

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 21, 2016
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Jeremy Dillman, Pastor from the Vertical Church, gave the invocation. **John Lekan** led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Thomas, Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Purchasing & Contracts Manager, Robin Wilson Director of Community Development, Laurie Lineberry Various Department Heads or their representative Deputy City Attorney, Richard Files Deputy City Clerk, Janet Pierson

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

Wilkinson showed a video of the USS Arizona Replica Restoration, noting that the USS Arizona replica was one of five models created for the movie Tora! Tora! Tora! Wilkinson commended those having a part in the replication.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.4 – Request for Qualifications (RFQ): Environmental Engineering Services for Brownfields Assessment (execute a contract with Ayres Associates, Tempe, Arizona) (Admin)

Miller expressed his disapproval that yet another contract is being awarded to a firm outside of Yuma. He asked if the Charter requires that the members of the selection committee are government employees.

Wilkinson explained that there is nothing in the Charter about the composition of the committee; it is an operational decision. **Miller** asked if it would be possible to include citizens on the committee to give a broader perspective. **Wilkinson** answered that while it is possible to include citizens, they would be

required to become familiar with and follow Arizona laws regarding the scoring criteria and selection process. **Miller** asked if there was anyone on the committee that had brownfield assessment experience or an understanding of the process. **Wilkinson** confirmed there was. **Miller** asked if all three of the committee members selected Ayres Associates as their number one choice. **Wilson** confirmed they did.

Knight asked if this is the first grant that the City has received for the brownfield site. **Wilkinson** stated it is the second \$400,000 grant the City has received. He explained that the City is receiving the current grant because they successfully accomplished the goals set forth under the first grant award. If the second grant is successful, there are additional grant funds available to continue the cleanup of this area. If the City is not successful with the second grant, no further funds will be awarded.

Craft asked if the purpose of the cleanup is so the City can begin to develop the area knowing that it is hazard-free. **Wilkinson** explained that the Brownfield Assessment identifies contaminants that might be present on the property that would require cleanup. Phase I is a general assessment to determine what could potentially be present, while Phase II is a more thorough assessment to identify specific contaminants and determine whether they exceed maximum permissible levels.

Wright asked if the employees on the committee volunteer or if they are assigned and if it is customary to only have three members on the committee. **Wilson** stated that they are assigned and explained that the number of people on the committee varies depending on the size and complexity of the project. There minimum number is three, and there could be as many as nine. **Wright** asked if the names of the committee members are kept confidential and if it would be possible to see the scoring sheets. **Wilson** stated that both the committee members and scoring criteria are kept confidential until after the contract has been fully executed. **Wilkinson** clarified that the scoring results are not revealed, but the scoring criteria is published as part of the RFQ, so that all the responders understand how they will be scored.

Wright voiced concern that the City cannot find competent local firms to respond to RFQs and expressed his hopes that in the future the City will look clearly and objectively at giving local businesses the opportunity to be not just a subcontractor but a prime contractor on major projects requiring a City Council vote. **Wilkinson** disagreed, stating that it is not that local firms are incompetent but rather that projects are awarded to the most responsive company regardless of where the company is located. While it would be preferred that every contract go to a local business, City staff must follow State law when it comes to the selection process.

Thomas commented that in some cases the City has not received any responses whatsoever from local businesses. He asked if he could be provided with information regarding the number of packets distributed compared with the number of local responses received. **Wilson** stated that she would obtain that information. She added that all RFQs are published in the local newspaper in accordance with State law, listed on the City website, and distributed through AZ Purchasing.

Mayor Nicholls stated that he knows firsthand that the challenge in responding to an RFQ is in creating a proposal that effectively presents a firm's qualifications. Defaulting to local preference rather than selecting the best candidate does not provide a competitive environment and would be a disservice to the community. He further noted that the City has already changed the scoring criteria to give Yuma businesses an advantage in situations where there is close competition between a local and out-of-town firm.

Motion (Knight/Thomas): To approve Motion Consent Agenda Item B.4 as recommended. Roll call vote: **approved** 5-2; Miller and Wright voting nay.

Motion (Craft/Knight): To approve the Motion Consent Agenda as recommended with the exception of Item B.4. Voice vote: **approved** 7-0.

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

Regular Council Meeting	April 6, 2016
Regular Council Meeting	April 20, 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 Rebecca Fox on behalf of the Yuma Crossing National Heritage Area for the 6th Annual 3:10 to Yuma Fundraiser. The event will take place at the Yuma Territorial Prison located at 220 N. Prison Hill Road on Saturday, November 5, 2016, from 5:00 p.m. to 12:00 a.m. (SP16-20) (Admin/Clerk)
3. Approve a Special Event Liquor License Application submitted by Arturo Sanchez on behalf of the St. Francis of Assisi Roman Catholic Parish for the St. Francis Parish Feast. The event will take place at the St. Francis of Assisi Roman Catholic Parish located at 1815 S. 8th Avenue on Friday, September 30, 2016, from 5:00 p.m. to 12:00 a.m.; Saturday, October 1, 2016, from 3:00 p.m. to 9:00 p.m.; and Sunday, October 2, 2016, from 11:00 a.m. to 5:00 p.m. (SP16-21) (Admin/Clerk)
4. Pulled for separate consideration; see above.
5. Authorize and direct the City Administrator to execute a consent agreement with Unite Private Network, LLC to authorize, under certain conditions, a change of control license from Unite Private Network, LLC to Fiber Platform Holdings, LLC (Admin)
6. Authorize the purchase of a Business Continuity, Disaster Recovery and Backup system to provide recovery of citywide Information Technology (IT) systems in the event of a data disaster through Del Marketing LLP by utilizing a cooperative agreement originated by the State of Arizona for an estimated cost of \$160,000 (ITS)
7. Approve the Notice of Intention pursuant to Arizona Revised Statutes § 9-511.01 to adjust water and wastewater utility rates and fees (Utilities/Admin)
8. Approve a First Amendment to Intergovernmental Agreement between the County of Yuma, the Yuma County Recorder and City of Yuma for the provision of election services and extending the intergovernmental agreement through the end of 2016 (Admin/Clerk)

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Craft): To adopt Resolution R2016-029 as recommended.

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

Resolution R2016-029

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a second amendment to the Development Agreement with Yuma Regional Medical Center and Hospital District No. 1, Yuma County, Arizona (extend the expiration of the temporary construction easement to November 12, 2019) (Engineering)

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

Thomas declared a potential conflict of interest on Resolution 2016-030 due to his employment. He recused himself and exited the room.

Motion (Knight/Miller): To adopt the Resolution R2016-030 as recommended.

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

Resolution R2016-030

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of an amendment to a Consent Agreement with the United States of America – Bureau of Reclamation, for the construction, reconstruction, installation, ownership, operation, and maintenance of improvements within and/or across portions of the Bureau of Reclamations' reserved rights-of-way for the Yuma Mesa Conduit, Thacker Lateral, and Sturges Lateral features of the Yuma Project, Valley Division (amendment allows the pump station connected to the Yuma Mesa Conduit to be operated in auto mode, eliminating the need for City personnel to be present during pumping) (Engineering)

Roll call vote: **adopted** 6-0-1; **Thomas** abstaining due to declared conflict of interest.

Thomas returned to the dais.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Adoption of Ordinance O2016-026 – Rezoning of Property: 925 Arizona Avenue (rezoning of approximately 1.86 acres located near the northeast corner of 10th Street and Arizona Avenue from the Agriculture District to the Light Industrial District) (DCD/Planning)

Shelton asked if there were any objections to the rezoning. **Mayor Nicholls** stated that there were none.

Motion (Knight/Thomas): To adopt the Ordinance Consent Agenda as recommended.

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

Ordinance O2016-026

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 Agriculture (AG) District to the Light Industrial (L-1) District and amending the zoning map to conform with the rezoning (approximately 1.86 acres located near the northeast corner of 10th Street and Arizona Avenue) (DCD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2016-028 – Zoning Code Text Amendment: Off-Site Signs (Amend Title 15, Chapter 154 of the Yuma City Code to provide definitions and add regulations) (DCD/Planning) (Lineberry)

Knight asked if the City received a response from the military and the airport regarding the nit levels. **Wilkinson** stated that the City did receive a response and they have no problem with the 342 nits proposed in this ordinance.

Blake DeWitt, president of Del Outdoor, 1702 S. Arizona Avenue, thanked City staff – specifically Wilkinson and Lineberry – for their help with this amendment. Both billboard companies in Yuma are now in support of the amendment and it will allow them to continue to grow along with the City.

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

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 (allow sale of two properties no longer necessary to remedy a defect in the Dunes III Subdivision drainage channel) (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 rezoning 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 (update development standards of off-site signs and address replacement of non-conforming signs) (DCD/Planning)

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

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

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 (approximately 6.24 acres located at the southwest corner of Avenue C and the Central Drain) (DCD/Planning)

Mayor Nicholls returned to the dais.

V. PUBLIC HEARINGS

Ordinance O2016-029 – Statutory Compliance Hearing/Amendment: Ordinance O2013-51; 2nd Avenue and 12th Street (determine compliance with the conditions of approval for rezoning and introduce an ordinance that extends the time to comply with rezoning conditions) (DCD/Planning)

Mayor Nicholls opened the public hearing at 6:12 p.m.

Lineberry presented the following information:

- The Statutory Compliance Hearing allows the City to reopen an expired rezoning case
- This is done only when an applicant has finished complying with all of the rezoning conditions
- In this case, the condition was dedicating a 25-foot leg site triangle to the City of Yuma by fee title

Motion (Thomas/Craft): To close the Public Hearing. Voice vote: **approved** 7-0; the Public Hearing closed at 6:15 p.m.

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

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 the 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 District (L-I) District to the High Density Residential (R-3) District, and amending the zoning map to conform thereto (rezoning four properties totaling approximately 1.04 acres located on 12th Street between 1st Avenue and 3rd Avenue) (DCD/Planning)

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 Pat Wicks to the Workers' Compensation Trust Board with a term expiration of December 31, 2021. Voice vote: **approved** 7-0.

Knight, Wright, and Mayor Nicholls reported on events/meetings they attended since the last Regular Meeting and noted upcoming events/meetings.

Mayor Nicholls requested that a review of the Conditional Use Permit (CUP) process be included in a future agenda in an effort to develop a more business friendly approach.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson provided City Council with a draft of the information packet that the City will be providing to voters regarding Propositions 407 and 408. He also reported the following events:

- September to December – LED Conversion Project Survey on the City of Yuma website
- September 22nd – Desert League Professional Baseball at the Ray Kroc Sports Complex
- September 23rd – Introduction to Photography Class at the Yuma Art Center
- September 24th – 7th Annual Wedding and Quinciera Expo Expo at the Yuma Civic Center
- September 26th to November 2nd – Intermediate Level Youth Tennis at the Desert Sun Tennis Courts
- September 27th to November 3rd – Beginner Level Youth Tennis at the Desert Sun Tennis Courts
- October 1st – Surplus Property Auction at the City of Yuma Surplus Property Yard

VIII. CALL TO THE PUBLIC

Clyde Gill, 690 S. 4th Avenue, expressed concern that City Council relies too heavily on City staff recommendations to make important decisions without knowing what is truly taking place. Multiple parcels of property were inadvertently encumbered by the City, several of which are owned by the Fraternal Order of Eagles (FOE) and are preventing them from closing on a loan. He noted that **Wilkinson** has done a great job and has been truthful and honest throughout the process, and an emergency resolution was unanimously passed at the last City Council Meeting with the intent of resolving the property issue. However, due to an incorrect number being used in the resolution the FOE has still been unable to close on the loan. **Mayor Nicholls** directed **Wilkinson** to follow up with **Gill** after the meeting.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:34 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor