

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 20, 2019
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:30 p.m.

INVOCATION/PLEDGE

Councilmember Edward Thomas gave the invocation. **John Lekan**, Police Chief, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon and Mayor Nicholls
Councilmembers Absent: Miller
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Fire Marshal, Kayla Franklin
Various Department Heads or their representative
City Attorney, Richard Files
Deputy City Clerk, Janet L. Pierson

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience for agenda related items.

PRESENTATIONS – There were no presentations scheduled at this time.

I. MOTION CONSENT AGENDA

Motion (Thomas/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

Regular Council Worksession	September 4, 2018
Regular Council Worksession	October 16, 2018
Regular Council Worksession	February 19, 2019

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. Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the City of Yuma, Parks & Recreation Department for ARTbeat. The event will

take place on Main Street, between the 100-300 blocks, on Saturday, April 20, 2019, from 3:00 p.m. to 10:00 p.m. (SP19-10) (Admin/Clk)

3. Authorize the purchase of a Toro Groundmaster 5900 industrial grounds mower utilizing the Mohave Education Services cooperative purchase agreement, for a total cost of \$104,071.04 to: Simpson Norton Corporation, Goodyear, Arizona. (P&R)
4. Authorize the execution of an Intergovernmental Agreement (IGA) with the Arizona Game and Fish Commission, through the Arizona Game and Fish Department (AGFD) to conduct a Community Fishing Program with the City of Yuma for a total not to exceed \$8,365.00 over the five-year agreement. (P&R)
5. Authorize the City Administrator to execute a three-year Job Order Contract (JOC) for Buildings and Facilities, with the option to renew for two additional one-year periods, to the following contractors: FCI Constructors, Inc., Glendale, Arizona, GCON, Inc., Phoenix, Arizona, Merrill Development, Yuma, Arizona, Taylor Engineering, Yuma, Arizona (RFP #2019-20000063) (Eng)
6. Authorize the job order for the purchase and installation of three generators utilizing a Job Order Contract for an amount of \$178,921.20 to the following awarded vendor: Westmoor Electric, Inc., Yuma, Arizona. (PW)

II. RESOLUTION CONSENT AGENDA

Motion (Knight/Thomas): To adopt the Resolution Consent Agenda as recommended.

Pierson displayed the following title(s) at the request of the Mayor:

Resolution R2019-007

A resolution of the City Council of the City of Yuma, Arizona, authorizing the Yuma Fire Department to enter in to a Letter of Appointment with the Arizona Office of the State Fire Marshal (authorizes Chief Irr and his designee to provide local fire services and conduct local inspections consistent with the adopted State Fire Code and the City's locally adopted Fire Code when applicable) (YFD)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA – There were no adoptions scheduled at this time.

IV. INTRODUCTION OF ORDINANCES – There were no introductions scheduled at this time.

V. PUBLIC HEARING AND RELATED ITEMS – There were no public hearings scheduled at this time.

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

Mayor Nicholls reported that the Building Advisory Board appointment was listed in error and the only appointment up for consideration tonight is the Clean and Beautiful Commission appointment.

Board and Commission appointment:

Motion: (Thomas/Watts): To appoint Robert Vigil to an unexpired term on the Clean and Beautiful Commission with a term expiration of December 31, 2020. Voice vote: **approved** 6-0.

Announcements:

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

Watts requested a report by Judge Mark Reeves on the current status of juveniles and opioid abuse in regards to the judicial point of view. **Mayor Nicholls** asked if a Worksession would be fine. **Watts** concurred.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported on the following upcoming events:

- April 12th – April 13th Tunes & Tacos Festival

VIII. CALL TO THE PUBLIC

Kristie Gomez, 1437 S. 41st Drive, Yuma, passionately spoke about the removal of the memorial created for Lisa Rivera who was shot and killed by a City of Yuma Police Officer on Monday, May 7, 2018. **Gomez** spoke of the preparations taken prior to installing the memorial cross, on Sunday, January 20th, which included researching any policies, procedures, permits needed, as well as a call with the City's Department of Community Development, Stake It and other utilities. On March 11, 2019 the City of Yuma removed the memorial cross for unknown reasons. **Gomez** questioned why their cross was removed and other crosses around town still remain in place, such as: 24th Street and Avenue B – City property; 46th Avenue and 16th Street – City property; and Avenue A .

Mayor Nicholls stated that, while they are unable to have a dialogue because the item was not on the agenda, Council is listening.

Frankie Munoz, Jr., 1458 S. Thomas Avenue, Yuma, the brother of Lisa Munoz Rivera, tearfully questioned the removal of his sister's memorial. **Munoz, Jr.** questioned the codes or city standards violated and what needs to be done in order to resolve the issues. **Munoz, Jr.** also questioned why the other memorials around the City are still standing, while theirs has been removed.

Andreas Castillo, 1458 S. Thomas Avenue, Yuma, stated that he felt it was unfair, disrespectful and unnecessary that his Aunt Lisa's cross was removed. He questioned how Council would feel if they put up a memorial and it was removed after all their time and effort. **Castillo** concluded by stating we are all human beings and should not be treated differently.

Mayor Nicholls stated that he appreciates that this is very emotional for the family and will make sure everyone has the time to express what they need to say.

Steven Spolek, 1126 S. Dora Avenue, Yuma, spoke of a traffic hazard at the Neighborhood Walmart on the corner of 8th Street and Avenue B. The perceived hazard is the barrier wall on the northeast corner that he is being told is the Yuma County Flood Control Lift Pump Station. **Spolek** feels he is getting the runaround as the City of Yuma says it is a Yuma County Flood Control District issue and the Yuma County Flood Control District says it is a City of Yuma issue. The bottom line, according to Spolek, is the removal of 16 cinder blocks from the barrier wall to improve the line of sight and prevent an accident.

Phil Clark, 4296 W. County 15th Street, Somerton, stated that since 1999 the City Charter reads that contracts over \$25,000 must be executed by the City Administrator and approved by City Council. If Council wants to increase that amount a charter change must be taken to a vote of the citizens of Yuma.

William Katz, 340 W. 32nd Street, PO Box 643, Yuma, claims that the financial allegations into the Pacific Avenue Athletic Complex (PAAC) have never been answered and are now the basis for Wilkinson pursuing Katz' arrest. Questions include the \$550,000 transfer of development fees in FY 17-18 to pay the PAAC debt servicing. **Katz** pleads with City Council to seek answers to the questions which have prompted retaliatory actions on their behalf by Wilkinson and to put an end to this type of conduct by the City of Yuma.

EXECUTIVE SESSION/ADJOURN

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:09 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor