

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 4, 2019
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Howard Blitz of the Freedom Library gave the invocation. **Sylvia Chappell**, Legal Assistant, led the City Council in the Pledge of Allegiance.

ROLL CALL

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| Councilmembers Present: | Shelton, Watts, Thomas, Knight, Miller, and Mayor Nicholls |
| Councilmembers Absent: | McClendon |
| Staffmembers Present: | Interim City Administrator, John D. Simonton |
| | Fire Chief, Steve Irr |
| | Assistant Fire Chief, Dustin Fields |
| | Fire Captain, Alvin Luedtke |
| | Fire Engineer, Aaron Wonders |
| | Fire Fighter, David Padilla Jr. |
| | Fire Fighter, Justin Zahn |
| | Legal Assistant, Sylvia Chappell |
| | City Prosecutor, Jay Cairns |
| | Director of Engineering, Jeff Kramer |
| | Network Engineer, Chris Wood |
| | 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

Presentation of Tribal Gaming Proceeds

Mayor Nicholls and **Virgil Smith**, Vice President of the Quechan Tribe, presented tribal gaming proceeds checks to Crossroads Mission, Human Society of Yuma, and Amberly's Place.

Presentation of Yuma Fire Department Certifications

Chief Irr presented **Fields** with an Executive Fire Officer Certification and **Luedtke, Wonders, Padilla,** and **Zahn** with Technical Rescue Technician Certifications from the National Fire Academy.

Recognition of Lifetime Achievement Award

Files and **Cairns** congratulated **Chappell** for being awarded the 2019 Lifetime Achievement Award by the Arizona Prosecuting Attorney's Advisory Council.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.11 – Change Order: Fire Station No. 4 Improvements (approve a planned change order to the Construction Services Contract with CORE Construction, Inc. in the amount of \$1,600,000.00) (Eng)

Kramer clarified that the final dollar amount on this project is \$1.6 million and includes the cost of all of the improvements to Fire Station No. 4 and the rental of the trailer to serve as temporary living quarters. The City is being credited back the \$172,476.00 that City Council previously approved to purchase a modular building since it was not purchased due to the vendor being unable to fulfill the contract.

Motion Consent Agenda Item B.15 – Agreement: Unite Private Network, LLC Indefeasible Right of Use (approve an indefeasible right-of-use agreement for six pairs of dedicated fiber optic cable) (Admin)

Motion Consent Agenda Item B.16 – Agreement: Unite Private Network, LLC, YumaNet Maintenance Agreement (approve a maintenance agreement for the City's fiber loop network) (Admin)

Wood explained that Unite Private Network (UPN) will provide at no cost six pairs of fiber optic cable exclusively for use by the City and nonprofits supported by the City. This will include all areas of UPN's Yuma Communications System excluding what was previously built for Crane School District.

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

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

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|-------------------------|-------------------|
| Regular Council Meeting | December 19, 2018 |
| Regular Council Meeting | February 20, 2019 |
| Council Citizen's Forum | August 6, 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 new Series #12 Restaurant Liquor License application submitted by H. J. Lewkowitz, agent for Chipotle Mexican Grill #3374 located at 3080 S. 4th Avenue, Suite A. (LL19-10) (Admin/Clk)

3. Approve a Special Event Liquor License application submitted by Anna Sylvia Martinez on behalf of Desert Elite Basketball Club, Inc., for Michelada Festival. The event will take place at Arizona Market Place, 3351 S. Avenue 4E, on Saturday, October 5, 2019, from 5:00 p.m. to 12:00 a.m. (SP19-17) (Admin/Clk)
4. Approve a Special Event Liquor License application submitted by Nerissa Freeman on behalf of St. Francis of Assisi Church for St. Francis Fiesta. The event will take place on Friday, October 4, 2019, from 7:00 p.m. to 11:00 p.m., Saturday, October 5, 2019, from 5:00 p.m. to 8:00 p.m., and Sunday, October 6, 2019, from 12:00 p.m. to 5:00 p.m. at St. Francis of Assisi Parish, 1815 S. 8th Avenue. (SP19-18) (Admin/Clk)
5. Approve a Special Event Liquor License application submitted by Rhett Stallworth on behalf of Yuma Catholic High School for the Traditional Tailgate Event. The event will take place at the Yuma Catholic High School Practice Athletic Field, 2100 W. 28th Street, on Friday, October 11, 2019, from 4:00 p.m. to 8:00 p.m. (SP19-20) (Admin/Clk)
6. Approve a Special Event Liquor License application submitted by Sara Gale on behalf of Humane Society of Yuma for Poker for Paws. The event will take place at 3:10 Autoworks/3:10 Diesel Works, 3222 S. Florence Lane, on Saturday, November 9, 2019, from 4:00 p.m. to 11:59 p.m. (SP19-21) (Admin/Clk)
7. Approve a Special Event Liquor License application submitted by Xanthe Bullard on behalf of the Yuma County Democratic Party for Burritos and Champagne. The event will take place at Littlewood Fine Arts Co-Op located at 176 S. Main Street on Friday, October 18, 2019, from 5:30 p.m. until 11:59 p.m. (SP19-22) (Admin/Clk)
8. Authorize the use of the cooperative purchase agreement initiated by the Omnia Partners, previously known as the National IPA, for irrigation controllers and sprinklers for Desert Hill golf courses for an estimated expenditure of \$179,957.59 to the following awarded vendor: Simpson Norton Corporation, Goodyear, Arizona. (Bid #2020-20000036) (Eng)
9. Authorize the use of the cooperative purchase agreement initiated by the City Council of Chandler for the purchase and delivery of Water and Wastewater Treatment Chemicals for an estimated annual expenditure of \$2,127,897.00 to the following awarded vendors: Chemrite, Inc., Bufford, Georgia, DPC Enterprises, L.P, Glendale, Arizona, Hill Brothers Chemical Company, Phoenix, Arizona, Polydyne, Inc., Atlanta, Georgia, Thatcher Company of Arizona, Buckeye, Arizona, U.S. Peroxide, LLC, Atlanta, Georgia, Univar USA, Inc., Phoenix, Arizona, Commercial Pool Repair, Scottsdale, Arizona. (Bid #2019-20000018) (Utl)
10. Reject proposal received for Integrated Facility Control Systems Repair/Installation Services. (RFP #2019-20000069) (Admin/Facl)
11. Authorize the City Administrator to approve a planned change order to the Construction Services Contract with CORE Construction, Inc. for Fire Station No. 4 Improvements in the amount of Guaranteed Maximum Price Proposal #2 (\$1,600,000.00). (RFQ #2018-20000194) (Eng)

12. Authorize the City Administrator to execute an intergovernmental agreement (IGA) providing Emergency Medical Services (EMS) training to United States Border Patrol Emergency Medical Services Technicians. (Fire)
13. Authorize the City Administrator to execute any further required documents for State Fiscal Year 2019 Emergency Response Fund Grant. (Fire)
14. Authorize the City Administrator to execute a five-year agreement with Catholic Community Services-Yuma to use the North End Community Center. (Parks)
15. Approve an indefeasible right-of-use agreement between the City of Yuma and Unite Private Network, LLC. (Admin)
16. Approve a Maintenance Agreement between the City and Unite Private Network, LLC. (Admin)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

Resolution R2019-029

A resolution of the City Council of the City of Yuma, Arizona, authorizing a lease agreement between the City of Yuma and Amberly's Place, Inc., for the City-owned property located at 812 S. Avenue A, Yuma for a family advocacy/retail use and authorizing the City Administrator to execute the lease agreement (a 12-month lease commencing August 15, 2019, in the amount of \$1,215.00 per month) (Atty)

Resolution R2019-030

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a lease agreement between the City of Yuma and First Choice Wireless Services, LLC of the City-owned property located at 1610 S. Maple Avenue and authorizing its execution by the City Administrator (a 12-month lease commencing August 15, 2019, in the amount of \$1,642.00 per month) (Atty)

Resolution R2019-032

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a development agreement permitting the deferral of City of Yuma Development Fees and Water and Sanitary Sewer Capacity Charges for Saguaro Unit 3 Subdivision (deferral is for three years from the date of execution upon payment of a \$500.00 deferral fee) (Eng)

Resolution R2019-033

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 110, serving Desert Sands Unit No. 1, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Desert Sands Unit No. 1, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape

improvements shall be assessed upon Municipal Improvement District No. 110; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (cost of the landscape improvements will be assessed on the respective property owners within the boundary map) (DCD)

Resolution R2019-034

A resolution of the City Council of the City of Yuma, Arizona, repealing Resolution R2011-29 and adopting the City of Yuma Emergency Operations Plan 2018 (provides direction and guidance to City governmental departments and supporting agencies in the event of a natural disaster or emergency) (Fire)

Resolution R2019-035

A resolution of the City Council of the City of Yuma, Arizona, supporting the Yuma County Multi-Jurisdictional Hazard Mitigation Plan-March 2019 (identifies potential risks to the region, critical infrastructure, and cost to repair and/or projects to reduce risk to that infrastructure) (Fire)

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

Introduction of Ordinance O2019-032 – Declare Property Surplus and Authorize Sale: Crest Drive (approximate 42,160 square-feet of property includes Crest Drive and the Bonanza Storm Water Basin with reservation of access and utility easements) (Eng)

Mayor Nicholls declared a conflict of interest on Ordinance O2019-032 as his firm does work for the applicant, turned the meeting over to Deputy Mayor Knight, and left the dais.

Bushong displayed the following title:

Ordinance O2019-032

An ordinance of the City Council of the City of Yuma, Arizona, vacating the right-of-way hereafter described, declaring the right-of-way surplus with the reservation of an easement, and authorizing the sale of the surplus right-of-way subject to a reverter clause upon the recording of a special warranty deed (approximate 42,160 square-feet of property includes Crest Drive and the Bonanza Storm Water Basin) (Eng)

Mayor Nicholls returned to the dais.

Bushong displayed the following titles:

Ordinance O2019-029

An ordinance of the City Council of the City of Yuma, Arizona, extending the term of a non-exclusive license with Unite Private Networks, LLC to operate and maintain a communication system in the

City of Yuma (includes the build out of UPN's communication system and dedication of fibers to the City with an irrevocable right in favor of the City's use of the dedicated fibers) (Admin)

Ordinance O2019-030

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereafter described, be acquired by the City of Yuma, by dedication, for the reason that such property is required to improve the public roadway drainage and other related public purposes (corner triangles at the southwest corner of 10th Street and Chestnut Avenue and at the northwest corner of 11th Street and Chestnut Avenue) (Eng)

Ordinance O2019-031

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 212 of the Yuma City Code, as amended, relating to streets and traffic regulations, providing for changes to the Streets and Traffic Code to add language addressing service vehicles actively engaged in commercial activities within residential districts on local or collector streets (such parking is not to exceed eight hours with a continued restriction on overnight parking) (DCD)

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

Motion (Knight/Watts): That Russ Clark, John Courtis, Barbara Hengl, Doug Jennings, Gel Lemmon, Russell McCloud, Art Morales, Jeff Polston, Bill Regenhardt, Peter Smith and Jennifer Tobin be appointed to the Charter Review Committee. Voice vote: **approved** 6-0.

Motion (Miller/Shelton): That Jacqueline Follmuth be appointed to the Planning and Zoning Commission with a term expiration of December 31, 2021. Voice vote: **approved** 6-0.

Motion (Watts/Thomas): That Amanda Coltman be appointed to the Design and Historic Review Commission with a term expiration of December 31, 2023. Voice vote: **approved** 6-0.

Announcements

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

Scheduling

Motion (Thomas/Watts): That Special City Council Meetings be scheduled for Monday, September 9, 2019, at 5:00 p.m.; Tuesday, October 10, 2019, at 8:00 a.m.; and Friday, October 11, 2019, at 8:00 a.m. in Conference Room 315 for the purpose of reviewing and interviewing candidates for the City Administrator position. Voice vote: **approved** 6-0.

Knight requested a review of Ordinance O2011-03 regarding barking dogs for a future meeting.

Shelton requested a discussion regarding the budget committee and a presentation on potential health influences of 5G technology.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- September 7th – Celebrate the Heat on Yuma's Main Street Block Party
- September 15th – Fiestas Patrias at the Yuma Civic Center

VIII. CALL TO THE PUBLIC

Wesley Lore, City resident, spoke in praise of Sergeant Raul Fiveash of the Yuma Police Department and expressed concern regarding the lack of well-paying jobs in Yuma.

Mary Ann Easterday, City resident, encouraged citizens to take pride in Yuma by adopting a street through the Department of Public Works and asked that City Council encourage the Arizona Department of Transportation to provide landscaping for any roundabouts they construct.

Deborah Rapp, City resident, asked why the citizens of Yuma were not able to vote regarding the new technology that is being implemented via the City's agreement with anyCOMM and expressed concern regarding the resulting potential privacy issues.

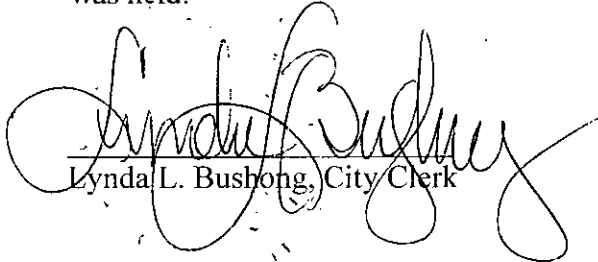
Gene Dalbey, City resident, brought attention to statistics from the Arizona Department of Transportation regarding pedestrian and bicyclist casualties and suggested that public service announcements could be used to bring awareness to safety issues.

Mary McClendon, Associate Director of Catholic Community Services, highlighted the agency's Home Delivered Meals Program and Congregant Meals Program and thanked the City for its support of these programs.

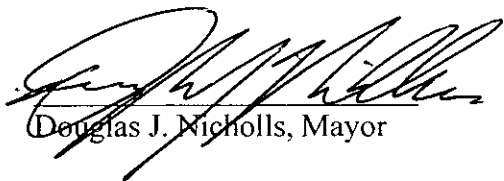
Diane Umphress, Executive Director of Amberly's Place and Co-Chair of the Governor's Commission for the Prevention of Violence Against Women, thanked the City for supporting Amberly's Place and the victims to which they provide services.

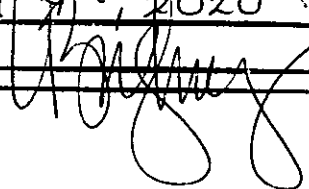
IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:31 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

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| Approved at the City Council Meeting of: |
| March 4 th , 2020 |
| City Clerk:  |