

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**FEBRUARY 15, 2017**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Glenn Connell**, Valley Baptist Church, gave the invocation. **Richard Files**, Deputy City Attorney, 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 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 from members of the audience.

**PRESENTATIONS** – There were no presentations scheduled at this time.

**I. MOTION CONSENT AGENDA**

MC 2017-032 Final Plat: Trail Estates #6 – Approve the final Plat for Trail Estates #6 Subdivision. The property is located at the southeast corner of 36<sup>th</sup> Street and Avenue 8 ½ E, Yuma, AZ. The applicant is Dahl, Robins, and Associates, on behalf of Trail Estates Development, LLC. (SUBD-157-2016) (DCD/Planning)

**Motion** (Knight/Thomas): That condition 8, as noted on the request for council action be revised to read: *The owner/developer shall build a CMU block exterior subdivision wall along Avenue 8 ½ E, Avenue 9E and 36<sup>th</sup> Street frontages per City of Yuma construction standard 3-310, or as approved in construction plans.* Voice vote: **approved** 7-0.

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

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

Regular City Council Meeting	June 1, 2016
Regular City Council Meeting	June 15, 2016
Regular City Council Meeting	August 3, 2016
Council Citizen's Forum	January 17, 2017
Council Citizen's Forum	January 31, 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 an application for a new Series #10 Beer & Wine Store Liquor License with Sampling Privileges submitted by Amy Nations, agent for Sprouts Farmers Market #35 located at 1590 S. 4<sup>th</sup> Avenue, Unit A (LL 16-17) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Samantha Smith on behalf of the Officers' Spouses' Club of MCAS Yuma for the Semper Fi Spring Benefit. The event will take place at Joe Foss Hangar located at 4100 S. Arizona Avenue on Saturday, March 25, 2017 from 7:00 p.m. to 11:00 p.m. (SP 17-08) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of Caballeros de Yuma, Inc., for Midnight at the Oasis. The event will take place at Desert Sun Stadium located at 1280 West Desert Sun Drive on Friday, March 3, 2017 from 8:00 a.m. to 12:00 a.m.; Saturday, March 4, 2017, from 8:00 a.m. to 12:00 a.m.; and Sunday March 5, 2017 from 8:00 a.m. to 2:00 p.m. (SP 17-09) (Admin/Clerk)
5. Award to the lowest responsible and responsive bidder for the construction of the 1<sup>st</sup> Avenue – 24<sup>th</sup> Street to 26<sup>th</sup> Street Pavement Replacement Project in the amount of \$428,009.00 to: Cemex Construction Materials South LLC, Yuma Arizona. (PW – Bid #2017-20000116)
6. Award to the lowest responsible and responsive bidder for the construction of the Araby Road and Interstate 8-16" Water Line Relocation Project in the amount of \$394,241.00 to: Yuma Valley Contractors, Yuma, Arizona (Utilities – Bid #2017-20000142)
7. Award to the lowest responsible and responsive bidder for the construction of the Exterior Recoating 16<sup>th</sup> Street Ground Storage Tanks 1-3 in the amount of \$612,726.07 to: Southwest Tank and Steel, Inc., Camp Verde, Arizona. (Utilities – Bid #2017-20000122)
8. Award to the two responsive and responsible bidders with the highest discount offered for PVC Plastic Pipe Fittings and Related Accessories, a one-year contract with option to renew for four additional one-year periods depending on the appropriation of funds and satisfactory performance to: Yuma Winnelson Co., Yuma, Arizona and Yuma Nursery LLC, Yuma, Arizona. (Citywide – Bid #2017-20000107)

9. Authorize the use of the cooperative purchase agreement initiated by the State of Arizona for the purchase of five Motorcycles / Traffic Units for an estimated amount of \$185,135.17 to the following awarded vendor: Victory Police Motorcycles, Tucson Arizona; (Bid #2017-20000120 – YPD)
10. Approve the final plat for the Cielo Verde Unit 5 Subdivision. The property is located at the southwest corner of 37<sup>th</sup> Street and Avenue 8 ½ E, Yuma, AZ. The applicant is Cielo Verde Development Limited Partnership. (SUBD-16173-2016) (DCD/Planning)
11. Approve the final Plat for the Trail Estates #6 Subdivision. The property is located at the southeast corner of 36<sup>th</sup> Street and Avenue 8 ½ E, Yuma, AZ. The applicant is Dahl, Robins, and Associates, on behalf of Trail Estates Development, LLC. (SUBD-15710-2016) (DCD/Planning)

**II. RESOLUTION CONSENT AGENDA** – There were no resolutions scheduled for adoption at this time.

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Mayor Nicholls** declared a potential conflict of interest with regards Ordinances O2017-002. He turned the meeting over to Deputy Mayor Knight and exited the room.

**Motion** (Thomas/Shelton) to adopt O2017-002 Easement Exchange: Northwest corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue.

At the Deputy Mayor's request, **Bushong** displayed the following title:

**Ordinance O2017-002**

**An ordinance of the City Council of the City of Yuma, Arizona, abandoning a utility easement and accepting a new utility easement** (easement exchange generally located at the corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue) (Engineering)

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

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Mayor Nicholls returned to the dais.

**Motion** (Thomas/Knight): To adopt the Ordinance Consent Agenda with the exception of Ordinance O2017-002.

At the Mayor's request, **Bushong** displayed the following titles:

**Ordinance O2017-003**

**An ordinance of the City Council of the City of Yuma, Arizona, vacating described right-of-way, declaring as surplus the vacated right-of-way and certain other City-owned real property, hereafter**

described, and authorizing the sale of the surplus real property through an amendment to the Real Property Sale and Economic Development Agreement approved by Resolution R2016-041 (approximately 28,010 square feet located at the northwest corner of Avenue 4 ½ E and 36<sup>th</sup> Street) (Admin)

#### **Ordinance O2017-004**

An ordinance of the City Council of the City of Yuma, Arizona, reserving a necessary utilities easement, declaring surplus a portion of East 21<sup>st</sup> Street and associated rights of way, hereafter described, vacating that portion of East 21<sup>st</sup> Street between blocks 11 and 12 of the Mesa Heights Unit 3 Subdivision as a City street with title to the surplus/vacated property vesting in the abutting property owner upon recording of a quitclaim deed from the City (property to be used by the Housing Authority of the City of Yuma to construct affordable rental housing) (DCD)

#### **Ordinance O2017-005**

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2007-15 to extend the time for compliance with conditions from two years to April 20, 2017, for the rezoning of certain properties from Agriculture (AG) District to the General Commercial (B-2) District, and amending the zoning map to conform thereto (property located at 32<sup>nd</sup> Street near 7 ½ E) (DCD/Planning)

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

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

At the Mayor's request, **Bushong** displayed the following title:

#### **Ordinance O2017-006**

An ordinance of the City Council of the City of Yuma, Arizona, amending Yuma City Code Chapter 39 to establish the position of Court Officer within the City of Yuma Police Department to serve the Municipal Court of the City of Yuma, Yuma County, State of Arizona (allow non-sworn court officers to serve writs and processes under the direction of the Municipal Judge) (Muni Court)

V. **PUBLIC HEARINGS** – There were no Public Hearing items scheduled

#### **FINAL CALL**

**Mayor Nicholls** made the final call for those who wish to speak at the Call to the Public.

#### **VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Knight/Craft): To appoint Richard W. Files as City Attorney. Voice vote: **approved** 7-0.

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

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reported the following events:

- February 18th – Rally For a Cure – 20<sup>th</sup> Annual Women’s Golf Clinic at Desert Hills
- February 18th – 15<sup>th</sup> Annual Scandinavian Festival at the Yuma Civic Center
- February 18th – Boogie, Brews and Blues Festival at Gateway Park
- February 24<sup>th</sup> and 25<sup>th</sup> – Lettuce Days Festival on Main Street
- February 9<sup>th</sup> – City of Yuma’s Surplus Auction

## VIII. CALL TO THE PUBLIC

**Judy Phillips**, 581 7<sup>th</sup> Avenue, Chair of the Public Art Committee and Vice Chair of Park Art and Recreation Commission, expressed her concerns regarding the water tanks on 16<sup>th</sup> Street. She stated the art painted on these tanks was a Public Arts and Cultural Commission Project a number of years ago and the public participated in choosing the design that was painted on the tanks. She questioned how the art would be preserved now that these tanks will be power washed and cleaned and if there are funds available for these tanks to be repainted in a similar manner. **Wilkinson** responded that there is no way to preserve the original art display, but at the end of the project the tanks will be recoated, due to rust, and will be painted over with a tan color displaying the City of Yuma Logo and a blank canvas area that will allow for another art project. **Wilkinson** further stated that the Water Fund is being utilized for this project and that after the necessary work is done to the tanks, the Public Arts Committee can present ideas on a future display.

## IX. EXECUTIVE SESSION/ADJOURNMENT

**Motion** (Thomas/Knight): To adjourn the meeting into Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:04 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor