

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**February 16, 2016**  
**6:00 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Regular City Council Worksession to order at 6:01 p.m.

Councilmembers Present: Craft, Knight, Miller, Shelton, Thomas, Wright, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Purchasing and Contracts Manager, Robin Wilson  
Director of Parks & Recreation, Debbie Wendt  
Neighborhood Services Manager, Rhonda Lee-James  
City Engineer, Joshua Scott  
Various department heads or their representatives  
City Attorney, Steven W. Moore  
Deputy City Clerk, Janet Pierson

**I. REGULAR CITY COUNCIL MEETING AGENDA OF FEBRUARY 17, 2016**

**B.5 Request for Proposal (RFP): Professional Design Services for Pacific Avenue Athletic Complex**

Authorize the City Administrator to execute a contract for design services for the Pacific Avenue Athletic Complex to the following firms beginning with the first firm listed. If negotiations for fees and services are successful with the selected Consultant, as determined by the City, a Contract for services will be prepared. In the event that negotiations for fees or services are not successful, the City will terminate those negotiations, in writing, and begin negotiations with the next Consultant listed. Kimley-Horn, Phoenix, Arizona; HDR, Inc., Phoenix, Arizona (Parks & Recreation RFP #2016-20000104)

**Mayor Nicholls** declared a potential conflict of interest with regard to Motion Consent Agenda Item B.5 due to the type of work done by his firm. He turned the meeting over to Deputy Mayor Craft and exited the room.

**Deputy Mayor Craft** asked why only two firms are listed on the Request for City Council Action when it states that the City received proposals from three firms. **Wilson** explained that only the top two firms were listed based on the rank given by the evaluation committee. **Deputy Mayor Craft** stated that the firm that was dropped was the only local firm to submit a proposal, and that it would have been clearer to list all three. It makes the reader wonder what happened to the third firm. **Wilson** stated that there was a considerable scoring difference between the top two firms and the third firm, and the two firms listed are the ones that are being considered at this time.

**Knight** asked if any of the three firms had experience designing athletic complexes. **Wendt** stated that while they all had some experience, the City is seeking a firm with experience designing this specific type of facility. Kimley-Horn was rated far above the other two. **Thomas** stated that he did some

research on the firms, and he believed Kimley-Horn was involved with the airport in Phoenix. He asked how much local industry either firm will use to complete the project. **Wendt** stated that one of their team members is from Yuma. **Thomas** asked if that team member was part of the construction team. **Wendt** clarified that the local team member was part of the design team. They have not gone out for bid on the construction phase of the project yet.

**Wright** asked what percent of the project assignment will be given to local businesses by Kimley-Horn. **Wilson** stated that she does not have that information. However, the sub-consultant under Kimley-Horn is local and will do a majority of the work. **Wilkinson** explained that on design services, the breakdown of the prime and sub-contractors is not annotated in the response. That is something that is negotiated between the prime and sub-contractors and the City is not involved.

**Wright** asked if City Council will be provided with an architectural concept or engineering layout of the complex before voting, or if that is going to come back later so they can see what is going to be built. **Wendt** stated that the plan will be provided. Once the architectural firm is selected, they will be bringing the plan back to the City for community input. Currently the design is only 15% completed; they will complete the design and provide construction drawings. **Wilkinson** stated that City Council has already seen the 15% conceptual design many times, as has the public. It has also been on display in the City Hall lobby. It is basically 6 softball fields arranged in a circle with some greenspace, parking, and a walking track.

**Wright** asked if there would be any changes to the design that has been provided. **Wendt** stated that there will be some changes. The overall design will be the same, but the layout and aesthetics may change a little bit. The firm will not be completely changing the design, but enhancing it. **Wright** asked if any conceptual designs were submitted by the firms as part of their proposals. **Wendt** stated that until a contract is executed, she cannot divulge much information about the proposal. Clarifying, **Deputy Mayor Craft** noted that the agenda item is the approval of a design firm, not the actual design or anything else. **Wilkinson** explained that the City will be provided with construction ready drawings at the end of the design phase. The drawings will show the precise placement and measurements of everything in the facility.

**Shelton** stated that he has never seen any drawings of the Pacific Athletic Complex displayed in public. **Wilkinson** noted that it has been published in the paper, and was displayed in the City Hall lobby for weeks. **Deputy Mayor Craft** pointed out that it has been in meeting packets and presented at various presentations to City Council. **Wendt** stated that it was displayed at each of the fields during the national tournaments that took place last August, and is in one of the Parks and Recreation brochures that went out to the public. **Shelton** repeated that he has never seen it in the City Hall lobby, but would like to see it displayed there. **Deputy Mayor Craft** explained that it was displayed on an easel in the City Hall lobby prior to Shelton's term.

**Wright** asked who was on the selection committee. **Wendt** stated that she was on the committee as well as a City Planner, City Engineer, the CIP Manager, and the Assistant Director of Parks & Recreation. **Wright** asked who would be the engineer for the project. **Wendt** stated that she cannot divulge that information at this time, but they are subbing out the engineering portion to a local firm. **Wilkinson** stated that Kimley-Horn is probably one of the largest firms in Arizona that does construction work. They have completed many projects with Arizona Department of Transportation and did work at Sky Harbor Airport. **Wendt** added that they have also designed quite a few recreational and athletic facilities.

**Wright** asked if there was an existing contract to review. **Wendt** stated that a sample contract is given to prospective vendors so they understand what is required of them. The sample contract can be provided to City Council for review. **Thomas** stated that they usually review the entire contract before taking a vote. **Wilkinson** explained that the request is for City Council authorization to negotiate and execute the contract. This is due to Arizona law that dictates pricing cannot be an evaluation factor for engineering services. **Thomas** asked if Kimley-Horn also has a local construction team. **Wendt** stated that the solicitation was for design services only. Once the project has been designed, there will be a separate solicitation for the construction phase.

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Resolution R2016-005 Preannexation Development Agreement: SYD-COLE Properties LLC  
Authorize a Preannexation Development Agreement with SYD-COLE Properties LLC for the development of an industrial use located at 2264 E. 13<sup>th</sup> Street. (Community Development/Community Planning)

**Mayor Nicholls** asked if there was an update on Resolution R2016-005. **Wilkinson** stated that the applicant has requested a delay, so there will be a motion on the dais at tomorrow's meeting to continue the item.

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Resolution R2016-003 Intergovernmental Agreement: Consortium of the Federal HOME Program  
Authorize the Mayor to execute an Intergovernmental Agreement with the City of San Luis, City of Somerton, the Town of Wellton and the County of Yuma to form a HOME Consortium for the purpose of receiving funds from the U.S. Department of Housing and Urban Development. (Community Development/Neighborhood Services)

**Thomas** asked if the HOME program is specifically for Housing and Urban Development (HUD) homes or if it is for the entire county. **Lee-James** explained that the communities listed [City of San Luis, City of Somerton, the Town of Wellton and County of Yuma] are binding together to form a HOME Consortium that will allow them to receive HUD funding for which they would not otherwise be eligible. The money can then be used for affordable housing programs. **Wilkinson** further explained that currently the individual cities and towns are not eligible to receive direct funding through HUD because they do not meet certain criteria, such as being located near a transit rail system. Instead they have to go through Maricopa County or the City of Phoenix who then oversee the funding. Approving this resolution will put these cities and towns on equal footing.

**Thomas** asked if the HOME program would work in conjunction with the Community Development Block Grant (CDBG), and if it would allow the City to assist with home ownership. **Lee-James** stated it is similar to CDBG in that it would be a direct allocation, but it is to be used exclusively for housing related activities. CDBG can be used for a number of projects including public facilities and public services. HOME funds are exclusively for the creation of affordable housing. **Thomas** asked if this might include assisting a first-time home buyer with a low interest rate loan. **Lee-James** stated it can be used for this and other home ownership activities such as down payment assistance, principal buy down, and interest buy down.

**Knight** asked how funds would be distributed amongst the five different jurisdictions. **Lee-James** explained that the language in the Intergovernmental Agreement states that funds will be equitably

distributed, but there are many factors that must be considered. HOME has some very strict rules regarding how expediently the money must be spent. They will also look at community needs and whether a project has a particular demand in any of the communities. **Thomas** asked if this program would require that low income housing be mixed in with pricier housing areas. **Lee-James** stated that it does in the sense that there is an obligation to further fair housing. The goal is to help make housing affordable.

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Ordinance O2016-006 Rezoning of Properties: Northwest corner of 24<sup>th</sup> Street and Avenue 9E –  
Rezone 14.8 acres (includes rights-of-way, South Gila Canal and City Retention Basin) from the Agriculture (AG) district to the Medium Density Residential (R-2) District. The properties are located at the northwest corner of 24<sup>th</sup> Street and Avenue 9E (ZONE-12006-2015). (Community Development/Community Planning)

**Wright** asked if the City has looked at the impact of agricultural traffic in this area. **Scott** stated that he is not aware of any studies that have parsed out agricultural traffic, though it is possible that Yuma Metropolitan Planning Organization may have done something at some point. To his knowledge, the agricultural traffic stays mostly on Araby Road. The portion of 24<sup>th</sup> Street between Avenue 9E and Araby Road, it is primary school and residential traffic.

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For the record, **Mayor Nicholl** declared a potential conflict of interest with regards to Ordinance O2016-005 and O2016-008 due to his firm being involved in projects in the stated areas.

## **II. STORMWATER COMPLIANCE ISSUES**

**Scott** provided an overview of the City's stormwater compliance obligations. The Clean Water Act is the foundational law that protects surface waters, which paved the way for the National Pollutant Discharge Elimination System (NPDES). The Clean Water Act and NPDES apply to surface waters only; ground water and aquifer protection is a separate subject. The goal of NPDES is to eliminate pollutants from making their way into receiving waters, which are predominately surface waters. Complete elimination is unlikely at this point, but we can do our part to reduce as many of those pollutants as possible. It regulates point source pollution, which comes from pipes and ditches that empty into receiving waters. In the case of Yuma, the receiving waters are primarily the Colorado River (the river).

The Environmental Protection Agency is responsible for administering the NPDES program, and in December 2002 they delegated that authority to the Arizona Department of Environmental Quality (ADEQ). In March 2003, the City of Yuma became regulated by ADEQ as a small municipality based on population as determined by the latest Census. The City is close to being qualified to move to a different permit category, which will bring with it additional regulations above those being presented tonight. It is important to note that stormwater is more than just pipes and catch basins. It is any facility or improvement that can convey water, including streets, curbs, and gutters. The City is regulated under a Municipal Separate Storm Sewer System (MS4) permit from ADEQ. This means that the City has separate sanitary and stormwater sewer systems.

The City remains in compliance with the NPDES program through their Stormwater Management Program (SWMP), which is a document authored by the City that tells ADEQ what is being done to

remain in compliance with NPDES. There are currently six minimum control measures in the SWMP including public education and outreach, control of construction site runoff, and good housekeeping practices. Recently an additional control measure was added that focuses primarily on an area that drains directly into the river. Special attention is paid to the river because a portion of it has been designated as impaired by ADEQ. The SWMP is reviewed and updated annually based on the effectiveness of the control measures.

Capital Improvement Program projects are impacted by the SWMP beginning in the design phase, where plans are created that detail best management practices implemented to prevent runoff from entering the stormwater system and potentially introducing pollutants into the river. Once the design is complete, a project specific permit must be applied for with ADEQ that may cost anywhere from \$500 to \$5,000 depending on the size and complexity of the project. Municipal operations, such as slurry seal projects, are also affected by standard operating procedures (SOPs) put in place to try to reduce pollutants from entering the storm sewer system. Engineering standards are regularly reviewed to ensure that they comply with the intent of the permit and the Clean Water Act.

These requirements are also applicable to private development sites of one acre or more in area. Private developers must develop stormwater plans, apply for permits with ADEQ, implement control measures, and perform and document inspections. As the holder of the MS4 permit, the City is responsible for anything that discharges from the end of the City's pipe regardless of where it originates. Engineering reviews the private developer's stormwater plans to make sure that their best management practices are in place, and requires inspection documentation prior to issuing a Certificate of Occupancy.

As previously mentioned, the Colorado River in Yuma has been designated as impaired. In 2008, ADEQ listed the portion of the river from the Yuma Main Canal crossing to the Mexico border as impaired due to low dissolved oxygen and high selenium levels. The goal is to delist the river by improving the quality of our stormwater runoff, increasing dissolved oxygen levels, and reducing selenium levels. In slow moving rivers with an abundance of organic matter there is a tendency for the oxygen in the water to be consumed by bacteria as the matter decays, which is magnified by the high evaporation rates present in Yuma. Selenium is a metal found naturally in trace amounts, but there is a fine line between how much is needed to be healthy and the amount that is considered to be toxic. As selenium levels increase, it is harmful to both humans and aquatic life. Selenium toxicity can cause symptoms such as loss of hair, fingernails, and toenails and accelerated tooth decay.

The City has five outfalls to the river; one each at 19<sup>th</sup> Avenue, 17<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, Madison Avenue, and Pacific Avenue. Those five pipes discharge either directly into the impaired section of the river or just above it. The SWMP was recently revised to include a new control measure: catch basin cleaning. The idea is that the amount of selenium that ends up in the river can be reduced by removing some of the sediment that tends to bind up that selenium. There is also a visual monitoring program for those five outfalls. Every time it rains and there is discharge from the outfalls, samples are taken, photographed and inspected for odor, color, and the presence of hydrocarbons. The results are recorded and included in the annual report, and those records are retained for at least 3 years.

The MS4 permit that goes into effect this month includes a new requirement to develop an Enforcement Response Plan (ERP). The ERP details how the City will investigate exceedances of the water quality standards, who will be responsible for enforcement according to City ordinances, and what steps will be taken to prevent recurrences. The City allows connections to the storm drain system

for private development, but remains liable for what is discharged into the river. As the new permit is implemented, the ERP will need to address those connections and how any issues will be dealt with. ADEQ can fine up to \$25,000 per day per violation, so violations can be very costly. Additionally, the facilities encompassed by the MS4 permit is expanding to include parks and open spaces as well as City owned facilities and updated storm drain mapping. SOPs will be put in place regarding the use of pesticides, herbicides, chlorine, and other chemicals to help prevent those from being introduced into the stormwater system. Associated costs for new compliance requirements are estimated at \$43,000 over the next nine months, with additional recurring expenses of about \$72,000 per year.

The current permit requires a public education component and the new permit will require more targeted education and outreach. The City will develop separate educational materials focused on different groups' roles in stormwater quality and compliance. Not all of the groups have been identified, but as of date they will include residential, industrial, and commercial components. Fliers, brochures, mailings, and television spots will be tailored to those specific groups. It will take considerable effort to prepare these materials, keep them updated and current, and get them out to the public.

**Mayor Nicholls** asked if it is possible for the City to have an impact on the selenium level, considering how much is already coming downriver. **Scott** stated that the short answer is no. Much of what is seen in the river regarding selenium and dissolved oxygen levels is coming from upriver, particularly the area around Palo Verde, California. The ADEQ recognizes this and has worked with the City as far as sharing data and focusing on what is being discharged into the river locally. **Mayor Nicholls** asked if the City's water treatment process removes the selenium before it enters the water system. **Scott** stated he does not think that the levels in Yuma are high enough to have a toxic effect on humans. There is more concern regarding the effects of selenium on wildlife.

**Knight** asked why, if the communities upriver have to meet the same water quality requirements, the river is impaired once it reaches Yuma. **Scott** explained that the river has not been designated as impaired upriver, so they do not have the same restrictions on the quality of their discharge that we have in Yuma. In California they are regulated by the state, and it is likely there are agricultural exemptions at play. There is also a lack of data, particularly regarding selenium. The last time ADEQ was in Yuma to do any testing was around 2007, and even then they only took 8 or 9 samples.

### **III. ADJOURNMENT/EXECUTIVE SESSION**

The meeting adjourned at 7:03 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor