

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS - YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**April 18, 2017**  
**6:00 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Regular City Council Worksession to order at 6:06 p.m.

Councilmembers Present: Shelton, Miller, Knight, Thomas, Craft, and Mayor Nicholls  
Councilmembers Absent: Wright  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Public Works Manager, Martin Agundez  
CIP Administrator, Czarina Gallegos  
Director of Parks & Recreation, Debbie Wendt  
Director of Public Works, Joel Olea  
Utilities Director, Jay Simonton  
Finance Director, Pat Wicks  
Principal Planner, Jennifer Albers  
Various department heads or their representatives  
City Attorney, Richard W. Files  
City Clerk, Lynda Bushong

**I. AMBERLY'S PLACE ANNUAL REPORT**

**Diane Umphress**, Executive Director of Amberly's Place, reported that during the period of February 1, 2016, through January 31, 2017, Amberly's Place provided services to 2,233 victims, approximately 976 victims were City of Yuma residents. The City provided funding of \$52,300 last year which allowed advocates to provide 4,324 hours of on-scene crisis services to City residents – not including the hundreds of victims who sought services and did not report to law enforcement – and provided nearly \$22,000 in food boxes, door locks, window replacements and other repairs, school supplies, clothing, emergency fuel and transportation, diapers, toiletries and other assistance. Additionally, the Amberly's Place Thrift Shoppe generates 10% of the annual budget and has a positive impact on services by providing furniture, housewares, and other items that cannot be stored at the advocacy center.

Amberly's Place works very closely with law enforcement agencies throughout the County including the Yuma Police Department (YPD). According to the National Children's Alliance every case that goes through an advocacy center saves a law enforcement agency \$1,000. Last year 368 law enforcement cases came through Amberly's Place, yielding a significant savings for those law enforcement agencies. The independent forensic interviewer provided by Amberly's Place conducted 23 interviews for the City and also reviewed an additional 70 interviews. In Maricopa County the independent forensic interviewer is paid \$360 for each interview, which would have been \$8,280 out of YPD's budget. Amberly's Place assisted with 17 death notifications, responds to unattended deaths not considered criminal in nature, and assisted families with the trauma of a completed suicide.

All new police officers are given a tour of Amberly's Place and provided with an overview of the services offered so they know who to contact for advocacy services once they are out in the field. In addition to the new officer orientations, Amberly's Place provided nine law enforcement trainings during Fiscal Year 2016-2017 which were paid for with funds provided by the State of Arizona. Amberly's Place is the only family advocacy center in Arizona in which the State has invested. Other trainings which were attended by thousands of teens and adults throughout the community include community outreach and bystander training as well as presentations on bullying, sexting, sexual assault, mandated reporting, and the signs and symptoms of abuse. Amberly's place also provided \$18,000 in funding for victim counseling which covers the first three counseling sessions while victim's compensation or insurance coverage may be pending.

**Thomas** asked if Amberly's Place receives calls from all of the cities throughout Yuma County. **Umphress** confirmed that they provide their services to the whole county and maintain offices in Yuma, San Luis, Somerton, and Wellton. **Thomas** asked if any of the other cities contribute funding to Amberly's Place. **Umphress** explained that while Yuma and San Luis provide direct funding, Yuma County pays the cost of the forensic medical exams that are provided at the center per statute. **Thomas** asked how many clients are referred to Safe House. **Umphress** stated that she did not know off hand, but could provide that information to City Council. **Shelton** thanked Umphress for the superb one-on-one support that Amberly's Place provides to the community.

## **II. 2017 MINI BEAUTIFICATION PROJECT**

**Agundez** introduced the members of the Clean and Beautiful Commission (Commission) – Chairperson Kim Hamersley, Vice Chair Joanne Mowczko, Linda Collins, Theresa Francesco, David Psolka, and Donand Strickland – and thanked them for their commitment to the City and programs that beautify the City.

**Hamersley** addressed City Council regarding two mini beautification projects that have been completed and a third that is in progress. The first project is an artist-commissioned cactus that has been installed across from Cibola High School at Avenue B and 20<sup>th</sup> Street. The second project, which was a partnership with San Luis High School's welding class, was a 'Welcome to Yuma' sign placed across from the Yuma International Airport at Pacific Avenue and 32<sup>nd</sup> Street. The third project, a partnership with Kofa High School's welding class which will be unveiled during Public Works Week in May, is currently under construction.

The Commission is excited to get more involved in community education, outreach, and recycling programs and has taken a greater interest in grant funding to subsidize programs of interest to the Commission. Other projects and efforts of the Commission include:

- Household Hazardous Waste
- Presentation of beautification and civic pride awards
- Assist with the removal and return of abandoned shopping carts
- Neighbors Helping Neighbors Program
- Adopt-A-Street Program

**Mayor Nicholls** thanked the Commission for their hard work and focus. **Thomas** asked who members of the community should contact to report abandoned shopping carts. **Hamersley** suggested that complaints be directed to the Public Works Department. **Thomas** asked who would be responsible to

contact a resident whose yard needs to be cleaned up. **Wilkinson** stated that it is a code enforcement issue that would be handled by Randy Crist and his team.

**Mayor Nicholls** complimented the project that was installed last year by the airport and expressed hope that this year's project will be similar. **Hamersley** explained that while last year's project was an open solicitation to all area high schools, Kofa High School was targeted for this year's project because of its proximity to the school. Kofa High School's welding class and their instructor submitted a great preliminary draft of the design and the Commission is excited to see the final project unveiled in May.

**Shelton** suggested reaching out to Gila Ridge High School's welding program to create a similar project for the 16<sup>th</sup> Street and 4<sup>th</sup> Avenue intersection. **Hamersley** explained that the Commission is working on designated gateway entrances into the City and will certainly put out a solicitation to the area high schools for whatever gateway will be addressed next.

### **III. CAPITAL IMPROVEMENT PLAN**

**Gallegos** presented an overview of the Capital Improvement Program (CIP) for 2018-2022 as follows:

#### **Program Development**

- July – December
  - Capital project status review
  - Evaluate project initiation
  - Capital project adoption
- January – March
  - Funding projection
  - Fund allocation
  - Capital program review
- April – June
  - Preliminary CIP is presented for inspection and review
  - City Council public hearing
  - Program adoption

#### **Fiscal Year 2018**

- Total of 49 projects with a capital budget of \$38,550,000
  - General Government – 2
  - Parks and Recreation – 3
  - Public Safety – 1
  - Stormwater Control – 4
  - Transportation – 19
  - Wastewater – 9
  - Water – 8
  - Yuma County National Heritage Area - 3

#### Funding Sources

- Bond
  - 2015 Excise Tax Revenue
  - Water Utility
- City Road Tax
- Development Fee
  - Parks and Recreation
  - Police
  - Fire
  - General Government
  - Transportation
- Grants
- Highway User Revenue Fund (HURF)
- Other-Proposed
- Two Percent Tax
- Wastewater Utility
- Water Utility

#### Projects continuing in Fiscal Year 2018

- Design process, design complete, planning, and/or actively searching for grants
  - Smucker Regional Retention Basin
  - 1<sup>st</sup> Avenue – 12<sup>th</sup> Street to 16<sup>th</sup> Street Paving
  - 1<sup>st</sup> Avenue – Orange Avenue to 9<sup>th</sup> Street Paving
  - 3<sup>rd</sup> Avenue and Orange Avenue – 8<sup>th</sup> to 14<sup>th</sup> Street, 3<sup>rd</sup> to 4<sup>th</sup> Avenue Paving
  - Gila Street – 1<sup>st</sup> Street to Giss Parkway Paving
  - Figueroa Avenue Water Pollution Control Facility (AWPCF) Electrical Upgrades
  - Systems Division Relocation
  - Yuma Multimodal Center
- Under construction
  - Pacific Avenue Athletic Complex (PAAC)
  - 46<sup>th</sup> Avenue Storm Drain
  - 22<sup>nd</sup> Street – 4<sup>th</sup> Avenue to Avenue A Paving
  - 40<sup>th</sup> Street Multiuse Path
  - 16<sup>th</sup> Street Water Tanks Exterior Recoat
  - Main Street Water Treatment Plant Filter System Upgrades
  - West Wetlands Lower Bench Completion

#### Fiscal Year 2018 New Projects

- Joe Henry Optimist Center Improvements
- Virginia Drive Retention Basin
- Pavement Preservation
- Streetlight LED System Retrofit
- Streetlight Structural Assessment and Replacement
- Xeriscape Conversion
- Figueroa AWPCF Annual System Overhaul

Fiscal Year 2017 Complete Projects

- Civic Center Sunset Terrace
- Sunset Terrace Storm Drain
- 1<sup>st</sup> Avenue – 24<sup>th</sup> Street to 26<sup>th</sup> Street Paving
- 16<sup>th</sup> Street and 4<sup>th</sup> Avenue Intersection Improvements
- 24<sup>th</sup> Street – Avenue B to Avenue C Paving
- West Main Canal Multiuse Path
- Figueroa AWPCF Barscreen Replacement

**Mayor Nicholls** declared a potential conflict of interest with regard to the Capital Improvement Program, turned the meeting over to Deputy Mayor Knight, and exited the room.

**Miller** declared a potential conflict of interest with regard to the 24<sup>th</sup> Street – Avenue B to Avenue C paving, the PAAC, 22<sup>nd</sup> Street – 4<sup>th</sup> Avenue to Avenue A paving, and the Fleet Services Maintenance Facility and exited the room.

**Thomas** asked if there might be space inside of the Fleet Services Maintenance Facility for the police storage facility anticipated in 2020. **Gallegos** stated that there would not be enough space at the Fleet Services Maintenance Facility location. **Thomas** noted that the public safety vehicles are scheduled to be replaced in 2021, but it is his understanding that they are in very poor condition. **Gallegos** explained that these vehicles will be replaced utilizing development fees. **Wilkinson** clarified that replacement vehicles are purchased every year as part of the regular budget. Regarding the police storage facility, **Wilkinson** stated that building is rather large as it will be used to store cars and will likely not fit where the new Fleet Services Maintenance Facility will be located. **Gallegos** further explained that one of the reasons that the police storage facility is scheduled so far out is because some of it will be paid out of Public Safety Tax and another portion out of Development Fees so there needs to be a sufficient fund balance to make such a large expenditure.

**Miller** returned to the dais.

**Thomas** asked if there is a targeted donation amount for the Stuart Vincent Wolfe Creative Playground. **Wendt** stated that the donations that were collected after the playground burned down were just over \$90,000. Between the CIP, current donations, and the donations that continue to be collected it is hoped that a portion will be built by late fall of 2017. There are four future components proposed to be built: a zip line, a water feature, an Americans with Disabilities Act accessible playground, and a climbing feature for older children. **Thomas** asked how the money budgeted for FY2018 will be used. **Gallegos** stated that it is set aside for permitting, surveying and any additional expenditures that may be required in the process.

**Shelton** asked what will be included in the expansions planned for the Historic Yuma Theater and the Municipal Court. **Gallegos** stated that the expansion at the Municipal Court will allow for the relocation of the City Prosecutor's Office which is currently housed in the old APS building that will be demolished to make room for the second phase of the Fleet Services Maintenance Facility. **Wendt** stated that the expansion at the Historic Yuma Theater will include a basement area, restrooms, green rooms, and expansion of the stage.

**Thomas** noted that the Joe Henry Optimist Center improvements are budgeted under FY 2018, but it was his understanding that it was going to be completed this fiscal year. **Gallegos** explained that while the City is looking at bidding that project this year, it will not be complete by the end of the year so a portion of it is being budgeted in FY2018.

**Shelton** questioned whether the streetlight LED retrofit should be postponed and those funds directed towards repaving roads. **Wilkinson** stated that the first phase of the project, which will be the initial swapping out of the high pressure sodium fixtures and bulbs with LED fixtures and bulbs, will save the City 60-70% on electricity costs. Additionally, since the LED bulbs last 10-12 years compared to three years for high pressure sodium, the City will reduce maintenance costs by 60%. The project will pay for itself in five years, and after ten years the City will have an additional \$3 million for repairing roads. There is an additional phase for the project that City Council will be briefed on sometime in the future.

**Knight** stated that he has received some complaints that 24<sup>th</sup> Street between Avenues B and C can become very crowded during busier times of day and asked if a traffic study can be done to see if moving up the widening of that road would be warranted. **Gallegos** stated that the CIP program is evaluated every year, and a traffic study can be completed to see if that project can be budgeted within the first 5-10 years.

**Miller** asked if there was a plan in place that ranks the condition of all of the City's roads and determines which roads will be addressed first. Significant slurry sealing and road maintenance has taken place, but the return on investment is minimal compared to putting that money instead into road replacement. **Wilkinson** stated that all roads have been cataloged and Engineering and Public Works are going through the roads to set a plan in place. Due to budget limitations the City will focus on arterials and collectors while residential areas will be limited to patching and slurry sealing. One reason that extra slurry sealing was completed this year was because the designs were not ready to start replacing the roads.

**Knight** asked if the asphalt replacement process that was used on Pacific Avenue from 32<sup>nd</sup> Street to 24<sup>th</sup> Street could be used on other roads as it is considerably faster and less expensive than the current process being used. **Olea** explained that the process, called cold in-place recycling, is not suitable for any extensive roadways where there are curves or in residential subdivisions where there may be a cul-de-sac. It is best used for major arterial roadways where the pavement is in relatively good condition.

**Thomas** asked if the 32<sup>nd</sup> Street – Avenue B to C paving project could be moved up because it is a well-used road. **Gallegos** stated that it could be looked into, but other projects would have to be moved back to accommodate it. **Thomas** stated that in that case it should be left as scheduled.

**Shelton** suggested that the money set aside for the Yuma Multimodal Center could be shifted to the Yuma Visitors Bureau especially considering that the PAAC is under construction and will need to be promoted. **Knight** pointed out that the City has only one more chance to get the TIGER (Transportation Investment Generating Economic Recovery) grant which could potentially provide millions of dollars for a small amount of matching funds. The funding of the Yuma Visitors Bureau will be addressed as part of the budget process, not the CIP.

**Mayor Nicholls** returned to the dais.

#### IV. REGULAR CITY COUNCIL MEETING AGENDA OF APRIL 19, 2017

Motion Consent Agenda Item B.3 – Bid Award: 24<sup>th</sup> Street Lift Station Replacement (award construction contract in the amount of \$965,800 to LPC Construction, Inc.) (Utilities)

**Craft** noted that the existing lift station will remain in service while the new lift station is being built and asked where it will be located. **Simonton** explained that it will be moved to a small piece of property purchased by the City that is located right behind the existing lift station. **Craft** pointed out that the winning bid is nearly half the amount of the next highest bid and questioned what would result in such a significant difference. **Simonton** stated that the second highest bid came from an out-of-town contractor that lacks an understanding of Yuma's soil conditions and put a lot of money into the dewatering operation. The winning bid is actually just slightly higher than the engineer's estimate.

**Thomas** asked if the funding shown on page 63 of the CIP for construction in 2018 is for the same project. **Simonton** stated that it is the same project and explained that a portion of the funding will come from the current fiscal year and the remainder will roll into the next fiscal year.

**Knight** asked what condition the remaining 24 wastewater lift stations are in. **Simonton** stated that an assessment was completed of all 25 lift stations a few years ago and they range in condition from comparable to the 24<sup>th</sup> Street lift station to brand-new. \$300,000 is being set aside in the CIP annually to address the remaining lift stations, with priority going to those in the worst condition.

**Thomas** asked if the \$300,000 per year is just for minor repairs. **Simonton** confirmed that most repairs will be minor. It is pretty rare that a full replacement is required like it is for the 24<sup>th</sup> Street lift station.

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Motion Consent Agenda Item B.5 – Cooperative Purchase Agreement: Transaction Privilege Sales and Use Tax Auditing Services (provided by Albert Holler & Associates for estimated initial cost of \$90,000 and \$60,000 for the following years) (Finance)

**Craft** asked what the expected return is on the City's investment of \$60,000 - \$90,000 per year for the audit services. **Wilkinson** stated that while it is difficult to say, it is his understanding that the City of Nogales saw a revenue increase of about \$2 million after the first year.

**Thomas** asked how many other cities within Arizona are pursuing their own audits. **Wilkinson** stated that several cities are doing their own audits. Only a few companies are certified through the Department of Revenue (DOR) as required by state law, which is one reason why it has taken so long for the City to get this coordinated. **Thomas** asked how long it will take for the results of the audit to be certified. **Wicks** explained that DOR will be responsible for scheduling the audits, and a report will be submitted after each individual audit is complete. He added that larger statewide and national firms are still being audited through DOR, and this effort will be focused on small to medium-sized businesses. **Thomas** expressed concern that DOR's outdated computer software will cause delays with the processing of the audits. **Wicks** stated that DOR just finished an update of all of their sales tax collection software so this should not be an issue. Additionally, Albert Haller worked for DOR for a number of years before starting his own firm so there should be no issues with getting the audits completed and having them become a regular process.

**Knicht** asked if there is a termination clause in the contract in the event that the City does not recover sufficient taxes to warrant the cost of the auditing services and inquired about the length of the contract. **Wicks** stated that there is a termination clause in the contract. The City is utilizing a contract through the City of Glendale which he believes will continue for two more years after the current year. At that point, the City can go out with a new Request for Proposal, find another contract to utilize, or wait to see if Glendale enters into another contract

**Mayor Nicholls** asked how enforcement will be handled if the City finds that any businesses are not in compliance with the tax laws. **Wicks** explained that City Council adopted a specific set of tax codes last summer which the City will use to handle the adjudication process with the assistance of the auditor.

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Adoption of Ordinance O2017-014 – Zoning Code Text Amendment: Sign Regulations (eliminate restrictions to signage based upon a sign's content)(DCD)

**Mayor Nicholls** voiced his concern regarding the inability of the City to regulate the content of signs. While free speech is an American right that he supports 100%, not being able to regulate signs and protect what is generally acceptable in our community opens the door for some real problems. **Files** noted that there will be a motion on the dais tomorrow night to continue the adoption of Ordinances O2017-013 and O2017-014 because they are both missing a section regarding penalties. **Thomas** asked the type and extent of penalties that will be put into place. **Files** explained that it is a standard penalty used across all of Chapter 154 of the Zoning Code, which he believes is a misdemeanor punishable by a certain fine. **Thomas** expressed his agreement with Mayor Nicholls regarding the danger of not being able to regulate signs and asked if there is nothing cities can do. **Files** stated that if a sign must be read to regulate it, it violates free speech and the precepts of a U.S Supreme Court case [Reed v. Town of Gilbert ]. **Mayor Nicholls** asked if images would also be considered free speech under that interpretation. **Files** stated that they would.

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Public Hearing – Annexation Area No. ANEX-16663-2017: Avenue B (annexation of property located at the northeast corner of 15<sup>th</sup> Street and Avenue B) (DCD)

**Thomas** asked if the five properties that make up the annexation area are on City infrastructure. **Albers** explained that the old El Papagallo site is connected to both City water and sewer and the remaining properties have access to City water, but there is no sewer line between Burger King and El Papagallo. **Thomas** asked if they are considering having a sewer line connected between those locations. **Albers** stated that any development that occurs on those properties would have to install a sewer line for their development.

**Mayor Nicholls** recessed the meeting at 7:42 p.m. The meeting reconvened at 7:53 p.m. with the above noted parties present.

## **V. FISCAL YEAR 2017-2018 BUDGET**

Summary of discussion and suggestions:

- A budget that would maintain rather than increase the current property tax levy would result in a decrease in revenue of \$248,161. (**Mayor Nicholls, Wilkinson and Miller**)



- The program cuts in Parks and Recreation have resulted in savings of \$25,000. (**Mayor Nicholls and Wendt**)
- The budget for Desert Hills Golf Course has been reduced by about \$104,000 through reductions including decreasing inventory and staffing at the pro shop. (**Thomas and Wendt**)
- The Citizen's Budget Committee will be available to present at the May 2, 2017, Regular Council Worksession. (**Thomas, Mayor Nicholls, Knight, Miller and Wilkinson**)
- Filling the vacant attorney position in the City Attorney's Office with an attorney rather than a paralegal will actually end up saving the City money on outside counsel. (**Knight and Files**)
- Allowing for a natural increase in the property tax levy will protect the City from falling behind due to the ever increasing cost of doing business. (**Mayor Nicholls and Thomas**)
- Care should be taken when considering cutting free Parks and Recreation programs because of their importance to low-income families who would otherwise be unable to participate. (**Thomas and Mayor Nicholls**)
- Multitudes of people have expressed their appreciation that Kennedy Pool will remain open, thanks largely to the businesses that stepped forward and donated funds. (**Shelton and Mayor Nicholls**)
- Some department budgets have increased significantly since last fiscal year and should be thoroughly reviewed to see if those increases are absolutely necessary. (**Miller and Wilkinson**)
- The \$50,000 increase to City Council's operating expenses is a result of membership dues required by the Greater Yuma Port Authority for the City to once again become a voting member. (**Wilkinson, Miller, Knight, Mayor Nicholls and Shelton**)
- The \$212,000 increase to the City Administration operating expenses last fiscal year was due to restructuring of the department. (**Miller and Wilkinson**)
- Delaying the LED streetlight retrofit would allow the City to use the \$3.2 million for pavement replacement and also take advantage of newer technology that may develop in the near future. (**Miller, Mayor Nicholls and Knight**)

## **VI. EXECUTIVE SESSION**

**Motion** (Knight/Thomas): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 8:40 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor