

**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 20, 2019**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Howard Blitz** of The Freedom Library gave the invocation. **Scott McCoy**, Assistant City Attorney, 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 Deputy Chief of Police, Susan Smith Police Lieutenant, Brian Scanlan Fire Chief, Steve Irr Deputy City Attorney, Rodney Short 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**

Opioid Awareness Presentation

**Deputy Chief Smith** introduced Lieutenant Brian Scanlan to present on the fentanyl and opioid epidemic that has been sweeping the nation and has made a presence in the Yuma community.

**Scanlan** presented the following information:

- Fentanyl was developed in Belgium in 1959 by Paul Jansen to replace the medicinal powers of opiates derived from plant sources.
- Fentanyl is highly addictive and can be misused in a variety of ways, and because it is much more powerful than regular opioids use can easily result in an overdose.
- Yuma has seen 6-7 overdose incidents since November of 2018 that can be attributed to fentanyl or related compounds, 4-5 of which involved youth under the age of 18.
- A presentation has been developed that will be provided to middle school and high school students throughout Yuma, and information will be provided to all parents as well.

- Fentanyl is frequently made to look like other legally prescribed pain killers such as Oxycodone or OxyContin, so those who ingest the pills are not aware that they are in fact taking fentanyl.
- There has been one fatality attributed to fentanyl overdose since 2017; this incident did not take place at school.
- There have been roughly 118 incidents in Yuma between June 15, 2017, and January 31, 2019, which is low compared to more highly populated areas.
- During that same time period Somerton and San Luis have had approximately 50 cases with zero deaths, and the zip code 85365 has had one fatality.

**Watts** asked to what grades this information will be presented. **Scanlan** replied that it will be presented to grades six and above. Research has shown that children are becoming addicted to these types of drugs starting at ages 11 and 12. **Scanlan** displayed a slide showing the amount of fentanyl that can be a lethal dose – just two milligrams – as a tiny white speck compared to a penny, as well as another variant of the drug called carfentanil which is an even more powerful drug that fortunately has not been found in Yuma. **Watts** asked if carfentanil has been seen in other communities. **Scanlan** confirmed that it has, adding that people who take carfentanil usually are not around to discuss it. Anyone who believes they have come across one of these drugs should not touch it as it can be absorbed through the skin. **Watts** asked if the Yuma Police Department (YPD) is finding dealers and confiscating drugs. **Scanlan** stated that YPD has not apprehended anybody as of date; those who have overdosed are reluctant to provide information on their dealers. The Drug Enforcement Agency has made a number of interceptions at the border, recently confiscating three pounds of pills in San Luis which roughly translates to three million pills.

**Mayor Nicholls** noted that the lethal dose in the picture is dramatically smaller than the whole pill. **Scanlan** explained that typically a small amount of fentanyl is mixed with other substances in the pill. **Deputy Chief Smith** noted that in a few cases the individuals involved stated they only took half the pill, but they admitted they did not know what they were taking.

**Shelton** asked if child psychologists or comparable professionals have become involved to help determine why children are taking drugs and find a way to dissuade them from doing it again. **Scanlan** stated that diversion is an option in juvenile cases and in the past first offenses were often sent to diversion. However, due to the seriousness of the drug and the potentially fatal outcome, now the court is often moving right to felony charges. **Shelton** noted that one problem is that there are no inpatient facilities in Yuma for children with mental, emotional, or drug issues so they are quickly remanded in the juvenile justice system. **Scanlan** added that the Juvenile Justice Court is getting their cases resolved within 45-60 days, which often does not provide enough time to get lab results back when fentanyl is suspected.

**Thomas** asked what the success rate is for those who have used drugs in the past and go on to be a productive citizen. **Scanlan** stated that the success rate is about 35-40%. Fentanyl and other opioids attack the brain and various systems within the brain, so often those who are addicted eventually return to using the drug. **Thomas** asked how much of the prevention program will be geared towards parents. **Scanlan** explained that schools will provide parents with a pamphlet that will contain a summary of the presentation as well as a number of possible drug abuse signs to look out for. **Thomas** asked if the School Resource Officers are keeping an eye out for drug issues in their schools. **Scanlan** confirmed they are. Additionally, YPD officers are equipped with Narcan spray - an opioid antagonist - and schools are beginning to stock it as well. **Deputy Chief Smith** added that one of the reasons Yuma has had fewer fatalities is because its officers are deployed with Narcan and begin CPR right away. **Scanlan** noted that while Narcan has an excellent success rate, there does exist a potential for brain damage in situations where those who overdose

are out for four or five minutes because of a lack of oxygen. Sometimes those who are revived have ongoing issues as a result.

**Mayor Nicholls** suggested that one of the presentations take place in City Hall Council Chambers with a focus on the parents so that it can be recorded and played back at a later date. **Scanlan** stated that he would see what he could do to put this suggestion in place.

Recognition of Fire Investigator Certification

**Chief Irr** recognized Fire Marshal, Kayla Franklin, for completing the Certified Fire Investigator Program with the International Association of Arson Investigators. He explained that this a very elite program with an extensive application process requiring significant field experience, knowledge, and skill prior to taking a very intensive exam. He presented Franklin with a Chief's Coin, stating that while this is her first coin in reality she has earned a box of them with everything that she has done for the community.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.7 – Bid Award: Virginia Drive Retention Basin (award a contract in the amount of \$325,560.38 to the following lowest responsive and responsible bidder: SWP Contracting and Paving, Glendale, Arizona) (Bid #2019-20000074) (Engineering)

Motion Consent Agenda Item B.8 – Bid Award: 1<sup>st</sup> Avenue Improvements – 16<sup>th</sup> Street to Orange Avenue (award a contract in the amount of \$3,810,400.00 to the following lowest responsive and responsible bidder: Cemex Construction Materials South, LLC, Yuma, Arizona) (Bid #2019-20000079) (Engineering)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Items B.7 and B.8, turned the meeting over to Deputy Mayor Knight, and left the dais.

**Motion** (Thomas/Miller): To approve Motion Consent Agenda Items B.7 and B.8 as recommended. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**Motion** (Thomas/McClendon): To approve the Motion Consent Agenda as recommended with the exception of Items B.7 and B.8. Voice vote: **approved** 7-0.

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

Regular City Council Meeting  
Council Citizen's Forum

November 21, 2018  
February 5, 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 Series #6 Bar Liquor License/Owner Transfer application submitted by Chris Wheeler, agent for Prison Hill Brewing Co. located at 278 S. Main Street (LL19-01) (Admin/Clerk)
3. Approve a new Series #3 Microbrewery Liquor License application submitted by Chris Wheeler for Prison Hill Brewing Co. located at 278 S. Main Street (LL19-02) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Darlene Sara Davis on behalf of the Officers' Spouses' Club for A Night in the Wild West. The event will take place at the Colorado River State Historic Park, 201 N. 4<sup>th</sup> Avenue, on Saturday, March 30, 2019 from 5:30 p.m. to 11:00 p.m. (SP19-06) (Admin/Clerk)
5. Approve a Special Event Liquor License application submitted by Chris Wheeler on behalf of Yuma Rotary for BBQ & Brew Festival. The event will take place on the 100-300 blocks of Main Street (Historic Downtown Yuma) on Friday, February 22, 2019 from 3:00 p.m. to 11:00 p.m. and Saturday, February 23, 2019 from 11:00 a.m. to 11:00 p.m. (SP19-07) (Admin/Clerk)
6. Approve a Special Event Liquor License application submitted by Fred Earle on behalf of Rotary Club of Yuma North End for Music on Main. The event will take place on the 100-300 blocks of Main Street (Historic Downtown Yuma) on Saturday, March 16, 2019 from 3:00 p.m. to 11:00 p.m. (SP19-08) (Admin/Clerk)
7. Pulled for separate consideration; see above.
8. Pulled for separate consideration; see above.
9. Authorize the City Administrator to execute two separate agreements with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime, mileage, and equipment for activities in support of Operation Stonegarden. (Police)
10. Authorize the City Administrator to execute the required documents with Arizona Companion Animal Spay and Neuter Committee (ACASNC) to disperse awarded grant funds to support community spay and neuter surgeries. (Police)
11. Authorize the City Administrator to execute an Intergovernmental Agreement with the Cocopah Indian Tribe on behalf of the Cocopah Tribal Police and Fire Department for use of the City of Yuma Public Safety Training Facility. (Police)
12. Authorize the City Administrator to execute Amendment #1 to an Intergovernmental Agreement with the Yuma County Flood Control District. (Eng)

## **II. RESOLUTION CONSENT AGENDA**

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

**Bushong** displayed the following titles:

**Resolution R2019-002**

**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 the Four Points by Sheraton Hotel** (upon the execution and recording of a deferral agreement and payment of \$500.00 for City costs associated with processing and tracking deferrals) (Engineering)

**Resolution R2019-003**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the submission of an application to the Arizona State Land and Water Conservation Fund for Riverfront Regional Park renovations and development** (submission for a \$500,000 grant with a required City matching in-kind contribution to be used for park improvements) (Parks and Recreation)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

**Bushong** displayed the following title:

**Ordinance O2019-008**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 71 of the Yuma City Code, Sections 71-21 and 71-22 relating to alcoholic beverages, and providing a penalty for violations thereof** (update the liquor license categories to mirror those of the Arizona Department of Liquor Licenses and Control and increase the City's Special Event Liquor License application fee) (Administration/Clerk)

**Ordinance O2019-009**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 1 of Township 9 South, Range 22 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of a portion of the property to the Low Density Residential (R-1-40) Zoning District and the balance of the property to the Agriculture (AG) Zoning District, and amending the zoning map to conform, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes as amended** (annexation area consists of seven properties totaling approximately 51.89 acres located at the southeast corner of Avenue 9E and 24<sup>th</sup> Street) (ANEX-23134-2018) (DCD/Planning)

**Ordinance O2019-010**

**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 (H-I) District to the Light Industrial (L-I) District while maintaining the Airport District (AD) and amending the zoning map to conform with the rezoning** (1.13 acres of property located at 2920 S. Kish Avenue) (ZONE-24037-2018) (DCD/Planning)

**Ordinance O2019-012**

**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 Agriculture (AG) District to the General Commercial (B-2) District, while maintaining the Airport Overlay (AD) District and amending the zoning map to conform with the rezoning** (approximately 10 acres of property located at the southwest corner of S. 4<sup>th</sup> Avenue and the W. 38<sup>th</sup> Street alignment) (ZONE-23924-2018) (DCD/Planning)

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

**IV. INTRODUCTION OF ORDINANCES**

Bushong displayed the following titles:

**Ordinance O2019-013**

**An ordinance of the City Council of the City of Yuma, Arizona, amending the Yuma City Code Chapter 37 relating to privilege tax on wastewater removal services; establishing effective dates; providing penalties for violation thereof; and providing for severability** (the 1.7% tax rate, approved by the Municipal Tax Code Commission, will be effective May 1, 2019) (Finance/Administration)

**Ordinance O2019-011**

**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 Agriculture (AG) District to the Medium Density Residential (R-2) District and amending the zoning map to conform with the rezoning** (approximately 7 acres of property located at the northwest corner of E. 24<sup>th</sup> Street and S. Avenue 9E) (ZONE-23044-2018) (DCD/Planning)

**Ordinance O2019-014**

**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 Agriculture (AG) District to the Low Density Single-Family Residential (R-1-5) District, and amending the zoning map to conform with the rezoning** (approximately 142.5 acres of property located at the southwest corner of E. 44<sup>th</sup> Street and S. Avenue 8E) (ZONE-24256-2019) (DCD/Planning)

**Ordinance O2019-015**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the accepting and granting of easement rights described in the first amended and restated reciprocal easement agreement** (creates right-in/right-out access from 16<sup>th</sup> Street, 4<sup>th</sup> Avenue, and 15<sup>th</sup> Street for PMG and City properties) (City Attorney)

**V. PUBLIC HEARINGS**

Public Hearing - Inclusion of additional parcel into the Main Street Mall and Off Street Parking Maintenance District No. 1 (consider the inclusion of APN 633-44-147 located at the northeast corner of South Maiden Lane and Harold C. Giss Parkway) (City Attorney)

**Mayor Nicholls** declared a conflict of interest with regard to this item, turned the meeting over to Deputy Mayor Knight, and left the dais.

**Deputy Mayor Knight** opened the public hearing at 6:13 p.m.

**Short** explained that this hearing is based off of the statutory petition by the property owner to be included in the Main Street Mall and Off Street Parking Maintenance District No. 1 (MMD). Four of the five statutory findings under Arizona Revised Statutes § 48-574(J) have been met, leaving the remaining requirement of the back payment of the estimated assessment for the MMD from the date of purchase in 2002.

**Thomas** asked how much time before the property owner will be current with the assessment. **Short** responded that this will be determined after the adoption of the resolution at the next City Council Meeting, adding that payment will be required prior to any development on the property.

**Motion** (Thomas/Miller): To close the Public Hearing. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest; Public Hearing closed at 6:18 p.m.

**Mayor Nicholls** returned to the dais.

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**Motion** (Knight/Shelton): That the public hearing for the 2018 Bikeways General Plan Amendment be continued to the March 6, 2019 Regular City Council Meeting. Voice vote: **approved** 7-0.

#### **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** (Thomas/Watts): To appoint Sharon Kramer and Tracy Felts to the Merit System Board with term expirations of December 31, 2020 and December 31, 2023 respectively. Voice vote: **approved** 7-0.

**Motion** (Watts/McClendon): To reappoint Emilia Cortez to the Library Board of Trustees with a term expiration of June 30, 2022. Voice vote: **approved** 7-0.

**Motion** (Miller/Thomas): To appoint Shara Merten to the Planning and Zoning Commission with a term expiration of December 31, 2023. Voice vote: **approved** 7-0.

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

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**Thomas** asked to have a presentation regarding the 2019-2020 Community Development Block Grant (CDBG) at the next City Council Worksession. **Wilkinson** stated that there will be a presentation by Rhonda Lee-James coming up at a future City Council Meeting, so the CDBG presentation can be incorporated into that.

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reported the following events:

- February 21-23 – 40<sup>th</sup> Anniversary Yuma Art Symposium
- February 22-23 – BBQ & Brew Festival
- February 23 – Main Street Water Plant Open House
- February 24 – Live Broadcast of Oscars at Yuma Art Center

**Mayor Nicholls** added that the third annual Day of Unity will be coming up on March 16, 2019 starting at 8:00 a.m. at Kennedy Park. The event will include neighborhood cleanup, painting over graffiti, and other issues throughout the neighborhood.

## VIII. CALL TO THE PUBLIC

**Harvey Campbell**, 4155 E. County 13 ½ Street, requested that City Council assure the public that the park on the east side of Yuma will be in the new Infrastructure Improvement Plan (IIP) because the existing IIP that was adopted by City Council in 2012 and amended in 2013 does not include the park.

**Wilkinson** noted that the proposed park on Yuma's east side is in the Capital Improvement Program and was in the original draft of the IIP, but was dropped. However, the City is looking at adding it back into the IIP along with some other projects at the public hearing that will be held on March 6, 2019.

## IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:38 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