

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 19, 2014
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Timothy Brandt, Chaplain, Yuma Regional Medical Center, gave the invocation. **Kayla Holiman**, Fire Marshall, 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
Finance Director, Pat Wicks
Principle Planner, Jennifer Albers
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

Recognition: **Evita Mendez-Counts**, on behalf of Catholic Community Services of Western Arizona (CCS), commended Deputy Police Chief Susan Smith for her service on the CCS board.

Recognition: Richard Nichols retirement; **Wilkinson** commended Nichols for 15 years of dedicated service as the Facilities Director.

I. MOTION CONSENT AGENDA

Mayor Nicholls opened the meeting to questions on Motion Consent Agenda items.

B.5 Approve an Interim Permit/Person Transfer of a #9, Liquor Store, Liquor License application, submitted by Rivan Saad Nona, agent for Val's Drive Thru Liquor, LLC, dba Val's Drive Thru Liquor, located at 2500 W. 8th Street, Yuma, Arizona (LL4-27) (City Administration/City Clerk)

Knight asked what State law requires for a liquor license transfer to be denied. **Moore** stated he would need to research the matter for the City Council.

Motion (Knight/Wright): To postpone the consideration of B.5 to the regularly scheduled City Council meeting of December 17, 2014. Voice vote: **approved** 7-0.

B.7 Authorize the City Administrator to negotiate and execute a 25-year contract to construct, install, operate and maintain a solar panel system (Solar Services Agreement/SSA) at no cost to the City, as well as, negotiate and execute a Guaranteed Savings Agreement and the proposed Improvement Agreement for the remaining 20 City facilities, as identified in the scope of work, by utilizing a cooperative purchase agreement with the State of Arizona and Climatec, LLC, Phoenix, Arizona. (Administration)

Wright asked for an explanation of the scope of work outlined in the Improvement Agreement – the second of three anticipated agreements. **Wilkinson** replied. Equipment in 20 City buildings will be upgraded to provide greater energy efficiency. The upgrades will include the installation of new HVAC units, replacement of interior and exterior lighting and the installation of automated control systems. The existing boiler at Marcus Pool will be replaced with a high efficiency model. Several variable speed drives will be installed at the water plant to save money.

Wright asked about the timeline for completion. **Wilkinson** stated the project should be completed within six months.

Motion (Knight/Wright): To amend B.7 to remove any reference to the negotiation and execution of the Improvement Agreement and the Guaranteed Savings Agreement with Climatec.

Wilkinson clarified for McClendon that the proposed motion would bring the Improvement Agreement and the Guaranteed Savings Agreement to the City Council for approval separately from the Solar Services Agreement. The construction of the solar panel system will not cost the City any money. The Improvement Agreement sets forth the scope of work for the equipment replacement.

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

Motion (Beeson/McClendon): To approve the Motion Consent Agenda as recommended, with the amendment of B.7 and the postponement of B.5 as stated above. Voice vote: **approved** 7-0.

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

Regular City Council Meeting	August 27, 2014
City council Citizen's Forum	September 30, 2014
Regular Worksession	September 30, 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). (City Attorney)

2. Approve a Person/Location Transfer for a #9, Liquor Store, Liquor License application, submitted by Clare Hollie Abel, agent for Wal-Mart Stores, Inc. dba Wal-Mart Neighborhood Market #7320, located at 2545 West 8th Street, Yuma, Arizona. (LL14-24) (City Administration/City Clerk)
3. Approve a New License for a #12, Restaurant, Liquor License application, submitted by Michael Dean Nelson, agent for West of PCH LLC dba Wingstop, located at 290 W. 32nd Street, Yuma, Arizona. (LL14-25) (City Administration/City Clerk)
4. Approve a New License for a #12, Restaurant, Liquor License application, submitted by Rafael M. Arroyo, agent for A&R Beer Bar and Grill, located at 712 S. 4th Avenue, Yuma, Arizona. (LL14-26) (City Administration/City Clerk)
5. Postponed by motion; see above
6. Approve a Special Event Liquor License application submitted by David L. Woodward, on behalf of the Yuma Fine Arts Association, for the All Galleries Opening Reception. The reception will be held at the Yuma Art Center, located at 254 S. Main Street, on Friday, December 5, 2014 from 5:00 p.m. to 10:00 p.m. (SP14-28) (City Administration/City Clerk)
7. Amended by motion; see above.

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

Resolution R2014-41

A resolution of the City Council of the City of Yuma, Arizona, declaring that a certain document titled NFPA 1 Fire Code 2012 (National Fire Protection Association 1 Fire Code 2012), be declared a public record and ordering the filing of three copies in the Office of the City Clerk (Public Record Declaration: NFPA 1 Fire Code 2012) (Fire/Administration)

Resolution R2014-43

A resolution of the City Council of the City of Yuma, Arizona, approving the issuance of one or more series of Charter School Revenue Bonds (Desert View Academy Project) Series 2014 to be issued by the Industrial Development Authority of the City of Yuma, Arizona; and related matters (Industrial Development Authority Charter School Revenue Bonds Series 2014) (City Attorney)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Knight /Beeson): To adopt the Ordinance Consent Agenda as recommended.
Bushong displayed the following title:

Ordinance O2014-31

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the General Commercial/Aesthetic Overlay (B-2/AO) District to the General Commercial (B-2) District and amending the zoning map to conform thereto

(Rezoning of Property: Northwest corner of 32nd St. and Talon Ave.; ZONE-7131-2104) (Community Development/Community Planning)

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

IV. INTRODUCTION OF ORDINANCES

Ordinance O2014-32

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 193 of the City Code by changing utility billing terms

Wicks contrasted the current schedule with the proposed schedule.

Current billing cycle: Customer has 15 days to pay before assessed a late fee.

- Day 1: Initial bill mailed
- Day 15: Initial bill due date
- Day 16: Delinquency notice issued/mailed with new due date
- Disconnection for non-payment, if not paid by new due date within same month
- Disconnected customers must pay their entire balance.

Proposed billing cycle: Customers have 30 days to pay before assessed a late fee and 45 days before service is cut. The delinquency fee is assessed only one time per delinquent bill.

- Day 1: Initial bill mailed
- Day 16: Initial bill due date
- Day 30: Delinquency/late fee assessed
- Day 31: Next bill mailed
- Day 45: Disconnection for non-payment

Example of proposed billing cycle for a \$100 monthly bill: To be reinstated after 45 days would require a payment of \$270.

- Day 1: Initial bill - \$100
- Day 30: Late fee assessed - \$20
- Day 31: New month's bill - \$100
- Day 45: Disconnection for non-payment - \$50 service connection fee required to be reinstated

Discussion: Ordinance O2014-32 – The following individuals participated in a discussion prior to hearing from members of the public: **Knight, Craft, Wright, Beeson, Nichols and Wicks.**

- People need time to adjust, especially during the holiday season.

- Implementing the proposed billing cycle should help prevent delinquencies and cutoffs.
- By the time this ordinance becomes effective, the 30-day cycle will have been in effect for six months.
- Most people are happy to have the 30-day cycle; it was something people were asking for as far back as 2007.
- Comparing the number of cutoffs during the 60-day cycle with the 30-day cycle is misleading because cutoffs are now being done monthly, not bimonthly. Thus, the number of cutoffs may not decrease.
 - There is a segment of customers who, as a matter of course, decline to pay until the City imposes fees or cuts their service.
 - The proposed billing cycle gives customers a full 30 days before a late fee is assessed and a full 45 before their service is cut.
- It costs the City between \$40 to \$120 each time a delinquency notice is generated and service is cut, but that is currently being offset by only a \$20 delinquency fee. Thus, the majority of City customers are subsidizing the process required by those who don't pay. The proposed increases will help offset the costs of failure to pay.
- Anyone having trouble with their bills should call the Water Department let them know the situation so the City can work with them.
- City officials have been working with certain local nonprofits to set up accounts whereby customers can donate to an assistance fund when they pay their bills. Then, those having difficulties can ask for assistance from these funds. That's something for the future.

Speakers

Armando Federico, 813 8th Avenue, stated that the City needs to give customers a month to pay because many people get their social security and retirement checks only once a month.

Helen Mallernee, 1127 S 20th Avenue, stated that customers who will be absent from Yuma for awhile need the option of being able to pay multiple months ahead of time. **Mayor Nicholls** explained that the bill can be paid online now. **Mallernee** stated she prefers to go into the Water Department and pay cash and would like to pay cash upfront for multiple months. **Wicks** stated that the City has taken pre-payments for a number of years. He asked Mallernee to contact him directly.

Darrell Bennett, 912 E. Harvard Street, commended staff for going in the right direction. The short payment window has been a hardship on many. He urged the Water Department to be more flexible for those who need just a little more time.

Sharon Merz, 3823 S. 18th Avenue, opined that if the City would collect the fees due it from delinquent payors, perhaps the water rates wouldn't need to be increased. Everyone should know that if you don't pay your bills on time, it will cost you more. This is a business. If the penalties for paying late are so lenient, why would anyone pay on time?

Thomas informed that Catholic Community Services does not assist with utility bills, but Western Area Council of Governments (WACOG) and the Salvation Army do. **Mayor Nicholls** added that WACOG offers assistance with electricity and natural gas costs, but not water. WACOG in the organization the City is working with to bring about assistance for water.

Motion (Knight /Thomas): To amend Ordinance O2014-34, *Exhibit A, Legal Description - City Exchange Parcel* by substituting "25,792 square ft." for "255,792 square ft." Voice vote: **approved** 7-0.

Bushong displayed the following titles:

Ordinance O2014-32

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 193 of the City Code by changing utility billing terms

(Amend Yuma City Code: Chapter 193, Water and Sewers) (Finance/Customer Services)

Ordinance O2014-33

An ordinance of the City Council of the City of Yuma, Arizona, amending the conditions of Ordinance No. O2014-27 which authorized the conveyance of certain real property to the State of Arizona, Department of Veterans' Services, for the purpose of constructing a Veterans' Care Facility

(Authorize Transfer of Land to Arizona Department of Veteran's Services) (City Administration/Administration)

Ordinance O2014-34, as amended

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the granting of a temporary easement to Yuma Elementary School District for access, parking, and operation of a drop-off and pick-up area on vacant City-owned property located at 1607 S. 8th Avenue and a portion of the adjacent alley, authorizing and directing that subject to the temporary easement, the City-owned real property, hereafter described, be declared surplus, together with reserving a utility easement and vacating a portion of the alley hereafter described, and authoring and directing that both the City surplus property and the vacated portion of the alley, subject to the described temporary and permanent easements, be exchanged for necessary 16th Street right-of-way, hereafter described and located at 701 W. 16th Street, for the reason that the right-of-way to be acquired by the City is necessary to improve the public roadway and utility infrastructure and other public purposes (Grant of Easement and Real Property Exchange: Yuma Elementary School District and JV Farms, Inc.) (City Administration/Administration)

V. PUBLIC HEARINGS

Mayor Nicholls declared a conflict of interest on the following item and turned the meeting over to Deputy Mayor Beeson. Thereafter, he exited the meeting.

Beeson opened the Public Hearing at 6:34 p.m.

Albers presented the particulars of the case:

- Requestor: Kenyons Market, Inc
- General Plan Major Amendment to change the land use designation from Mixed Use and Low Density Residential to Commercial for approximately 5.6 acres (12 parcels) of property in the vicinity of 5th Avenue and 16th Street.

- Intended rezoning: General Commercial (B-2) zoning, in accordance with the *North End, 16th Street and 4th Avenue Redevelopment Plan*.
 - Surrounding uses:
 - North and south: single family residential, offices and offsite parking
 - East: commercial and offices; West: single-family residential, offices and a vacant lot.
 - Planning and Zoning Commission recommendation: October 13, 2014 – approval
- There was no public comment.

Motion (Thomas/Craft): To close the public hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:35 p.m.

Motion (Knight /McClendon): To adopt R2014-42 as recommended.

Bushong presented the following title:

Resolution R2014-42

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2012-29, the City of Yuma 2012 General Plan, to change the land use designation from Mixed Use and Low Density Residential to Commercial for approximately 5.6 acres located in proximity to the intersection of 5th Avenue and 16th Street

(Major General Plan Amendment: 5th Avenue and 16th Street; GP-6521-2014) (Community Development/Community Planning)

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

Mayor Nicholls returned to the dais and **Beeson** returned the meeting to him.

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

Motion (Craft/Beeson): To appoint Julie McDonald, Paul Abbate and Mark Hessinger as part-time Municipal Court Judge Pro Tems for a term effective November 20, 2014 and expiring November 30, 2017. Voice vote: **approved** 7-0.

Members of the City Council reported on the following meetings/events:

- **Craft**
 - 11/18/2014: Read the proclamation initiating the Children's Festival of the Arts on Main Street.
- **Thomas**
 - Condolences to the family of local community leader, Alex Dees, who died November 6, 2014.
 - 11/11/2014: Rode in Veteran's Day Parade with Yuma policemen
 - 11/11/2014: With Knight, attended Veterans Day appreciation service at First Baptist Church

- 11/12/2014: Team Out-of-This-World held a meeting and voted to raise cancer (all types) awareness in the community.
- 11/15/2014: Catholic Community Services (CCS) staff and advisory board held a planning session that was facilitated by Michael Morrissey who did an excellent job.
- **Beeson**
 - 11/15/2014: Read the proclamation initiating the annual Salvation Army tree lighting ceremony at Yuma Palms mall.
 - 11/10/2014: The Department of Community Development (DCD) hosted a meeting of the Yuma County Healthy Communities Food Garden Network. DCD staff presented their plans for a text amendment to the Yuma City Code for community gardens.
 - 11/14/2014: A meeting was held concerning ongoing efforts to develop a garden at Orange Avenue and 4th Avenue. Another is planned for 11/14/2014.
 - 11/11/2014: Rode in Veterans Day Parade with firefighters
 - 11/7/2014: Attended award ceremony at Lifecare Center of Yuma. Yuma's Lifecare Center was awarded the top prize for being the best center in Lifecare's southwest region.
 - 11/6/2014: Attended a groundbreaking in El Centro for developers interested in Yuma
- **Mayor Nicholls**
 - 11/6/2014: Spoke at the plenary session of the statewide annual Planning Conference held at Pivot Point
 - 11/11/2014: Rode in the Veterans Day Parade
 - 11/4/2014: Attended ribbon cutting of *Above and Beyond – Arizona Medal of Honor Winners* exhibit at the Yuma County Historical Society and the unveiling of the refurbished Sanguinetti House
 - 11/12/2014: With Craft and Deputy City Administrator Rinehart, he hosted the 3rd grade class of Desert View Academy at City Hall
 - 11/12/2014: Lunched with Governor Brewer on her last official visit to Yuma
 - Attended going-away reception for Deb Vining, the City's departing right-of-way agent.
 - 11/7/2014: Attended League of Arizona Cities and Towns Executive Committee meeting
- **Knight**
 - 11/18/2014: With Deputy City Administrator Rinehart, he met with 30 Gila Ridge High School government class students for a question and answer discussion

VII. SUMMARY OF CURRENT EVENTS

Wilkinson stated that at this time of year there are many events. Of special note are the following:

- 11/14/2014: North End Art Walk in Downtown
- 11/14/2014: Women's City Golf Tournament at Desert Hills Golf Course
- 11/21-23/2014: Colorado River Crossing Balloon Festival
- 11/29/2014: Ken and Betty Borland tower lighting ceremony at Friendship Park

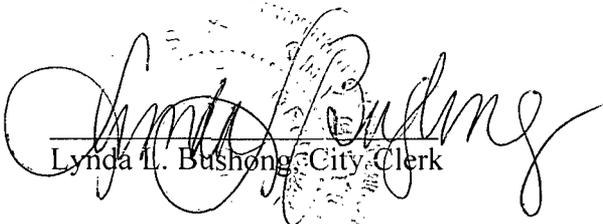
VIII. CALL TO THE PUBLIC

MaryAnne Easterday, 3359 15th Avenue, asked that the Friendship Park tennis courts remain unlocked so that its many users have easy access. Cars shouldn't be parked on the park's lawn. Graffiti seems to be

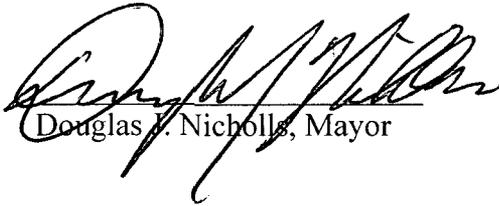
increasing and everyone should have the graffiti hotline programmed into their phones. Finally, this weekend the 44th Annual Community Bazaar will be held at the Civic Center and she hoped everyone would support the event; proceeds return to the community in the form of scholarships and leadership training.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:56 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:
June 17, 2015
City Clerk: 