

**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 17, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:33 p.m.

**INVOCATION/PLEDGE**

**Erik Rangel**, Legacy Church, gave the invocation. **Joyce Lobeck** from the Yuma Sun led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Wright, Knight, Beeson, McClendon, Thomas, Craft, and Mayor Nicholls  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Utilities Director, Jay Simonton  
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 for agenda related items from members of the audience.

**PRESENTATIONS – NONE**

**I. MOTION CONSENT AGENDA**

**Motion** (Knight/Thomas): To approve agenda item B.3 the Special Event Liquor License for the Yuma Visitors Bureau – Rio de Cerveza as recommended. Voice vote: **approved** 5-0-2; Beeson and McClendon declared a conflict of interest.

**Motion** (Thomas/McClendon): To approve agenda item B.6 Request for Qualifications Geotechnical and Materials Testing and Other Related Consultant Services as recommended. Voice vote: **approved** 6-0-1; Mayor Nicholls declared a conflict of interest due to his firm doing business with all the companies involved.

**B.10 Notice of Intention to Adjust Water and Wastewater Utility Rates and Fees**

Discussion

- City staff is continuously looking for ways to save money. The most recent project is the solar panels being installed at the Aqua Viva and Desert Dunes locations. They're each close to half a megawatt a piece which will result in a significant cost savings.

- Staff recently had APS review the rates being charged to the City which revealed some cost savings to the City.
- The City has completed some CIP projects internally resulting in cost savings to the City.
- Staff is also looking at presenting City Council with a proposal to implement charges for delinquent payments.
- The study recommends a water and sewer cost increase of 3%, but staff has done a good job at containing the costs and the City is only looking at a 1.4% increase per year.

**McClendon** requested that the first public hearing be changed to November 5, 2014 to give City Council an opportunity to hear all the information that will be presented. **Simonton** stated that the Notice of Intention before City Council starts the process to allow the City to hold public hearings. The first public hearing scheduled for October 20<sup>th</sup>, was going to be in front of the Water and Sewer Commission. In the past the City's policy has been for the Water and Sewer Commission to gather information and then bring that input to City Council during the second public hearing, which was scheduled for November 5<sup>th</sup>. The intent of the first public hearing was to provide the Water and Sewer Commission with the second alternative previously suggested by City Council and to explore other alternatives, such as delinquency charges. The plan was to possibly have a Special Worksession on October 21<sup>st</sup> to present to City Council with the information discussed at the first public hearing. However, if City Council still feels the process is moving too fast the dates can be changed, but the Notice of Intent must pass in order to start the process. **Mayor Nicholls** asked if there are any statutory requirements to republish the Notice of Intent if City Council decides to add additional public hearings. **Moore** explained that City Council can hold as many public hearings as needed. There is only a time restriction of when the public hearing can begin. **Simonton** suggested to have the first public hearing on November 5<sup>th</sup> and to hold a Special City Council Worksession on October 20<sup>th</sup>. **Mayor Nicholls** stated the date of the Special City Council Worksession will be worked out with Mr. Wilkinson.

**Motion** (McClendon/Thomas): To amend the City of Yuma Notice of Intent to address water and wastewater utility rates and fees to read "A public hearing will be held by the Yuma Water and Sewer Commission in the Public Works Training Room at 155 W. 14<sup>th</sup> Street Yuma, Arizona 85364 on November 5, 2014. This public hearing will begin at 5:00 p.m." and strike the remainder of the notice. Voice vote: **approved 7-0.**

**Motion** (Thomas/Beeson): To approve the remaining Motion Consent Agenda as amended. Voice vote: **approved 7-0.**

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

|                                    |                |
|------------------------------------|----------------|
| Special Worksession/Budget Meeting | April 30, 2014 |
| Special Worksession/Roundtable     | May 14, 2014   |
| Citizen Forum                      | July 15, 2014  |
| Special City Council Meeting       | July 31, 2014  |
| Citizen's Forum                    | August 5, 2014 |

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 New License #12 Restaurant, Liquor License application, submitted by Placido Lopez, agent for Estrellita Mexican Restaurant, located at 2100 S. 4th Avenue, Yuma, Arizona. (LL14-20) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Clyde Robert Nidiffer, on behalf of the Yuma Visitors Bureau, for the Rio de Cerveza event. The event will be held at the Desert Sun Stadium, located at 1280 W. Desert Sun Drive, on Saturday, November 1, 2014 from 12:00 p.m. to 5:00 p.m. (SP14-20) (Admin/Clerk)
  - o Approved by separate motion; see above.
4. Approve a request submitted by David Johnson, Vice President of Turf Paradise, for an Off-Track Betting License at The Mine Shaft, located at 3905 S. 4th Avenue, with a term to expire May 31, 2015, to coincide with the term of Turf Paradise's State license. The owners of The Mine Shaft have expressed their support for the Off-Track Betting operation. (OTB14-01) (Admin/Clerk)
5. Reject all bids for Madison Avenue Improvements. (Eng - Bid# 2015-20000013)
6. Authorize City Administrator to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for Geotechnical and Materials Testing and Other Related Consultant Services with the following firms:
  - 1) EDAIS Engineering, Inc. Yuma, Arizona
  - 2) Geotechnical Testing Services, Inc., Yuma, Arizona
  - 3) Kleinfelder Tempe, Arizona
  - 4) Nicklaus Engineering, Inc. Yuma, Arizona(Eng - RFQ #2015-20000012) (Kevin Eatherly)
  - o Approved by separate motion; see above.
7. Authorize the City Administrator and City Staff to execute contracts with the Arizona Governor's Office of Highway Safety for highway safety projects in accordance with Federal Fiscal Year 2015 Highway Safety Plan. (YPD/Patrol)
8. Authorize the City Administrator and City Staff to execute contracts with the Arizona Governor's Office of Highway Safety for highway safety projects in accordance with Federal Fiscal Year 2015 Highway Safety Plan. (YPD/Patrol)
9. Approve an Intergovernmental Agreement to provide Information Technology Services to Yuma County Intergovernmental Public Transportation Authority. (ITS/Admin)
10. Approve the Notice of Intention pursuant to Arizona Revised Statutes § 9-511.01, to adjust (increase) water and wastewater utility rates and fees. (Utilities/Admin)
  - o Approved by separate motion; see above.

**II. RESOLUTION CONSENT AGENDA**

**Motion** (Beeson/McClendon): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title(s):

**Resolution R2014-31**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Real Property Exchange and Development Agreement with Runyan Enterprises LLC for the exchange of real property for necessary right-of-way and easements and the redevelopment of the real property located at 3151 S Avenue A**

(Real Property Exchange and Development Agreement: Runyan Enterprises LLC) (Admin)

**Resolution R2014-32**

**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 the Basera Subdivision**

(Development Fee Deferral: Basera Holdings, LLC) (PW/Eng)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Motion** (Beeson/McClendon): To adopt the Ordinance Consent Agenda as recommended.

**Bushong** displayed the following title(s):

**Ordinance O2014-27**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain parcel of real property, hereafter described, surplus for use by the City and authorizing conveyance of the property to the State of Arizona, Department of Veterans' Services, for the purpose of constructing a Veteran's care facility**

(Declaration of Surplus and Authorization of Transfer of Land: Arizona Department of Veteran's Services) (Admin)

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

**IV. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following title(s):

**Ordinance O2014-29**

**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**

**add regulations for accessory structures, to permit accessory structures within certain identified residential zoning districts, and providing penalties for violations thereof**  
(Zoning Code Text Amendment: Accessory Structures) (CD/Planning)

**V. PUBLIC HEARINGS – NONE**

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience for the Call to the Public agenda item.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments

**Motion** (Beeson/McClendon): To appoint Jacob Miller to an unexpired term on the Planning and Zoning Commission with a term expiration of January 31, 2017. Voice vote: **approved** 7-0.

Announcements

Councilmembers Beeson, Thomas, Knight, and Mayor Nicholls reported on several events they attended.

Scheduling

**Wright** requested a report on the Tennis Court Complex in regards to what improvements, repairs, or general changes are needed at this facility.

**VII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** announced that the video production and Public Affairs staff received two awards from 3CMA, a city and county communication and marketing association, for a public service announcement *Drive Aware* segment and a video about the City's Centennial celebrations.

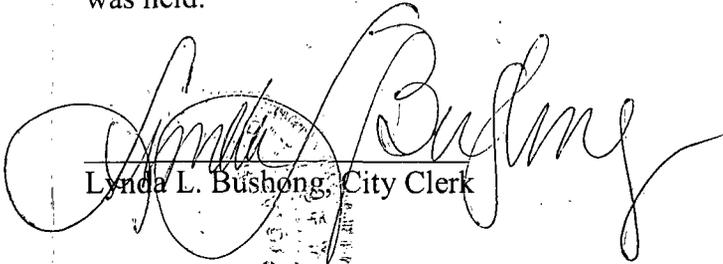
**VIII. NOTIFICATION TO MAYOR AND COUNCIL**

As required by the Yuma City Charter, Article V, Section 1(c), the City Clerk, **Bushong** notified City Council that valid petitions for Referendum REF2014-03 were filed in the Office of the City Clerk. Pursuant to the Arizona Revised Statutes, a review of the petitions was conducted by the City Clerk and the County Recorder. After the review the petition signatures have been certified to exceed the minimum required by the constitution to place a measure on the ballot. 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 Resolution R2014-23 pertaining to the General Plan Amendment to change the land use designation of the property located at 2545 W. 8<sup>th</sup> Street, or submit the resolution to the electors of the City at the next General or Special Election called for that purpose.

**IX. CALL TO THE PUBLIC – NONE**

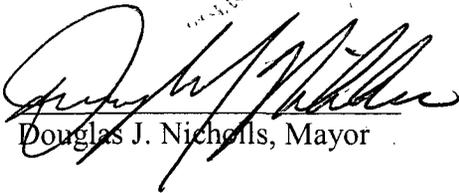
**X. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:29 p.m. No Executive Session was held.



Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:  
September 4, 2015  
City Clerk: [Signature]