

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 4, 2016
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Councilmember Jacob Miller, gave the invocation. **Ron Corbin**, Director of Human Resources, 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
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 are no presentations scheduled at this time.

I. MOTION CONSENT AGENDA

B.3 Permanent Extension of Premises: Yuma County Airport Authority, Inc. – Yuma International Airport Restaurant

Gerald Hinkle Jr. Chief Financial Officer of the Yuma County Airport Authority was available for questions. He explained that the Yuma County Airport Authority is requesting the Arizona Department of Liquor to expand the area where they serve alcohol because there have been instances where customers have inadvertently walked outside the boundaries of the current license with alcoholic beverages. Expanding the premises will help alleviate this issue.

B.7 Amended Final Plat: La Tierra Subdivision - Approve the amended final plat for the La Tierra Subdivision. The subdivision is located at the southwest corner of Avenue C and the Central Drain. The applicant is Core Engineering Group, PLLC, on behalf of Diez Familia, LLC. (SUBD-13498-2016). (DCD/Planning)

Mayor Nicholls declared a conflict of interest on item B.7 due to his employment. He turned the meeting over to Deputy Mayor Craft and left the dais.

Motion (Knight/Thomas) to approve Motion Consent Agenda item B.7. Voice vote: **approved** 6-0-1. Mayor abstained due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Knight/Thomas) to approve the Motion Consent Agenda as presented with the exception of Item B.7. Voice Vote: **approved** 7-0.

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

Regular Council Meeting	January 6, 2016
Special Council Meeting	January 20, 2016
Special Council Worksession	January 28, 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). (Attny)
2. Approve a Special Event Liquor License Application submitted by Angela Mitchell, on behalf of Yuma Foothills Rotary, for the Paint the Town Red event. The event will take place at the Historic Gowan Building located at 370 South Main Street on Saturday, May 7, 2016 from 6:00 p.m. to 12:00 a.m. (SP-15) (City Admin/Clerk)
3. Approve an Application for Permanent Extension of Premises submitted by Gerald Hinkle, agent for Yuma International Airport Restaurant, located at 2191 E. 32nd Street (EP16-02) (Admin/Clerk).
4. Approve a new Series #12 Restaurant Liquor License Application submitted by Andrea Lewkowitz, agent for Starbucks Coffee #14665, located at 1630 South Pacific Avenue (LL16-07) (City Admin/Clerk)
5. Approve a Person/Location Transfer for a #06 Bar Liquor License Application submitted by Alejandro Trujillo, agent for Chef Alex Group LLC dba The Patio Restaurant, located at 1245 West Desert Hills Drive (LL-16-08) (City Admin/Clerk)
6. Authorize the City Administrator to execute an agreement with Century Link to provide next generation services for the 9-1-1 system (Police/Communications)
7. Pulled for separate consideration; see above.

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

O2016-010 Zoning Code Text Amendment Off-Site Signs- Amend Title 15, Chapter 154
(Sections: 01.17.04) to provide definitions and add regulations regarding off-site signage.
(Zone-13006-2016) (DCD/Planning)

Motion (Knight/Craft) to continue Ordinance O2016-010 Zoning Code text amendment regarding off-site signs to the Regular City Council Meeting of June 1, 2016 for further review with the stakeholders.
Voice Vote: **approved** 7-0.

IV. INTRODUCTION OF ORDINANCES

At the request of the Mayor, **Bushong** displayed the following title:

Ordinance O2016-012

An ordinance of the City Council of the City of Yuma, Arizona, amending title 3 of the Yuma City Code, chapter 34, *Personnel Policies*, by adding section 06, related to establishing a Workers' Compensation Trust and Workers' Compensation Trust Board (Establishment of a Workers' Compensation Trust Board)

Ordinance O2016-013

An ordinance of the City Council of the City of Yuma, Arizona, amending chapter 154 of the Yuma City Code, rezoning certain property located in the transitional (TR) district to the general commercial (B-2) District and amending the zoning map to conform with the rezoning (Rezoning of .15 acres located at the southwest corner of 5th Avenue and 16th Street)

Ordinance O2016-014

An ordinance of the City Council of the City of Yuma, Arizona, amending chapter 154 of the Yuma City Code rezoning certain property located in the light industrial (L-1) district to the general commercial (B-2) district and the medium density residential (R-2) district and amending the zoning map to conform with the rezoning (Rezoning of 0.48 acres located at the southeast corner of 3rd Avenue and 11th Street)

V. PUBLIC HEARING AND RELATED ITEMS

Capital Improvement Budget for Fiscal Years 2017-2021 – Adopt the Capital Improvement Program for Fiscal Years 2017-2021 pursuant to Yuma City Charter, Article XIII, Section 11 (Admin)

Mayor Nicholls declared a potential conflict of interest on the Parks and Recreation, Storm Water Control and Transportation sections due to his employment and turned the meeting over to Deputy Mayor Craft and left the dais.

Motion (Knight/Thomas) to adopt the Parks and Recreation, Storm Water Control and Transportation sections of the Capital Improvement Program for fiscal years 2017-2021 under Resolution R2016-012.
Roll Call Vote: **adopted** 6-0-1. Mayor abstained due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Craft/Knight) to adopt the remainder of the Capital Improvement Program for Fiscal Years 2017-2021.

At the request of the **Mayor, Bushong** displayed the following title:

Resolution R2016-012

A resolution of the City Council of the City of Yuma Arizona, adopting the Capital Improvement Program for Fiscal Years 2017 through 2021 (Adoption of the Capital Improvement Program for Fiscal Years 2017 through 2021 pursuant to Yuma City Charter, Article XIII, Section 11)

Roll Call Vote: **adopted** 7-0.

Mayor Nicholls opened the Public Hearing at 5:46 p.m.

Final Budget Adoption for Fiscal Year 2016-2017 – Adopt the City of Yuma Budget for Fiscal Year 2016-2017 in the amount of \$226,798,413 which includes a Capital Improvement Program Budget of \$53,162,500, and an Operating Budget of \$173,635,913 (Fin/Admin)

Speakers

Chris Bedinger 649 South Orange Avenue, Chairman of the Parks, Arts, and Recreation Commission briefly addressed some of the comments regarding the Pacific Avenue Athletic Complex (PAAC). He continued stating that the Commission has been involved with the project since the beginning and are in support of the project 100%. Furthermore, speaking as a resident, he stated he is in support of raising his property taxes. Raising taxes is a difficult decision, however the consequences of not doing so would strike this community and the citizens must consider what is at stake by not funding public safety. He encouraged City Council adopt this budget and raise property taxes.

Diane Umphress 1310 South 3rd Avenue stated she has seen the City Council's struggles through the budget process and commended them for their due diligence. She recognized the many police and fire personnel that came to the meeting, stating the City's public safety personnel are there for us 24 hours a day, 7 days a week - when we need them. Umphress noted that she is willing to tighten her budget to live in a safe community, to have clean water, a safe home and community. There is only so much the City can do without the citizen's support – its time for the community to assist the City.

Dennis Franklin 1845 Arizona Avenue, agrees that the salaries for public safety do need to be increased. However he doesn't believe that raising sales tax is the way to do so.

Judy Phillips 581 7th Avenue thanked the City for their continued support making Yuma a nice place to live. She expressed her appreciation for the beautiful parks, fantastic recreation department and the arts.

Eric Egan Fraternal Order of Police 1500 S 1st Avenue, President of the Fraternal Order of the Police, thanked the City Employees for the phenomenal job that they do and the community for their wonderful support of local law enforcement and fire personnel. He stated the best way to promote growth in Yuma is by bringing in new businesses which requires a strong foundation. He doubts that the property tax increase will cause loss of business because the community is strong in their support of local business. He opined that further loss of City employees will deplete Yuma's quality of life. He

explained that Yuma needs to be competitive in the market in order to secure employees in their positions. He asked that City Council pass the budget as is.

Motion (Knight/Craft) to close the public hearing. Voice Vote: **approved** 7-0. Public Hearing Closed at 6:03 p.m.

Mayor Nicholls declared a conflict of interest on the portion of the budget pertaining to Catholic Community Services due to family employment within that agency, in addition to his previously mentioned conflicts related to the CIP and turned the meeting over to Deputy Mayor Craft.

Motion (Knight/Thomas) to adopt the Catholic Services Safe House budget for fiscal year 2016-2017 under Resolution R2016-013 in the amount of \$15,500. Roll call vote: **adopted** 6-0-1. Mayor Nicholls abstained due to conflict of interest.

Motion (Knight/Shelton) to adopt the Parks and Recreation, Storm Water Control and Transportation Capital Improvement Program Budget for Fiscal Year 2016-2017 under Resolution R2016-0013 in the amount of \$28,703,500. Roll Call Vote: **adopted** 6-0-1. Mayor Nicholls abstained due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Knight/Craft) to adopt the remainder of the final Budget for Fiscal Year 2016-2017 under Resolution R2016-013 in the amount of \$198,079,413 which excludes the Catholic Service Safe House Funding and the Parks and Recreation, Storm Water Control and Transportation Budget of the 2016-2017 Capital Improvement Program previously adopted.

At the request of the Mayor, **Bushong** displayed the following title:

Resolution R2016-013

A resolution of the City Council of the City of Yuma Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017; and declaring that such shall constitute the adopted Budget of the City of Yuma for such Fiscal Year; and declaring necessity of Boards and Commissions (To adopt the Final Budget for Fiscal Year 2016-2017)

Roll Call Vote: **adopted** 5-2. Miller and Wright voting Nay.

O2016-015 Adopt the 2016-2017 Primary Tax Levy and Mall Maintenance District Property Tax Levy
adopt the 2016-2017 Primary Tax Levy and Mall Maintenance District Property Tax Levy
(Fin/Admin)

Speakers

John Courtis, 2522 S Elmwood Drive, stated he believes that the City should continue to look for ways to lower taxes. The property tax rate in Yuma County is one of the highest in the state. He suggested increased efficiency with staffing and better control of our operational budgets. Increasing taxes should only occur when all other avenues have been exhausted and there is no other alternative. The Yuma

County Chamber of Commerce completely supports our police force and our fire department and agrees that they all should be paid the prevailing wage.

Gregory Counts, 2648 West 22nd Street, retired Yuma Police Department (YPD) Lieutenant spoke in support of raising the City of Yuma property tax. He has seen first-hand how the pay and medical insurance premiums have affected the YPD employees. He added that in order to attract more businesses to Yuma, the City needs to be a safe place to conduct business. He encouraged City Council to support public safety by raising property tax to the level that it should be at.

Eva Mendez-Counts, 2648 West 22nd Street, stated that she understands the challenges and the fiscal needs of the City of Yuma. YPD is facing some increased challenges in retaining and recruiting police officers. She recognized Chief Lekan for his hard work in managing his department with the resources that he has available. She expressed concerns related to response times, understaffing and over working police officers. Community safety is non-negotiable and a property tax increase could be a realistic approach to addressing some of the public safety concerns.

Connie Whitener, 1006 South 8th Avenue, expressed concerns regarding government entities raising taxes. She suggested the City find a better way to spend money to prevent additional tax increases.

At the request of the Mayor, **Bushong** displayed the following title:

Ordinance O2016-015

An ordinance of the City Council of the City of Yuma Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars (\$100) of valuation, sufficient to raise the amount estimated to be required in the annual budget for the fiscal year 2016-2017 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous fiscal year, providing a general fund; and fixing, levying, and assessing upon property within the boundaries of the Main Street Mall and off-street parking maintenance District No. 1 subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said district, all for the fiscal year ending June 30, 2017 (Adoption of the 2016-2017 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy)

FINAL CALL

Mayor Nicholls made the final call for those who wish to speak at the Call to the Public.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Craft/Knight) to appoint Brian Ewing to the Library Board of Trustees with a term expiration of June 30, 2019. Voice vote: **approved 7-0.**

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

VII. SUMMARY OF CURRENT EVENTS

Wilkinson noted the following upcoming events for Drinking Water Week for the week of May 2, 2016 through May 6, 2016. The City will celebrate with public service announcements, displays at City Hall, and an open house at the Main Street Water Treatment Plant Facility on May 7 from 8:00 a.m. to 1:00 p.m.

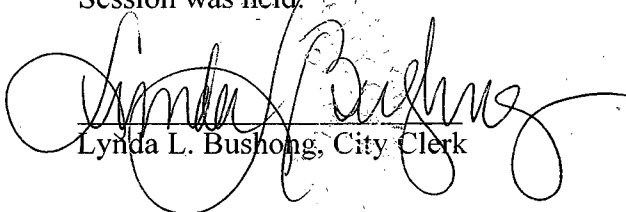
VIII. NOTIFICATION TO MAYOR AND COUNCIL

Bushong notified City Council that valid petitions for Referendum REF-2016-01 related to Ordinance O2016-006 which pertain to the rezoning of the property located at 24th Street and Avenue 9E were on file in the office of the City Clerk. Pursuant to the Arizona Revised Statutes a review of the petition was conducted by the City Clerk and the County Recorder. After the review, I have certified that the number remaining signatures for said referendum exceeds the minimum required by the Constitution to place a measure on the General Election Ballot. The number of valid signatures filed on this petition based on the random sample appeared to be at least 100 percent of the minimum required. Also provided for under Article V of the Yuma City Charter, the City Council has 50 days from the Clerk's notification to either repeal Ordinance O2016-006 or submit the resolution to the electors of the City of the next General or Special Election called for that purpose.

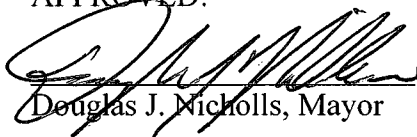
IX. CALL TO THE PUBLIC – There are no speakers at this time.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting 7:14 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
December 7, 2016
City Clerk: 