

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
APRIL 17, 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 Tom Renard, Imagine Nations Church gave the invocation. **Presiding Municipal Judge James Coil**, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Police Chief, Susan Smith Presiding Municipal Judge, James Coil 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 – Formal Badge presentation for Police Chief Smith

Municipal Judge James Coil presided over the Formal Badge presentation for new Police Chief Susan Smith. **Chief Smith** introduced her husband, John Smith and son, Brandon Smith and thanked the community, Yuma Police Department and City Council for their support.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.6- Job Order Authorization: Desert Dunes Water Reclamation Facility Improvements Project: Authorize the City Administrator to execute a job order with PCL Construction Inc., in an amount not to exceed \$602,636.86, for capital improvements to the Desert Dunes Water Reclamation Facility via the City's job order contracting program. (Eng)

Miller stated he did not agree that the City should reimburse the travel expenses for outside contractors.

Motion: (Knight/Thomas): To approve Motion Consent Agenda item B.6 as recommended. Voice vote: **approved** 4-3 (Shelton, McClendon, and Miller voting Nay)

Motion: (Thomas/Watts): To approve the Motion Consent Agenda as recommended with the exception of item B.6. Voice vote: **approved** 7-0

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

Regular Council Worksession	December 04, 2018
Regular Council Meeting	December 05, 2018
Council Citizen's Forum	March 19, 2019
Special Council Meeting	April 9, 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 Temporary Extension of Premises application submitted by Monica Lanora Beard, agent for The Maverick located at 1460 S. 4th Avenue, for an outdoor concert on Saturday May 18, 2019 (EP19-02) (Admin/Clk)
3. Approve a Special Event Liquor License application submitted by Wendy Ruth McKay on behalf of Bridget's Gift/Foundation of YRMC for the Cinco de Mayo Block Party. The event will take place between the 100-300 blocks of Main Street on Saturday, May 4, 2019, from 9:00 a.m. to 11:00 p.m. (SP19-12) (Admin/Clk)
4. Award the lowest responsive/responsible bidders, one-year contracts for the Fertilizers & Chemicals for Grounds Maintenance, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual budget expenditure of \$125,000 to: Fertizona, Yuma, Arizona; Harrell's LLC, Lakeland, Florida; Horizon Distributors Inc., Tucson, Arizona; Nutrien Ag Solutions, Yuma, Arizona; Wilber Ellis Company, Tempe, Arizona (Parks-Bid #2019-20000121) (Parks)
5. Authorize the purchase of two 2020 Peterbilt/McNeilus 25-Yard automated side loaders utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for \$332,613.24 each, at a total expenditure of \$665,226.48 to: Rush Truck Center Yuma, Yuma, Arizona. (Public Works-Bid #2019-20000131) (PW)
6. Pulled for separate consideration; see above.
7. Approve the final plat for Villa Serena Subdivision, Unit 1. The property is located at the northwest corner of S. Avenue 6E and E. 48th Street, Yuma, AZ. The applicant is Dahl, Robins and Associates, on behalf of Jakolin, LLC (SUBD-24804-2019) (DCD)

II. RESOLUTION CONSENT AGENDA– There were no resolutions scheduled for adoption at this time.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title(s):

Ordinance O2019-016

An ordinance of the City Council of the City of Yuma, Arizona, Correcting Scrivener's Errors in the stated Zoning Districts and the Area of the Property in Ordinance No.: 02019-010 (Property located at 2920 S. Kish Avenue) (DCD)

Ordinance O2019-017

An ordinance of the City Council of the City of Yuma, Arizona, Amending Title 19, Chapter 193, Section 71 of the City Code by changing the Collection Fee for Delinquent Payments (Increases the current rate of collection fee from 15% to 20% in order to cover the associated costs with the City's delinquent inactive water customer accounts that are being placed with a collection agency) (FIN)

Ordinance O2019-018

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) District to the Low Density Residential (R-1-6) District and Amending the Zoning Map to conform with the Rezoning (Rezone a 4.87-acre parcel for the property located at the southeast corner of S. Araby Road and E.32nd Street) (DCD)

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

IV. INTRODUCTION OF ORDINANCES -There were no ordinances scheduled for introduction at this time.

V. PUBLIC HEARINGS 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

Appointments - There were no appointments scheduled at this time.

Announcements:

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

Scheduling:

Motion: (Thomas/McClendon): To schedule a special Worksession to discuss the Budget on April 24th at 5:30p.m. in Room 190. Voice vote: **approved** 7-0.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported that the Arbor Day Celebration will take place at Ponderosa Park on April 18th, from 9:00 a.m. to 10:00 a.m.

VIII. CALL TO THE PUBLIC

Harvey R. Campbell, 4155 E. Co. 13 ½ Street, Campbell asked the City Council and City staff to consider adding to the first City Council Agenda in June a section to discuss the Health Insurance Benefits provided to Councilmembers as it relates to the State Statute and the City of Yuma Charter. Campbell also requested the \$3.3-million-dollar use of impact fees for the Pacific Avenue Athletic Complex (PAAC) as shown in the 2017-2018 and 2018-2019 budget be discussed on the next City Council Meeting.

Audra Attaway, 1046 S. Appaloosa Lane, Attaway spoke about the perceived injustices brought against Sgt. Henry Valenzuela and the entire Yuma Police Department by City Administrator Wilkinson. Attaway spoke in regards to an award not given to Sgt. Henry Valenzuela due to his asking hard questions on financial decisions made by City Administrator Wilkinson that may have a negative impact on our community.

Karl Shaner, 2045 S. 14th Avenue Unit 78, Shaner thanked the City of Yuma for providing programs to educate citizens about what is going on in our town, such as the Citizens Police Academy and the Neighborhood Leadership Academy. Shaner also requested that the previous law regarding RV's parked in residential areas be brought back because the current law now states that an RV can park in a residential area for 48 hours and if they moved to another site that is a few feet away, then they can park for another 48 hours and he is not in agreement with such law.

Mary Ann Easterday, 3359 S. 15th Avenue, Easterday congratulated the Yuma Police Department for all the hard work they have been doing in our City to keep us safe. Easterday encouraged citizens of Yuma to help the Yuma Police Department by calling in to report if they see something going on. Easterday also mentioned the Recycling program being an on-going program in the City of Yuma. Lastly, Easterday asked the City Council to consider not having the speakers at the City Council Meeting give out their address for security purposes, given that the address information is already on the cards submitted to the City Clerk's office prior to the City Council Meeting.

Noemi Rodriguez, 1310 S. 3rd Avenue, Rodriguez advocated for the children who are victims of abuse and spoke on the statistics seen over the last year at Amberly's Place especially with the increase of crimes committed against children - 63% this quarter - in Yuma County alone and how significant the community's role was and is in making a safer environment for the children of Yuma. Rodriguez thanked the City Council for their support and asked for everyone to take action against child abuse.

John Lekan, 2559 S. Terrace Avenue, Lekan provided the City Council with his version of the telephone call held between City Administrator Gregory Wilkinson and himself on Monday March 25th, 2019. In this phone call, the 2018 Sworn-Supervisor of the Year Award nomination for Sgt. Henry Valenzuela was discussed. Based on the conversation held that day, Lekan's perception was that the jobs of anyone with authority and raises for the Yuma Police Department would be in jeopardy if Sgt. Valenzuela were to be approved for the Award.

Phil Clark, 4296 W. County 15th Street, Clark expressed his concern upon learning that there was an alleged complaint filed against him by the City Administrator seeking his prosecution for being a threatener and harasser of the City of Yuma. According to Clark, the City Council was not aware of the complaint filed against him, so he questioned the Charter and the control of litigation by the City Council and requested clarification on how the City Administrator supposedly is seeking his prosecution without their knowledge.

Henry Valenzuela, 2000 W. Country Lane, Valenzuela spoke about various topics such as health insurance, the \$100,00 contract limit and the denial of his award as the Sworn Supervisor of the Year by City Administrator Wilkinson. Valenzuela stated that once the City Administrator has lost the trust of the public and employees he is no longer effective. Valenzuela asked the Mayor and City Council to have the courage to do what needs to be done.

Will Katz, 340 W. 32nd Street P.O. Box 643, Katz thanked everyone for allowing him to be at today's City Council Meeting and exercise his constitutional rights. Katz asked the Mayor and City Council to take action based on the allegations presented against City Administrator Wilkinson and he commended the Councilmembers who, according to him, are taking a stand to do the right thing.

Eric Egan, 13393 E. 43rd Lane, Egan spoke about the perceived emotional decisions being made by the City Administrator Wilkinson in dealing with a group of individuals questioning the City's procedures. Egan expressed his concern over the comments made by the City Administrator against Chief Lekan over the past weeks. Egan encouraged the Mayor and Council to do the what they believe to be the right thing no matter what. Egan thanked Chief Lekan for standing up and clarifying the conversation between himself and the City Administrator.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion: (Thomas/Knight) To adjourn the meeting into Executive Session. Voice vote: **approved 7-0.**
Mayor Nicholls adjourned the meeting at 6:37 p.m.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor