

**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 19, 2017**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:32 p.m.

**INVOCATION/PLEDGE**

**Tom Renard**, Pastor of ImagineNations Church, gave the invocation. **Steve Irr**, Fire Chief, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Shelton, Wright, Miller, Knight, Thomas, Craft and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Chief of Police, John Lekan Principal Planner, Jennifer Albers 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 from members of the audience.

**PRESENTATIONS**

**Lekan** provided some background to a hands-on struggle that ensued between Officer Miranda and a subject walking in traffic that occurred on November 20, 2016. A passing citizen, Mr. William Kramer, who witnessed the struggle, came to the aid of the officer until back-up officers arrived. The actions taken by Mr. Kramer may have prevented a significant injury to the officer, the subject, or worse yet, a greater tragedy. Mr. Kramer was presented with a plaque by Officer Miranda, on behalf of the City of Yuma and the Yuma Police Department, for his courage and willingness to assist an officer in the performance of their duty and for going above and beyond what was required.

**Mayor Nicholls** echoed **Chief Lekan's** comments and thanked Mr. Kramer for his actions that day.

**I. MOTION CONSENT AGENDA**

**Motion** (Knight/Craft): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

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

Regular Council Worksession	January 3, 2017
Regular City Council Meeting	January 4, 2017
Regular Council Worksession	January 17, 2017
Regular Council Worksession	January 31, 2017

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 Chris Wheeler on behalf of the Yuma Rotary Club for the Cinco de Mayo Festival. The event will take place on Main Street, between the 100 and 300 blocks, on Friday, May 5, 2017, from 5:00 p.m. to midnight. (SP17-16) (Admin/Clerk)
3. Award to the lowest responsible and responsive bidder for the construction of the 24<sup>th</sup> Street Lift Station Replacement in the amount of \$965,800.00 to: LPC Construction, Inc., Yuma, Arizona. (Utilities)
4. Authorize the City Administrator to enter into an Intergovernmental Agreement with Arizona Western College for Emergency Medical Technician and Paramedic field training. (Fire)
5. Authorize the contracted service for Transaction Privilege Sales and Use Tax Auditing Services by utilizing a cooperative purchase agreement originated by the City of Glendale, for an estimated initial cost of \$90,000 and \$60,000 for the following years to: Albert Holler & Associates, Queen Creek, Arizona. (Bid #2017-20000196) (Finance)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

O2017-013 Zoning Code Text Amendment – Accessory Dwelling Units - Amend Title 15, Chapter 154, Section 01.07 to add definitions related to accessory dwelling units and to add Title 15, Chapter 154, Section 15.16 to provide regulations regarding accessory dwelling units. (DCD/Planning)

**Motion** (Craft/Knight): To amend Ordinance O2017-013 the Zoning Code Text Amendment related to Accessory Dwelling Units, to include the appropriate penalty clause set forth by Yuma City Code, Section 154-999, and to re-introduced the ordinance as amended.

Voice Vote: **approved** 7-0.

O2017-014 Zoning Code Text Amendment – Sign Regulations - Amend Title 15, Chapter 154 (Sections: 01.07 and 17) regarding sign regulations. (DCD/Planning)

**Motion** (Thomas/Craft): To amend Ordinance O2017-014 the Zoning Code Text Amendment related to Sign Regulations, to include the appropriate penalty clause set forth by Yuma City Code, Section 154-999, and to re-introduce the Ordinance as amended. Voice Vote: **approved** 7-0.

**Mayor Nicholls** read the penalty clause language which will be added to both Ordinances O2017-013 and O2017-014:

*It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.*

**Bushong** displayed the following titles for re-introduction:

**Ordinance O2017-013**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the Zoning Code to provide definitions related to accessory dwelling units and to add regulations regarding accessory dwelling units thereof** (allows an accessory dwelling unit to be located on a residential property which currently is or is planned to be developed with a single-family residence) (DCD/Planning)

**Ordinance O2017-014**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the Zoning Code to provide definitions related to signage and to amend regulations regarding on-site signage thereof** (a text amendment which is reflective of the recent Supreme Court decision) (DCD/Planning)

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**Motion** (Knight/Craft) to adopt the Ordinance Consent Agenda as presented, with the exception of Ordinance O2017-013 and Ordinance O2017-014 as noted above.

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

**Ordinance O2017-009**

**An ordinance of the City Council of the City of Yuma, Arizona, approving a transfer of funds to the Housing Authority of the City of Yuma, repealing Ordinance No. O2016-034, which authorized and approved the execution of a transfer agreement with the Housing Authority of the City of Yuma, and authorizing the conversion of City of Yuma Public Housing to the Rental Assistance Demonstration**

**Program** (repeals Ordinance O2016-034; authorizes the transfer of \$1,900,000 to HACY; authorizes the City to enter into the RAD conversion) (Attny)

**Ordinance O2017-010**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of a utility easement on City-owned real property, hereafter described, to Arizona Public Service Company, for the reason that such easement is required for the development, operation and maintenance of a monopalm cellular tower located at 1028 W. Colorado Street** (allows the development, operation and maintenance of the monopalm cell tower; grants APS the right to permanently locate, reconstruct, repair, operate and maintain their electrical service lines on the described City-owned property) (Admin)

**Ordinance O2017-012**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning a portion of a certain property located in the High Density Residential (R-3) District to the General Commercial (B-2) District and amending the zoning map to conform with the rezoning** (rezone approximately 17,000 square feet of property located at 1540 W. 8<sup>th</sup> Street) (DCD/Planning)

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

**IV. INTRODUCTION OF ORDINANCES** – There were no Ordinances scheduled for introduction.

**V. PUBLIC HEARINGS**

MC2017-086 Annexation Area No. ANEX-16663-2017 - Avenue B - This is a public hearing to consider the annexation of property located at the northeast corner of 15<sup>th</sup> Street and Avenue B. (ANEX-16663-2017) (DCD/Planning)

**Mayor Nicholls** opened the public hearing at 5:44 p.m.

**Jennifer Albers** presented the following information:

- This is an annexation request for approximately 6.5 acres at the northeast corner of 15<sup>th</sup> Street and Avenue B.
  - There are a total of five properties and four property owners in this annexation effort.
    - Ghiotto Family Properties, L.L.C. (Parcels 1 and 2)
    - South Avenue B, L.L.C. (Parcel 3)
    - Yuma Fourth Avenue Properties L.L.C. (Parcel 4)
    - Gorgonio and Ana Molina (Parcel 5)
  - The annexation area contains a vacant restaurant (the old El Pappagallo site), three vacant parcels and one retail tire shop.
  - The annexation request was initiated by Ghiotto Family Properties L.L.C whose intent is to develop an apartment complex at a future date.
  - Parcel 3 is a remnant (.6 acres) of a larger six-acre parcel. The County zoning is R-2 and it contains the Negrete Tire Shop.

- Yuma Fourth Avenue Properties is the property to the North and is undeveloped. The current County zoning for this property as well as the El Pappagallo site is Limited Commercial (C-1).
- Ghiotto Family Properties L.L.C. is in the process of doing a General Plan Amendment and their current zoning in the County is C-1 and RA-40 which is a 40-acre parcel size – rural area. They are looking to do a General Plan Amendment to High Density Residential and at a future date, after annexation, rezone to High Density Residential R-3.
- Parcel 3 is currently zoned County R-2. Once annexed, it will go to City R-2 because that is the land use designation they are.
- Parcels 4 and 5 have a current zoning of County C-1 and a City land use designation of Medium Density. Rezoning, following annexation, is necessary which is why City staff has initiated a General Plan Amendment for both these parcels to mixed use so that they can obtain City B-1 zoning following annexation.
- The El Pappagallo site is currently the only parcel with a connection to City sewer. Pending development, the other parcels would have to install a sewer line in order for them to be able to develop on those properties.

**Motion** (Thomas/Knight) to close the Public Hearing. Voice vote: **approved 7-0**. The Public Hearing closed at 5:49 p.m.

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MC2017-087 Public Hearing - Capital Improvement Program Budget Fiscal Years 2018 through 2022 - Conduct a public hearing on the Capital Improvement Program Budget Fiscal Years 2018 through 2022, pursuant to Yuma City Charter, Article XIII, Section 11. (Admin)

**Mayor Nicholls** declared a potential conflict of interest and turned the meeting over to **Deputy Mayor Knight** and left the dais.

**Deputy Mayor Knight** opened the Public Hearing at 5:51 p.m.

**Deputy Mayor Knight** proposed that the \$245,000 in 2% monies, currently allotted for the Multi-Model Center, be moved to the Outside Agency Agreement with Yuma Visitor's Bureau. **Craft** stated that spending \$245,000 in order to get \$12 million dollars for the Multi-Model Center is a good use of 2% monies. **Deputy Mayor Knight** agreed and responded that the \$245,000 will be replaced, but not with 2% monies. **Wilkinson** clarified that the movement of the funding to the Yuma Visitor's Bureau agreement would need to be addressed during budget discussions.

**Motion** (Shelton/Wright) to move the \$245,000 from the category it is currently in to "other" in the CIP.

Discussion:

- The City does not want to lose the opportunity to get \$12 million if we are lucky enough to be awarded the TIGER Grant for the Multi-Model Center. (**Craft and Knight**)
- The 2% fund will change to show the money coming away from Capital Improvements up to the operating line and \$245,000 of anticipated revenue into the CIP fund to cover the matching grant. It will show as "other" money (**Wicks**)
  - The CIP budget is not changing. We are going to move the budget within the CIP from 2% designation to "other". (**Wicks**)

- Subsequent to that, \$245,000 will be added to the operating budget. **(Wicks)**
- The City of Yuma being the only municipality within Yuma County that funds YVB will need to be a topic during budget discussions. **(Thomas and Knight)**

Voice vote: **approved 5-1-1 Thomas** voting Nay – **Mayor Nicholls** abstained due to declared conflict of interest.

Other CIP Discussions:

- The project scope for the movement of the City Prosecutor from the old APS building to the Municipal Court has not been clearly identified. **(Shelton and Gallegos)**
- Expansions to the Municipal Court are about 10 years out. **(Wilkinson)**
- The Prosecutor's Office would move to the warehouse once the Fleet Shop is built. The warehouse was constructed in a modular fashion to be able to be reconfigured with a minor interior remodel. A workspace for the Prosecutor's Office at the Municipal Court would be included in the Municipal Court expansion as mentioned above. **(Wilkinson)**

**Motion** (Thomas/Craft) to close the Public Hearing. Voice vote: **approved 6-0-1. Mayor Nicholls** abstained due to conflict of interest. The Public Hearing closed at 6:07 p.m.

**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, Miller, Wright, Knight** 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:

- Tacos and Tunes – post event update.
- The ribbon cutting for Littlewood Fine Art & Community Co-Op will take place on April 21, 2017 at 6:00 p.m.
- Introduction to Photography by Ty Cook will be held on April 21, 2017 at 4:00 p.m.
- Day of Unity Clean Up will be held on April 22, 2017 beginning at 8:00 a.m.
- Art Beat 10 will be held on April 22, 2017 at 4:00 p.m.
- Fairy Party will be held at the Quarter Master Depot on April 22, 2017 at 5:30 p.m.

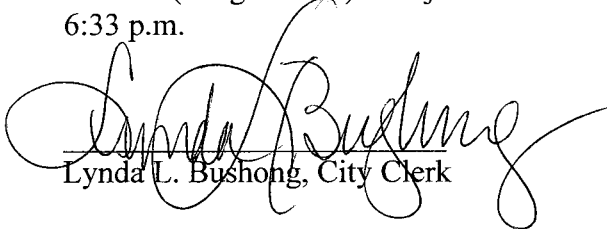
**VIII. CALL TO THE PUBLIC**

**Gary Bartlett**, 5707 E. 32<sup>nd</sup> Street, #1207, Yuma Az., stated he was disappointed to see the reduction in the Visitor's Bureau budget from \$650,000 to \$400,000. The Visitor's Bureau does one thing – they market Yuma, Arizona – and they have been doing an excellent job.

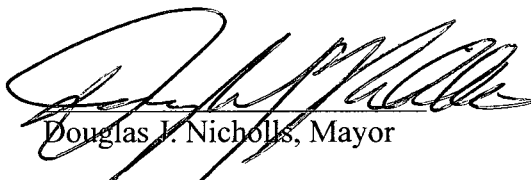
**Rob Ingold**, 1650 E. Paseo Real, Yuma, Az., stated that there are a few things that residents want in the City. They want Public Safety; good, safe streets; transparency; honesty and openness in government; fiscal responsibility and they want parks and community services. He expects that City Council and the Administration of the City of Yuma provide those things.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Knight/Craft) to adjourn to Executive Session. Voice vote: 7-0. The meeting was adjourned at 6:33 p.m.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
October 18, 2017
City Clerk: 