial Assignment of Master Developer’s Interest, Covenants, and Fifth Amendment of Master DDA as amended.

**Bushong** displayed the following title:

**Resolution R2017-024**

**A resolution of the City Council of the City of Yuma, Arizona, approving the terms and authorizing the City Administrator to execute the Yuma Pivot Point, Phase Three Component Real Property Sale and Development Agreement, Partial Assignment of Master Developer’s Interest, Covenants and**

**Fifth Amendment of Master DDA between the City of Yuma, Clark-Lankford, LLC (Master Developer), Kesari Putra Hospitality, LLC (Component Developer) with the Consent of the Phase Two Component Developer** (for the development of a 112 room extended stay hotel on the northeast corner of 1<sup>st</sup> street and Madison Avenue) (Admin/YCNHA)

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

### **III. ADOPTION OF ORDINANCES CONSENT AGENDA**

There being no questions and no speakers, **Mayor Nicholls** called for a motion.

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

**Bushong** displayed the following title(s):

#### **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** (address the correct identification of Waivers, Credits and Exemptions, and incorporate the Infill Overlay District as an area eligible for Development Fee waivers) (DCD)

#### **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** (re-purchase of residence by property owners, purchased by City for the purpose of the now on hold construction of the Avenue 7E improvements, in the amount of \$50,000) (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** (amends the code to acknowledge that customers disclosure of their SSN is voluntary; provides the finance director with the authority to waive or reduce deposits based on credit and/or payment history with the City; mandates a deposit for customers who do not provide their SSN) (Fin/Admin)

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

### **IV. INTRODUCTION OF ORDINANCES**

**Mayor Nicholls** declared a potential conflict of interest on Ordinance O2017-038, turned the meeting over to **Deputy Mayor Knight** and left the dais.

Introduction of Ordinance O2017-038 - Authorize Exchange of Surplus Real Property with Sixteen & Four, LLC and Acceptance of an Easement

**Motion** (Craft/Thomas): To correct the legal descriptions, noted in Exhibit A and B of Ordinance O2017-038, to change the text referenced in the parenthesis of both exhibits to read (E ½ SE ¼ W ¼), to match the text written out before it.

Voice vote: **approved as amended** 6-0-1 with Mayor Nicholls declaring a conflict of interest.

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

**Ordinance O2017-038**

**An ordinance of the City Council of the City of Yuma, Arizona, repealing Ordinance No. O2015-024, Declaring a remnant parcel of vacant, City-owned real property located on the west side of 4<sup>th</sup> Avenue in the 1500 block, hereafter described, surplus for City use, authorizing the exchange of the surplus property to satisfy certain City obligations under a prior real property exchange and development agreement, and authorizing the acceptance of an ingress/egress and underground utilities easement** (Authorize the exchange of the remnant parcel to satisfy City obligations of the construction, by Sixteen & Four, of the 15<sup>th</sup> Street driveway improvements and facilitate additional redevelopment in this area) (Admin)

**Mayor Nicholls** returned to the dais and with no questions and no speakers on the balance of the Introduction of Ordinances agenda **Bushong** displayed the following titles:

**Ordinance O2017-032**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and granting a utility easement, hereafter described, to Arizona Public Service Company, for the reason that such Easement is required for the development, operation, and maintenance of the Fleet Services Maintenance Shop** (facilitate the relocation of APS' power lines crossing the City's new Fleet Services Maintenance Shop to the perimeter of the property) (Eng/Admin)

**Ordinance O2017-033**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 29 of Township 8 South, Range 23 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the medium density residential (R-2) zoning district and designating certain property to the limited commercial (B-1) zoning district, and amending the zoning map to conform, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes, as amended** (ANEX-16663-2017 property owned by Ghiotto Family Properties, L.L.C. and contains approximately 6.5 acres generally located at the northeast corner of 15<sup>th</sup> Street and Avenue B) (DCD)

**Ordinance O2017-034**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain right-of-way, a portion of an alley, hereafter described, surplus for use by the City and authorizing the vacating and sale of the surplus property to the adjacent property owner upon payment of the purchase price and the recording of a quit claim deed from the City** (Excess right-of-way associated with the Lot South of

501 S. 4<sup>th</sup> Avenue due to change from alley to curbside collection of refuse and will be used to expand the tortilla factory for Mr. G's) (Atty)

**Ordinance O2017-035**

**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 update the size limitations permitted for accessory structures thereof** (limits the size of the accessory structure to be no larger than 50% of the size of the principal dwelling located on-site. Does not include garages) (DCD)

**Ordinance O2017-036**

**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 Low Density Residential (R-1-6) District to the Transitional (TR) District and amending the zoning map to conform with the rezoning** (rezone approximately 14,802 square feet of property located near the southwest corner of 6<sup>th</sup> Avenue to 16<sup>th</sup> Street) (DCD)

**V. PUBLIC HEARINGS**

General Plan Amendment: Avenue B – Approve the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to Mixed Use, for properties located at 1401 and 1411 S. Avenue B. The applicant is the City of Yuma.

**Mayor Nicholls** opened the public hearing at 6:48 p.m.

**Albers** presented the following information:

- This request is to amend the City of Yuma General Plan from Medium Density Residential to Mixed Use.
  - The applicant is the City of Yuma
  - The amendment is subject to two properties:
    - The North property is the old El Pappagallo Restaurant and is currently vacant
    - The South property is also vacant.
      - (1) The aerial photo from 2006 shows structures on this site; those have since been removed.
  - The purpose is to allow these properties to have similar City zoning upon annexation as they did in the Yuma County.
  - Two public comments have been received
    - One with no issues
    - One opposed to the request
  - The Planning and Zoning Commission recommended approval of this request on August 14, 2017.

With no speaker requests received and no questions from City Council, **Mayor Nicholls** called for a motion to close the hearing..

**Motion** (Knight/Thomas): To close the public hearing. Voice vote: **approved** 7-0.; Public Hearing closed at 6:51 p.m.



**Motion** (Knight/Craft): To adopt Resolution R2017-023.

**Bushong** displayed the following title:

**Resolution R2017-023**

**A Resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2012-29, the City of Yuma 2012 General Plan, to change the Land Use Designation from Medium Density Residential to Mixed Use for property located at 1401 and 1411 S. Avenue B** (allows properties to have similar City zoning upon annexation as they did in Yuma County; approximately 1.2 acres) (DCD/Planning)

Roll 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.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Craft/Knight) to appoint Alejandro G. Molina to an unexpired term on the Clean and Beautiful Commission with a term expiration of December 31, 2020. Voice vote: **approved** 7-0.

**Motion** (Thomas/Craft) to appoint Emilia Cortez to an unexpired term on the Library Board of Trustees with a term expiration of June 30, 2019. Voice vote: **approved** 7-0.

**Motion** (Thomas/Miller) to appoint Melissa McKinley to an unexpired term on the Water and Sewer Commission with a term expiration of December 31, 2018. Voice vote: **approved** 7-0.

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

**Craft** made the following motion based on previous information presented by the public about Executive Session information released to hotelier groups about the new proposed hotel on 1<sup>st</sup> Street and Madison Avenue earlier this year:

**Motion** (Craft/Knight) I move to have a censure discussion related to the City Charter provision, concerning the information that was released from Executive Session placed on a future agenda. Voice vote: **approved** 7-0.

**VII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** reported the following events:

- September 7<sup>th</sup>: Tip-a-Cop event at Famous Dave's from 11:00 a.m. to 9:00 p.m.
- September 15<sup>th</sup>: Fiesta Patrias in Downtown Yuma from 5:00 p.m. to 10:00 p.m.
- December 16<sup>th</sup> and 17<sup>th</sup>: Department of Corrections Special Olympics Benefit Tournament.

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

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Thomas/Knight): To adjourn the meeting into executive session. Voice vote: **approved** 7-0. The meeting adjourned at 7:11 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

DRAFT