

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 1, 2018
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Councilmember Thomas gave the invocation. **Bob Blevins**, Principal Planner 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
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/McClendon): To approve the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

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

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|-----------------------------|----------------|
| Council Citizen's Forum | March 20, 2018 |
| Regular Council Worksession | April 3, 2018 |
| Council Citizen's Forum | June 19, 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 Series #6 Bar/Person Transfer Liquor License application submitted by Theresa Morse, agent for Al's Tavern located at 2175 S. Harley Drive (LL18-08) (Admin/Clerk)
3. Approve a request submitted by David Johnson, Vice President of Turf Paradise, for an Off-Track Betting License at Showcase Sports Bar, located at 2703 S. 4th Avenue, with a term to expire on May 31, 2021, to coincide with the term of Turf Paradise's State license (OTB18-01) (Admin/Clerk)
4. Award to lowest responsive/responsible bidder for Brass Fittings and Miscellaneous Items, a one-year contract with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$60,000.00 depending on the appropriation of funds and satisfactory performance, as needed with the following company: Yuma Winnelson Company, Yuma, Arizona (Bid #2018-20000176) (Utl)
5. Authorize the City Administrator to execute an Intergovernmental Agreement with the City of Somerton for the use of the City of Yuma Police Safety Training Facility (YPD)

II. RESOLUTION CONSENT AGENDA

Resolution R2018-021 – Real Property Exchange, Settlement and Redevelopment Agreement: PMG Partnership, LLC (authorize the City Administrator to execute the Agreement and all documents attached as Exhibits to the Agreement on behalf of the City of Yuma) (Atty)

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

Motion (Thomas/Miller): To adopt Resolution Consent Agenda Item R2018-021 as recommended.

Bushong displayed the following title:

Resolution R2018-021

A Resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of a Real Property Exchange, Settlement and Redevelopment Agreement with PMG Partnership, LLC, and the execution of associated documents (execute an agreement and all documents attached as Exhibits on behalf of the City of Yuma)

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

Mayor Nicholls returned to the dais.

Resolution R2018-018 – The formation of a Citizen's Oversight Committee and to establish City data access policies to ensure privacy of our residents (establish City policies and procedures for access and use of City data from the anyCOMM nodes) (Admin)

Motion: (Thomas/McClendon): To amend Resolution R2018-018 in sections 3 and 4 to replace the words "regulations" with "policies". Voice vote: **approved** 7-0.

Speaker:

Bob Cuckler, 10595 Avenida Stenna, CEO and Co-Founder of L5 Technologies in Seattle voiced his concerns regarding the Smart City project involving anyCOMM nodes throughout the City of Yuma. He opined it will drive tech-industries away while creating a privacy issue due to civilians being under surveillance.

Discussion:

McClendon informed **Cuckler** that City Council takes the privacy of the Yuma community very seriously and are working hard to learn a brand new type of technology.

In response to **Thomas's** request for specific concerns, **Cuckler** stated the collection and misuse of data is his biggest concern. **Thomas** stated this issue has been discussed in depth at previous Council meetings and encouraged Mr. Cuckler to listen to the Council meetings in which anyCOMM discussions took place to have a better understanding of the material. **Cuckler** stated he would do that.

Motion: (Knight/Thomas): To adopt the Resolution Consent Agenda as amended with the exception of Resolution R2018-021.

Bushong displayed the following titles:

Resolution R2018-018

A Resolution of the City Council of the City of Yuma, Arizona, authorizing the forming of a Citizen Oversight Committee and establishing access to City data obtained by anyCOMM Network nodes (establish City policies and procedures for access and use of City data)

Resolution R2018-019

A Resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Trail Estates Unit No. 6 subdivision (authorize agreement and allow for the collection of a \$500.00 administrative fee for the three year deferral agreement)

Resolution R2018-020

A Resolution of the City Council of the City of Yuma, Arizona, calling a Special Election for the qualified Electors of the City of Yuma, Arizona for the purpose of initiating the question of increasing the Transaction Privilege Tax Levy by one-half of one percent (0.5%) to provide funding dedicated to fixing potholes, improving existing roads and replacing asphalt in the City of Yuma (call a Special Election on November 6th, 2018)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2018-036 – Acquisition of Property: Acquire a portion of PMG property at 16th Street and 4th Avenue (approximately 254 square feet of land for the purpose of redeveloping) (Atty)

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

Motion: (Miller/Thomas): To adopt Ordinance O2018-036 as recommended.

Bushong displayed the following title:

Ordinance O2018-036

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of certain real property, together with certain access and circulation easements (approximately 254 square feet of land for the purpose of redeveloping)

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

Mayor Nicholls returned to the dais.

Ordinance O2018-031 – Rezoning of Property: Located at the southeast corner of W. 8th Place and 13th Avenue; and at 887 S. 13th Avenue (rezone two parcels with a total area of approximately 23,315 square feet, from the Heavy Industrial (H-I) District to the Low Density Single Family (R-I-5) District, while maintaining the existing Infill Overlay (IO) District) (DCD)

Pulled for supermajority vote per A.R.S. 9-462.04 (H)

Motion: (Thomas/Knight): To adopt Ordinance O2018-031 as recommended.

Bushong displayed the following title:

Ordinance O2018-031

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 Heavy Industrial/Infill Overlay (H-I/IO) District to the Low Density Single-Family Residential/Infill Overlay (R-I-5/IO) District and amending the zoning map to conform with the rezone (approximately 23,315 square feet located at the southeast corner of W. 8th Place and 13th Avenue; and at 887 S. 13th Avenue)

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

Motion: (Knight/Thomas): To adopt the Ordinance Consent Agenda with the exception of Ordinance O2018-031 and O2018-036 as recommended.

Bushong displayed the following titles:

Ordinance O2018-014

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 154, Zoning, by amending Article 19, Sections 19.02, 19.03, and 19.09, and adding Section 19.11, related to personal wireless communications; and providing penalties (comply with changes to federal and state laws and regulations regarding use of the City's rights-of-

ways and facilities by wireless communications providers for the providers' installation, operation, and maintenance of their personal wireless communications facilities, and to maintain and protect the public safety and welfare through the City's police and land use powers) (ZONE-20543-2017)

Ordinance O2018-019

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 9 of the Yuma City Code, Chapter 92, *Telecommunications*, by amending Sections 02, 04, 05, 15, through 20, 30, 32, 40 through 44, and 99 related to occupying and using public highways for telecommunication services; and providing penalties for violations thereof (comply with changes to state laws and regulations regarding use of the City's rights-of-ways by communications and telecommunications providers, and to maintain and protect the public safety and welfare through the City's police and land use powers)

Ordinance O2018-030

An ordinance of the City Council of the City of Yuma, Arizona, declaring a City alley located in the 1200 South Block between 2nd Avenue and 3rd Avenue surplus for use as a roadway, and upon the recordation of a deed vesting fee title in the City of Yuma as the abutting property owner(s), the vacating of the alley for roadway purposes (use as part of the Utilities Administration Complex)

Ordinance O2018-032

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 Infill Overlay District thereof (amend Title 15, Chapter 154, Article 14, Section 14.09)

Ordinance O2018-033

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 the addition of definitions and regulations for corner markets within the Infill Overlay District thereof (amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets)

Ordinance O2018-034

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 Light Industrial (L-I) District to the Low Density Residential (R-I-6) Districts, while maintaining the Bed & Breakfast (BB) and the Infill Overlay (IO) Districts, and amending the zoning map to conform with the rezoning (rezone approximately 14,000 square feet located at the northeast corner of W. 9th Street and S. 2nd Avenue)

Ordinance O2018-035

An ordinance of the City Council of the City of Yuma, Arizona, amending the Yuma City Code, Chapter 37 relating to the Two-Level Privilege Tax structure on sales/purchases of retail items exceeding thirty-five thousand dollars, extending the repeal of the Two-Level structure; and providing penalties for violation (amend Section 37-02 (F) of the Tax Code of the City of Yuma)

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

IV. INTRODUCTION OF ORDINANCES – There were ordinances scheduled for introduction at this time.

V. 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.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements:

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

Scheduling

Mayor Nicholls requested placing the review of an ordinance requiring a tarp to be placed on any open truck bed prior to hauling tree branches, trash, etc. on an upcoming agenda.

McClendon requested having a presentation to clarify mural advertisements and policies. **Wilkinson** stated that a presentation will be done on Yuma's current sign code in the near future.

Miller requested to place the anyCOMM nodes update on an upcoming agenda. **Wilkinson** stated that a presentation is being prepared for a meeting in September.

Shelton asked when the police salary proposal presentation is scheduled for. **Wilkinson** informed it would be the first or second meeting in September.

Mayor Nicholls requested not placing the pay plan and impact fees discussion/presentations on the same meeting in September.

VII. SUMMARY OF CURRENT EVENTS

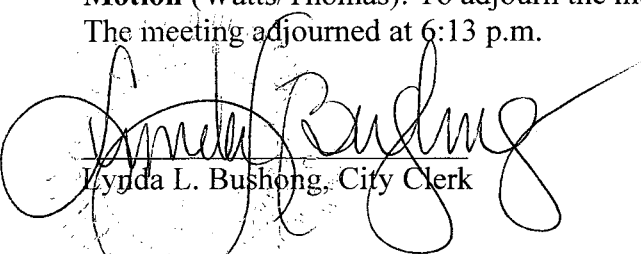
Wilkinson reported on the following upcoming events:

- August 17th – 6:00 p.m.-11:00 p.m. - Beat the Heat Heritage Festival on Main Street
- August 25th – 9:00 a.m.- 2:30 p.m.- Party Expo at the Civic Center

VIII. CALL TO THE PUBLIC - There were no speakers.

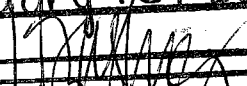
IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Watts/Thomas): To adjourn the meeting into Executive Session. Voice Vote: **approved 7-0.**
The meeting adjourned at 6:13 p.m.


Lynda L. Bushong, City Clerk

APPROVED.


Douglas J. Nicholls, Mayor

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| Approved at the City Council Meeting of: | |
| January 16, 2019 | |
| City Clerk: |  |