

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 16, 2016
5:30 p.m.

CALL TO ORDER

Deputy Mayor Craft called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Steve Ramirez, Pastor from Hospice of Yuma, gave the invocation. **Joel Olea**, Director of Public Works, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Thomas, Shelton, Knight, Miller, Wright, and Deputy Mayor Craft
Councilmembers Absent:	Mayor Nicholls
Staffmembers Present:	Deputy City Administrator, Ricky Rinehart Various Department Heads or their representative City Attorney, Steven W. Moore City Clerk, Lynda L. Bushong

FINAL CALL

Deputy Mayor Craft made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

No presentations were made at this meeting.

I. MOTION CONSENT AGENDA

Deputy Mayor Craft noted that Motion Consent Agenda Item B.6 will be addressed after the Public Hearing and Related Items.

Motion (Knight/Thomas): To approve the Motion Consent Agenda as recommended with the exception of Item B.6. Voice vote: **approved** 6-0. [Clerk Note: Action and discussion of Item B.6 took place after V. Public Hearing and Related Items]

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

Council Citizen's Forum	October 6, 2015
Regular Council Worksession	October 6, 2015
Regular Council Meeting	December 2, 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 Special Event Liquor License Application submitted by Ann Walker on behalf of Planned Parenthood Arizona for “I Stand with Planned Parenthood” Yuma. The event will take place at the Historic Gowan Building located at 370 S. Main Street on Friday, April 22, 2016, from 4:30 p.m. to 8:00 p.m. (SP16-09) (Admin/ Clerk)
3. Approve a new Series #10 Beer & Wine Store Liquor License Application submitted by Jodi Lynn Vurnovas, agent for Good 2 Go, located at 1600 S. Avenue B. (LL16-05) (Admin/ Clerk)
4. Approve a Person Transfer and Series #06 Bar Liquor License Application submitted by Jimmie Dee Smith, agent for Shadows Lounge located at 171 E. 24th Street. (LL16-06) (Admin/ Clerk)
5. Authorize the purchase and delivery of Tires, Tubes and Services utilizing the State of Arizona and Western State Contracting Alliance (WSCA) Contracts. Contracts are renewable for three additional one-year terms, depending on the appropriation of funds and satisfactory performance, with the estimated annual expenditure of \$137,500.00 (including tax). (Bid #2016-20000085 – PW/Fleet Svc/WHouse)
6. Removed for separate consideration; see below.
7. Authorize the City Administrator to execute the necessary documents with the Arizona Game and Fish Department to accept a Heritage Grant for the purpose of conducting a pilot program for a wildlife habitat field study in the Yuma East Wetlands for local seventh-grade students. (Admin/YCNHA)

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Thomas): That Resolution R2016-005, a Preannexation Development Agreement with SYD-COLE Properties LLC, be removed from the agenda per the applicant’s request.

Voice vote: **approved** 6-0.

Motion (Knight/Shelton): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2016-005.

Bushong displayed the following titles:

Resolution R2016-006

A resolution of the City Council of the City of Yuma, Arizona, supporting the dedication of the Granite “History of California” Monument on March 19, 2016.

Resolution R2016-007

A resolution of the City Council of the City of Yuma, Arizona, urging the State Legislature to restore full Highway User Revenue Funding (HURF) to the municipalities and counties of Arizona.

Roll call vote: **adopted** 6-0

III. ADOPTION OF ORDINANCES CONSENT AGENDA

No ordinances were scheduled at this time.

IV. INTRODUCTION OF ORDINANCES

No introductions of ordinances were scheduled at this time.

V. PUBLIC HEARING AND RELATED ITEMS

Deputy Mayor Craft opened the public hearing at 5:40 p.m.

Motion (Knight/Thomas): To refer Resolution R2016-002, the General Plan Amendment for Palos and Martinez, back to the Planning and Zoning Commission for additional review and recommendations to City Council, per the applicant's request. Voice vote: **approved** 6-0.

Speakers:

- **Catherine Hill**, 1318 S. 9th Ave., explained that she moved to Yuma in July and selected this neighborhood because it is quiet, safe, and stable. She is opposes General Plan Amendment.
- **Paul Muthart**, 3576 W. 12th Ln., General Manager of Pasquinelli Produce, spoke on behalf of himself and owner Gary Pasquinelli. Yuma agriculture needs farmworker housing, but it must be compatible with the community and fair to the farmworkers. This project does not meet either of these conditions.
- **Barry Olsen**, 101 E. 2nd St., representative of the applicant, stated that the applicant requested this item be referred back to the Planning and Zoning Commission after deciding that the project is not going to be compatible with the neighborhood. A new single-family townhome project is in the preliminary design phase. It appears to be a better fit and will hopefully receive a favorable recommendation.
- **Catherine Maire-Sebile**, 1155 S. 12th Ave., read a letter written by her neighbor Rose Tidwell in opposition of the project. Tidwell wrote that the project doesn't fit into the General Plan and would not improve the quality of life for the greater community. Maire-Sebile opined that the project would bring more traffic and noise, and reduce safety and property values.

Motion (Thomas/Knight): To close the Public Hearing. Voice vote: **approved** 6-0; Public Hearing closed at 5:53 p.m.

FINAL CALL – CALL TO THE PUBLIC

Deputy Mayor Craft made a final call for Speaker Request Cards for those wishing to address the City Council at the Call to the Public.

Motion (Knight/Thomas) to recess to Executive Session for legal advice on Motion Consent Agenda item B.6. Voice vote: **approved** 6-0. The meeting is adjourned to Executive Session at 5:53 p.m.

Deputy Mayor Craft reconvened the meeting at 6:18 p.m. with all councilmembers present.

B.6 – Request for Qualifications (RFQ): Construction Administration Services: Authorize the City Administrator to execute a contract for Construction Administration Services for the 16th Street and 4th Avenue Intersection Improvements to the following firm beginning with the first firm listed. 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. Consultant Engineering, Inc., Phoenix, Arizona; Nicklaus Engineering, Inc., Yuma, Arizona. (Engineering/RFQ #2016-20000143)

John Patterson, 2974 E. Camellia Dr., Gilbert, founder and owner of Consultant Engineering, Inc. (CEI), presented information about the company and their qualifications with regards to this project. A civil engineer who specializes in construction management, Patterson began his career here in Yuma working for the State. He performed construction management for quite a few projects in Yuma, mainly on federal aid projects for ADOT. CEI is one of the only companies in Arizona that is locally owned and specializes in construction management. Over the past 20 years, the company has grown from two people to over 100 employees and inspectors. Quite a bit of effort was spent trying to team with local engineering companies, but due to lack of availability or experience only one firm, Osman Engineering, met the qualifications. CEI will maintain an office in Yuma for the duration of the project so staff will be available when needed. They also have a long-term goal of establishing a base in Yuma for regional operations.

Knight asked if the satellite office will be staffed at all times during the project for consultation or any other needs that arise. **Patterson** stated that there will be at least two full-time inspectors who will be available to oversee the project. **Wright** asked if overtime costs will be covered by CEI or if it is included in the contract. **Patterson** stated that the budget is for straight time. Contractors are required to submit a two-week schedule every week, so anticipated overtime or extra shifts will be covered by staggering the employees to keep costs to a minimum. **Thomas** asked what criteria are used to select local companies. **Patterson** explained that while it depends on the contract, the primary requirement is expertise in construction management. Design is always a plus, but construction management and inspection experience are higher priorities as well as knowledge of local agencies and contacts.

Marisol Canales, 1851 W. 24th St., Civil Engineer and Licensed Contractor with Nicklaus Engineering, Inc. (NEI), requested that the City Council consider NEI for the 4th Avenue and 16th Street project. NEI has been working with the City of Yuma for over 35 years. About 8 years ago, when the economy was at its worst, local engineers and architects met with the City to discuss local preference. **Canales** explained that she spearheaded an effort to put together a grading sheet that would be used by the City to give local firms an edge when competing with the larger out-of-town firms. The end result of that effort was a statement from the City Attorney that implementing this type of policy could lead to the City being sued. In 2010, local preference for construction services was placed on the ballot and was passed by the voters. Local preference regarding architecture and engineering services was lost in the mix. When the Request for Quote (RFQ) for the Pacific Avenue Athletic Complex went out in December 2015, the City

Administrator was asked why local points were not a part of the grading criteria. He reiterated that there are lawsuits involving the Goldwater Group, and the City could likewise be sued. However, the Goldwater lawsuits have to do with construction, not professional services. When the City requests similar project experience and makes their decision based solely on that experience, it is keeping the local firms out every time. NEI continues to submit proposals for these projects, despite each effort costing nearly \$10 thousand in time and effort to put together. Other local firms are not bothering to submit proposals because they feel defeated. They feel that they have to team with larger out-of-town firms in order to qualify for work for the City.

Stacy Gutierrez, 1851 W. 24th St., also with NEI, discussed the value of utilizing local engineers and requested that NEI be considered for the 4th Avenue and 16th street project. She clarified that tonight they are talking about professional services, not construction services. Municipalities all over Arizona have incorporated local preference into their qualification-based scoring criteria for professional service awards. These municipalities see the importance of local knowledge and local presence, and have never been sued for local preference on a professional service contract. A local engineer understands the soil, climate, traffic patterns, environmental concerns, and local construction trades and capabilities specific to Yuma. These factors create the well-qualified engineer that the City is seeking and should be incorporated into the scoring criteria. Local engineers offer immediate response time and a commitment to the community that can only come from being a Yuma resident. She provided the scoring criterion from the RFQ process for the 4th Avenue and 16th Street project, as well as a proposed scoring criterion that incorporates local preference.

Ken Rosevear, former director of the Yuma County Chamber of Commerce (YCCC), stated that he wrestled with the issue of local preference for many years. The YCCC brought forth local preference with Proposition 400, which passed with the support of roughly 75% of voters. Contracts are awarded to out-of-town firms because their local competition lacks specific experience, even though the local firm may be well qualified and have completed much more complex projects. Choosing an out-of-town firm has on occasion backfired because a component used in the project has no local service options. Out-of-town firms do not pay local taxes, sponsor sports teams, or make donations to local charities and service organizations. He opined that we do not generate sales and property taxes in Yuma to be spent in Phoenix, and asked City Council to take a second look at these contracts and determine what is good for Yuma.

Shelton stated that City Council is listening and it is their intent to do a better job with regard to local preference. **Wright** acknowledged that the City must change, and he wants local businesses to understand that he will advocate for this change. Local preference needs to be factored into the scoring criteria, and there must be diversity on the selection committee. He thanked Gutierrez for providing a proposed scoring criterion, and encouraged any input that could help bring more insight into this process.

Knight stated that it is unfortunate that this situation has progressed to this point, but the whole City Council is behind getting some changes made. He thanked the speakers for bringing these issues to light, as he was not aware of the severity of the situation. **Miller** noted that he read through both responses to the RFQ, and both companies are well qualified to perform the construction management at 4th Avenue and 16th Street. What separates the two companies is that NEI has local knowledge. He stated that he will continue to fight and do anything in his power to utilize local companies for City contracts as much as possible.

Motion (Knight/Thomas): To approve Motion Consent Agenda Item B.6 as recommended, and for a roll call vote of this item. Roll call vote: **approved** 5-1, Councilmember Miller voting nay.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Knight/Thomas): To appoint Cory Mayrant to the Community Tree Board with a term expiration of 12/31/2020 and Daren Dalglish to an unexpired term on the Community Tree Board with a term expiration of 12/31/2017. Voice vote: **approved** 6-0.

Motion (Thomas/Shelton): To appoint Leslie McClendon to an unexpired term on the Merit System Board with a term expiration of 12/31/2016. Voice vote: **approved** 6-0.

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

Wright requested that an overview of the recycling program and an update on water account delinquencies be placed on a future agenda.

VII. SUMMARY OF CURRENT EVENTS

Rinehart noted the following upcoming events:

- Neighborhood cleanup remains underway and will continue through March 31st. The schedule is available on the City's website.
- Two public meetings will be held regarding the Pacific Avenue Athletic Complex. The first will be on March 31st at 6:00 p.m., and the second on April 14th at 6:00 p.m. Both will take place in City Council Chambers.

VIII. CALL TO THE PUBLIC

Yvonne Peach, 233 4th Ave., owner of the Coronado Motor Hotel, addressed the City Council regarding speeding and the excessive use of compression release engine brakes (also known as Jake brakes) by semi-trucks along 4th Avenue. The trucks are also destroying City property. The trucks have hit the sign for Giss Parkway at least four times, requiring it to be taken down and repaired. After the last incident, the sign was simply not put back up. She requested that the City put up signs indicating that Jake brakes should not be used within the city limits, such as those displayed in other cities and towns. Additional police patrols may also be warranted at that intersection to enforce speed and traffic control laws.

Renee Smith, 8174 E. Olive Ann Ln., Board Member of Yuma Fine Arts Association (YFAA), provided an overview of the services provided by the non-profit organization. YFAA currently has a contract with the City for \$40 thousand per year to manage the exhibits at the Yuma Arts Center, but they do much more than simply hang the art on the walls. They have brought international artists from London and Russia, and national artists from California, Nevada, and Wyoming. They provide a venue for local artists and artists from the Cocopah and Quechan tribes. YFAA's main goal is to provide arts and culture education and exposure to Yuma, which has been accomplished through multiple programs and partnerships with local agencies. Additionally, YFFA functions as an umbrella organization to provide the insurance required for events such as Art Beat, The North End Art Walk, and Children's Festival of the Arts. She urged the City

Council to consider the needs of YFFA during this budget cycle and how YFFA and the City can partner together moving forward, because there is so much more that can be done.

Peter Smith, 3570 S. Woodpecker Way, spoke in support of a park in the Cielo Verde development located near the Walmart on 32nd Street. A park was part of the original plan for the development, but due to the recession costs had to be cut. Jacobson Company has noted that they will provide 10 acres of land on which the City can develop a park. He requested that the park be reconsidered at this time, and asked that it be implemented in the near future.

William Parker, 8050 E. 34th St., also spoke in support of a park in the Cielo Verde development. He noted that he is a winter visitor from Minnesota, but will be selling that home in the spring and moving to Yuma full-time. He has grandchildren, and a park is needed so that children have a place to play and seniors have a nice place to walk.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor Craft** adjourned the meeting at 7:18 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor