

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JANUARY 6, 2016
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Edward Thomas, Deputy Mayor gave the invocation. **Ricky Rinehart**, Deputy City Administrator led the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Craft, Knight, Miller, Shelton, Thomas, Wright, and Mayor Nicholls
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Various Department Heads or their representative
City Attorney, Steven W. Moore
City Clerk, Lynda L. Bushong

FINAL CALL - AGENDA ITEMS

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in addressing scheduled items on tonight's agenda.

PRESENTATIONS - No presentations scheduled at this time.

I. MOTION CONSENT AGENDA

B.6 Liquor License: Vintage Social Club - Approve a Person Transfer, Series #6 Bar, Liquor License application submitted by Andrew F. Constanza, agent for Vintage Social Club located at 1891-A South Pacific Avenue, Yuma, Arizona. (LL15-23)

Motion (Knight/Craft): Move that the address stated on the Request for Council Action of Agenda item B.6, a Liquor License for the Vintage Social Club, be corrected from 1891-A South Pacific Avenue to 2891-A South Pacific Avenue, as stated on the application. Voice Vote: **approved** 7-0.

B. 13 Agreement: City Administrator - Authorize extension of an agreement and terms of employment with Gregory K. Wilkinson to serve as City Administrator for the City of Yuma.

Wright declared that at a mandatory meeting on August 13, 2015, the Attorney General's Office representative stated new Councilmembers had access to Executive Session minutes under Arizona law. Further stating that Arizona law 7.8.4 [Arizona Agency Handbook] says the following in regards to confidentiality of Executive Session Minutes:

The minutes of an Executive Session and all discussions that take place in Executive Session are confidential and may not be disclosed to anyone except that they may be disclosed to the following people: any member of the public body that meets in Executive Session and members who did not attend the Executive Session.

That pertains to the new members that have been elected to City Council. Out of fairness to all of the Councilmembers, our City Administrator's performance should be disclosed to all members so that we can objectively vote for this contract.

Mayor Nicholls affirmed that the new councilmembers have not requested that information and that the contract and evaluation are not necessarily tied explicitly together.

Knight stated that the Councilmembers received this agenda at the same time. If there is something on the agenda that a Councilmember has questions on, they need to request the information before the meeting so they can make an informed decision.

Wilkinson clarified that there is an existing law which does allow Councilmembers to access information from Executive Session minutes if they need the information to make a decision. However, it does not state the minutes can be perused through without reason.

Moore confirmed that the Councilmembers have the ability to go back and review Executive Session minutes and the support documents included as part of the Executive Session minutes.

Shelton thanked Councilman Wright for his consideration, but stated that he was not worried about reviewing the previous documents at this time. He understands that he will have the opportunity to give his input on an evaluation of the City Administrator later this year and he is okay with that.

Moving on, **Wright** noted that he has concerns about the 7% deferred compensation being in addition to the \$146,000 salary. **Nicholls** stated that Deferred Compensation provided by the employer is always above salary. The only difference from last year's contract is that we increased it 1%; from 6% to 7%.

Wright commented that staff received salary increases on July 1st. At the same time Mr. Wilkinson's contract went from \$136,000 to \$140,000, based on the same increase. If this contract is approved he will have received two increases in the 2015 budget year. **Nicholls** stated that is not correct. We set the contract last year, which changed the salary for Mr. Wilkinson. When the adjustments were made at the beginning of the year, Mr. Wilkinson's contract was already set. We did not amend or change his contract.

Wilkinson stated it is appropriate for leadership to take care of the employees first and this has been his first priority every year. Each time his agreement comes up for review, he asked for the appropriate compensation to match the employees. In January of 2015 his contract was adjusted by the same level. The increase negotiated for this contract is 1%, which again is the same as what was given to the employees on July 1, 2015.

Motion (Knight/Craft): To approve Motion Consent item B.13 Agreement with the City Administrator.
Roll Call Vote: **approved** 6-1 Wright Voting Nay

Motion (Knight/Thomas): To approve the motion consent agenda as recommended with the exception of item B.13. Voice Vote: **approved** 7-0.

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

Regular Council Meeting	July 1, 2015
Regular Worksession	August 4, 2015
Regular Council Meeting	August 5, 2015
Regular Worksession	September 1, 2015

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). (Attny)
2. Approve a Class A Bingo License application submitted by James Niquette on behalf of the Yuma Mesa RV Park located at 5990 East 32nd Street. (BL15-01) (Admin/Clerk) (Lynda L. Bushong)
3. Approve a Special Event Liquor License application submitted by Alanna Joy Wilkinson on behalf of Southwest Performing Arts Foundation for Dancing with the Yuma Stars. The event will be held at the Gowan Building located at 370 Main Street on Saturday, February 6, 2016 from 5:00 p.m. to 12:00 a.m. (SP15-60) (Admin/Clerk) (Lynda L. Bushong)
4. Approve a Special Event Liquor License application submitted by Yanna L. Kruse on behalf of the Yuma County Historical Society for the Redondo Days Dinner & Auction. The event will be held at the Sanguinetti House Museum located at 240 South Madison Avenue on Saturday, February 6, 2016 from 3:00 p.m. to 12:00 a.m. (SP15-61) (Admin/Clerk) (Lynda L. Bushong)
5. Approve a New Series #10 Beer and Wine Store, Liquor License application submitted by Randy Nations, agent for Farley's Market located at 1110 South Castle Dome Avenue, Yuma Arizona.(LL15-22) (Admin/Clerk) (Lynda L. Bushong)
6. Approve a Person Transfer, Series #6 Bar, Liquor License application submitted by Andrew F. Constanza agent for Vintage Social Club located at 1891-A South Pacific Avenue, Yuma, Arizona. (LL-15-23) (Admin/Clerk) (Lynda L. Bushong)
7. Approve an Interim Permit and New Series #12 Restaurant, Liquor License application submitted by Thomas Robert Aguilera, agent for Wingstop located at 290 West 32nd Street, Yuma, Arizona. (LL15-24) (Admin/Clerk) (Lynda L. Bushong)
8. Approve a Person/Location Transfer Series #6 Bar, Liquor License application submitted by Carrol Yvonne Peach, agent for Yuma Landing Restaurant Bar & Grill located at 195 South 4th Avenue, Yuma, Arizona. (LL15-25) (Admin/Clerk) (Lynda L. Bushong)

9. Authorize the purchase of Lighting Materials for the Sanguinetti Athletic Fields, utilizing the National Joint Powers Alliance (NJPA) cooperative purchase agreement at an estimated amount of \$254,944.77 to: Musco Sports Lighting, LLC, Avondale Arizona. (P & Rec – Bid #2016-20000114) (Deborah Wendt/Robin Wilson)
10. Authorize the City Administrator to execute a contract for False Alarm Management Services to Public Safety Corporation, Waldorf, MD. (YPD – RFP #2016-20000061) (John Lekan/Robin Wilson)
11. Authorize the City Administrator, or his designee, to execute the grant agreement and accept monies received under the City of Tucson HIDTA grant program to support the YPD Officer assigned to the U.S. Marshals Arizona Warrant Apprehension Network and Tactical Enforcement Detail (WANTED) (YPD/Admin) (John Lekan)
12. Designation of the Acting City Administrator during the absence or disability of the City Administrator, pursuant to the Yuma City Charter, Article VIII, Section 3. (Admin) (Greg Wilkinson)
13. Pulled for separate consideration. Please see above.

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Craft): To adopt the Adoption of Resolution Consent Agenda, as recommended.

Bushong displayed the following titles:

Resolution R2016-001

A resolution of the City Council of the City of Yuma, Arizona, authorizing the application for state housing funds, certifying that the application meets the community's housing and community development needs and the requirements of the state housing programs, and authorizing all actions necessary to implement and complete the activities outlined in the application

(Arizona Department of Housing (ADOH) Grant for State Housing Rehabilitation funds \$157,500.)
(DCD/Neighborhood Services) (Laurie Lineberry)

Roll Call Vote: **adopted** 7-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following titles:

Ordinance O2016-001

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereafter described, be acquired by gift, purchase, dedication, easement or through the exercise of eminent domain for the reason that the

described property is necessary for a utility project and other public purposes and authorizing payment of costs for the acquisition

(Acquisition of easement at 2454 W. 5th Street) (Admin/Ricky Rinehart)

Ordinance O2016-002

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain right-of-way, hereafter described, surplus for use by the City, authorizing the vacating of the surplus right-of-way to the adjacent real property previously declared surplus by ordinance no. O2013-38, declaring a certain remaining parcel of real property, hereafter described, surplus for City use upon City acquisition and severance of the necessary Arizona Avenue right-of-way therefrom, and authorizing the conveyance of the remaining surplus parcel, the adjacent surplus property and the surplus right-of-way to the Housing Authority of the City of Yuma under certain conditions for the public purpose of constructing affordable rental housing

(Vacate surplus ROW and authorize transfer of land on Arizona Ave.) (DCD/Neighborhood Services) (Laurie Lineberry)

Ordinance O2016-003

An ordinance of the City Council of the City of Yuma, Arizona declaring certain rights-of-way, hereafter described, surplus for use by the City and authorizing the vacating of rights-of-way and sale of the surplus property to the adjacent property owner upon payment of the purchase price and the recording of a deed from the City

(Vacate surplus ROW by recorded deed upon payment of purchase price – 3 properties) (Admin)

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

IV. INTRODUCTION OF ORDINANCES - No ordinances were scheduled for introduction at this time.

V. PUBLIC HEARINGS - No public hearings scheduled at this time.

FINAL CALL – CALL TO THE PUBLIC

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 (Craft/Thomas): To appoint Kim Hamersley and Lukas Abplanalp to the Planning and Zoning Commission with term expirations of 12/31/2020 and 1/31/2017, respectively. Voice vote: **approved** 7-0.

Motion (Knight/Thomas): To appoint Kim Hamersley and reappoint Sharon Craig, Donald Strickland and Alyssa Becker to the Clean and Beautiful Commission with term expirations of 12/31/20. Voice vote: **approved** 7-0.

Motion (Craft/Knight): To appoint Thomas B. Lund to the Merit System Board with a term expiration of 12/31/2020. Voice vote: **approved** 7-0.

Mayor Nicholls and **Shelton** reported on events/meetings they attended since the last Regular Meeting and noted upcoming events/meetings.

Thomas encouraged parents to be cautious with letting their children play with plastic toy guns at local parks.

Wright commended City staff for the Inauguration of the new City Councilmembers.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

- January 7, 2016- January 9, 2016 – Dinner Theater at the Yuma Arts Center
- January 9, 2016 - New Year's Resolution Walk 5K-10K Run/Walk

IX. CALL TO THE PUBLIC

Beverly Cade, 9455 S. Somerton Avenue, announced the MLK Commemorative Service will be held on Monday, January 18, 2016. In the past it has been held on a Sunday, but has been changed to Monday so not to interfere with activities at other churches. The march will begin at the Union Baptist Church located on 8th Avenue and 4th Street at 12:30 p.m., then will meet up at the MLK building located on 3rd Street at 1:00 p.m. Dr. Geneva Robertson Darquel from San Diego State University will be speaking. Afterwards there will be a BBQ dinner available for \$7.00. If there are any questions please contact NAACP President John Johnson at (928) 581-7954.

Mary Ann Easterday, 3359 S. 15th Avenue, stated that after reading negative things about Yuma in the paper she had 10 things to express in support of the Yuma Community:

1. The Yuma Community allows for children to be involved in projects to better the community.
2. The Arizona Highways magazine's January issue contains a whole page about Yuma.
3. Parks and Recreation put together the bike paths in Yuma for the community and maps are available at City Hall.
4. The Extension Office is doing experiments with drones in Yuma which is really helping the agriculture community.
5. The re-opening of The Patio restaurant is good for the citizens and the food tastes great.
6. Businesses on Main Street have been open for business without any closing for repairs.
7. Businesses on 4th Ave are really starting to clean up and show their businesses off.
8. Recycling has now been available for a year and a half in Yuma.
9. The freeway under the 16th Street Bridge has beautiful landscaping.
10. Residents have been keeping up with the maintenance of their yards and neighborhoods.

Carol Carr, 1361 W. 16th Place, Announced the grand opening of Achieve Enterprise Services is scheduled for Saturday January 9, 2016 from 10:00 a.m. to 4:00 p.m. Achieve Enterprise Services is a total recycling service. She thanked the City for the first donation of 18 pallets of used computers which will assist with the employment of people with disabilities, including wounded warriors and veterans.

Gene Dalbey, 1183 W 37th Street, Expressed that he would like to see other people speak about Yuma in a positive way, particularly when away from Yuma. He also mentioned that two organizations recently changed their venue because Yuma did not have enough participation. He gave kudos to individuals in Community Development for responding to the graffiti calls, as well as the effort to get it eradicated. Lastly he mentioned the North End Classic on the 16th of January and thanked the City for making it happen.

Diane Umphress, Director of Amberly's Place, 1350 W. Colorado Street, thanked the City of Yuma for the kindness and support to ensure the program started on the right foot in 2001. She announced the Grand Opening and Ribbon Cutting Ceremony of their new Family Advocacy Center on January 22nd beginning at 10:00 a.m. at 1310 S 3rd Ave.

Vince Coppola, 1950 E. 24th Street, spoke about last year's meeting where the City Administrator's contract was discussed. He stated that there was concern by Councilmember Wright regarding not having a chance to read the previous year's evaluation. At that time Steve Moore indicating there was a state law that stated the minutes were only open to the people who were in attendance of the meeting. He questioned if the law changed because today Mr. Moore said the minutes are available for review.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:16 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor