

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 7, 2017
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Councilmember **Jacob Miller** gave the invocation. **Ricky Rinehart**, Deputy City Administrator, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Wright, Miller, Knight, Thomas, Mayor Nicholls
Councilmembers Absent:	Craft
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Director of Parks & Recreation, Debbie Wendt Utilities Director, Jay Simonton Director of Finance, Pat Wicks 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

Pacific Avenue Athletic Complex update

Mayor Nicholls stated that the Parks & Recreation update on the Pacific Avenue Athletic Complex (PAAC), Desert Sun Stadium activities and The Patio at the Hills restaurant presentation took place at the Council Worksession on June 6th, 2017. If anyone would be interested on that presentation it is available on the City of Yuma website.

Recognition of donations by the Elks Club #476 and The Rock Church

Wendt presented Lonnie Klein, Exalted Ruler of the Elks Lodge #476 and Paul Mondragon from The Rock Church and thanked their organizations for their monetary contributions to be able to have free swim at Kennedy Pool. **Klein** presented a check in the amount of \$4,000 dollars and **Mondragon** in the amount of \$2,000 dollars to **Mayor Nicholls** and Ryan Mosqueda, Aquatics Supervisor. **Mayor Nicholls** expressed appreciation to both organizations for their contributions.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B. 2 Bid Award: 3rd Street Water Line Replacement – Award to the lowest responsible and responsive bidder for the construction of the 3rd Street Water Line Replacement in the amount of \$268,519.90 to: DPE Construction, Inc., Yuma, Arizona. (Utilities – Bid #2017-20000183)

Miller declared a conflict of interest and left the dais.

Motion (Knight/Thomas): To approve Motion Consent Agenda Item MC 2017-105. Voice vote: **approved** 5-0-1. **Miller** abstained due to conflict of interest.

Miller returned to the dais.

Motion (Knight/Thomas): To approve the Motion Consent Agenda with the exception of Item B.2 as recommended. Voice vote: **approved** 6-0.

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

Regular City Council Meeting	February 1, 2017
Regular City Council Meeting	February 15, 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. Pulled for separate consideration above.
3. Award to the lowest responsive and responsible bidder a one-year contract for sodium chlorite 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 \$109,000.00, as needed with the following company: Evoqua Water Technologies, LLC, Sarasota, Florida (Utilities – Bid #2017-20000197)
4. Authorize and direct the City Administrator to execute a Base Hospital Agreement with Yuma Regional Medical Center. (YFD)
5. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto). Excess Liability, Crime/Dishonesty, Underground Storage Tanks, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2017-18 in the total amount of \$905,180.40. (Atty)

II. RESOLUTION CONSENT AGENDA – There were no Resolutions scheduled.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

O2017-019 Real Property Purchase: 292 W. 13th Street and 1258 S. 2nd Avenue – Authorize the acquisition of approximately 128,910 square feet of vacant land located at 292 W. 13th Street and 1258 S. 2nd Avenue, a former Arizona Department of Transportation site, for future construction of Capital Improvement Program Project No. 0038-Water, Utility Systems Division Relocation. (Admin)

Wright asked for clarification on how the property will be utilized for the Utilities Department. **Simonton** responded that it is going to be used for the Utilities Administrative Office and equipment storage. **Wright** asked if the property would be purchased utilizing monies from the enterprise fund and if the City would be paying interest. **Wicks** confirmed the property purchase would come from the enterprise fund and there would be no tax money or long term debt. **Miller** asked why the City Funds shows \$215,000 and the budgeted amount on the staff report shows zero. **Wicks** responded that it was a budgeted item in the Capital Improvement Program and the staff report must contain a typo. **Miller** asked if it is necessary to purchase this land or if City owned land could be use. **Wilkinson** stated the City does own land approximately 4-5 miles to the east. However the problem is the location due to the expense of driving vehicles for maintenance back and forth.

Wright expressed his concern about using the City's budget and enterprise fund. He suggested it would be a better investment to renovate City Hall's third floor for Utilities' administrative staff and use the old fleet facility property to accommodate parking and storage of equipment. **Wilkinson** stated the old building is beyond its life and must be rebuilt. Another issue with putting Utility staff on the third floor is equipment they use, such as meters, tools and valves, would not be practical to move through the elevators. **Wright** asked if the City could build a new building at the old fleet facilities area without the purchase of a new property. **Wilkinson** explained the long-range plan is to re-purpose the old fleet facility property. This would create a campus for the City's infrastructure fleet services and keep everything in one place. Consolidating the area is beneficial to the City in regards to maintenance and refueling.

Motion (Knight/Thomas) to adopt Ordinance O2017-019 Real Property Purchase 292 W. 13th Street and 1258 S. 2nd Avenue.

Additional Discussion

Miller opined that because the City of Yuma already has land to the east, it would be a better idea to construct a facility there rather than purchase new land. He stated he does not agree there is a fuel/maintenance issue with traveling this short distance. **Mayor Nicholls** opined that it would be convenient to have Public Works and Engineering in one central campus. Traveling back and forth 4-5 miles would take away valuable work time for tasks at hand. Traveling back and forth will also add miles to vehicles and necessitation of replacement vehicles. He also noted that the City-owned property to the east is adjacent to the land purchased by Almark, and is currently in construction. **Wright** stated that the City should utilize the property we already have more efficiently. Doing this would save the enterprise funds and keep the property in case of a catastrophe, for example: the City's water system infrastructures. **Thomas** stated he believes purchasing this land will save the City money down the road and would also demonstrate a more proficient and efficient local government.

At the request of the Mayor, **Bushong** displayed the following title:

Ordinance O2017-019

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain real property, hereafter described, be acquired by the City of Yuma, by gift or purchase, in order to allow the necessary relocation and construction of a utilities facility (Acquisition of property located at 292 W. 13th Street and 1258 South 2nd Avenue to construct a new facility for the Utilities department) (Admin)

Roll Call Vote: **Adopted** 4-2 Miller and Wright voting No.

O2017-020 Real Property Purchase: A Portion of 150 West 28th Street – Authorize the acquisition of approximately 38,128 square feet of vacant land located at 150 W. 28th Street for the purpose of constructing a retention basin as part of Capital Improvement Program Project No. 0438-Storm1. (Admin)

In regards to the purchase of the property located at 150 West 28th Street, **Shelton** asked what impact will purchasing and utilizing the retention basin have on Palo Verde. **Simonton** stated that the intent of the purchase of the second parcel is for a retention basin to help one of the storm water issues that the City is having in that general area.

Motion (Knight/Thomas) to adopt the Ordinance Consent Agenda with the exception of Ordinance O2017-019.

At the request of the Mayor, **Bushong** displayed the following titles:

Ordinance O2017-018

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that fee title to certain right-of-way, hereafter described, be acquired by the City of Yuma, by gift for the reason that such property is required to improve future public roadway expansion and other public purposes as may be related thereto (Acquisition of right-of-way along Avenue D between Francis Street and 8th Street) (Utilities)

Ordinance O2017-020

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the purchase of certain real property, hereafter described, in order to allow the necessary construction of a retention basin (Acquisition of property located at 150 West 28th Street to construct a retention basin) (Admin)

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

IV. INTRODUCTION OF ORDINANCES

O2017-022 Zoning Code Text Amendment: Infill Overlay District (IO) – Amend Title 15, Chapter 154, Article 14 Overlay Zoning Districts to establish the Infill Overlay District (IO). (ZONE-17382-2017) (DCD/Planning)

Alex Molina, 835 S. 2nd Avenue, expressed appreciation for the Infill Incentive Plan. He gave City staff kudos on the excellent research implementing the draft. **Molina** stated he is the owner of a property near the vicinity of 7th Avenue and 3rd Street and the Infill Incentive Plan has assisted him on his plans for the property. **Molina** said he has been made aware of information he didn't know by attending pre-development meetings and has now been educated on the impact fees and costs of building at his property which he is very grateful for. He praised the City for the idea in the Infill Incentive Plan and looks forward to beautifying the downtown area.

At the request of the Mayor, **Bushong** displayed the following titles:

Ordinance O2017-021

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 General Commercial (B-2) District to the Low Density Residential (R-1-6) District and amending the zoning map to conform with the rezoning (Rezoning of property located at 653 and 661 South 5th Avenue from the General Commercial (B-2) District to the Low Density Residential (R-1-6 District) (DCD/Planning)

Ordinance O2017-022

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to the zoning regulations, providing for changes to the Zoning Code to identify an Overlay District related to infill development thereof (Amend the Yuma City Code to Establish the Infill Overlay District) (DCD/Planning)

V. PUBLIC HEARINGS

Motion (Knight/Shelton) to move that the public hearing for the Old Town South Subarea Revitalization Plan 2016 Implementation Strategy and adoption of Resolution R2017-010 be continued to the June 21, 2017 City Council Meeting. Voice Vote: **Approved** 6-0.

FINAL CALL

Mayor Nicholls made a final call or 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/Shelton): To reappoint Pat Riley Sr. to the Library Board of Trustees with a term expiration of June 30, 2020. Voice vote: **approved** 6-0.

Motion (Knight/Miller): To reappoint Diane Hansberger and Mark Pancrazi to the Industrial Development Authority with term expirations of June 22, 2023. Voice vote: **approved** 6-0.

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

Wright requested a report on Desert Hills Golf Course for solutions on reducing expenditures and increasing revenues be placed on a future agenda for discussion. **Wilkinson** stated there is a new business plan which will be presented to Council and will take place in an upcoming City Council Meeting.

Wright requested to have the City Administrator's contract on a future agenda for Council discussion. **Mayor Nicholls** stated Mr. Wilkinson's Contract is active for 2 years. **Files** added, traditionally the contract is between City Council the City Administrator. That contract is not binding on future councils which is why every 2 years there has to be a renewal of the contract. It is essentially when the new City Council is seated that the contract comes back for a vote.

Motion (Wright/Miller) to place the vote by Council on the current contract that is in place on the next scheduled meeting.

Discussion

Mayor Nicholls questioned if Council could schedule a vote on a contract that has already been approved. **Files** stated he would address the question at the next scheduled City Council Meeting to provide time to check whether it has already been approved and Council could bring the vote back at that time.

Shelton suggested the motion be revised – **Wright** agreed

Motion (Shelton/Wright) to place on the agenda discussion the process for examining the City Administrator's contract.

Mayor Nicholls re-stated that **Files** would address the City Administrator's contract at the next scheduled City Council Meeting.

Councilmember Shelton and Wright both rescinded their motion and 2nd.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- June 10th – Family Fish Fiesta at West Wetlands
- June 10th – Swap Meet at the Civic Center
- June 16th – City Summer Washoe's and Corn hole Tournament at the Civic Center

VIII. CALL TO THE PUBLIC

Norma Nelson, 1734 Camino Cerro, President of the NAACP, invited the community to the upcoming Juneteenth event on Saturday June 17th. The event will take place on Main Street from 6:00 p.m. to 11:00 p.m.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:38 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor