

**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 7, 2018**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Joe Avila**, Community Christian Church, gave the invocation. **Kay Eldridge**, Assistant Human Resources Director, 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 Deputy City Administrator, Ron Corbin Human Resources Director, Monica Welch Finance Director, Lisa Marlin Chief of Police, John Lekan Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

**FINAL CALL**

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

**PRESENTATIONS**

Introduction of Yuma Private Industry Council's new Arizona @ Work Executive Director

**Patricia Ray** introduced William Regenhardt, new Executive Director of the Yuma Private Industry Council (YPIC) and Arizona @ Work.

**Regenhardt** stated that since 1988 YPIC has been serving the Yuma community with a mission to enhance the community by providing quality employment services in collaboration with partner agencies, and he is excited to continue that process.

**I. MOTION CONSENT AGENDA**

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

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

Special Worksession/Roundtable	April 24, 2018
Regular Council Worksession	June 5, 2018
Regular Council Meeting	July 18, 2018
Council Citizen's Forum	October 16, 2018

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 and Recreation Department for Christmas Lighting on Main Street. The event will take place on the 100-300 blocks of Main Street on Saturday, December 1, 2018, from 4:00 p.m. to 10:00 p.m. (SP18-37) (Admin/Clerk)
3. Approve a new Series #12 Restaurant Liquor License application submitted by Ramiro Marquez, Jr., agent for Red Moon Ale House located at 130 S. Main Street (LL18-12) (Admin/Clerk)
4. Approve a new Series #12 Restaurant Liquor License application submitted by Rosa Cardenas, agent for Mariscos Guero located at 2440 W. 8<sup>th</sup> Street (LL18-13) (Admin/Clerk)
5. Approve a Permanent Extension of Premises/Patio Permit application submitted by Heriberto Guzman, agent for Takos & Beer located at 2071 S. 4<sup>th</sup> Avenue (EP18-05) (Admin/Clerk)
6. Authorize the use of the cooperative purchase agreement initiated by the State of Arizona for the purchase of three Motorcycles/Traffic Units for an estimated amount of \$95,297.16 to the following vendor: Bobby's Territorial Harley-Davidson Yuma, Arizona (Bid #2019-20000061) (YPD)
7. Authorize the City Administrator to execute two grant agreements with the Arizona Governor's Office of Highway Safety for highway safety projects in accordance with Arizona's Federal Fiscal Year 2019-2020 Highway Safety Plan (YPD)
8. Award a Sole Source contract for the purchase of various Badger Meters for one year, with the option to renew for four additional one-year periods, depending on the appropriation of funds, at an estimated annual cost of \$180,000.00 with the following firm: National Meter Automation, Inc., Centennial, Colorado. (Utilities)

9. Authorize the City Administrator to execute the Memorandum of Understanding with the Yuma County Sheriff's Office to apply for and to execute the award of the 2018 Byrne Justice Assistance Grant Program as part of a joint application (ITS)
10. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for equipment in support of State Homeland Security Grant Program (YPD)

## **II. RESOLUTION CONSENT AGENDA**

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

**Bushong** displayed the following title:

### **Resolution R2018-037**

**A resolution of the City Council of the City of Yuma, Arizona, approving the commemorative naming of the West Wetlands Park to East Wetlands Park Riverfront Trail the "Charles Flynn Riverfront Trail" (to commemorate almost 20 years of dedicated service by Charles Flynn to the City of Yuma, the Yuma Crossing National Heritage Area, and the Yuma community) (Admin/YCNHA)**

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

## **III. ADOPTION OF ORDINANCES CONSENT AGENDA** – There were no ordinances scheduled for adoption at this time.

## **IV. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following titles:

### **Ordinance O2018-043**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 50 of the Yuma City Code, as amended, relating to boards and commissions, providing for changes to the Clean and Beautiful Commission to remove term limits for the appointed voting members of the Clean and Beautiful Commission (amend YCC § 50-21(G) to remove the reference of a two-term limit for the five-year member terms) (Public Works)**

### **Ordinance O2018-044**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property, hereafter described, surplus for use by the City, and authorizing the sale, lease or exchange of the surplus City property (approximately 1.0989 acres located on the southeast corner of 15<sup>th</sup> Street and 4<sup>th</sup> Avenue) (Admin)**

**Ordinance O2018-045**

**An ordinance of the City Council of the City of Yuma, Arizona, referencing Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agriculture (AG) District to the General Commercial/Aesthetic Overlay (B-2/AO) District and amending the zoning map to conform with the rezoning** (approximately 36,100 square-feet located at 1195 E. 16<sup>th</sup> Street) (ZONE-23131-2018 (DCD))

**Ordinance O2018-046**

**An ordinance of the City Council of the City of Yuma, Arizona, referencing Chapter 154 of the Yuma City Code, rezoning certain property located in the General Commercial (B-2) and Light Industrial (L-I) to the General Commercial/Aesthetic Overlay (B-2/AO) District, and amending the zoning map to conform with the rezoning** (approximately 5.75 acres located at the southwest corner of 16<sup>th</sup> Street and Arizona Avenue and a portion of Maple Avenue) (ZONE-22906-2018) (DCD)

**Ordinance O2018-047**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain alley real property, hereafter described, be vacated in order to allow the necessary construction of a utilities facility** (391 square-feet of alley that adjoins the County Administration facilities at 198 S. Main Street) (ENG)

**Ordinance O2018-048**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 211 of the Yuma City Code, as amended, relating to streets and traffic regulations, prohibiting uncovered loads within the City, and providing a civil penalty for violations thereof** (require all loads of scrap, debris, landscape trimmings, dirt, gravel, rocks, recyclable materials, or other type of waste products or trash be securely covered) (Admin)

**V. PAY PLAN UPDATE**

**Mayor Nicholls** reminded all that City Council is 100% committed to implementing a new pay plan. He reinforced that the City needs to remain a unified group and divisiveness should not enter into the discussion. **Thomas** expressed agreement, stating that it is okay to ask the difficult questions, but the discussion needs to remain civil without allowing outside forces to come in and divide the City.

**Corbin** stated that he obtained pay plan information from 12 Arizona cities, ten of which are cities that will be included in the Labor Market Study (LMS). Of those twelve cities, ten have step plans in their police departments for officers and sergeants and five have step plans for command staff. Nine cities have step plans in their fire departments, six of those included command staff, and three cities have step plans for their entire organizations. Steps range from as low as 1.5% to as high as 5.5%, with the tendency for higher ranks to have smaller step increases. Increases from the highest step for an officer to the lowest step for a sergeant range from 5% to 17% among these cities, and six cities had an overlap in pay between officer and sergeant. Pay plan ranges among the cities varied from 22% up to 45%, with the current spread at the City being 40%.

**Mayor Nicholls** asked that anyone who wishes to speak on this topic submit a Speaker Request Form now as it will not be addressed during Call to the Public. This is to ensure that City Council can hear all of the comments and get a full understanding of what is going on at this time.

**Welch** explained that the informal bid process closed at the end of October after which Public Safety Personnel Consultants (PSPC) was awarded the bid. The City has utilized the services of PSPC in the past, so they were able to expedite the completion of the project. The first draft of the LMS will come back to the City around December 10<sup>th</sup>, and the final draft is due by December 28<sup>th</sup>. The same cities and 77 benchmark positions were used for this study as have been used in the past. The LMS is being completed to see where the City falls in comparison to the market. Information provided by the League of Arizona Cities and Towns in 2017 showed that Yuma is below market, and several departments have experienced high turnover including Parks and Recreation, Public Works, and Utilities, likely because of lower pay. YPD is still struggling with higher than desirable turnover, indicating the need to continue to work on officer retention.

**Corbin** outlined the recommendations regarding the YPD pay plan as follows: increase starting police officer pay to \$52,000, implement a step plan for officers and sergeants with a maximum spread of 30% (approximately 10 steps), no overlap between the pay for officers and sergeants, and implement the pay plan as part of the budget process. A pay plan for the Yuma Fire Department (YFD) can be explored at the direction of City Council based on the results of the LMS. It is also recommended to adjust the pay of all City employees based on the LMS effective July 1<sup>st</sup>.

**Marlin** highlighted the need to be cautious with a step plan versus a pay increase that is determined based on the annual budget. The General Fund is the only fund that can legally be used to pay public safety salaries and benefits. Often revenues are less than expenditures, and the City has to dip into the fund balance in those years. Although the City is currently benefitting from a stronger economy, the future is not certain and trend analysis has its limitations. Making pay increases a part of the yearly budget process allows staff and City Council to take into consideration the information available at that time and move forward with an appropriate pay plan.

#### Discussion

- The number of steps in the pay plans that were reviewed ranged from six to ten, with the higher ranks generally having fewer steps (**Mayor Nicholls/Corbin**)
- Most cities that were contacted have had their pay plans in place for a while, and usually through a Memorandum of Understanding arrangement with their represented groups (**McClendon/Corbin**)
- The average starting salary for police officers is \$53,000 per year, so the City would be slightly below average at \$52,000, however pay is not the only factor to consider (**McClendon/Corbin**)
- When implementing a new step pay plan employees are placed in the nearest step up and pay disparities will correct themselves over time as employees work their way through the plan (**McClendon/Corbin**)
- The recommended fund balance ranges from 16-20%; the City keeps a fund balance of 20% based on various factors including the size of the city and revenue sources (**McClendon/Marlin**)
- Some more research and study will be needed to determine whether the implementation of the proposed YPD pay plan will yield real dollar savings (**Shelton/Marlin**)
- One of the advantages of the 3% step plan is that a 3% annual pay increase is a realistic goal that could be implemented across the entire City (**Shelton/Corbin**)
- It is not recommended that a measure to supplement public safety pay be placed on the ballot until sometime after the 2019 General Election (**Shelton/Wilkinson**)
- If the fund balance was decreased from 20% to 18%, that 2% would only come out to about \$300,000 which is not significant enough to help with the pay issue (**Knight/Marlin**)

- If departments actually spent their entire budget each year the fund balance would continually decrease, because budget expenditures outweigh revenue (**Knight/Marlin**)
- YPD has underspent their budget the past two years, but prior to that they did not; YFD typically spends their entire budget each year (**Knight/Marlin**)
- Any pay increase, whether it is a raise or a step increase, would need to be a part of the budget process; however a step plan is a commitment because a certain pay increase is predetermined, subject to sufficient funding (**Thomas/Corbin**)
- The math within the charts presented along with the proposed pay plans is correct, however, there are concerns with some of the assumptions built into those figures (**Thomas/Wilkinson**)
- The pay plans proposed by YPD may be sustainable for a year or two, but after that it would most likely require some assistance (**Thomas/Lekan**)
- While hiring is going well, it will likely be close to a year before the newly hired officers are fully trained and able to be on the street occupying a patrol car (**Thomas/Lekan**)
- Cash back that is earned from spending on City Purchasing Cards is divided proportionately among departments based upon their spending (**Thomas/Marlin**)
- The final LMS is due to the City on December 28<sup>th</sup> and will be presented to City Council in January, and those figures will be added to the budget model so the real impact to the General Fund can be seen (**Thomas/Marlin**)
- The Pacific Avenue Athletic Complex is paid for out of the 2% hospitality tax and development fee money, neither of which can be used for public safety (**Wilkinson**)
- Having City Council commit to something that is not sustainable and cannot be funded by the budget would leave the City worse off than before (**Wilkinson**)
- Although everyone is committed to implementing a new pay plan, the budget is approved on an annual basis and it goes against the Charter to bind a future City Council to a decision made by the current City Council (**Thomas/Marlin/Wilkinson**)
- YPD's current budget is 41% of the budgeted General Fund, with typical growth of roughly 3% per year with standard raises (**Thomas/Marlin**):
  - 2010 - \$19.6 million (\$54.6 million total budget)
  - 2011 - \$20.4 million (\$53.9 million total budget)
  - 2012 - \$20.7 million (\$58.8 million total budget)
  - 2013 - \$21.9 million (\$60.4 million total budget)
  - 2014 - \$23.5 million (\$63.3 million total budget)
  - 2015 - \$24.9 million (\$64.5 million total budget)
  - 2016 - \$25.9 million (\$66.6 million total budget)
  - 2017 - \$28.9 million (\$72 million total budget)
  - 2018 - \$28.7 million (\$71.3 million total budget)
- The recommended pay plan is 10 steps with a 3% pay increase between each step, which would be a start to correcting the pay disparity between ranks at YPD (**Thomas/Welch**)
- The last LMS was completed in 2014 and was implemented over a two-year period in 2015 and 2016 (**Thomas/Welch**)
- While the LMS is not needed for the YPD pay plan, it will be used to determine pay raises for the rest of the City's employees (**Watts/Wilkinson**)
- The recommended pay plans for both YPD and YFD will be presented to City Council early on in the yearly budget process (**McClendon/Corbin**)

- While it is understood that employees want a commitment, pay needs to be addressed as part of the whole budget process in order to ensure that it is sustainable and will not have to be rescinded or changed after a year or two (**McClendon/Mayor**)
- It is possible to make fairly educated estimates using rough numbers based on past data and projections as early as December so that employees are not waiting for months to see what might be happening with regard to pay (**Mayor Nicholls**)
- For those who have reached the top step, whether or not they receive a cost of living adjustment or lump sum payment will be addressed as the plan is created (**Mayor Nicholls/Corbin**)
- The LMS report will include an estimated cost of implementation, and once that report is received Finance is ready to start plugging those numbers into the budget (**Corbin**)
- The cost of the pay plan for YPD and YFD can be pulled out and shown as a separate feature in the budget, but it remains a part of the General Fund (**Thomas/Marlin**)
- One cannot be paralyzed by the unknown, and must continue to set goals and act on those goals despite the possibility that something may happen (**Shelton**)

#### Speakers

- **J.R. Skaggs**, 7352 E. 24<sup>th</sup> Lane, commended City Council for tackling this issue, and provided a real-life example of the loss of trained personnel through a story related to his son.
- **Diane Umphress**, 1310 S. 3<sup>rd</sup> Avenue, asked City Council to look at this issue through the eyes of the victims who are impacted by understaffing and officers that lack experience.
- **Bill Kereluk**, 12765 S. Avenue 5 ½ E, Chapter President of the Yuma Chapter United Yuma Firefighters, suggested a meeting with representatives from YPD and YFD where pay issues could be worked out.
- **Kathryn Huntley**, 10714 E. 38<sup>th</sup> Lane, noted that in addition to pay, retirement benefits affect retention and should also be taken into consideration.
- **Henry Valenzuela**, 2000 W. Country Lane, pointed out that YPD has already been working on the pay issue for two years and proposed a collaboration to eliminate duplication of effort.
- **Eva Mendez Counts**, 2648 W. 22<sup>nd</sup> Street, urged City Council to make a decision soon as addressing the retention issue is imperative for YPD to appropriately respond to crimes.
- **Eric Egan**, 13393 E. 43<sup>rd</sup> Lane, asked that City Council go a step beyond voicing their commitment by providing clear direction to City staff to implement pay plan A2 in the next budget.

**Motion** (Shelton): That City Council give City Administration direction to support the 3% proposal presented by staff as well as the step elements included within. The motion failed for lack of a second.

**VI. 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.

#### **VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

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

**VIII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** reported the following events:

- November 10 – Turkey Trot 5k and 10k
- November 16 – North End Art Walk

**IX. CALL TO THE PUBLIC**

**Eric Egan**, 13393 E. 43<sup>rd</sup> Lane, President of the Fraternal Order of Police Yuma Lodge, invited City Council and the public to a fundraiser event to benefit the fallen officer memorial project on Sunday, November 11<sup>th</sup>, from 6:00 p.m. to 11:00 p.m. at Littlewood Fine Art and Community Co-Op.

**X. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:20 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