

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 5, 2018
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Don Vickers, Morningside Baptist Church gave the invocation. **Ron Corbin**, Deputy City Administrator 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
Various Department Heads or their representative
City Attorney, Richard 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 for agenda related items.

PRESENTATIONS

Request for Annexation-Mesa Del Sol Homeowners Association

Angie Mitchell, 10742 S. Del Rio in Mesa Del Sol, speaking for the Mesa Del Sol Property Owners Association, requested City Council look at the costs and benefits of moving forward with an annexation of the Mesa Del Sol subdivision. This request is due to the residents having issues and complaints being reported to the Property Owners' Association Board regarding Far West Water & Sewer.

Discussion

Shelton asked if an outreach has been done to inform the general public. **Mitchell** explained that a presentation has been scheduled for the annual meeting in February. However, discussion have been taking place on Nextdoor, a social network platform for neighborhood communities.

Mayor Nicholls clarified that Farwest Water & Sewer is a separate entity and not affiliated with the County [annexation]. Although the issues may run parallel, they are likely to be handled separately. **Wilkinson** added that City staff have spoken with the Property Owners Board representatives a couple times and provided a draft pamphlet outlining some annexation information. The representatives provided their input and staff is in the process of incorporating that information. **Mayor Nicholls** noted the brochure should be a good basis for residents to see whether the annexation is what they want.

Motion: (Thomas/Knight): To recess into Executive Session at 5:36 p.m. Voice vote: **approved** 7-0.

Mayor Nicholls reconvened the City Council meeting at 5:48 p.m. with the above-noted parties present.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.3 – Job Order Contract: Transportation Facilities, Pathways and Pavement (Authorize the City Administrator to execute a three-year Job Order Contract (JOC) for Transportation Facilities, Pathways and Pavement, with the option to renew for two additional one-year periods to the following contractors: Cactus Asphalt, Tolleson, Arizona; Cemex Materials South, LLC, Yuma, Arizona; DPE Construction, Inc., Yuma, Arizona; Sunland Asphalt, Phoenix, Arizona and SWP Contracting & Paving, Yuma, Arizona)(RFP #2019-20000036) (Eng)

Mayor Nicholls declared a conflict of interest with regard to Motion Consent Agenda Item B.3, turned the meeting over to Deputy Mayor Knight and left the dais.

Miller declared a conflict of interest with regard to Motion Consent Agenda Item B.3 and left the dais.

Motion (Shelton/McClendon): To approve Motion Consent Agenda Item B.3 as recommended. Voice vote: **approved** 5-0-2, **Mayor Nicholls** and **Miller** abstaining due to conflict of interest.

Mayor Nicholls and **Miller** returned to the dais.

Motion (Thomas/Knight): To approve the Motion Consent Agenda as recommended with the exception of Item B.3. Voice vote: **approved** 7-0.

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

Council Citizen’s Forum	September 4, 2018
Regular Council Meeting	September 5, 2018
Regular Council Meeting	October 3, 2018
Council Citizen’s Forum	November 20, 2018

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 new Series #11 Hotel/Motel Liquor License application submitted by Ryan Witner Anderson, agent for Best Western Yuma Mall located at 1450 S. Castle Dome Avenue (LL18-14) (Admin)
3. Pulled for separate consideration; see above.
4. Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations – Phoenix for use of the City of Yuma’s Public Safety Training Facility (YPD)
5. Authorize the City Administrator to execute an IGA with the Yuma County Airport Authority, Inc., (YCCA) to enable YCAA to use the City right-of-way immediately adjacent to the airport for the installation of public art and airport signage (Admin)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s) at the request of the Mayor:

Resolution R2018-042

A resolution of the City Council of the City of Yuma, Arizona, declaring as public records those certain documents filed with the City Clerk and titled, Chapter 191, Industrial Wastes and Other Wastewater Discharges (update the Yuma City Code to meet Arizona Department of Environmental Quality & Environmental Protection Agency requirements) (Utl)

Resolution R2018-043

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 Park West Unit No. 4 Subdivision (upon the execution and recording of a deferral agreement and payment of a \$500.00 deferral fee) (Eng)

Resolution R2018-044

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 Desert Sky Unit No. 1 Subdivision (upon the execution and recording of a deferral agreement and payment of a \$500.00 deferral fee) (Eng)

Resolution R2018-045

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 Desert Oasis Unit No. 3 Subdivision (upon the execution and recording of a deferral agreement and payment of a \$500.00 deferral fee) (Eng)

Resolution R2018-046

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 851 S. Avenue C (28,000 square feet of property that currently contains one single family home) (DCD)

Resolution R2018-047

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of an Addendum to the Real Property Exchange and Development Agreement with Southgate Mall, LLC (applicant seeks to develop a drive-through restaurant with retail space) (Admin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title(s) at the request of the Mayor:

Ordinance O2018-049

An ordinance of the City Council of the City of Yuma, Arizona, amending certain errors in the legal descriptions of ordinance NO. O2018-042 (Correction of scrivener's error in the legal description on Ordinance O2018-042 for 1,836 square feet of right-of-way at 2505 W. 28th Street) (Atty)

Ordinance O2018-050

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 150, Sections 150-015 and 150-016, adopting by reference the 2018 International Building Code, including Appendices C, I, and J, and the amendments recommended by the Building Advisory Board dated May 16, 2018, and providing a penalty for violations thereof (Adopt 2018 International Building Code, including Appendices C, I and J, and Amendments Dated May 16, 2018) (DCD)

Ordinance O2018-051

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 150, Sections 150-180 and 150-181, adopting by reference the 2018 International Residential Code for one-and two-family dwellings, including appendices G, H, J, K, O, P, Q, and S, and the amendments recommended by the Residential Advisory Board dated June 5, 2018, and providing a penalty for violations thereof (Adopt 2018 International Residential Code, including Appendices G,H,J,K,O,P,Q, and S, and Amendments Dated June 5, 2018) (DCD)

Ordinance O2018-052

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 150, Sections 150-170 and 150-171, adopting by reference the 2018 International Existing Building Code, including appendix A, and the amendments recommended by the Building Advisory Board dated May 16, 2018, and providing a penalty for violations thereof (Adopt 2018 International Existing Building Code, including Appendix A, and Amendments Dated May 16, 2018) (DCD)

Ordinance O2018-053

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 150, Sections 150-090 and 150-191, adopting by reference the 2018 International Property Maintenance Code, including appendix A, and the amendments recommended by the Residential Advisory Board dated June 5, 2018 and providing a penalty for violations thereof (Adopt 2018 International Property Maintenance Code, including Appendix A, and Amendments Dated June 5, 2018) (DCD)

Ordinance O2018-054

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15 of the Yuma City Code, Chapter 150, Sections 150-18 and 150-19, adopting by reference the 2018 International Swimming Pool and Spa Code, and amendments recommended by the Residential Advisory Board dated June 19, 2018 and providing a penalty for violations thereof (Adopt the 2018 Swimming Pool and Spa Code and Amendments Dated June 19, 2018) (DCD)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s) at the request of the Mayor:

Ordinance O2018-055

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13 of the Yuma City Code, Chapter 131, adopting by reference NFPA 1 Fire Code 2018, including Annexes A, B, D, and G, and the Amendments recommended by the Building Advisory Board dated August 22, 2018 and providing a penalty for violations thereof (Adopt the NFPA 1 Fire Code 2018, including Annexes A, B, D, and G and amendments dated August 22, 2018) (YFD)

FINAL CALL

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointment:

Motion (Shelton/Watts): To reappoint Tom Rushin to the Design and Historic Review Commission with a term expiration of December 31, 2023. Voice vote: **approved** 7-0.

Announcements:

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

Scheduling:

Motion (Thomas/Knight): To schedule a Special City Council Meeting for January 23, 2019 at 12 noon, for the purpose of holding a public hearing on the Infrastructure Improvement Plan and Land Use Assumptions. Voice vote: **approved** 7-0.

VI. SUMMARY OF CURRENT EVENTS

Wilkinson reported on the following upcoming events:

- December 6th - 8:00 a.m.-1:30 p.m. 2018 Sports Turf, Tree, & Landscape Expo at the Yuma Civic Center
- December 6th - 7:00 p.m. Thursdays at the Theater on Downtown Main Street Movie: Dark Valley
- December 11th - 7:00 p.m. Blue Christmas Concert King of Rock & Roll with Elvis Presley
- December 14th - 6:00 p.m. Sunniest Place on Earth Gallery Opening
- December 15th - 6:30 a.m. Yuma Orchestra Association presenting A Spirit of Christmas

VII. CALL TO THE PUBLIC

Jeff Weeks, 10337 S Fairway Drive, spoke regarding his concerns with the proposed annexation of Mesa Del Sol, stating he is opposed in principal to the annexation due to the problems with Far West Water &

Sewer. He mentioned the damaged infrastructure in the foothills that the City would be responsible to fix, which would be more than the tax increase can cover.

Kianna Barrera, 4446 W. Charro Lane, student and member of Cibola High School's Mock Trial Club, requested tax credit donations to help the students in her club compete in regionals. The Mock Trial Club allows students to gain knowledge of the judicial system through imitation of actual court. It costs \$900.00 to send each of the five teams to regionals, and the students have raised all but \$1,300.

Susan Smith, 1500 S. 1st Avenue, resident and employee of the City of Yuma, spoke to City Council on the disturbing association between the Yuma Police Department Step Pay Plan, issues surrounding the Pacific Avenue Athletic Complex (PAAC), and Development Fees. She expressed her concern for the critical shortage of sworn Police Officers and beseeched City Council to not allow the claims of outside influences alter their focus and commitment to the security and safety of the Yuma Community.

Henry Valenzuela, 2000 W. County Lane, asked City Council to schedule a public hearing on the issues of the staff retention crisis at the Yuma Police Department, victim's advocacy and victims' rights, as well as financial transparency at the City.

Will Katz, wkatz25@yahoo.com, suggested that City Council may have had their trust breached and may be relying on inaccurate information. He objected to Mayor Nicholls' summary regarding the Port of Entry, given that he owns a private engineering firm. **Mayor Nicholls** responded that he has no open contracts related to the Port of Entry at this time.

EXECUTIVE SESSION/ADJOURN

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:24 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor