

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**NOVEMBER 2, 2016**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Joseph Kotay**, Clinical Pastoral Education Supervisor for the Yuma Regional Medical Center Department of Spiritual Care, gave the invocation. **Debbie Wendt** led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Thomas, Shelton, Knight, Craft, Miller, Wright, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Director of Engineering, Josh Scott Finance Director, Pat Wicks Various Department Heads or their representative City Attorney, Steven W. Moore 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** - There were no presentations scheduled at this time.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.2 – Bid Award: Pacific Avenue Athletic Complex (execute a contract for construction services for the PAAC in the amount of \$13,127,219.58 with DPE Construction, Inc.) (Engineering) (Scott)

**Miller** declared a conflict of interest with regard to Motion Consent Agenda item B.2 due to his employment. He recused himself and left the room.

**Wright** asked if the base bid was \$13,127.219. **Scott** explained that the base bid was \$11,624,000. The \$13 million is the total bid including the cost of bid alternates 1-6. **Wright** asked if there was just one parking lot for the complex. **Scott** stated that the base bid includes one parking lot on the west side of the complex, adding that bid alternate 7 was an additional parking lot on the east side of the complex.

**Wright** asked what specific alternative sources of funding were being considered in the event that the hospitality tax does not pass in 2024. **Wicks** stated that the alternative would be to use is the General Fund. Without voter approval there is no tax other than the hospitality tax at this time to use for debt service, but there may be another tax or revenue source available in the future. He noted that if the hospitality tax does not pass in 2024, there will be much larger issues than the repayment of this bond. **Wright** asked if the investors are aware that the hospitality tax will expire in 2024. **Wicks** confirmed they are. **Wright** stated that while he has no issue with the contract or the contractor selected, he is concerned about the City's ability to repay the bond when the future of the hospitality tax is uncertain.

**Shelton** gave a brief history of the creation of the hospitality tax, noting that when it came up for renewal at the 1993 election, several of the mayoral candidates, of that same election, united to speak in its favor. He expressed hope that City Council, City staff, and the citizens of Yuma will do everything they can to make sure the complex is a success in terms of being an economic driver in the community.

**Tara Duarte**, 17664 S. Avenue A ½, Somerton, President and Assistant Coach for the travel team Impact Athletics, stated that there is a great need for a multi-field complex in Yuma. There is a lack of practice field availability during certain times of the year, and tournaments are limited due to the need to utilize fields at multiple locations throughout the City.

**David Padilla, Jr.**, 2539 S. 31<sup>st</sup> Drive, reiterated the points made by Duarte. He added that when fields are not available in Yuma his organization utilizes fields in Somerton, which means that the revenue from the use of the field also goes to Somerton. While soccer and football teams can practice in any grassy area, baseball and softball have additional requirements. The demand for the fields exists; the only thing missing is availability.

**Luis Tovar**, 1733 W. 26<sup>th</sup> Drive, National Director with Baseball Legends, complimented the Parks and Recreation Department on the condition of the City's facilities, noting that teams from out of town regularly comment on how amazing the fields are in Yuma. Tournaments such as the Winter World Series can potentially bring in 2,500 people between the participants and their families, which can create a significant economic impact over a four-day period.

**Motion** (Knight/Craft): To approve Motion Consent Agenda item B.2 as recommended. Roll call vote: **approved** 5-1-1; Wright voting nay and Miller abstaining due to conflict of interest.

**Miller** returned to the dais.

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**Motion** (Knight/Thomas): To approve the Motion Consent Agenda as recommended with the exception of item B.2. Voice vote: **approved** 7-0.

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

Regular Council Worksession Draft Minutes	August 2, 2016
Regular Council Worksession Draft Minutes	August 16, 2016
Floodplain Board Meeting Draft Minutes	October 5, 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. Pulled for separate consideration; see above.
3. Award to the lowest responsive and responsible bidder for Physical Provider Services/Fire Personnel at an estimated annual cost of \$60,000.00 to: Pinnacle Medical Group AZ –PC, Yuma, Arizona (Fire)
4. Reject all bids for PVC Plastic Pipe, Fittings and Related Accessories (Parks)
5. Reject the approval of Enterprise Software Assurance License which authorized the renewal of a Microsoft Enterprise Software Assurance License Agreement with SHI International Corporation. Somerset, New Jersey, through the State of Arizona (ITS)
6. Authorize the purchase of the Enterprise Software Assurance License, a software maintenance service offered by CDW Government, LLC, by utilizing the cooperative purchase agreement originated by the State of Arizona, for an estimated annual cost of \$188,326.10, from CDW Government, LLC, Vernon Hills, Illinois (ITS)
7. Authorize and direct the City Administrator to execute an intergovernmental agreement with the Arizona Department of Transportation to access and exchange data regarding automobile accidents (Police/Patrol)
8. Authorize the City Administrator to execute the “Fiscal Year (FY) Body-Worn Camera Policy and Implementation Program Competitive Grant” agreement with the U.S. Department of Justice to receive funds for the purchase of body-worn cameras for officers and to research and develop a body-worn camera policy (Police/Admin)

## II. RESOLUTION CONSENT AGENDA

**Motion** (Knight/Miller): To adopt Resolution R2016-035 as recommended.

At the Mayor’s request, **Bushong** displayed the following title:

### **Resolution R2016-035**

**A resolution of the City Council of the City of Yuma, Arizona, appointing the Election Board Officers (Poll Workers) to serve at the City Special Election to be held on November 8, 2016, and further approve voting centers as adopted by the Yuma County Board of Supervisors, pursuant to state statute, and therefore an election process of the current Intergovernmental Agreement (approve voting center locations and the appointment of Election Board Officers) (Admin/Clerk)**

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

**Motion** (Craft/Miller): To adopt Resolution R2016-036 as recommended.

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

**Resolution R2016-036**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the issuance of bonds by the Municipal Property Corporation; authorizing the completion, execution and delivery of all agreements necessary or appropriate for the refinancing of costs of acquiring, expanding and improving the utility system serving the City and related financing costs including delegating to the City's Finance Director certain authority with respect thereto; authorizing the expenditure of all necessary funds therefor and declaring an emergency (refinancing would result in an estimated savings of \$2.8 million over the life of the bonds) (Finance/Admin)**

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

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

**Ordinance O2016-034**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a transfer agreement and promissory note with the Housing Authority of the City of Yuma (temporary transfer of funds will allow HACY to convert public housing units to the Rental Assistance Demonstration Program) (City Attorney)**

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

**IV. INTRODUCTION OF ORDINANCES**

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

**Ordinance O2016-033**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13 of the Yuma City Code, Chapter 130, Animals and Fowl, Sections 055 and 999, related to removal of wastes; and providing penalties (requires immediate removal of animal waste from property other than that of the animal owner) (Police/Patrol)**

**Ordinance O2016-035**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain portion of 4<sup>th</sup> Avenue right-of-way, hereafter described, surplus for use by the City, conditionally vacating the surplus right-of-way easement to the abutting property owner through the recording of a quitclaim deed, and authorizing that fee title to certain parcels of real property and a utility easement, each hereafter described, be acquired by the City of Yuma through an exchange for the vacated right-of-**

way, for the reason that the acquisition is required to improve public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing the payment of costs necessary for the exchange (vacating the easternmost 25 feet of the 4<sup>th</sup> Avenue right-of-way easement to 1<sup>st</sup> Bank Yuma in exchange for fee title to the remaining 75-foot half-width right-of-way) (Engineering)

## V. PUBLIC HEARINGS

Public Hearing on Resolution R2016-037 – Water and Wastewater Utility Rates and Fees (adopt recommended reduction of water and wastewater capacity charges) (Utilities/Admin)

Mayor Nicholls opened the public hearing at 6:04 p.m.

Dan Jackson, President of Willdan Financial Services, presented a brief overview of water and sewer capacity fees and the recommended capacity fees as follows:

- Capacity fees are a one-time fee paid by new development to finance the construction of facilities needed to serve it to help ensure that growth pays for itself
- Capacity fees are calculated using a defined methodology used throughout the country and are subject to maximum legal limits set by state law
- The recommendations for both water and wastewater will result in a capacity fee reduction of approximately 10% for all meter sizes
- The reduction in fees is due to slower than expected growth based on the last capacity fee study completed in 2006 and existing excess capacity
- It is also recommended that meters above one inch should follow the same methodology as smaller meters versus the current capacity fees based on equivalent gallon usage

**Motion** (Knight/Shelton): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 6:13 p.m.

Bushong displayed the following titles:

### **Resolution R2016-037**

**A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2006-71, as amended, governing the use of the water and wastewater system, amending Article I, Section 2.2 and Article II, Section 2.7 of the City of Yuma Utility Regulations and prescribing utility rate charges and fees (reduce water and wastewater capacity fees as recommended based on the 2016 Water/Wastewater Capacity Fee Study) (Utilities/Admin)**

**Motion** (Knight/Miller): To adopt Resolution R2016-037 as recommended. Roll call 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**

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

**VII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** reported the following events:

- November 3<sup>rd</sup> – Children’s Museum of Phoenix Fundraiser at The Hills
- November 4<sup>th</sup> – 3:10 to Yuma Fundraiser at the Yuma Territorial Prison
- November 4<sup>th</sup> – iPhone Photography Class at the Yuma Art Center
- November 5<sup>th</sup> – Yuma’s Largest Ever Yard Sale at Desert Sun Stadium
- November 5<sup>th</sup> – Children’s Festival of the Arts on Main Street
- November 12<sup>th</sup> – Turkey Trot 5k/10k Fun Run & Walk at Gateway Park

**VIII. CALL TO THE PUBLIC** – There are no speakers present at this time

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:28 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