

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 5, 2016
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Jonathan Lines, Church of Jesus Christ of Latter Day Saints, gave the invocation. **Kevin Wilkins**, Economic Development Administrator, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls
Councilmembers Absent:	Thomas
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Various Department Heads or their representative City Attorney, Steven W. Moore 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

Mayor Nicholls stated that a proclamation was read at last night's Worksession related to Community Planning Month.

I. MOTION CONSENT AGENDA

Motion (Knight/Craft): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

- | | |
|-------------------------------|-------------------|
| • Regular Council Meeting | February 17, 2016 |
| • Regular Council Worksession | June 14, 2016 |
| • Council Citizen's Forum | July 5, 2016 |

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 Attny)
2. Approve a Special Event Liquor License Application submitted by Nivas Beltran on behalf of Immaculate Conception Church for the Cursillo Harvest Hop. The event will take place at Immaculate Conception Church's St. Ann's Hall located at 501 S. Avenue B on Saturday, November 5, 2016, from 8:00 p.m. to 11:30 p.m. (SP16-22) (Admin/ Clerk)
3. Approve a Special Event Liquor License Application submitted by Gladys Anaya on behalf of the AWC Foundation for Schoolhouse Soiree 2016. The event will take place at the Historic Gowan Building located at 370 S. Main Street on Saturday, November 5, 2016, from 5:00 p.m. to 10:00 p.m. (SP16-23) (Admin/ Clerk)
4. Authorize the purchase and delivery of Asphalt Crack Sealing Compound utilizing the cooperative purchase agreement originated by the City of Tempe for a period of one-year, as needed, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance at an estimated annual cost of \$60,000.00 with the following vendor: Crafcro Inc., Chandler, Arizona. (Bid #2017-20000077) (PW/ Streets)
5. Authorize the purchase and delivery of two automated side loader collection trucks by utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council (H-GAC), at a total cost of \$580,681.18 to: Rush Truck Centers – Yuma; Yuma, Arizona. (Bid #2017-20000067) (PW)
6. Authorize the City Administrator to enter into a three-year contract for Enterprise Software Assurance through Western States Contract Alliance for an estimated total cost of \$581,626.29 to be paid annually at the rate of \$193,875.43 to: SHI International Corporation, Somerset, New Jersey. (Bid #2017-00000001) (ITS)
7. Authorize the City Administrator to accept and execute the required documents for the 2016 Edward Byrne Memorial Justice Assistance Grant Program award #: 2016-DJ-BX-0811 in the amount of \$60,827.00. (ITS)
8. Authorize the City Administrator to execute an intergovernmental agreement with Yuma County to provide a Justice Court Initial Appearance Master to preside over initial appearances at the Yuma Municipal Court (City Court) on weekends and City recognized holidays. (Muni Court)
9. Authorize the City Administrator to execute an intergovernmental agreement to formalize a bilateral relationship to promote growth and expand economic opportunities in the regions of Yuma County, San Luis Rio Colorado, Sonora, Mexico and regions within Baja California Norte, Mexico bordering San Luis Rio Colorado and Yuma County. (Administration/EcDev)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2016-032

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of an amendment to an intergovernmental agreement with the State of Arizona for the scoping, design, and construction of the West Main Canal Multi-Use Pathway (Amendment to IGA for construction of the West Main Canal multi-use path) (Engineering)

Roll call vote: **adopted** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Mayor Nicholls declared a conflict of interest on Ordinance O2016-030 and turned the meeting over to Deputy Mayor Craft.

Motion (Knight/Miller): To adopt Ordinance O2016-030 as recommended.

Bushong displayed the following title(s):

Ordinance O2016-030

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 Medium Density (R-2) District to the Medium Density Single-Family Residential (R-2-5) District and amending the zoning map to conform with the rezoning (Rezone 6.24 acres located at the southwest corner of Avenue C and the Central Drain, Yuma) (DCD / Planning)

Roll call vote: **adopted** 5-0-1. Mayor Nicholls declared a conflict of interest.

Mayor Nicholls returned to the dais and requested a motion for the remaining ordinance adoptions.

Motion (Knight/Shelton): To adopt the Ordinances Consent Agenda as recommended with the exception of O2016-030.

Bushong displayed the following title(s):

Ordinance O2016-027

An ordinance of the City Council of the City of Yuma, Arizona, declaring two parcels of real property, hereafter described and located at 2401 S. 18th Avenue and 1771 W. 34th Street, surplus for use by the City, authorizing the sale of the two surplus parcels, and reserving an easement on one of the parcels for drainage purposes

(Declare two parcels of real property surplus and authorize the sale of the surplus properties) (Admin)

Ordinance O2016-028

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 provide definitions related to off-site signage and to add regulations regarding off-site signage, and providing penalties for violations thereof (Amend Title 15, Chapter 154 to provide definitions and add regulations regarding off-site signage) (DCD/ Planning)

Ordinance O2016-029

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2013-51 to extend the time for compliance with conditions from two years to four years for the rezoning of certain properties from the Low Density Residential (R-1-6) District and the Light Industrial (L-I) District to the High Density Residential (R-3) District, and amending the zoning map to conform thereto (Determine compliance and extend the time to comply with the rezoning conditions – 2nd Avenue and 12th Street) (DCD/ Planning)

Roll call vote: **adopted** 6-0.

IV. INTRODUCTION OF ORDINANCES

Shelton asked for clarification of Ordinance O2016-031. **Wilkinson** stated that the ordinance adds expiration dates for existing and future Municipal Court Judge Pro Tems.

Wright asked if City Council typically approves the appointments, but not the terms? **Wilkinson** stated that for the last two appointments a 3-year term was set as directed by City Council. The ordinance will bring all the Pro-Tems in line with a 3-year term.

Bushong displayed the following title(s):

Ordinance O2016-031

An ordinance of the City Council of the City of Yuma, Arizona, regarding appointment and term of office of Municipal Court Judge Pro Tempore (Adopt an Ordinance setting the manner of appointment and term of office for Municipal Court Judge Pro Tempore) (Admin)

Mayor Nicholls stated Item V. Staff Update: Call to the Public Item, would be moved to after Call to the Public.

VI. PUBLIC HEARINGS – There are no public hearings scheduled at this time.**FINAL CALL**

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Craft/Knight): To appoint Thomas Lund to an unexpired term on the Yuma Public Safety Police Board and the Yuma Fire Public Safety Board with term expirations of December 31, 2017. Voice vote: approved 6-0.

Knight introduced a foreign exchange student from the Ukraine who was shadowing him for the day. The foreign exchange student is a sophomore at Yuma High School.

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

Mayor Nicholls reported:

- In support of Domestic Violence Awareness Month, City Hall has been lit up at night in purple.
- The City of Yuma is involved with Hidden Hero's which is a National organization created by Senator Elizabeth Dole to support those who support our heroes. Mayors throughout the Country were asked to dedicate their cities to this cause and the City of Yuma was the 54th city (out of 54) to join the cause.
- October is also Bi-National Health awareness month
- Attending the Compesinos Sin Fronteras kick-off meeting.
- Met with the 4-H Ambassadors
- Attended a luncheon with the Governor who came to Yuma to promote the No 205 movement. Proposition 205 is the recreational marijuana proposition that will be on the ballot in November. **Mayor Nicholls** reported that the message from the Governor is that this is a bad bill for Arizona.

VIII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following board and commission vacancies:

- Residential Advisory Board (mechanical contractor and general contractor)
- Community Tree Board (two vacancies)
- Water and Sewer Commission (one vacancy)
- Clean and Beautiful Commission (one vacancy)
- Library Board of Trustees (one vacancy)

Wilkinson noted the critical dates of the upcoming election and announced the City has the following two propositions on the ballot:

- Proposition 407 – the 3/10ths of a percent sales tax increase for public safety and roads.
- Proposition 408 – regarding whether a developer can build homes at 24th Street and 9E.

Wilkinson noted the following upcoming events:

- October 7 – Coffee with a Cop at Brownies Café from 6:00 a.m. to 10:00 a.m.
- October 8 – Movie in the Park at the West Wetlands.
- October 8 – Zombie Run at 7:00 p.m. at the West Wetlands.
- October 14 – Luis Coronel Concert at 6:00 p.m. at Desert Sun Stadium.
- October 14 – Tribute of the Muses at 7:00 p.m.

- October 15 – Yuma Fire Department Open House at the Public Safety training facility from 9:00 a.m. to 12:00 noon

IX. CALL TO THE PUBLIC

Mary Ann Easterday, 3359 S. 15th Avenue, stated that it is 4-H week and the 4-H organization is celebrating its 114th birthday. 4-H takes kids from ages 9-18 and offers many projects which teach leadership, fellowship and public speaking. Further, High School students needing volunteer work to meet the requirements for graduation are encouraged to call Parks and Recreation to volunteer as they have activities going on most weekends.

V. STAFF UPDATE: CALL TO THE PUBLIC ITEM

Moore read the following statement:

At the September 21st City Council Meeting, Clyde Gill made several statements at Call to the Public which are inaccurate. I'd like to take this opportunity to clarify those inaccuracies. The Municipal Property Corporation has documents that supported the bond to build this City Hall and all the parking areas around City Hall. It involves 30 pieces of property. It was brought to staff's attention that the properties encumbered by that bond include the Eagles Properties and we are told perhaps the Gwynn property. A review was done not once but twice by Assistant City Attorney, Dan White; Assistant City Engineer, Andrew McGarvie; and Craig Granquist, the City's Registered Land Surveyor. The point of this research was to ascertain privately owned properties inadvertently included in these bond documents. After the first review I requested a re-review in order to make absolutely sure our information was accurate so that when the correction moved forward we would only need to be in front the City Council one time. Those two reviews resulted in the opinion that the only private property involved was the Eagles property and the Gwynn property. Research showed no other private properties were included. All remaining parcels are owned by the City and are part of either City Hall or the parking lots. The City had to prepare amended documents using bond council, Michael Cafiso, which also required an opinion letter to the financing institution, The Bank of New York Mellon Trust out of Austin Texas. Releasing these private properties required the approval of that bank in order to proceed. We did receive the approval of the bank. We then had to go to the Municipal Property Corporation and schedule a meeting and have the Municipal Property Corporation approve those changes. The documents were then brought forward to the City Council meeting to have the City Council approve those documents. The Municipal Property Corporation approved the changes on September 1 and the City Council approved those changes by resolution on September 7. At the September 21st Call to the Public, Mr. Gill said that my office misrepresented to the City Council that only two private people were affected by the documents. His statement is not true. There were only two private property owners involved – the Eagles and the Gwynn's. Mr. Gill indicated it took some time for all of this to get accomplished. Given the magnitude of the task and the complexity of the bond documents, it did take some time to correct the documents. However, when Mr. Gill made his presentation to the City Council he twice told the City Council that the loan on the Eagles property had not closed. That information is not true according to the Title Company. The Title Company told the City that the loan closed 5 days prior to that Council meeting which Mr. Gill appeared to Call to the Public. Mr. Gill was wrong – his loan closed 5 days before. He twice made that representation. The information provided by various City departments and the actions we took were both correct and timely. Staff did what had to be accomplished. Mr. Gill mentioned there was an extra zero in one of the documents – that is true. However, not even the title company caught

that error and the loan closed anyway. The City was asked by the title company to sign a correction of the minor error after the loan closed. We did so within hours of learning of the minor error. That inadvertent error did nothing to hold up the transaction.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:07 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor