

**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 20, 2019**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Vince Harmon**, Christ Lutheran Church, gave the invocation. Former City Attorney **Steven W. Moore**, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Philip Rodriguez  
Deputy City Administrator, John D. Simonton  
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** –There were no presentations scheduled at this time.

**Mayor Nicholls** introduced the new City Administrator, Philip Rodriguez. **Rodriguez** stated that it is a distinct honor to join the City of Yuma and thanked Mayor and City Council for the opportunity.

**I. MOTION CONSENT AGENDA**

**McClendon** declared a conflict of interest on item B.2. and left the dais.

Motion Consent Agenda Item B.2 – Special Event Liquor License: Yuma Visitors Bureau – Iceberg Drop (Approve a Special Event Liquor License application submitted by Linda Morgan on behalf of the Yuma Visitors Bureau for the Iceberg Drop. The event will take place on the 100-200 blocks of Main Street on Tuesday, December 31, 2019, from 8:00 p.m. to 1:30 a.m.) (Admin/Clk)

There being no questions or discussion by City Council **Mayor Nicholls** called for a motion.

**Motion** (Knight/Miller): To approve Motion Consent Agenda item, B.2 as recommended. Voice vote: **approved** 6-0-1. (Councilmember McClendon-Conflict of Interest)

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**Motion** (Miller/Watts): To approve the Motion Consent Agenda as recommended with the exception of item B.2. Voice vote: **approved** 7-0.

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

Council Citizen's Forum	November 5, 2019
Regular Council Meeting	November 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. Pulled for separate considerations; see above
3. Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the Yuma Art Center for Christmas Lighting on Main Street. The event will take place on the 100-300 blocks of Main Street on Saturday, December 7, 2019, from 4:00 p.m. to 10:00 p.m. (SP19-25) (Admin/Clk)
4. Authorize the City Administrator to execute the required documents to accept a grant award from the Department of Homeland Security/FEMA. (Fire/Community Risk Reduction)
5. Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the Yuma Police Department and the Arizona Registrar of Contractors to identify responsibilities related to the exchange of Arizona Criminal Justice Information between the parties. (Police/Quality Assurance)
6. Authorize the City Administrator to execute an intergovernmental agreement between the Yuma Police Department and Arizona Western College Police Department to identify responsibilities related to the exchange of Arizona Criminal Justice Information between the parties. (Police/Quality Assurance)
7. Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the Yuma Police Department and Arizona Western College for the loan of two police vehicles in support of the regional training academy and other local trainings. (Police/Quality Assurance)

## II. RESOLUTION CONSENT AGENDA

**Mayor Nicholls** asked Deputy City Administrator, **Simonton**, to speak on Resolution R2019-051 and the purpose for it. **Simonton** reported that the Arizona Department of Water Resources (ADWR) is holding a public meeting tomorrow in Council Chambers regarding the proposed transfer of GSC Farm LLC's Colorado River Water entitlement to the Town of Queen Creek. The land in question is approximately 450 acres of land that a private equity or investment firm has purchased for the specific purpose of transferring the water rights to the highest bidder. Approval of this transfer could potentially set a precedent for other transfers. Resolution R2019-051 opposes that transfer.

### Discussion

- GSC Farms, LLC owns land throughout the southwest with the intent to sell the water rights to the highest bidder. (**Mayor Nicholls/Simonton**)
- This particular property has a contract for beneficial use with the Bureau of Reclamation (BOR) who regulates and controls the water. GSC Farm LLC is asking ADWR for a recommendation for approval so that they can then apply for the transfer with the BOR. The City of Yuma is asking ADWR to not recommend that approval. (**Simonton**)
- ADWR historically has been opposed to such transfers; however, this application has made it further in the process. (**Thomas/Simonton**)
- All of the communities along the Colorado River are in opposition to this transfer. (**Thomas/Simonton**)
- For GSC Farm LLC water is just a commodity, whereas lack of water would have long term impacts to those who rely on Colorado River water. (**Mayor Nicholls**)
- Citizens are encouraged to attend the public meeting as physical presence will have a large impact. (**Simonton/Mayor Nicholls**)

**Motion** (Knight/Thomas): To correct the first line of the title of Resolution R2019-051 to read: "A Resolution of the City Council of the City of Yuma, Arizona opposing the transfer". Voice vote: 7-0.

There being no speakers and no further discussion **Mayor Nicholls** called for a motion on the Resolution Consent Agenda.

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

**Bushong** displayed the following titles:

### **Resolution R2019-049**

**A resolution of the City Council of the City of Yuma, Arizona, Declaring and Adopting the Official Canvass of the Results of the General Election held on November 5, 2019** (election for three at-large seats for the office of City Councilmember) (Administration/Clk)

### **Resolution R2019-051**

**A resolution of the City Council of the City of Yuma, Arizona, Opposing the Transfer of any Colorado River Water Rights or Allocations Designated, Granted or Leased to GSC Farm, LLC, a Delaware Limited Liability Company, Owning Land in La Paz County, Arizona, Seeking to Transfer Water from La Paz County to the Town of Queen Creek in Pinal and Maricopa Counties** (oppose GSC's proposal to transfer 2,083.1 acre-feet of Arizona's Fourth Priority Colorado River Water entitlement

from land GSC owns in La Paz County to the Town of Queen Creek via the Central Arizona Project Canal System) (Admin)

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

### III. ADOPTION OF ORDINANCES CONSENT AGENDA

There being no speakers and no further discussion **Mayor Nicholls** called for a Motion on the Adoption of Ordinances Consent Agenda.

**Motion** (Thomas/Watts): To adopt the Ordinances Consent Agenda as recommended.

**Bushong** displayed the following title:

#### **Ordinance O2019-037**

**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 Light Industrial (L-I) District, and Amending the Zoning Map to Conform with the Rezoning** (rezone approximately 19.31 acres for the properties located at the southeast corner of Avenue 3E and the 38<sup>th</sup> Street alignment) (DCD/Planning)

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

### IV. INTRODUCTION OF ORDINANCES

There being no speakers and no discussion **Mayor Nicholls** requested the Clerk display the titles of the ordinances being introduced.

**Bushong** displayed the following titles:

#### **Ordinance O2019-038**

**An ordinance of the City Council of the City of Yuma, Arizona, Repealing and Replacing Yuma City Code Title 13, Chapter 137: Trees, to Promote and Protect the Public Health, Safety, and General Welfare by Proving for the Regulation of the Planting, Maintenance, and Removal of Municipal Trees, Shrubs, and Cacti and providing a Penalty for Violations Thereof** (to clarify the applicability of the code to municipal trees and add requirements for removal and replacement of municipal trees) (P& Rec)

#### **Ordinance O2019-039**

**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 General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential (R-2) District, while Maintaining the Existing Infill Overlay (IO) District, and Amending the Zoning Map to Conform with the Rezoning** (rezoning of two residential lots, each approximately 7,000 square feet, for the properties located at 1146 and 1154 South 3<sup>rd</sup> Avenue) (DCD/Planning)

**Ordinance O2019-040**

**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 Low Density Residential (R-1-6) District, Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, and Amending the Zoning Map to Conform with the Rezoning** (rezoning of approximately 455.88 acres for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44<sup>th</sup> Street) (DCD/Planning)

**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**

Board and Commission appointments:

**Motion:** (Knight/McClendon): To appoint Rose Ann Forte to an unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2022. Voice vote: **approved** 7-0.

**Motion:** (Shelton/Watts): To appoint John MacDonald to an unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2020. Voice vote: **approved** 7-0.

Scheduling:

**Motion:** (Watts/Thomas): To cancel the City Council Meeting scheduled for January 1, 2020, due to the New Year Holiday. Voice vote: **approved** 7-0.

**Motion:** (Knight/McClendon): To cancel the September 1, 2020 City Council Worksession and the September 2, 2020 City Council Meeting due to the City Council's attendance at the League of Arizona Cities & Towns Annual Conference. Voice vote: **approved** 7-0.

Announcements:

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

**VII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- November 21<sup>st</sup> - Mayor's Community Meeting at 5:30 p.m. at Palmcroft School
- November 22-24 - Colorado River Balloon Festival
- November 28<sup>th</sup> - 16<sup>th</sup> Annual North End Feast at the MLK Center
- November 30<sup>th</sup> - Ken and Betty Borland Holiday Pageant and Tower Lighting Ceremony

**VIII. CALL TO THE PUBLIC**

**Gene Dalbey**, 1183 W. 37<sup>th</sup> Street, Yuma, welcomed the new City Administrator and stated he looked forward to working with him on the major projects regarding bicycling in particular. **Dalbey** also thanked the City employees and elected officials for the work that they do and stated he is amazed at the progress made to make Yuma more bicycle safe and friendly in the six years he has been in the bicycling arena.

**Jeff Brand**, Vice President of the Yuma Regional Bicycle Coalition, 10447 S. Cyclone Avenue, Yuma, stated he was here tonight to thank City Council and the employees of the City of Yuma for making Yuma a bicycle friendly community. In particular **Brand** thanked City Council for the new bike lanes on 9E.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:13 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor