



City of Yuma City Council Meeting Summary

Wednesday, April 5, 2017

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2008-55 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

CALL TO ORDER

5:33 PM

INVOCATION

PASTOR DON VICKERS, MORNINGSIDE BAPTIST CHURCH

PLEDGE OF ALLEGIANCE

ANDREW MCGARVIE, ENGINEERING MANAGER

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight, Councilmember William Craft, Councilmember Gary Wright, Councilmember Edward C. Thomas, Councilmember Jacob Miller and Councilmember Michael Shelton

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

There are no presentations scheduled at this time.

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

Approval of the Consent Agenda

A motion was made by Deputy Mayor Knight, seconded by Councilmember Thomas, to APPROVE the Motion Consent Agenda with the exception of items B.3 and B.9. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Craft, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

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

1. [MC 2017-077](#) **Regular Council Meeting Draft Minutes November 2, 2016**
Attachments: [1. 2016 11 02 RCM Minutes](#)
APPROVED
2. [MC 2017-078](#) **Council Citizen's Forum Draft Minutes November 15, 2016**
Attachments: [1. 2016 11 15 CF Minutes](#)
APPROVED
3. [MC 2017-079](#) **Regular Council Worksession Draft Minutes November 15, 2016**
Attachments: [1. 2016 11 15 RWS Minutes](#)
APPROVED
4. [MC 2017-080](#) **Regular Council Meeting Draft Minutes November 16, 2016**
Attachments: [1. 2016 11 16 RCM Minutes](#)
APPROVED

B. Approval of staff recommendations:

1. [MC 2015-000](#) **Executive Sessions**

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 Attorney)

2. [MC 2017-065](#) **Special Event Liquor License: Yuma Community Food Bank - Come Whine With Us at City Hall**

Approve a Special Event Liquor License application submitted by Jack Puckett on behalf of the Yuma Community Food Bank for Come Whine With Us at City Hall. The event will take place at Yuma City Hall located at One City Plaza on Thursday, April 20, 2017, from 5:30 p.m. to 7:30 p.m. (SP17-15) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: Yuma Community Food Bank](#)

APPROVED

3. [MC 2017-066](#) **Bid Award: 22nd Street Improvements Avenue A to 4th Avenue**

Award to the lowest responsible and responsive bidder for the construction of the 22nd Street Improvements Avenue A to 4th Avenue in the amount of \$645,859.50 to: DPE Construction, Inc., Yuma, Arizona. (Public Works - Bid #2017-200000157) (Joel Olea/Melinda Holmes)

Attachments: [1. RFCCA 22nd Street Improvements](#)
[2. SPRDSHEET 22nd Street Improvements](#)

A motion was made by Deputy Mayor Knight, seconded by Councilmember Craft, that this motion be APPROVED. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Craft, Councilmember Wright, Councilmember Thomas, and Councilmember Shelton

COI: 1 - Councilmember Miller

4. [MC 2017-067](#) **Bid Award: 40th Street Multi-Use Pathway and 32nd Street Pedestrian Refuge**

Award to the lowest responsible and responsive bidder for the construction of the 40th Street Multi-Use Pathway and 32nd Street Pedestrian Refuge in the amount of \$248,741.63 to: Lincoln Constructors, Inc., Phoenix, Arizona. (Public Works - Bid #2017-20000162) (Joel Olea/Robin Wilson)

Attachments: [1. RFCCA Bid Award: 40th St. Multi-Use Pathway and 32nd St. Pedestrian Refuge](#)
[2. SPRDSHEET Bid Award: 40th St Multi-Use Pathway and 32nd St. Pedestrian Refuge](#)

APPROVED

5. [MC 2017-068](#) **Bid Award: Streetlight - Standard and Non-Standard and Traffic Signal Poles**

Award to the responsive/responsible bidders to furnish and deliver Streetlight - Standard and Non-Standard and Traffic Signal Poles, a one-year contract with the option to renew for four additional one-year periods, at an estimated first-year cost of \$50,000.00, which will exceed \$100,000.00 over the five-year of life of the contract, depending on the appropriation of funds and satisfactory performance, as needed with the following firms: Cem-Tec Corporation, Phoenix, Arizona; Valmont Industries, Inc., Valley, Nebraska. (Public Works/Streets-Bid #2017-20000080) (Joel Olea / Robin R. Wilson)

Attachments:

1. [RFCCA 2017-20000080 Streetlight and Traffic Poles](#)
2. [Spreadsheet 2017-20000080 Streetlight Poles & Traffic Signal Poles](#)

APPROVED

6. [MC 2017-069](#) **Bid Award: Ammunition**

Authorize staff to execute a one-year contract for ammunition, 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 \$100,000.00 to the following vendors: San Diego Police Equipment Co., San Diego, California; Sprague's Sports, Yuma, Arizona and ProForce Law Enforcement, Prescott, Arizona. (Bid #2017-20000148 Police Department - John Lekan)

Attachments:

1. [RFCCA Bid Award: Ammunition](#)
2. [SPREADSHEET Bid Award: Ammunition](#)

APPROVED

7. [MC 2017-071](#) **Contract Increase: Heating, Ventilation and Air Conditioning (HVAC) & Refrigerant Services**

Approve an increase to the estimated expense from \$280,000.00 to \$470,000.00 for the Heating, Ventilation and Air Conditioning (HVAC) & Refrigerant Services until a new contract is awarded. (Citywide - Bid #2012-20000047) (Ricky Rinehart)

Attachments:

1. [RFCCA Contract Increase: Heating, Ventilation and HVAC & Refrigerant Services](#)

APPROVED

8. [MC 2017-072](#) Encroachment Agreement: Kinder Morgan

Ratify the execution of an Encroachment Agreement between the City of Yuma (City) and Kinder Morgan (KM) to cross two natural gas lines while working on the improvements to the Araby Road and Interstate 8 Traffic Interchange waterline relocation (Project). (Engineering) (Joshua Scott)

Attachments:

- [1. RFCCA Ratification: Encroachment Agreement](#)
- [2. MAP Ratification: Encroachment Agreement](#)
- [3. AGMT Ratification: Encroachment Agreement](#)

APPROVED

9. [MC 2017-074](#) Preliminary and Final Plat: Smallville Subdivision

Approve the preliminary and final plat for the Smallville Subdivision. The property is located at the northeast corner of 42nd Drive and 11th Place, Yuma, AZ. The applicant is Core Engineering Group, PLLC, on behalf of KDC of Yuma, LLC. (SUBD-16581-2017) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Preliminary and Final Plat: Smallville Subdivision](#)
- [2. P&Z RPT Preliminary and Final Plat: Smallville Subdivision](#)

A motion was made by Councilmember Craft, seconded by Councilmember Miller, that this motion be APPROVED. The motion carried by the following vote:

Aye: 6 - Deputy Mayor Knight, Councilmember Craft, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

COI: 1 - Mayor Nicholls

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

Approval of the Consent Agenda

A motion was made by Deputy Mayor Knight, seconded by Councilmember Craft, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Craft, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

1. [R2017-002](#) **Development Fee Deferral: Park West Unit #3 Subdivision**

Adopt a resolution authorizing the City Administrator to execute a deferral agreement to defer City of Yuma development fees and water and sewer capacity charges for Park West Unit No. 3 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from date of execution. (Engineering/Development Engineering) (Andrew McGarvie)

Attachments: [1. RFCCA Park West Unit No. 3 Dev Fee Deferral](#)
[2. MAP Park West Unit 3 Dev Fee Deferral](#)
[3. RES Park West Unit No. 3 Dev Fee Deferral](#)
[4. AGMT Park West Unit 3 Dev Fee Deferral](#)

ADOPTED

2. [R2017-003](#) **Grant Application: 2017 Arizona State Parks Non-Motorized Recreational Trail Grant**

Authorize the City Administrator to apply for and if awarded, execute the FY 2017 Arizona State Parks Non-Motorized Recreational Program Grant. (Parks & Recreation/Administration) (Debbie Wendt)

Attachments: [1. RFCCA Grant: AZ State Parks Trail Grant](#)
[2. MAP Grant: AZ State Parks Trail Grant](#)
[3. RES Grant: AZ State Parks Trail Grant](#)
[4. GRANT Grant: AZ State Parks Trail Grant](#)

ADOPTED

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2017-008](#) **Utility Easement: Arizona Public Service Company - Pacific Avenue Athletic Complex**

Grant a utility easement to Arizona Public Service Company (APS) for the construction, reconstruction, replacement, repair, operation and maintenance of electrical service lines, together with appurtenant facilities and fixtures, to provide power to the Pacific Avenue Athletic Complex (PAAC). (Engineering) (Joshua Scott)

Attachments:

- [1. RFCCA Utility Easement to APS for PAAC](#)
- [2. MAP Utility Easement to APS for PAAC](#)
- [3. ORD Utility Easement to APS for PAAC](#)
- [4. EASEMENT Utility Easement to APS for PAAC](#)

A motion was made by Councilmember Craft, seconded by Councilmember Shelton, that this ordinance be ADOPTED. The motion carried by the following vote:

Aye: 5 - Deputy Mayor Knight, Councilmember Craft, Councilmember Wright, Councilmember Thomas, and Councilmember Shelton

COI: 2 - Mayor Nicholls, and Councilmember Miller

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2017-009](#) **Transfer of Funds to HACY, Conversion of Public Housing Units to the Rental Assistance Demonstration Program, and Repeal of Ordinance No. O2016-034**

Authorize (1) the transfer of City funds to the Housing Authority of the City of Yuma (HACY), a City of Yuma created agency, under terms, conditions and amounts to be set forth in a separate agreement or agreements which must be approved by the City Council, (2) the conversion of City-owned public housing units into the U.S. Department of Housing and Urban Development (HUD) Rental

Assistance Demonstration program in accordance with agreements which City Council must approve, and (3) repeal Ordinance No. O2016-034, which previously authorized and approved the execution of a transfer of funds agreement with HACY. (City Attorney) (Richard W. Files)

Attachments:

- [1. RFCCA HACY Transfer Funds, Conversion to RAD and Repeal Ordinance](#)
- [2. ORD HACY Transfer Funds, Conversion to RAD and Repeal Ordinance](#)

INTRODUCED

2. [O2017-010](#) **Utility Easement: Arizona Public Service Company - 1028 W. Colorado Street**

Grant a utility easement to Arizona Public Service Company (APS) to provide power to a monopalm cellular tower located at 1028 W. Colorado Street. (Administration) (Ricky Rinehart)

Attachments:

- [1. RFCCA Utility Easement APS 1028 W. Colorado St.](#)
- [2. ORD Utility Easement APS 1028 W. Colorado St.](#)
- [3. EASEMENT Utility Easement APS 1028 W. Colorado St.](#)

INTRODUCED

3. [O2017-012](#) **Rezoning of Property: 1540 W. 8th Street**

Rezone approximately 17,000 square feet of property located near the northwest corner of 8th Street and 15th Avenue, from the High Density Residential (R-3) District to the General Commercial (B-2) District. The property is located at 1540 W. 8th Street, Yuma, AZ. (ZONE-16559-2016). (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning of Property NW Corner of 8th St. and 15th Ave.](#)
- [2. P&Z RPT Rezoning of Property NW Corner of 8th Street and 15th Ave.](#)
- [3. ORD Rezoning of Property NW Corner of 8th St. and 15th Ave.](#)

INTRODUCED

4. [O2017-013](#) **Zoning Code Text Amendment: Accessory Dwelling Units**

Amend Title 15, Chapter 154, Section 01.07 to add definitions related to accessory dwelling units and to add Title 15, Chapter 154, Section 15.16 to provide regulations regarding accessory dwelling units. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Zoning Code Text Amendment: Accessory Dwelling Units](#)
[2. P&Z Rpt. Zoning Code Text Amendment: Accessory Dwelling Units](#)
[3. ORD Zoning Code Text Amendment: Accessory Dwelling Units](#)

INTRODUCED

5. [O2017-014](#) **Zoning Code Text Amendment: Sign Regulations**

Amend Title 15, Chapter 154 (Sections: 01.07 and 17) regarding sign regulations. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Zoning Code Text Amendment Sign Regulations](#)
[2. P&Z RPT Zoning Code Text Amendment Sign Regulations](#)
[3. ORD Zoning Code Text Amendment Sign Regulations](#)

INTRODUCED

V. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2017-075](#) **Public Hearing: Land Use Assumptions and Infrastructure Improvements Plan**

Conduct a public hearing on proposed Land Use Assumptions and the Infrastructure Improvements Plan. (Engineering/Development Engineering) (Andrew McGarvie)

Attachments: [1. RFCCA Public Hearing Land Use Assumptions](#)

PUBLIC HEARING HELD

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

VI. 2017-2018 CITY OF YUMA PRELIMINARY BUDGET

The following discussion may result in the approval of the Preliminary Budget: Fiscal Year 2017-2018

1. [MC 2017-076](#) **Preliminary Budget: FY2017-2018**

Adopt the City of Yuma Preliminary Budget for Fiscal Year 2017-2018 in the amount of \$214,831,937 which includes a Capital Improvement Program Budget of \$38,550,000 and an Operating Budget of \$176,281,937.(Finance/Administration) (Pat Wicks)

Attachments:

- [1. RFCCA Preliminary Budget FY2017-2018](#)
- [2. SUP DOC Preliminary Budget FY 2017-2018](#)
- [3. SUP DOC Preliminary Budget FY2017-2018](#)

A motion was made by Councilmember Thomas, seconded by Councilmember Craft, that this motion be APPROVED. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Craft, Councilmember Thomas, and Councilmember Shelton

Nay: 2 - Councilmember Wright, and Councilmember Miller

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

APPOINTMENTS MADE AS AMENDED

- *Planning and Zoning Commission: One Appointment*
- *Housing Authority Commission: One Appointment*

2. Announcements:

REPORTED

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of March 16, 2017 through April 5, 2017. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

3. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VIII. SUMMARY OF CURRENT EVENTS

REPORTED

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

IX. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

X. EXECUTIVE SESSION

EXECUTIVE SESSION HELD

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

A. Discussion, consultation with and/or instruction to legal counsel regarding a potential new Riverfront component, including amendments to the Master Development and Disposition Agreement and the terms of the proposed Phase III component agreement. (A.R.S. 38-431.03 A3, A4 & A7)

ADJOURNMENT

7:43 PM

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.