

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 3, 2014
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Joshua Keinath, Pastor of Shepherd of the Hills Lutheran Church, gave the invocation. **Rhonda Lee James**, Neighborhood Services Manager, 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
Director of Community Development, Laurie Lineberry
Neighborhood Services Manager, Rhonda Lee James
Director of Finance, Pat Wicks
Fire Marshall, Kayla Holiman
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 from members of the audience.

PRESENTATIONS

Lineberry introduced the City's new Neighborhood Services Manager, Rhonda Lee James.

James thanked many various local organizations who participated in the 2014 Rock and Roll Paint-A-Thon and announced that six low-income elderly, disabled, and/or veteran-owned homes were painted.

Mayor Nicholls proclaimed December 3, 2014, as Bushmaster Day in the City of Yuma, being held in conjunction with Arizona's statewide commemoration.

Mayor Nicholls welcomed Boy Scout Troop, 53, Scout Master Don Jacobs, to tonight's meeting.

I. MOTION CONSENT AGENDA

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

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

Special Worksession/Roundtable	September 4, 2014
Citizen's Forum	September 16, 2014
Regular Worksession	September 16, 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 Special Event Liquor License application submitted by Xanthi Panos, on behalf of the Fort Yuma Rotary Club, Inc., for the Traxx Christmas Party. The party will be held at the Quartermaster Depot, located at 201 N. 4th Avenue, on Friday, December 19, 2014 from 4:00 p.m. to 10:00 p.m. (SP14-29). (SP14-27) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by George Craig Davis, on behalf of Yuma Rotary Club, for the German Fest on Madison. The event will be held in the area of Madison Avenue between 1st Street and 2nd Street on Saturday, January 17, 2015 from 10:00 a.m. to 8:00 p.m. (SP15-01) (Admin/Clerk)
4. Approve the final plat for the Park West Unit #2 Subdivision. The property is located at the southwest corner of 42nd Drive and 24th Street. The applicant is Dahl, Robins and Associates, on behalf of Yuma Valley Land Company, LLC. (SUBD-7248-2014) (DCD/Community Planning)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

Resolution R2014-44

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing the execution of a First Amendment to the Development Agreement with the Yuma Regional Medical Center and Hospital District No. 1, Yuma County, Arizona

(Amends R2013-38 re: YRMC ring road easement legal description) (City Admin/CIP Admin)

Resolution R2014-45

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a License Agreement with the Joseph W. Fisher II and Barbara A. Fisher Trust permitting use of adjacent City of Yuma right-of-way for landscaping and automobile display for property located at 349-359 E. 32nd Street

(PW/Eng)

Resolution R2014-46

A resolution of the City Council of the City of Yuma, Arizona, authorizing Yuma County Water Users' Association, Valley Division, Yuma Project, Encroachment License No. 001-14-001
(Authorize construction and maintenance of landscaping within portion of Patterson Lateral right-of-way)
(PW/Eng)

Resolution R2014-47

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of a Facilities Maintenance Agreement with the Yuma SW Development Group, LLC
(Allow company to use YCWUA property under COY license) (PW/Eng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Mayor Nicholls opened the meeting to speakers.

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

Cheryl Shilhan, 1720 S. 7th Avenue, stated that the late fee is difficult for people like her mother who receive their annuity checks only once a month. **Mayor Nicholls** explained that the City is lengthening the amount of time customers will have before the late fee is assessed, which should specifically help such residents.

Charles Rose, 3446 S. Puesta Del Sol Avenue, stated that the ordinance isn't written well. One of the Yuma City Code sections referred to doesn't deal with the water fees. Also, people are very confused because they think their reconnection costs will increase – for reconnecting upon their return to Yuma for the winter. **Mayor Nicholls** explained that the reconnection fee increase will be applied only to those who have had their water turned off for non-payment – not voluntary water stoppages.

Wicks clarified the sections being amended are certain subsections in Section 193-29, Section 193-71 and Section 193-73. The reference to Section 193-67 in the staff report is in error. **Moore** reviewed the typo and stated that the verbiage in the ordinance proper is correct. Thus, the ordinance can move forward.

Mayor Nicholls opened the meeting to questions and discussion on the agenda items from City Councilmembers.

Wright moved to delay the adoption of Ordinance O2014-32 in order to correct and clarify the paperwork. The motion died for lack of a second.

Beeson discussed amending the staff report with **Moore**.

Motion (Beeson/McClendon): To amend the staff report for O2014-32 to replace "193-67" with "193-29, 193-71 and 193-73." Voice vote: approved 7-0

Wright asked for details about the delinquency fee. **Wicks** explained that the delinquency fee will be assessed the day before a second bill is printed; it will appear on the second bill when an account is overdue. The City has never charged delinquency fees before. The fee will help offset the costs of delinquent accounts.

Motion (Beeson/Thomas): To adopt the Ordinance Consent Agenda as recommended and amended.

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
(Amends the Yuma City Code: Chapter 193 Water and Sewers) (Fin/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
(Amends O2014-27, authorize Transfer of Land to Arizona Department of Veteran's Services) (City Admin/Admin)

Ordinance O2014-34

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; property owners: Yuma Elementary School District and JV Farms, Inc.) (City Admin/Admin)

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

IV. INTRODUCTION OF ORDINANCES

Mayor Nicholls opened the meeting to questions and discussion of ordinances to be introduced.

Ordinance O2014-36

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13 of the Yuma City Code, Chapter 131, adopting by reference NFPA 1 Fire Code 2012, including annexes A, B, D, E and G, and the Amendments recommended by the Building Advisory Board dated March 12, 2014 and October 29, 2014, and providing a penalty for violations thereof

Holiman responded to questions posed at last night's worksession:

- Workers in the community who dispense, fill and evacuate liquid petroleum gas are already trained. Large suppliers train the employees of the shops and markets where gas tanks are sold; the suppliers provide this training for free. It's an industry standard and people in the community are already compliant.
- The regulation concerning above ground storage tanks applies only to new tank construction; it is not retroactive. Those who have above ground storage tanks that were built under previous code stipulations will not have to make any changes. The requirement is to keep large commercial storage tanks out of potentially hazardous areas.

Bushong displayed the following titles:

Ordinance O2014-35

An ordinance of the City Council of the City of Yuma, Arizona, authorizing amendment of Ordinance No. O2013-52 to amend the legal description of the Ring Road Easement to conform with the roadway as constructed

(Amends O2013-52 re: legal description of YRMC ring road easement) (City Admin/Right-of-Way)

Ordinance O2014-36

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13 of the Yuma City Code, Chapter 131, adopting by reference NFPA 1 Fire Code 2012, including annexes A, B, D, E and G, and the Amendments recommended by the Building Advisory Board dated March 12, 2014 and October 29, 2014, and providing a penalty for violations thereof

(Amends Yuma City Code: NFPA 1 Fire Code 2012 and local amendments) (Fire/Community Risk Reduction)

Ordinance O2014-38

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 157 of the Yuma City Code, as amended, correcting the title of Ordinance No. 2012-10 and adding the definition of "Biennial Certified Audit" to the City of Yuma Development Fee Ordinance

(Amends Yuma City Code: Title 15, Chapter 157, Section of City Code 157-01 (Definitions)) (City Attny)

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. ANNOUNCEMENTS AND SCHEDULING

Motion (Craft/Knight): To extend the terms of Diane Hansberger and Mark Pancrazi on the Industrial Development Authority to June 22, 2017, to conform to Arizona Revised Statutes, Section 35-705. Voice vote: **approved** 7-0.

Motion (Knight/McClendon): To extend the term of Dan Gray on the Industrial Development Authority to June 22, 2019, to conform to Arizona Revised Statutes, Section 35-705. Voice vote: **approved** 7-0.

Members of the City Council reported on events attended, as follows:

- **Wright**
 - November 27, 2014: Thanksgiving dinner served at the Crossroads Mission
- **Thomas**
 - December 1, 2014: Team Out of This World, Relay for Life meeting
- **Knight**
 - November 20, 2014: Extensive tour of Yuma International Airport, including the Million Air private pilot's lounge and the opportunity to watch the F-35's performing landing and take-off routines.
- **Mayor Nicholls**
 - November 20, 2014: Tour of the new Mariposa Port in Nogales, Arizona
 - 24th Annual Colorado River Crossing Balloon Festival
 - Yuma Catholic High School's state championship football game, which they won

Motion (Thomas/Beeson): To cancel the Regular Worksession scheduled for January 20, 2015 and the Regular City Council Meeting scheduled for January 21, 2015 because the City Council will be holding a Retreat in the Phoenix area during this week. Voice vote: **approved** 7-0.

VII. SUMMARY OF CURRENT EVENTS

Wilkinson informed City Council of the following upcoming events:

- December 4, 2014: 22nd Annual Sports Turf and Tree Landscape Expo at the Civic Center
- December 5, 2014: 56th Annual Yuma Rotary Club Walt Kammann Sausage Fry at the Civic Center
- December 13, 2014: 12th Annual Dorothy Young Memorial Electric Light Parade

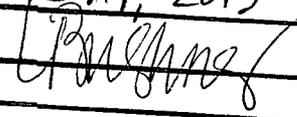
VIII. CALL TO THE PUBLIC

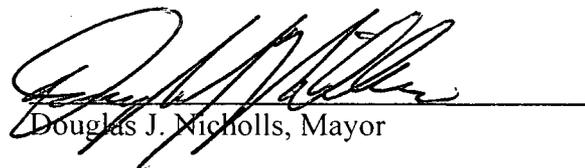
Gene Dalby, 1183 W. 37th Street, speaking on behalf of Bicycles In Yuma, Arizona, informed listeners that on December 6, 2015, they will be holding a Poker Run bicycle event in San Luis. Also, on the weekend of January 17, 2015 will be the North End Classic, held in conjunction with Main Street's German Festival and Martin Luther King, Jr. day. The group's 2015 motto is: Another Beautiful Bicycle Day in Yuma.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:25 p.m. No Executive Session was held.

APPROVED:


Lynda L. Bushong, City Clerk
Approved at the City Council Meeting of:
June 17, 2015
City Clerk: 


Douglas J. Nicholls, Mayor