

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 3, 2017
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:34 p.m.

INVOCATION/PLEDGE

Councilmember Thomas, gave the invocation. **Lin ViHoton**, Veteran of World War II, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Wright, Miller, Knight, Thomas, Craft, Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Human Resources Director, Ron Corbin 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

Corbin recognized Manny Hernandez, Environmental Program Coordinator, for the valuable work he does for the City. He presented the Voluntary Environmental Stewardship Program award that the City received from the Arizona Department of Environmental Quality for all of the great City environmental programs that go above and beyond what is required by law.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.5 - Bid Rejection: Fleet Services Maintenance Shop (reject all bids for the Fleet Services Maintenance Shop because the design does not match the desired direction for the project) (Admin – Bid #2017-20000151)

Miller declared a conflict of interest regarding Motion Consent Agenda Item B.5 and left the dais.

Mayor Nicholls explained that City staff has recommended to reject all bids. Although the construction documents came in under budget they do not meet the project design and features that were initially presented to City Council. With this rejection, staff needs to go back to the designer and discuss a metal building which was the original type of building presented to City Council.

Jim Allen, DPE Construction, 1555 W 34th Street, questioned the recommendation to reject all bids, noting that all of the bids were within 4% of each other, which is very competitive. The life expectancy of a concrete building is longer than that of a metal building, and maintenance costs for a metal building far exceed those for a concrete building. Allen opined that the project should be awarded to the lowest bidder, or if local preference is being utilized to the second-lowest bidder.

Motion (Knight/Craft): To approve the Motion Consent Agenda Item B.5, MC 2017-095 Bid Rejection: Fleet Services Maintenance Shop. Voice vote: **approved** 6-0-1; Miller abstaining due to conflict of interest.

Miller returned to the dais.

Motion Consent Agenda Item B.4 - Marketing Agreement: Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America (allow the use of the City of Yuma's name and logo in marketing materials for external sewer line, water line, and in-home plumbing warranties) (Admin)

Motion (Mayor Nicholls/Knight): To continue Motion Consent Agenda Item B.4 to the second meeting in May. Voice vote: **approved** 7-0.

Motion (Knight/Thomas): To approve the Motion Consent Agenda with the exception of items B.4 and B.5. Voice vote: **approved** 7-0.

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

Council Citizen's Forum	February 28, 2017
City Council Worksession	February 28, 2017
Council Citizen's Forum	March 14, 2017
Regular City Council Meeting	January 18, 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). (Atty)
2. Approve a Series #12 Restaurant Liquor License Application submitted by Robert Zeppelin Molina III, agent for 2Fifty1 Downtown located at 251 S. Main Street (LL17-02)
3. Authorize the use of a cooperative purchase agreement initiated by the City of Peoria for the manhole rehabilitation for an estimated amount of \$100,000 per year to the following awarded vendor: Southwest Environmental Testing, Inc., Phoenix, Arizona. (Utilities/Purchasing - Bid #2017-20000198)
4. Pulled for separate consideration above.
5. Pulled for separate consideration above.

II. RESOLUTION CONSENT AGENDA

Resolution Consent Agenda R2017-004 - Amendment: Residency Requirements (amend Resolution R2002-08 relating to personnel residency requirements) (Admin)

Motion (Thomas/Knight): To amend Section 2 of Resolution R2017-004 to replace the word 'with' with 'within' and correct the second paragraph of the staff report to state the same. Voice vote: **approved** 7-0.

Motion (Craft/Thomas): To adopt the Resolution Consent Agenda as amended.

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

Resolution R2017-004

A resolution of the City Council of the City of Yuma, Arizona, amending the residency requirements in the City of Yuma Personnel Rules adopted by Resolution No. R2002-08 (amend Resolution R2002-08 relating to personnel residency requirements) (Admin)

Resolution R2017-005

A resolution of the City Council of the City of Yuma, Arizona, providing for a call of election for the 2017 Primary and General elections, designating the election dates and purpose, designating the deadline and location for candidates to file nomination petitions and designating the deadline for voter registration (approve a Call of Election for the 2017 City of Yuma Primary and General Elections) (Admin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

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

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 (updates the Zoning Code to reflect the 2015 Supreme Court decision in Reed vs. Town of Gilbert which states that signs cannot be regulated based on content) (DCD/Planning)

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

IV. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2017-016 - Zoning Code Text Amendment: Off-Street Parking & Loading Regulations (reduce required parking spaces for certain uses, provide permitted parking reductions, and clarify language prohibiting parking of recreational vehicles within the front yard setback) (Zone-16697-2017) (DCD/Planning)

Motion (Knight/Craft): To amend Ordinance O2017-016, the Zoning Code Text Amendment related to Off-Street Parking & Loading Regulations to: 1) add the following language to Section 8, as a new subsection (B): *In residential districts, parking is permitted within the front yard setback in front of garages, carports or on an adjacent paved surface in accordance with [City Code] 154-16.02 (C). Such area shall not exceed 40% of the front yard setback;* 2) add the word 'recreational' after the word 'equipment,' and before the word 'vehicles', in Section 8, subsection (c); 3) omit Section 8, subsection (C) (3) so that there will be no height requirement; 4) re-alphabetize the subsections of Section 8 accordingly; and introduce Ordinance O2017-016, as amended. Voice vote: **approved** 7-0.

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

Ordinance O2017-015

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 Agriculture (AG) District to the Limited Commercial (B-1) District and amending the zoning map to conform with the rezoning (17,000 square feet of property located at the northwest corner of 8th Street and Avenue B) (DCD/Planning)

Ordinance O2017-016

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 reduce the number of required parking spaces for certain uses; provide permitted reductions; and to clarify language prohibiting parking of boats, campers, travel trailers, and motorhomes within the front yard setback of any residential or services district (reduce required parking spaces for certain uses, provide permitted parking reductions, and clarify language prohibiting parking of recreational vehicles within the front yard setback) (DCD/Planning)

V. PUBLIC HEARING FOR 2017-2018 BUDGET & RELATED ACTIONS

Public Hearing on Resolution R2017-006 - Capital Improvement Program Budget Fiscal Years 2018 through 2022 (adopt the Capital Improvement Program Budget for Fiscal Years 2018 through 2022 pursuant to Yuma City Charter, Article XIII, Section 11.) (Admin)

Mayor Nicholls declared a potential conflict of interest regarding Resolution R2017-006, turned the meeting over to Deputy Mayor Knight, and left the dais.

Motion (Miller/Wright): To continue this item until the next City Council Meeting to allow Miller to seek legal counsel. Voice vote: **failed** 3-3-1; Knight, Thomas and Craft voting nay and Mayor Nicholls abstaining due to conflict of interest.

Motion (Thomas/Craft): To recess to Executive Session to obtain legal counsel on Resolution R2017-006. Voice vote: **approved** 5-1-1; Wright voting nay and Mayor Nicholls abstaining due to conflict of interest. The meeting recessed at 6:13 p.m.

Deputy Mayor Knight reconvened the meeting at 6:34 p.m.

Miller stated that he would be recusing himself until he can seek legal counsel and left the dais.

Motion (Craft/Thomas): To continue the Public Hearing on Resolution R2017-006 until the May 17, 2017, City Council Meeting. Voice vote: **approved** 5-0-2; Miller and Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls and **Miller** returned to the dais.

Public Hearing on Resolution R2017-007 – Public Hearing and Final Budget Adoption for Fiscal Year 2017-2018 (adopt the proposed budget for Fiscal Year 2017-2018 in the amount of \$214,831,937) (Finance)

Mayor Nicholls opened the Public Hearing at 6:37 p.m.

Discussion

- **Shelton** made the following recommendations:
 - The City consider outsourcing the maintenance for the Pacific Avenue Athletic Conference so as not to overburden the current Grounds Maintenance Crew.
 - That a public hearing be held on the rate increase proposed for ambulance services because it is something the public should know about.
 - The City to return the Hotel Del Sol to the private sector where it can generate commercial revenue and be an asset to Downtown Yuma.
 - That a citizen's revenue committee be formed to provide input into how the City can generate more revenue
- **Thomas** suggested designating \$40,000 or \$50,000 of the 2% hospitality tax fund to Parks and Recreation so they can avoid program cuts and provide any remaining funds to the Yuma Visitors Bureau (YVB).
- **Wright** expressed concern regarding the history of losses experienced by Parks and Recreation, most notably by the golf course, especially in light of the increased expenditures resulting from the Pacific Avenue Athletic Complex.
- **Wright** questioned why there is \$6.3 million in the road fund but the City is only using \$3.6 million on projects to fix Yuma's failing roads.
- **Miller** requested that the adoption of the final budget be continued as he does not feel he has received the answers he needs to make a decision and would like City Council to have additional time for further discussion. Miller further requested that every department come before City Council during the budget process and provide an in-depth presentation of their department's budgetary needs.

Speakers

Gary Bartlett, 5707 E. 32nd Street #1207, implored the City not to cut funding to YVB because they do a very important job every day of promoting Yuma. Cutting their funding will force them to reduce staff, programs, or both.

Wayne Benesch, 230 W. Morrison Street, suggested that City Council take the time to carefully review the Budget Committee's recommendations and incorporate them into their discussion and decisions regarding the budget.

Rob Ingold, 1650 El Paseo Real, noted that three councilmembers still have questions on the budget which tells him that they do not have the information they need to vote on the budget tonight. He urged City Council not to vote on the budget until they understand it 100%.

Phil Clark 4296 W. County 15th Street, stated that while City Council was provided with a figure of \$5.6 million for expenditures, they have not been given the specific line items that make up that amount. City Council needs to be provided with all available information to allow them to give meaningful input into the budget.

Motion (Wright/Miller): To reinstate \$250,000 from the 2% hospitality tax fund to the Yuma Visitors Bureau for a total of \$650,000. Roll call vote: **failed** 2-5, Shelton, Knight, Thomas, Craft, and Mayor Nicholls voting nay.

Motion (Knight/Craft): To reinstate \$200,000 from the 2% hospitality tax fund to the Yuma Visitors Bureau for a total of \$600,000. Roll call vote: **approved** 6-1, Thomas voting nay.

Motion (Craft/Thomas): To approve Resolution R2017-007, the Final Budget for Fiscal Year 2017-2018 in the amount of \$176,281,937, which excludes the Capital Improvement Program.

Discussion

- **Wright** stated that he would like an opportunity to speak with the members of the Citizen's Budget Committee and more time to further review and consider their recommendations.
- **Mayor Nicholls** noted that City Council has already addressed the only budget item recommended by the Citizen's Budget Committee, which was reconsidering the cut to YVB's funding.
- **Miller** pointed out that City Council still has a month and a half to be able to dive into the budget before the budget deadline and they owe it to the citizens of Yuma to take the time to do so.
- **Shelton** suggested that the City Administrator reach out to Yuma County and other cities within Yuma County to see if they might want to contribute to funding YVB.

Roll call vote: **adopted** 4-3, Shelton, Wright, and Miller voting nay.

Mayor Nicholls and **Miller** declared a potential conflict of interest with regard to the Capital Improvement Program budget. **Mayor Nicholls** turned the meeting over to **Deputy Mayor Knight** and both left the dais.

Motion (Craft/Thomas): To approve the Capital Improvement Program budget included in Resolution R2017-007, the Final Budget for Fiscal Year 2017-2018, in the amount of \$38,550,000.

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

Resolution R2017-007

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, 2017 and ending June 30, 2018; 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 (adopt the proposed budget for Fiscal Year 2017-2018, which includes a Capital Improvement Program budget of \$38,550,000) (Finance)

Roll call vote: **adopted** 5-0-2, Mayor Nicholls and Miller abstaining due to conflict of interest.

Mayor Nicholls and **Miller** returned to the dais.

Motion (Thomas/Craft): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 8:04 p.m.

Introduction of Ordinance O2017-017 – Adopt the 2017-2018 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy (Primary Property Tax rate of \$2.3001 and Mall Maintenance District Property Tax Levy of \$4.4889) (Finance)

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

Ordinance O2017-017

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 of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2017-2018 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 Offstreet 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 beginning July 1, 2017 and ending June 30, 2018 (Primary Property Tax rate of \$2.3001 and Mall Maintenance District Property Tax Levy of \$4.4889) (Finance)

FINAL CALL

Mayor Nicholls made a final call or 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, Shelton, Miller, Wright, Craft, Knight, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Wright requested that the City Administrator's evaluation and contract be placed on the agenda for the City Council Meeting of May 17th. **Mayor Nicholls** responded that he has only received two evaluations from City Council and he will be absent on May 17th. He hopes to receive the rest of the evaluations from City Council by the end of the month and have the item placed on the agenda for the first City Council Meeting in June.

Craft requested an update on the construction of the Pacific Avenue Athletic Complex. **Wilkinson** stated that City staff would present an update at the first scheduled City Council meeting in June.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson reported the following events:

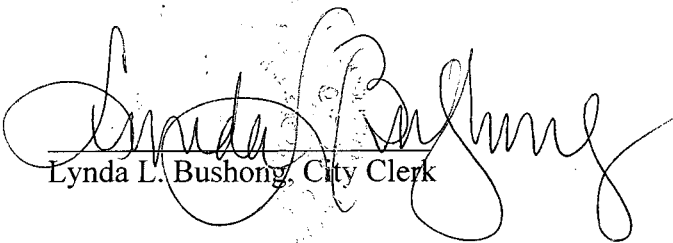
- May 6th: Celebration of Life for Ralph Ogden at the Yuma County Fairgrounds
- May 7th: Foot Golf Tournament at Desert Hills Golf Course Par 3

VIII. CALL TO THE PUBLIC

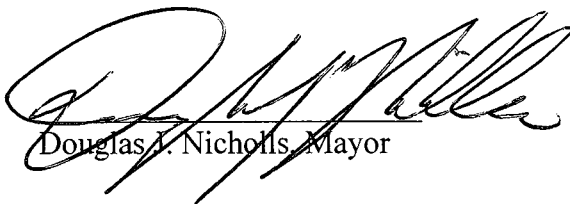
Linda Morgan, 180 W. First Street, Executive Director of Yuma Visitor's Bureau, stated she recalls some of the Parks & Recreation programs that are being cut are programs for senior and adults not just for children and most of them were poorly attended. She thanked the City Council for their work and support during this year's budget season.

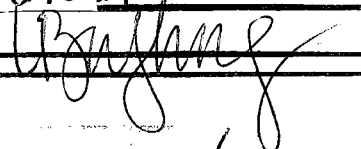
IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:39 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
Feb 21st, 2018
City Clerk: 

CERTIFICATION OF POSTING
DATE POSTED: _____
TIME POSTED: _____
POSTED BY: _____