

**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 21, 2017**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:31 p.m.

**INVOCATION/PLEDGE**

**Pastor Rick Seltzer**, Grace Bible Fellowship, gave the invocation. **Chief John Lekan**, Yuma Police Department, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

|                         |   |
|-------------------------|---|
| Councilmembers Present: | Shelton, Wright, Miller, Knight, Thomas, Craft, and Mayor Nicholls  |
| Councilmembers Absent:  | None  |
| Staffmembers Present:   | City Administrator, Gregory K. Wilkinson<br>Various Department Heads or their representative<br>City Attorney, Richard W. Files<br>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**

Recognition of donation from Yuma Association of Realtors

**Mike Porter**, 2017 President of the Yuma Association of Realtors (YAR), thanked the City and the Yuma Region Bicycle Coalition for partnering with YAR on this project. Ten signs have been installed along Yuma's linear parks which indicate the direction and distance to various locations along those paths. He also recognized the National Association of Realtors for providing the grant funds for this project and Quail Corporation for producing and installing the signs. **Mayor Nicholls** stated that this is a unique project that will add to the quality of life in Yuma and expressed appreciation for YAR and all of the partners involved with the project.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.3 – Request for Qualifications (RFQ): Professional Engineering Consultant Services on a Delivery Order Basis (authorize negotiation and execution of a one-year contract with the option to renew for four additional one-year periods for Professional Engineering Consultant Services to: Arcadis U.S. Inc; Ayres Associates; Carollo Engineers, Inc.; Core Engineering Group,

PLLC; Dahl, Robins & Associates; James Davey and Associates; Kimley-Horn; Nicklaus Engineering, Inc.; Sunrise Engineering; Y.S. Mantri & Asociation) (Eng – RFQ #2017-20000133)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item B.3, turned the meeting over to Deputy Mayor Knight, and exited the room.

**Wright** opined that it is inappropriate for elected officials to be involved in this process and to work on Capital Improvement Program projects for the City and stated that he will be voting no on this item.

**Thomas** asked what part of the process **Wright** is referring to. **Wright** pointed out that the staff report states the City Administrator is to negotiate and execute the contract, and it is inappropriate when an elected official gets together with the City Administrator to execute a contract and that conversation is out of view of City Council. **Wilkinson** clarified that he has had no conversations with Mayor Nicholls regarding this contract, nor did he know who had bid on the contract or who evaluated the bids that were submitted. The salaries for Mayor and City Council are minimal, so it is important to allow business owners who may be elected to City Council to continue to compete for City projects. Precluding anyone on City Council from doing business with the City would also interfere with the diversity of City Council.

**Motion** (Thomas/Craft): To approve Motion Consent Agenda Item B.3 as recommended. Voice vote: **approved** 5-1-1, **Wright** voting nay and Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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**Motion** (Knight/Craft): 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 meeting(s):

|                             |                  |
|-----------------------------|------------------|
| Regular Council Meeting     | October 19, 2016 |
| Regular Council Worksession | December 6, 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 Atty)
2. Approve a Series #6 Bar Person/Location Transfer Liquor License Application submitted by Brandon Reynolds, agent for Whiskey Road Saloon located at 3780 S. 4<sup>th</sup> Avenue (LL17-04) (Admin/Clerk)
3. Pulled for separate consideration; see above
4. Award to the lowest responsive and responsible bidder a one-year contract for Residential Commercial Solid Waste Collection and Roll Off Service 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 \$228,578.00 as needed with the following company:  
C & D Disposal, Yuma, Arizona (Public Works – Bid #2017-20000100)

5. Award to the lowest responsible and responsive bidder for the renovation of the Joe Henry Optimist Center in the amount of \$161,625.20 to: Taylor Engineering, PLLC Yuma, Arizona (Eng/Parks – Bid #2017-20000079)
6. Authorize the City Administrator to execute an agreement with the Western Arizona Council of Governments in the amount of \$50,000 for FY2017-18 to provide assistance to qualified City utility customers (Utilities)
7. Approve an Intergovernmental Agreement (IGA) with Yuma County for the reconstruction and widening of a portion of County 8<sup>th</sup> Street between Avenue C east of Avenue D to a five-lane roadway with curb, gutter, sidewalk, street lights, stormwater improvements and detention basins (Utilities)
8. Authorize the retirement and transfer of a Yuma Police Department canine to the canine's assigned handler (Police/Admin)
9. Authorize and direct the City Administrator to execute an agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the operation and maintenance of the Yuma Territorial Prison State Historic Park for up to five years and to provide performance standards for YCNHAC (YCNHA)
10. Authorize and direct the City Administrator to execute an agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the operation and maintenance of the Colorado River State Historic Park (Colorado River Park); to provide funding in support of park operations and maintenance in the amount of \$150,000.00 each fiscal year for up to the next five fiscal years; and to provide performance standards (YCNHA)

## II. RESOLUTION CONSENT AGENDA

Resolution Consent Agenda R2017-011 – General Plan Amendment: 2017 Redevelopment Element Update (approve an amendment to the City of Yuma 2012 General Plan, Chapter 6 – Redevelopment Element) (DCD)

**Motion** (Craft/Thomas): To continue Resolution R2017-011, the General Plan Amendment of the 2017 Redevelopment Element Update, to the August 2, 2017, Regular City Council Meeting so that a public hearing can be scheduled. Voice vote: **approved** 7-0.

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Resolution Consent Agenda R2017-012 – Public Record Declaration: Landscape Regulations (declare the Landscape Regulations a public record and order its filing in the Office of the City Clerk) (DCD)

**Motion** (Knight/Craft): To continue Resolution R2017-012, the Public Record Declaration of the Landscape Regulations, to the July 19, 2017, Regular City Council Meeting to make additional changes that were recommended through public meetings and City Council discussion. Voice vote: **approved** 7-0.

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Resolution Consent Agenda R2017-014 - Designation of Infill Overlay (Incentive) District and Adoption of Infill Incentive Plan (designate a described area as an Infill Overlay (Incentive) District subject to the Infill Overlay District zoning code text amendment (ZONE-17382-2017) and adopt an Infill Incentive Plan (DCD/Community Planning)

**Motion** (Thomas/Knight): To amend Resolution R2017-014, Designation of Infill Overlay (Incentive) District and Adoption of Infill Incentive Plan, to correct the last sentence on page 22 of the Infill Incentive Plan, Section 10, Utility Fee Waivers, to read:

*"At the direction of City Council, this plan recommends a shift in that policy to allow City-owned properties in the IO to benefit from such utility credits."*

Voice vote: **approved** 7-0.

**Motion** (Knight /Craft): To adopt the Resolution Consent Agenda, with the exception of Resolution R2017-011 and Resolution R2017-012, as amended.

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

**Resolution R2017-013**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of a second amendment to the Intergovernmental Agreement with the State of Arizona for the construction of capacity improvements along Avenue 3E between Interstate 8 and U.S. Highway 95 and pavement rehabilitation along U.S. Highway 95 between Avenue 3E and Araby Road** (to permit the City to provide inspection services and set forth the terms and conditions regarding the services) (Admin/CIP)

**Resolution R2017-014**

**A resolution of the City Council of the City of Yuma, Arizona, finding the existence of statutory criteria supporting the creation of an Infill Overlay District, designating an Infill Overlay (Incentive) District, and adopting an Infill Incentive Plan** (designate a described area as an Infill Overlay (Incentive) District subject to the Infill Overlay District zoning code text amendment (ZONE-17382-2017) and adopt an Infill Incentive Plan (DCD/Community Planning)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

At Mayor Nicholl's request, **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 (rezone approximately 0.32 acres located at 653 and 661 S. 5<sup>th</sup> Avenue) (ZONE-17190-2017 (DCD/Community 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 zoning regulations, providing for changes to the zoning code to identify an Overlay District related to Infill Development thereof (amend Title 15, Chapter 154, Article 14 Overlay Zoning Districts to establish the Infill Overlay District (IO)) (ZONE-17382-2017 (DCD/Community Planning)**

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

**IV. INTRODUCTION OF ORDINANCES**

Introduction of Ordinances Consent Agenda O2017-024 – Zoning Code Text Amendment: Landscape Regulations (amend the City of Yuma Zoning Code, Title 15, Chapter 154, Article 20 – Landscape Regulations and Article 01.07 – Definitions) (ZONE-17535-2017) (DCD/Community Planning)

**Motion** (Craft/Thomas): To continue Ordinance O2017-024, the Zoning Code Text Amendment for Landscape Regulations, to the July 19, 2017, Regular City Council Meeting to make additional changes that were recommended through public meetings and City Council discussions. Voice vote: **approved** 7-0.

**Bushong** displayed the following title:

**Ordinance O2017-023**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 211 of the Yuma City Code, as amended, relating to Truck Routes and Traffic, and providing penalties for violations thereof (amend Title 21 Streets and Traffic Code, Chapter 211, Sections 21 and 22, to update the listing of Truck Routes within the City of Yuma) (DCD/Community Planning)**

**V. PUBLIC HEARING AND RELATED ITEMS**

Public Hearing on R2017-010 – Public Hearing: Old Town South Subarea Revitalization Plan 2016 Implementation Strategy (hold the public hearing on and approve the City of Yuma Old Town South Subarea Revitalization Plan 2016 Implementation Strategy) (Admin/YCNHA)

**Motion** (Knight/Shelton): To continue the Public Hearing and adoption of Resolution R2017-010 for the Old Town South Subarea Revitalization Plan 2016 Implementation Strategy to the July 19, 2017, Regular

City Council Meeting to allow for further community involvement and discussions by local colleges and universities. 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** (Knight/Thomas): To reappoint John Jackson II to the Community Tree Board with a term expiration of December 31, 2021. Voice vote: **approved** 7-0.

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

**Motion** (Wright): To place the City Administrator's contract on the next City Council Meeting agenda to be voted on by City Council.

**Mayor Nicholls** asked if Wilkinson's contract was currently valid. **Files** stated that his contract was approved in January of 2016, when the new City Council took its seat. **Mayor Nicholls** asked if such a motion could be made according to Robert's Rules of Order. **Files** explained that a motion to reconsider can be made, but it must be done while the body is still sitting and must be made by someone on the prevailing side. **Mayor Nicholls** stated that Wright's motion failed due to a lack of second.

**Wilkinson** explained that some unused Arizona Department of Transportation (ADOT) funds are available to repave an additional section of Giss Parkway from Castle Dome Road to the point where ADOT is ending their current paving project. He stated that a Special City Council Meeting will be scheduled next week to approve the contract.

## VII. SUMMARY OF CURRENT EVENTS

**Wilkinson** noted that Yuma was featured in *Elevate Arizona*, a quarterly magazine published by National Bank of Arizona. The article, entitled "A River Runs Through It", highlights Yuma and discusses economic development, the City's fantastic Parks and Recreation programs, and the eclectic offerings of the historic downtown area.

**Wilkinson** reported the following upcoming events:

- June 23<sup>rd</sup> – City Surplus Property Auction
- July 4<sup>th</sup> – All American BBQ & Fireworks Spectacular
- July 8<sup>th</sup> – Full Moon Kayaking Trip
- July 15<sup>th</sup> – Indoor Swap Meet

**Wilkinson** stated that the City's marketing team met with the Yuma Visitors Bureau (YVB), and all parties are happy with the resulting contract. The City has agreed to pay YVB the first month's payment without the contract in place, which will be finalized at the last meeting in July. Additionally, a meeting was held with a small group of developers regarding the City's Development Fee. Another meeting will be held at the beginning of August, and the group of developers will probably expand by a few.

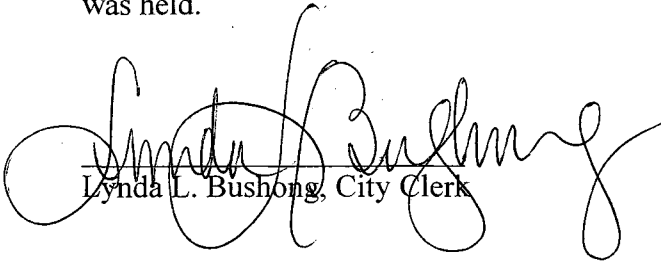
**Wilkinson** announced that Ricky Rinehart, the Deputy City Administrator, is retiring from the City to work for the Yuma Community Food Bank and tonight is his last meeting. Rinehart has been instrumental in many economic development projects as well as the rebuilding of the Stewart Vincent Wolfe Creative Playground. **Mayor Nicholls** thanked Rinehart for his commitment to the City.

#### VIII. CALL TO THE PUBLIC

**Eva Mendez-Counts**, 1090 E. 32<sup>nd</sup> Street, Executive Director of Catholic Community Services, provided City Council with a brief overview of Safe House, the only domestic violence shelter in Yuma County. She explained that Safe House staff sit on several boards throughout the community to which they provide statistical information and answer any questions that may arise. However, it is difficult for the board members to obtain a true understanding of the Safe House program through those board meetings alone. She extended an invitation to Shelton to tour the program with a representative from the Advisory Board and Safe House staff to answer any questions that he may have. **Mayor Nicholls** clarified that Shelton is City Council's representative on the Western Arizona Council of Governments Yuma County Advisory Board, which is why he specifically has been invited to tour Safe House, but added that any Councilmembers interested in attending the tour would certainly also be welcome.

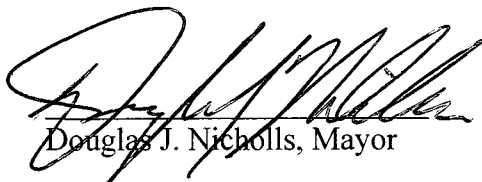
#### IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:25 p.m. No Executive Session was held.

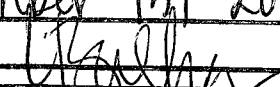


Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

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| Approved at the City Council Meeting of:   |
| November 15, 2017  |
| City Clerk:  |