



## City of Yuma City Council Meeting Agenda

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Wednesday, June 16, 2021

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

Consistent with the March 13, 2020 Arizona Attorney General opinion relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the June 16, 2021 Regular City Council meeting will be conducted remotely through technological means along with public, in-person access.

### **City Council Chambers will be open with public access in addition to participation through Zoom**

**Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to [publiccomment@yumaaz.gov](mailto:publiccomment@yumaaz.gov) no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.**

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website:  
<https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at [www.yumaaz.gov](http://www.yumaaz.gov) and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

The Worksession and Citizen's Forum previously scheduled for June 15, 2021 are cancelled.

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**ROLL CALL****FINAL CALL**

*Final call for submission of Speaker Request Forms for agenda related items.*

**PRESENTATIONS**

- Greater Yuma Port Authority Update

**I. MOTION CONSENT AGENDA**

*All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.*

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

1. [MC 2021-065](#)      **Regular Council Meeting Draft Minutes April 21, 2021**  
Attachments:      [2021 04 21 RCM Minutes](#)
2. [MC 2021-066](#)      **Regular Council Meeting Draft Minutes June 2, 2021**  
Attachments:      [2021 06 02 RCM Minutes](#)

**B. Approval of staff recommendations:**

1. [MC 2015-000](#)      **Executive Sessions**

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. [MC 2021-054](#)      **Liquor License: Yuma Meat Market**

Approve a new Series #10 Beer and Wine Store Liquor License application submitted by Raghad Mikhael Odeesh, agent for Yuma Meat Market located at 890 E. 24th Street. (LL21-05) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**      [1. RFCCA Liquor License: Yuma Meat Market](#)  
[2. MAP Liquor License: Yuma Meat Market](#)

3. [MC 2021-055](#)      **Liquor License: Sutton's BBQ and Soul Food**

Approve a new Series #07 Beer and Wine Bar Liquor License application submitted by Jeremy Sutton, agent for Sutton's BBQ and Soul Food located at 1840 S. Arizona Avenue. (LL21-06) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**      [1. RFCCA Liquor License: Sutton's BBQ and Soul Food](#)  
[2. MAP Liquor License: Sutton's BBQ and Soul Food](#)

4. [MC 2021-056](#)      **Liquor License: Bubba's Southern Barbeque**

Approve a new Series #12 Restaurant Liquor License application submitted by Judith Lopez, agent for Bubba's Southern Barbeque located at 2497 S. 4th Avenue. (LL21-07) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**      [1. RFCCA Liquor License: Bubba's Southern Barbeque](#)  
[2. MAP Liquor License: Bubba's Southern Barbeque](#)

5. [MC 2021-057](#)      **Liquor License: Broken Yolk Cafe**

Approve a new Series #12 Restaurant Liquor License application submitted by Jeffrey Craig Miller, agent for Broken Yolk Cafe located at 1731 E. 16th Street. (LL21-08) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**      [1. RFCCA Liquor License: Broken Yolk Cafe](#)  
[2. MAP Liquor License: Broken Yolk Cafe](#)

6. [MC 2021-058](#)**Liquor License: Cracker Barrel #305**

Approve a new Series #12 Restaurant Liquor License application submitted by Andrea Dahlman Lewkowitz, agent for Cracker Barrel #305 located at 1780 S. Sunridge Drive. (LL21-09) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**[1. RFCCA Liquor License: Cracker Barrell #305](#)[2. Map Liquor License: Cracker Barrel #305](#)7. [MC 2021-059](#)**Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies**

Authorize the purchase of one 2022 Peterbilt Model 520/McNeilus 25 Yard Side Loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an expenditure of \$384,720.58 to: Rush Truck Centers of Yuma, Yuma, Arizona CPA-21-198 (Public Works/Finance (Joel Olea/Robin R. Wilson)

**Attachments:**[1. RFCCA Cooperative Purchase Agreement: Medium-Heavy Truck & Truck Bodies](#)8. [MC 2021-060](#)**Sole Source: Water Filter Membrane Replacement**

Authorize the award of a sole source purchase for water filter membrane replacements for the Agua Viva Water Treatment Plant (AVWTP) in the amount of \$1,763,856.00 to: Zenon Environmental Corporation dba Suez Water Technologies & Solutions, Vista, California. SS-21-199 (Utilities/Finance) (Jeremy McCall/Robin R. Wilson)

**Attachments:**[1. RFCCA Sole Source: Water Filter Membrane Modules](#)9. [MC 2021-063](#)**Infrastructure & Services Report: Las Palmas Apartments**

Approve an Infrastructure and Services Report for Annexation Area No. ANEX-33710-2021, identified as the Las Palmas Apartments, located at 248 S. Avenue B. (Planning and Neighborhood Svc./Community Planning) (Randall Crist)

**Attachments:**[1. RFCCA Infrastructure and Svcs Report: Las Palmas Apartments](#)

10. [MC 2021-067](#) **Renewal of City's Insurance Coverage for Fiscal Year 2022**

Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability and Auto physical Damage coverage for Fiscal Year 2022 for the total amount of \$1,163,241.00 to: Willis Towers Watson Insurance Services West Inc., Dallas, Texas. (City Attorney-RFP #2-18-20000061) (Richard Files/Robin R. Wilson)

**Attachments:** [1. RFCCA Renewal of City's Insurance FY2022](#)

## II. RESOLUTION CONSENT AGENDA

*All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.*

1. [R2021-012](#) **Development Fee Deferral: Cielo Verde Apartments**

Adopt a resolution authorizing the City Administrator to execute an agreement to defer City of Yuma development fees for the Cielo Verde Apartments, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from date of execution. (Engineering) (Jeffrey A. Kramer)

**Attachments:** [1. RFCCA Development Fee Deferral: Cielo Verde Apartments](#)  
[2. MAP Development Fee Deferral: Cielo Verde Apartments](#)  
[3. RES Development Fee Deferral: Cielo Verde Apartments](#)  
[4. AGMT Development Fee Deferral: Cielo Verde Apartments](#)

2. [R2021-013](#)**Resolution of Support: Rebuilding American Infrastructure with Sustainability and Equity Transportation Discretionary Grants Program**

Adopt a resolution supporting the application for a federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grants program, to complete the development of a Multi-Modal Transportation Center in downtown Yuma at the historic Hotel Del Sol. (Administration) (Madeleine Coil)

**Attachments:**[1. RFCCA Res of Support: RAISE Transportation Grants](#)[2. RES Res of Support: RAISE Transportation Grants](#)**III. INTRODUCTION OF ORDINANCES**

*The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.*

1. [O2021-012](#)**Zoning Code Text Amendment: Corner Markets**

Amend Yuma City Code Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets. (Planning and Neighborhood Svc./Community Planning) (Randall Crist)

**Attachments:**[1. RFCCA Zoning Code Text Amendment: Corner Markets](#)[2. P&Z RPT Zoning Code Text Amendment: Corner Markets](#)[3. ORD Zoning Code Text Amendment: Corner Markets](#)2. [O2021-013](#)**Code Text Amendment: Floodplain Management**

Amend Yuma City Code Title 15, Chapter 151, to update floodplain management language in order to bring City regulations into compliance with the State of Arizona model code language, as required by the Arizona Department of Water Resources. (Engineering) (Jeffrey A. Kramer)

**Attachments:**[1. RFCCA Code Text Amendment: Floodplain Management](#)[2. ORD Code Text Amendment: Floodplain Management](#)

3. [O2021-014](#)**Zoning Code Text Amendment: Manufactured Housing Subdivision Update**

Amend Yuma City Code Title 15, Chapter 154, Section: 06.03 to identify the permitted housing types within the Manufactured Housing Subdivision District (MHS). (Planning and Neighborhood Svc./Community Planning) (Randall Crist)

**Attachments:**

- [1. RFCCA Zoning Code Text Amendment: Manufactured Housing Subdivision Update](#)
- [2. PZ RPT Zoning Code Text Amendment: Manufactured Housing Subdivision Update](#)
- [3. ORD Zoning Code Text Amendment: Manufactured Housing Subdivision Update](#)

4. [O2021-015](#)**Annexation Area No. ANEX-33710-2021 Las Palmas Apartments**

Authorize annexation of property located at 248 S Avenue B. (ANEX-33710-2021) (Planning and Neighborhood Svc./Community Planning) (Randall Crist)

**Attachments:**

- [1. RFCCA Annexation: Las Palmas Apartments](#)
- [2. PET Annexation: Las Palmas Apartments](#)
- [3. ORD Annexation: Las Palmas Apartments](#)
- [4. MAP Annexation: Las Palmas Apartments](#)

5. [O2021-016](#)**Code Text Amendment: Construction Standards**

Amend Yuma City Code Title 21, Chapter 210, to update construction standards to current versions. (Engineering) (Jeffrey A. Kramer)

**Attachments:**

- [1. RFCCA Code Text Amendment: Construction Standards](#)
- [2. ORD Code Text Amendment: Construction Standards](#)

6. [O2021-017](#)**Code Text Amendment: Public Nuisances**

Amend Yuma City Code Title 13, Chapter 134, Article 5 (Yuma City Code § 134-05) to include a defined procedure and standard for obtaining an Administrative Warrant to allow the City to remedy public nuisances. (City Attorney's Office) (Emily Hart)

**Attachments:**

- [1. RFCCA Yuma City Code Text Amendment Public Nuisances](#)
- [2. ORD Yuma City Code Text Amendment: Public Nuisances](#)

7. [O2021-019](#)**Grant of Easement: Arizona Public Service Company**

Grant an easement to Arizona Public Service Company (APS) to provide an electrical power service feed and 800 amp transformer to the Thomas F. Alt Utilities Complex. (Engineering) (Jeffrey A. Kramer)

**Attachments:**[1. RFCCA - APS Easement - Thomas F. Alt Utilities Complex](#)[2. MAP - APS Easement - Thomas F. Alt Utilities Complex](#)[3. ORD - APS Easement - Thomas F. Alt Utilities Complex](#)[4. EXHIBIT A - APS Easement - Thomas F. Alt Utilities Complex](#)**IV. DESERT DUNES EXPANSION AND POTENTIAL FINANCING OPTIONS**1. [MC 2021-062](#)**Financing Alternatives: Desert Dunes Water Reclamation Facility Expansion**

Authorize the City Administrator and staff to work with Stifel, Nicolaus, and Company, Inc. (Stifel), bond counsel Greenberg Traurig, and the Water Infrastructure Finance Authority of Arizona (WIFA), in connection with securing financing for the expansion of the Desert Dunes Water Reclamation Facility (DDWRF). (Administration/Finance) (Jay Simonton/Barbara Goodrich).

**Attachments:**[1. RFCCA Desert Dunes Water Reclamation Facility Expansion](#)2. [R2021-016](#)**Water Infrastructure Finance Authority (WIFA) Financing: Desert Dunes Water Reclamation Facility**

Adopt a resolution authorizing the City Administrator to apply for loan from the WIFA for the construction cost related to the expansion of the Desert Dunes Water Reclamation Facility (DDWRF). (Administration/Finance) (Jay Simonton\Barbra Goodrich).

**Attachments:**[1. RFCCA WIFA Financing: Desert Dunes Water Reclamation Facility](#)[2. RES WIFA Financing: Desert Dunes Water Reclamation Facility](#)



**V. PUBLIC HEARING OF BUDGET AND RELATED ITEMS**

*The following public hearing may result in the adoption of Resolution R2021-014*

1. [R2021-014](#)      **Public Hearing: Truth in Taxation, Main Street Mall and Off Street Parking Maintenance District No. 1, Municipal Improvement Districts and Final Budget Adoption for Fiscal Year 2022**

Conduct a combined public hearing on the proposed City of Yuma primary property tax levy (truth in taxation); the proposed Main Street Mall and Off Street Parking Maintenance District No. 1 expenditures and levy as well as for the five Municipal Improvement Districts including Park West Units 4 and 5 (MID No. 100), Desert Sky Unit No. 1 (MID No. 104), Saguaro Units 3 & 4 (MID No. 107), Driftwood Ranch Units 1 & 2 (MID No. 108), and Livingston Ranch Unit No. 2. (MID No. 109); and the proposed expenditures (budget) for Fiscal Year 2022 pursuant to A.R.S. § 42-17104. The City of Yuma expenditure budget for Fiscal Year 2022 of \$522,477,302 includes a Capital Improvement Program budget of \$158,300,018, an Operating Expenditure Budget of \$343,738,923, Interfund Transfers of \$20,245,293; and Wastewater Infrastructure Borrowing of \$193,068. Following the close of the public hearing, adopt the proposed budget resolution which includes a 3% line item increase in solid waste fees. (Administration/Finance) (Philip Rodriguez/Barbara Goodrich)

**Attachments:**

- [1. RFCCA PH: Truth-In-Taxation and Final Budget Adoption](#)
- [2. SUPP DOC PH: Truth-in-Taxation and Final Budget Adoption](#)
- [3. RES PH: Truth-In-Taxation and Final Budget Adoption](#)
- [4. SCHEDULES A-G PH: Truth-In-Taxation and Final Budget Adoption](#)

*The following discussion may result in the introduction of Ordinance O2021-018*

2. [O2021-018](#)      **Adopt the Fiscal Year 2022 Primary Property Tax Levy, the Main Street Mall and Off Street Parking Maintenance District No. 1 Property Tax Levy, and individual Municipal Improvement District (MID) Tax Levies**

Adopt the Fiscal Year 2022 Primary Property Tax Levy, the Main Street Mall and Off Street Parking Maintenance District No. 1 Property Tax Levy, and MID Tax Levies for Park West Units 4 and 5 (MID No. 100), Desert Sky Unit No. 1 (MID No. 104), Saguaro Units 3 and 4 (MID No. 107), Driftwood Ranch 1 and 2 (MID No. 108), and Livingston Ranch Unit No. 2 (MID No. 109) (Administration/Finance) (Philip Rodriguez/Barbara Goodrich)

**Attachments:**

[1. RFCCA 2022 Tax Levy](#)

[2. ORD FY2022 Tax Levy](#)

## **FINAL CALL**

*Final call for submission of Speaker Request Forms for Call to the Public.*

## **VI. ANNOUNCEMENTS AND SCHEDULING**

*Discussion and possible action on the following items:*

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of June 3, 2021 through June 16, 2021. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

2. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

## VII. SUMMARY OF CURRENT EVENTS

*This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.*

## VIII. CALL TO THE PUBLIC

*Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.*

## IX. EXECUTIVE SESSION

*An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:*

A. Discussion, consultation with and/or instruction to legal counsel regarding amicus brief Mountainside Mar LLC et. al. v. City of Flagstaff appeal. (A.R.S. 38-431.03 A3 & A4)

## ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.