

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JULY 17, 2019**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor George Boundey**, Seventh-Day Adventist Church, gave the invocation. **Isaiah Kirk**, Assistant Director of ITS, 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:	Interim City Administrator, John D. Simonton Police Sergeant, Raul Fiveash Principal Planner, Bob Blevins Finance Director, Lisa Marlin 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.

**PRESENTATIONS**

Recognition of Yuma Police Sergeant Raul Fiveash

**Penny Pew**, representing Congressman Paul Gosar, recognized **Fiveash** for outstanding service and lasting contributions to the residents of the City of Yuma.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.5 – Bid Award: Graphic Vehicle Decals (award a one-year contract with the option to renew for four additional one-year periods at an estimated annual expenditure of \$20,000.00) (PW)

Motion Consent Agenda Item B.8 – Bid Award: Leasing Services (lease 27 vehicles for an estimated amount of \$10,713.04 monthly and a total amount of \$128,556.48 annually for four years) (Fin)

In response to last night's discussion at the Regular Council Worksession, **Simonton** clarified that one of the pickup trucks being leased will be replacing an older truck used by the Patrol Supervisors, the smaller

pickup truck will be used by the Training Unit to move around gear, and the cargo van will be used by the Tactical Team to haul and secure equipment. The Governor's Emblem decals are decals that go on vehicles and equipment that are purchased with grant funds received from the Governor's Office of Highway Safety programs.

**Motion** (Knight/Thomas): 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 21, 2018
Regular Council Worksession	October 2, 2018
Special Council Worksession	April 24, 2019
Council Citizen's Forum	June 18, 2019

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 Nicholas Kyle Rico on behalf of the United Yuma Firefighters Association for Celebrate the Heat on Yuma's Main Street. The event will take place in the 100-300 blocks of Main Street on Saturday, September 7, 2019, from 6:00 p.m. to 11:00 p.m. (SP19-14) (Admin/Clk)
3. Approve a Special Event Liquor License application submitted by Isaac Daniel Russell on behalf of the Littlewood Fine Art & Community Co-Op for the Devon The Dude Concert. The event will take place at Littlewood Fine Art & Community Co-Op, 176 S. Main Street, on Saturday, August 10, 2019, from 8:00 p.m. to 12:00 a.m. (SP19-15) (Admin/Clk)
4. Approve a Series #06 Bar Liquor License Location/Owner Transfer application submitted by Isaac Eugene Marcotte, agent for Thirstyz Sports Bar located at 2241 S. Avenue A #26, #27 & #28. (LL19-08) (Admin/Clk)
5. Award to the lowest responsive/responsible bidder, a one-year contract for Graphic Vehicle Decals, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual expenditure of \$20,000.00 to: Sign Pro; Yuma, Arizona. (Bid #2019-20000124) (PW)
6. Award a contract for the construction of the Harvard Street Sewer Project in the amount of \$406,680.85 to the lowest responsive and responsible bidder. DPE Construction, Inc., Yuma, Arizona. (Bid #2019-20000149) (Eng)
7. Award to the lowest responsive/responsible bidders, one-year contracts for Lubricants, Motor Oils and Greases, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual expenditure of

\$31,000.00 to: Senergy Petroleum, Yuma, Arizona and Sellers Petroleum, Yuma, Arizona. (Bid #2019-20000117) (Fin)

8. Authorize the City Administrator to lease 27 vehicles with the qualified vendor for an estimated amount of \$10,713.04 monthly and a total amount of \$128,556.48 annually for four years to: Enterprise Fleet Management, Chandler, Arizona. (Bid #2019-20000016) (Fin)
9. Authorize the purchase of 14 vehicles with the qualified vendors as indicated below for an estimated amount of \$608,421.67 to: Bill Alexander Ford Lincoln, Yuma, Arizona; Findlay Auto Group, Bullhead City, Arizona. (BID #2019-20000016) (Fin)
10. Authorize the purchase of one Articulating Telescopic Aerial Truck (Boom Truck) utilizing the Cooperative Purchase Agreement originated by Sourcewell, for an estimated expenditure of \$170,397.00 to: Altec; Phoenix, Arizona. (Bid #2019-20000165) (PW)
11. Authorize the purchase and delivery of tires, tubes and services utilizing the State of Arizona Cooperative purchase agreement. Contracts are for a one-year term and renewable for four additional one-year terms, depending on the appropriation of funds and satisfactory performance, for an estimated annual cost of \$200,000.00 (including tax): Active Tire LLC dba Ed Whiteheads Tire, Yuma, Arizona; Purcell Tire Company dba Purcell Western States, Yuma, Arizona; Redburn Tire Company, Yuma, Arizona. (Bid #2019-20000164) (PW)
12. Authorize an Intergovernmental Agreement (IGA) with Crane School District 13 for the operation and maintenance of 16 solar-powered flashing speed zone beacons. (Eng)
13. Authorize the City Administrator to sign a Memorandum of Understanding (MOU) on behalf of the Yuma Regional Communications System (YRCS) for the hardware and software consolidation of the south county public safety server farm. (ITS/YRCS)
14. Approve the final plat of the Desert Sands Unit No. 1 Subdivision. The property is located at the southwest corner of E. 44<sup>th</sup> Street and S. Avenue 8E, Yuma, AZ. (DCD)
15. Authorize the City Administrator to execute the required documents with Arizona Department of Administration/Office of Grants and Federal Resources (ADOA/GFR) to disperse awarded grant funds from the emergency telecommunication services revolving fund to cover authorized contractual costs related to equipment and services used in the operation of 911 services in the Yuma region. (YRCS)

## II. RESOLUTION CONSENT AGENDA

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

**Bushong** displayed the following titles:

### **Resolution R2019-022**

**A resolution of the City Council of the City of Yuma, Arizona, approving the terms and authorizing the City Administrator to execute an intergovernmental agreement between the City of Yuma and**

**Yuma County for the demolition, repaving, and restriping of a parking lot in the Mall Maintenance District** (for the parking lot located north of 2<sup>nd</sup> Street between Maiden Lane and Gila Street) (Admin)

**Resolution R2019-023**

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create **Municipal Improvement District No. 110, serving Desert Sands Unit No. 1, 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 Desert Sands Unit No. 1** (to provide a dedicated funding stream for improvements and neighborhood decisions on improvements) (DCD)

**Resolution R2019-024**

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for **Municipal Improvement District No. 109, serving Livingston Ranch Unit No. 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 Livingston Ranch Unit No. 2, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 109; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2** (cost of the landscape improvements will be assessed on the respective property owner's tax bill within the boundary map) (DCD)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA** – There were no ordinances scheduled for adoption at this time.

**IV. INTRODUCTION OF ORDINANCES**

Introduction of Ordinance O2019-027 – Rezoning of Property: Northwest Corner of Avenue 5E and 32<sup>nd</sup> Street (approximately 5.34 acres from Agriculture/Airport Overlay to General Commercial/Airport Overlay) (DCD)

**Motion** (Knight/Watts): That Ordinance O2019-027, the rezoning of the property located at the northwest corner of Avenue 5E and 32<sup>nd</sup> Street, be amended to include the following condition:

*Owner shall dedicate 7 feet of right-of-way along the eastern boundary for a total 40 feet street half-width on Avenue 5E.*

**Barry Olsen**, representing the applicant, objected to the dedication of an additional seven feet of property as this project will not have a significant impact on the traffic on Avenue 5E that will require additional right-of-way.

Discussion

- It is customary to request a right-of-way dedication during the rezoning process to ensure the City is planning for future development (**Mayor Nicholls**)
- A possible compromise would be to agree to a no-build easement so that nothing would be developed on that seven-foot strip of property along Avenue 5E (**Olsen**)
- It is possible that as the area is developed a right turn lane will be needed, and without the dedication the City would then be required to buy the property which may be developed at that time (**Knight**)
- If development of the properties in the area generate enough traffic to require a turn lane, that is a public benefit and the cost should be borne by the City (**Olsen**)
- Money spent by the City is taxpayer dollars, and it would be shortsighted to not plan ahead and instead require taxpayers to pay for the purchase of the property in the future (**Knight**)
- If the property owner is willing to not build on that section of property either way, it makes sense to plan ahead and dedicate the right-of-way for future use (**Watts**)
- The no-build easement is a good compromise because it protects property rights while also ensuring the land is available if a turn lane is needed in the future (**Miller**)

Roll call vote: **approved** 4-3; Shelton, McClendon, and Miller voting nay.

**Bushong** displayed the following titles:

**Ordinance O2019-026**

**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 Transitional/Aesthetic Overlay (TR/AD) District to the Limited Commercial (B-1) District, and amending the zoning map to conform with the rezoning (approximately 0.94 acres of property located at 1874 S. Avenue B) (DCD)**

**Ordinance O2019-027**

**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 Agriculture/Airport Overlay (AG/AD) District to the General Commercial/Airport Overlay (B-2/AD) District, and amending the zoning map to conform with the rezoning (approximately 5.34 acres of property located at the northwest corner of 32<sup>nd</sup> Street and Avenue 5E) (DCD)**

**Ordinance O2019-028**

**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 Suburban Ranch (SR-1) District to the Low Density Residential (R-1-6) District, and amending the zoning map to conform with the rezoning (approximately 5.36 acres located at the southeast corner of W. 16<sup>th</sup> Street and S. 44<sup>th</sup> Avenue) (DCD)**

**V. PUBLIC HEARINGS AND RELATED ITEMS**

Resolution R2019-025 – General Plan Amendment: Yucca Land Company (amend the City of Yuma General Plan to change the land use designation from Commercial to Mixed Use for the property located at the southeast corner of Mississippi Avenue and 44<sup>th</sup> Street) (DCD)

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

**Blevins** presented the following information:

- Notification went out to all property owners within 660 feet of the subject property
- The proposed change is from Commercial to Mixed Use for 19.4 acres
- The mixed use density would allow five to ten dwelling units per acre, resulting in a total of 97 to 194 dwellings
- The applicant is proposing approximately 90 single-family dwelling units as part of an ongoing residential subdivision development
- The property is 1.5 miles from the Barry M. Goldwater Range; one-half mile of that area is Low Density Residential and the remaining mile is Rural Density Residential

**Motion** (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 7-0; the Public Hearing closed at 6:04 p.m.

#### Discussion

- The applicant will adjust the development to meet the 97 dwelling units required for Medium Density Residential (**Mayor Nicholls/Blevins**)
- Marine Corps Air Station Yuma does not object to the amendment on the condition that an aviation disclosure is recorded for the subdivision (**Shelton/Blevins/Knight**)

**Motion** (Knight/Thomas): To adopt Resolution R2019-025 as recommended.

**Bushong** displayed the following title:

#### **Resolution R2019-025**

**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 Commercial to Mixed Use for the property located at the southeast corner of Mississippi Avenue and 44<sup>th</sup> Street (approximately 19.4 acres of property) (DCD)**

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

#### **VI. PUBLIC HEARING FOR 2019-2020 BUDGET ITEMS AND RELATED ACTIONS**

Adoption of Resolution R2019-021 – Public Hearing for Truth in Taxation and Final Budget Adoption for Fiscal Year 2019-2020 (adopt the City of Yuma budget in the amount of \$224,696,487 which includes a Capital Improvement Program budget of \$41,909,592 and an Operating Budget of \$182,786,895) (Fin)

**Mayor Nicholls** opened the public hearing at 6:11 p.m.

**Marlin** presented the following information:

- Bond proceeds are received in one lump sum and are placed into an interest bearing account; bond proceeds are spent first, followed by any interest that is earned
- Occasionally additional revenue is received, for example if the City purchased right-of-way that is later determined is not needed and sold

- The increase in the capital outlay for Parks and Recreation was due to the re-budgeting of vehicles where the purchase was not finalized prior to the close of the last fiscal year
- Historically the City maintained a tax levy close to the maximum allowed; however, around 2012 the levy began to fall below that level, which has had a significant impact on the General Fund
- The proposed tax levy is \$13,724,824, minus the tax levy attributable to new construction of \$339,574.28, leaves a net new levy of \$13,385,250
- Subtracting the prior year's tax levy results in a non-attributable amount of \$792,035, which would be the amount that would need to come out of the budget without the property tax increase

#### Speakers

- **Phil Clark**, non-resident, suggested that the budget shortage could be remedied with the funds previously paid to the Riverfront Master Developer and for the San Carlos Hotel.
- **Gary Wright**, City resident, requested that City Council hold the property tax rate flat and allow growth and increasing home values to increase tax revenues.
- **Donna White**, non-resident, asked City Council to keep in mind the poor condition of Yuma's roads and the many first responders who are leaving Yuma for better paying jobs.
- **Frank Bergwall**, City resident, expressed objection to the property tax increase, adding that not everyone in Yuma can afford a 6% property tax increase.

**Motion** (Thomas/Watts): To close the Public hearing. Voice vote: **approved** 7-0; the Public Hearing closed at 6:37 p.m.

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**Mayor Nicholls** declared a conflict of interest with regard to the Capital Improvement Portion of the budget, turned the meeting over to Deputy Mayor Knight, and left the dais.

There being no discussion by City Council, **Deputy Mayor Knight** called for a motion.

**Motion** (Thomas/Watts): To adopt the portion of Resolution R2019-021, the Fiscal Year 2019-2020 Final Budget for the Capital Improvement Program in the amount of \$41,909,592. Roll call vote: **adopted** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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**McClendon**, having declared a conflict of interest with regard to the portion of the budget involving the Yuma Visitors Bureau, left the dais.

**Motion** (Knight/Miller): To adopt the portion of Resolution R2019-021, the Fiscal Year 2019-2020 Final Budget, for the Yuma Visitor's 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.

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Discussion

- Neither the riverfront development nor the Hotel San Carlos issues involve spendable dollars that could be worked into the FY 2019-2020 budget (**Shelton/Simonton/Mayor Nicholls**)
- The City is not expending any funds for the operation or maintenance of the San Carlos Hotel, and no funds are budgeted for that purpose at this time (**Shelton/Simonton**)
- The public safety pay increases are the primary driver of the \$450,000 budget shortfall to meet the typical 20% reserve goal (**Shelton/Marlin**)
- In addition to the public safety pay plan, the second half of the Labor Market Study and the minimum wage adjustment will be implemented in FY 2019-2020 (**Mayor Nicholls/Marlin**)
- The property tax increase would amount to only an additional \$9.00 annually on a home valued at \$200,000 (**Thomas/Marlin**)
- A sales tax increase would more fairly distribute the burden of the public safety pay increase amongst everyone who lives in and visits Yuma (**Thomas**)
- The City should revisit budget cuts and consider reducing the fund balance to 18% before implementing a property tax increase (**McClendon**)
- City Council has given their word to public safety personnel and it is important to fulfill that commitment; however, the City should also look for ways to increase non-tax revenues (**Shelton**)
- The City has made promises regarding employees' incomes and services provided to its citizens and needs to ensure that an appropriate budget is in place to meet those obligations (**Mayor Nicholls**)

**Motion** (Knight/Watts): To adopt the remaining portions of Resolution R2019-021, the Fiscal Year 2019-2020 Final Budget, for an amount of \$182,186,895 which excludes the Capital Improvement Program and the Yuma Visitors Bureau that were adopted through the prior motions.

**Bushong** displayed the following title:

**Resolution R2019-021**

**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, 2019 and ending June 30, 2020; 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** (adopt the City of Yuma budget in the amount of \$224,696,487 which includes a Capital Improvement Program budget of \$41,909,592 and an Operating Budget of \$182,786,895) (Fin)

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

Introduction of Ordinance O2019-025 – Adopt the 2019-2020 Primary Property Tax Levy and Mall

Maintenance District Property Tax Levy (anticipated to raise \$13,724,824 in tax revenue based on a tax rate of \$2.3185 on each \$100.00 of assessed valuation, an increase from the 2018-2019 rate of \$2.2747) (Fin)

**Bushong** displayed the following title:

**Ordinance O2019-027**

**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 2019-2020 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 Offstreet 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, 2019 and ending June 30, 2020 (anticipated to raise \$13,724,824 in tax revenue based on a tax rate of \$2.3185 on each \$100.00 of assessed valuation, an increase from the 2018-2019 rate of \$2.2747) (Fin)

#### 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

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

**Shelton** requested a discussion regarding the Citizen's Budget Committee so that the committee can be up and running beginning in January.

#### VIII. SUMMARY OF CURRENT EVENTS

**Simonton** reported the following events:

- July 19<sup>th</sup>-20<sup>th</sup> – Singin' in the Rain Jr. at the Historic Yuma Theatre
- July 20<sup>th</sup> – Back to School Rodeo at the Yuma Civic Center
- July 29<sup>th</sup> – Voter registration deadline
- The repaving of 16<sup>th</sup> Street is almost complete, with the majority of the work scheduled to be finished by the middle of next week

#### IX. CALL TO THE PUBLIC

**Doug Jennings**, City resident, asked for City Council's assistance in putting into place an anti-discrimination ordinance similar to those already in place in Phoenix, Tucson, and Bisbee, to make Yuma a safer place and to promote equality for all of Yuma's citizens.

**Will Katz**, City resident, questioned the transfer of funds from the 2015 Senior Excise Revenue and Refunding Series Bond – which is to be used exclusively for the Pacific Avenue Athletic Complex (PAAC), the Fleet Services Maintenance Shop, or for advanced refunding – to Account 332 which was used to fund the 16<sup>th</sup> Street and 4<sup>th</sup> Avenue project.

**Marlin** explained to City Council that this was not the transfer of funds, but instead the transfer of budget authority, which is common amongst capital project funds. When projects and timelines shift, if there is additional budget authority in one account it can be transferred for use in another project. All of the money spent out of Account 333 was spent on the PAAC, the Fleet Services Maintenance Shop, or to refund the previous bond.

**Phil Clark**, non-resident, reiterated that the funds previously spent on the San Carlos Hotel and paid to the Riverfront Master Developer would easily make up for the budget shortfall. This \$7 million in taxpayer dollars need to be placed back into the public treasury.

**X. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:40 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor