

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 16, 2021
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:36 p.m.

INVOCATION/PLEDGE

Chief Steve Irr, Yuma Fire Department, gave the invocation. **Barbara Goodrich**, Interim Finance Director, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Morris, McClendon, Knight, Watts, Shoop, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	City Administrator, Philip A. Rodriguez Director of Utilities, Jeremy McCall Director of Public Works, Joel Olea Assistant Director and Zoning Administrator DCD, Alyssa Linville Director of Engineering, Jeff Kramer Assistant City Attorney, Emily Hart Deputy City Administrator, Jay 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.

PRESENTATION

Greater Yuma Port Authority Update

Buna George, Executive Director of the Greater Yuma Port Authority (GYPA), presented the following update:

- Mission Statement
 - The GYPA was established in 2000 with the mission to ‘develop a gateway for global trade to facilitate, promote and support multi modal transportation and trade opportunities to enhance the economic development in the Greater Yuma Area’
- Executive Board Members
 - Gary Knight – Councilmember, City of Yuma
 - Wayne Gale – President, 1st Bank Yuma
 - Tony Reyes – Chairman, Yuma County Board of Supervisors
 - Susan Thorpe – County Administrator, Yuma County

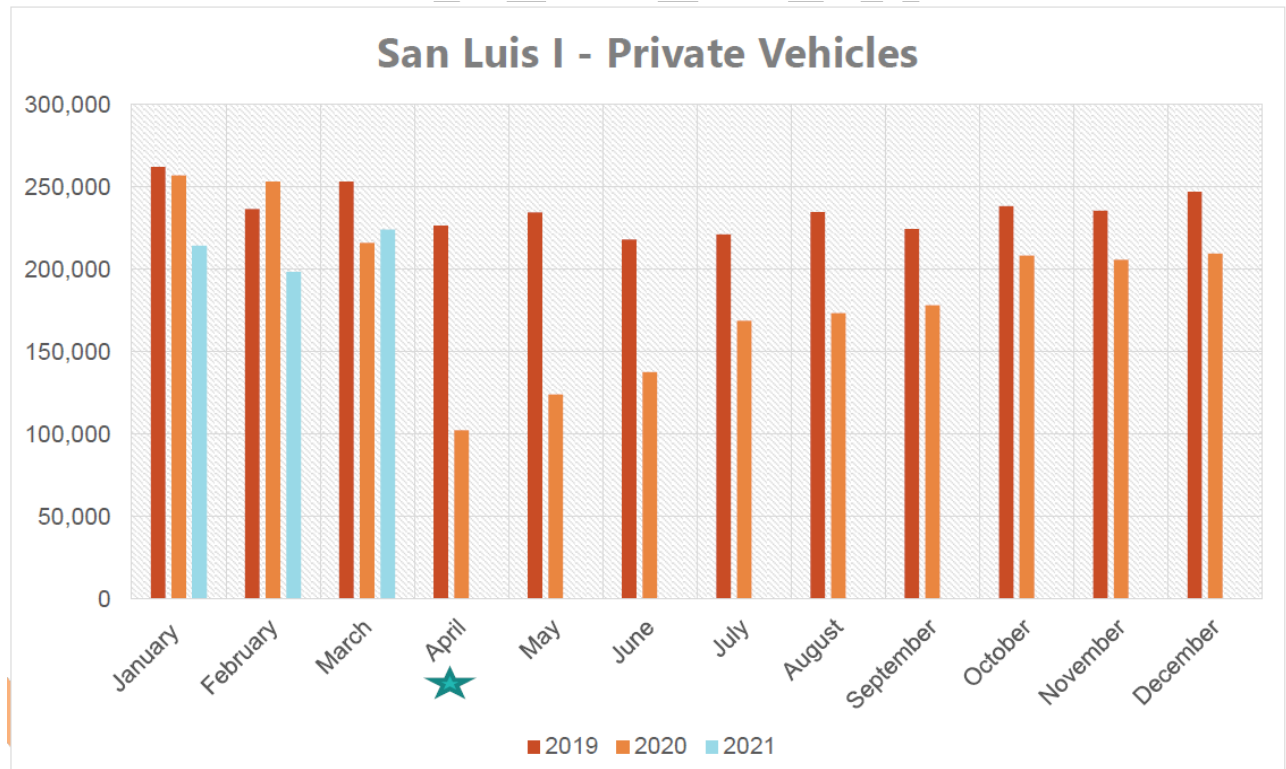
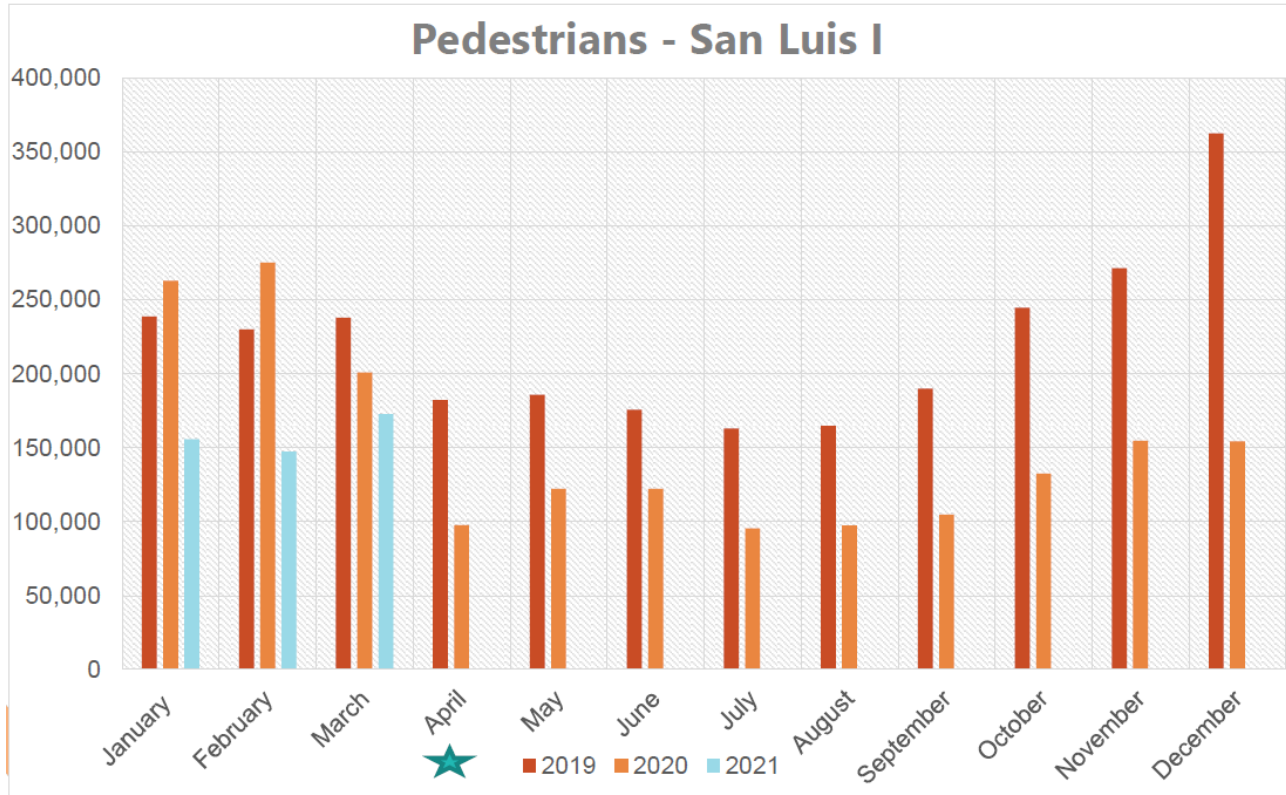
- Matias Rosales – Councilmember, City of San Luis
- Frank Rascon – Owner, Frank’s Trucking
- Gary Magrino – Business Development, Cocopah Indian Tribe
- Fernando Mezquita – Tribal Planner, Cocopah Indian Tribe

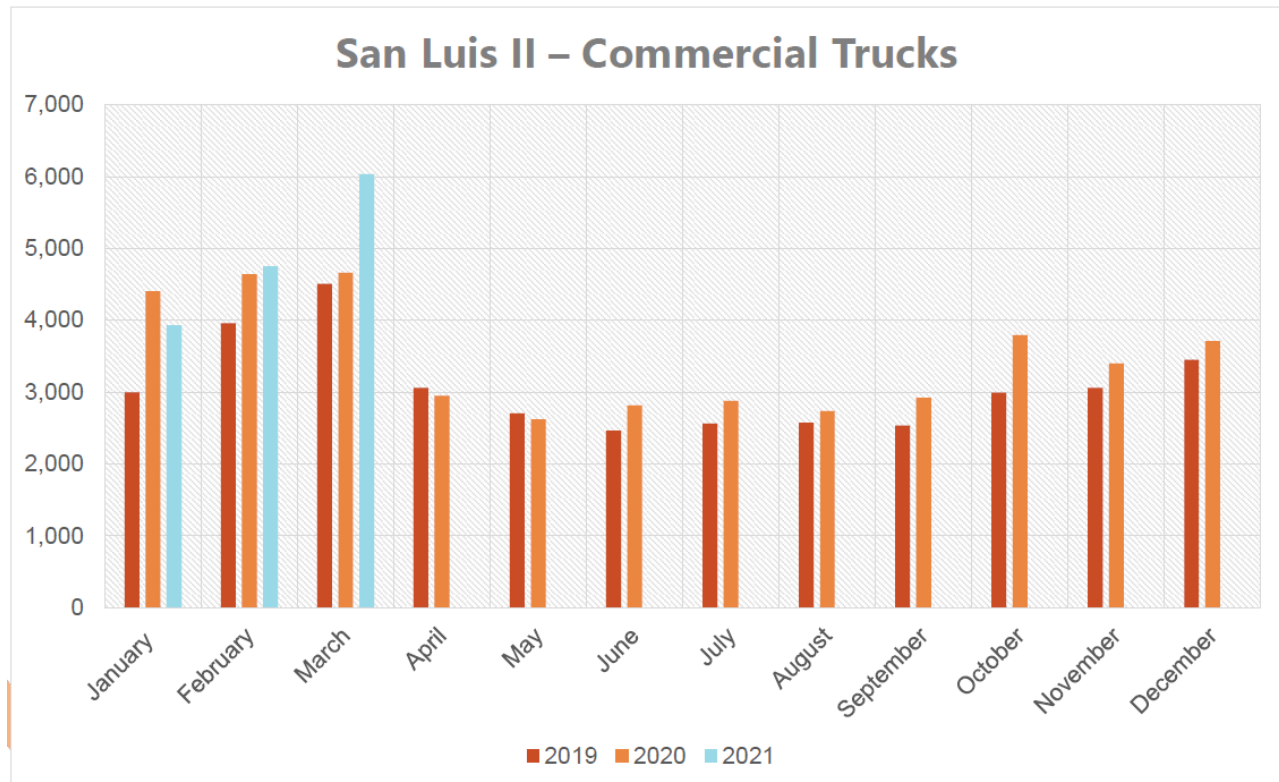
GYPA Timeline



- COVID-19 Related Travel Restrictions Across the U.S. Borders with Canada and Mexico
 - The United States will temporarily limit inbound land border crossings from Canada and Mexico to ‘essential travel’
 - This action does not prevent U.S. citizens from returning home
 - These restrictions went into effect on March 21, 2020 and will remain through June 21, 2021
 - This decision has been coordinated with the governments of Canada and Mexico

- To show a 3 year comparison of border crossing, the following was displayed:





- Collaborative Events
 - 2019 - Binational Customs Forum
 - 2020 – Binational Trade Webinar Series
 - 2021 – 2nd Binational Trade Webinar Series
 - The 3rd Binational Trade Webinar Series will be coming in fall of 2021 and will focus on regional planning
- Magrino Industrial Park (MIP)
 - In 2020, GYPA in conjunction with the City of San Luis, AZ, was awarded a \$500,000 roadway grant for paving and grading within the MIP
 - The MIP is currently in its fourth development; approximately 24 acres were sold between 2019-2020, and only four single acres are currently available
 - MIP Successes
 - Spindle Cooling & Warehousing, LLC
 - Over 50,000 temperature-controlled warehousing facilities
 - Estimated \$10.7 million in investments after full development of three projects
 - 22 employees with an average salary of \$16/hour
 - Labrie Manufacturing Facility
 - \$4 million investment upon project completion
 - 35 employees with an average salary of \$15/hour
 - Immediately support a manufacturing plant in San Luis, Mexico, of over 200 employees
 - Positive economic impact in both Yuma County and San Luis, Mexico

- Continued Mission
 - Dialogue with port users and federal agencies
 - Make needs known and work to find a resolution to any hindrances
- Action Items
 - Full-time entomologist at San Luis Port of Entry (POE) II
 - Extend port hours and reduce overall out of service rates at San Luis POE II
 - Improve wait times for pedestrians and vehicles
 - Bring broadband to POEs to support federal partners
 - Ensure Yuma County and San Luis POEs are represented in any Sonora/Arizona or United States/Mexico decisions

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.8 – Sole Source: Water Filter Membrane Replacement (purchase of water filter membrane replacements in the amount of \$1,763,856.00 to Zenon Environmental Corporation dba Suez Water Technologies & Solutions, Vista, California) (Utl/Fin)

Discussion

- The filters currently in place have been in service for 12 years; the expected lifespan of seven years has been exceeded due to the pretreatment equipment the City has in place (**Knight/McCall**)
- This purchase will allow for the replacement of all filter cassettes in three of the eight trains at the Agua Viva Water Treatment Plant; the remaining filters will be replaced in upcoming Capital Improvement Program budget years (**Knight/McCall**)

Motion Consent Agenda Item B.7 – Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies (purchase of one Peterbilt Model 520/McNeilus 25 Yard Side Loader for an expenditure of \$384,720.58 from Rush Truck Centers of Yuma, Arizona) (PW/Fin)

Discussion

- The truck purchased will be utilized for an additional trash collection route to cover the area south of 32nd Street from Avenue 6E to Avenue 9E (**Knight/Olea**)
- In 2018 a consultant estimated that the City should expect to add one trash collection route every three years due to growth; in actuality, the City has needed to add one new route every two to two and a half years (**Knight/Olea**)

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

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

Regular Council Meeting	April 21, 2021
Regular Council Meeting	June 2, 2021

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. 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) (Clk)
3. 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) (Clk)
4. 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) (Clk)
5. Approve a new Series #12 Restaurant Liquor License application submitted by Jeffrey Craig Miller, agent for Broken Yolk Café located at 1731 E. 16th Street. (LL21-08) (Clk)
6. 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) (Clk)
7. 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. (PW/Fin)
8. 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 (Utl/Fin)
9. 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. (PNS/CP)
10. 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. (RFP #2-18-20000061) (City Atty)

II. RESOLUTION CONSENT AGENDA

Resolution R2021-013 – Resolution of Support: Rebuilding American Infrastructure with Sustainability and Equity Transportation Discretionary Grants Program (to complete the development of a Multi-Modal Transportation Center in downtown Yuma at the historic Hotel Del Sol) (Admin)

Speaker

- **Gene Dalbey**, City resident, urged the City to include elements that support bicycling in the multi-Modal Transportation Center such as bike racks, lockers, and connectivity via bike and canal paths.
-

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

Bushong displayed the following titles:

Resolution R2021-012

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 for Cielo Verde Apartments (deferral for a period of three years from date of execution and payment of \$500.00 administrative fee) (Eng)

Resolution R2021-013

A resolution of the City Council of the City of Yuma, Arizona, supporting the application for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Grant to complete the development of a Multi-Modal Transportation Center in Downtown Yuma (to be located in the historic Hotel Del Sol) (Admin)

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

III. INTRODUCTION OF ORDINANCES CONSENT AGENDA

Introduction of Ordinance 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) (PNS/CP)

Discussion

- The intent of the Corner Market is to be within walking distance for local residents, making substantial parking unnecessary; a gas station would not be an allowed use (**Shoop/Linville**)
 - Smaller commercial operations including restaurants and medical offices would be allowed; large commercial operations such as grocery stores or convenience stores would not be permitted (**Mayor Nicholls/Linville**)
 - Hours of operation for a Corner Market are limited to 6:00 a.m. - 10:00 p.m.; hours could be further expanded through the Conditional Use Permit process (**Mayor Nicholls/Linville**)
-

Introduction of Ordinance O2021-013 – Code Text Amendment: Floodplain Management (update floodplain management language in the Yuma City Code 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) (Eng)

Discussion

- None of the proposed amendments exceed federal requirements; conversely, some items in the City Code were more stringent than required and will be modified as a result of the consultation with the Arizona Department of Water Resources (**Mayor Nicholls/Kramer**)
-

Introduction of Ordinance O2021-017 – Code Text Amendment: Public Nuisances (amend the City Code to include a defined procedure and standard for obtaining an Administrative Warrant to allow the City to remedy public nuisances) (Atty)

Discussion

- Effort will be made to contact an absent property owner's local representative to remedy a public nuisance situation prior to the issuance of an Administrative Warrant (**Shelton/Hart**)
-

Introduction of Ordinance O2021-016 – Code Text Amendment: Construction Standards (update construction standards to be consistent with current standardized and recognized construction industry practices) (Eng)

Discussion

- The City's construction standards were updated in 2015 or 2016 from the old specifications that were implemented in the 1960s to align with the Maricopa Association of Governments (MAG) specifications, which are updated annually (**Mayor Nicholls/Kramer**)
- Every five or six years, MAG consolidates all of the annual changes into a new base book; this was done most recently in 2020, making the City's 2015 base book obsolete (**Mayor Nicholls/Kramer**)

Motion (Mayor Nicholls/McClendon): To add the end quote to § 210-09 (B) to the phrase Maricopa Association of Governments Uniform Standard Specifications. Voice vote: **approved** 7-0.

Bushong displayed the following titles:

Ordinance O2021-012

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 the update to corner market regulations within the Infill Overlay District (expand permitted uses in residential neighborhoods in response to requests from property owners and developers) (PNS/CP)

Ordinance O2021-013

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 151 of the Yuma City Code, as amended, relating to floodplain administration within the city limits of the City of Yuma (to bring City regulation into compliance with the State of Arizona model code language as required by the Arizona Department of Water Resources) (Eng)

Ordinance O2021-014

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, providing for changes to allow site-built homes within the Manufactured Housing

Subdivision (MHS) District (to expand housing options at the request of numerous property owners within the District) (PNS/CP)

Ordinance O2021-015

An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Sections 19 and 20, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, and Section 33, Township 16 South, Range 22 East of the San Bernardino Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma Zoning Code, as amended, designating the zoning of certain property to the Agriculture (AG) Zoning District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes as amended (approximately 4.44 acres of property located at 248 S. Avenue B) (PNS/CP)

Ordinance O2021-016

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 210 of the Yuma City Code, as amended, relating to constructing standards and adopting specifications for the construction or alteration of streets, public utilities, public rights-of-way and other publicly owned properties within the city limits of the City of Yuma (to update construction standards to current versions) (Eng)

Ordinance O2021-017

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, Chapter 134 of the Yuma City Code regulating nuisances within the City (to include a defined procedure and standard for obtaining an Administrative Warrant to allow the City to remedy public nuisances) (City Atty)

Ordinance O2021-019

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of a utility easement on City-owned real property, hereafter described, to Arizona Public Service Company (APS), for the reason that such easement is required for a transformer to serve the new Utilities Services building (to provide an electrical power service feed and 800 amp transformer to the Thomas F. Alt Utilities Complex) (Eng)

IV. DESERT DUNES EXPANSION AND POTENTIAL FINANCING OPTIONS

MC2021-062 – Financing Alternatives: Desert Dunes Water Reclamation Facility Expansion (work with Stifel, Nicolaus, and Company, Inc. to secure financing for the expansion of the Desert Dunes Water Reclamation Facility) (Admin/Fin)

Discussion

- The Desert Dunes Water Reclamation Facility (DDRWF) is the City's smallest wastewater plant but it is located in the fastest growing area of Yuma; this project will expand its capacity from approximately 3 million gallons per day to just over 6 million gallons per day (**Shelton/Simonton**)

Motion (Knight/McClendon): To approve MC2021-062, Financing Alternatives: Desert Dunes Water Reclamation Facility Expansion. Voice vote: **approved** 7-0.

Motion (Watts/McClendon): To adopt Resolution R2021-016 as recommended.

Bushong displayed the following title:

Resolution R2021-016

A resolution of the City Council of the City of Yuma, Arizona to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (for the construction cost related to the expansion of the Desert Dunes Water Reclamation Facility) (Admin/Fin)

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

V. PUBLIC HEARING OF BUDGET AND RELATED ITEMS

Resolution 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 (proposed primary property tax levy, proposed maintenance and improvement district expenditures and levies, and proposed City budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022) (Admin/Fin)

Mayor Nicholls opened the public hearing at 6:21 p.m.

There were no speakers signed up to speak at this time.

Motion (Knight/McClendon): To close the public hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:22 p.m.

Deputy Mayor McClendon declared a conflict of interest with regard to the portion of the budget pertaining to Visit Yuma and left the dais.

Motion (Morris/Shelton): To approve the Fiscal Year 2022 Proposed Budget for Visit Yuma in the amount of \$600,000. Voice vote: **approved** 6-0-1, Deputy Mayor McClendon abstaining due to conflict of interest.

Deputy Mayor McClendon returned to the dais.

Mayor Nicholls declared a conflict of interest with regard to the portion of the budget pertaining to the Capital Improvement Program, turned the meeting over to Deputy Mayor McClendon, and left the dais.

Discussion

- The design for the 32nd Street and Pacific Avenue intersection improvement has not been initiated, so it is unknown at this time where the additional right-of-way will be acquired (**Shelton/Kramer**)
- The design for the 16th Street widening is ongoing, with the initial design stage roughly 30-35% complete; funding for the right-of-way acquisition and construction is in Fiscal Years 2024 and 2025, so there have not yet been any negotiations with the property owners that will be affected (**Shelton/Kramer**)

Motion (Knight/Morris): To approve the Fiscal Year 2022 Proposed Budget for the Capital Improvement Program in the amount of \$158,300,018. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Knight/Watts): To adopt Resolution R2021-014 that includes the Final Budget for Fiscal Year 2022 in an amount of \$363,577,284 which excludes the Visit Yuma and Capital Improvement Program which were approved through separate motions.

Bushong displayed the following title:

Resolution R2021-014

A resolution of the City Council of the City of Yuma, Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year 2022 beginning July 1, 2021 and ending June 30, 2022, which incorporates the budgets for each of six Improvement Districts, and declaring that such shall constitute the adopted budget of the City of Yuma for Fiscal Year 2022; adopting a 3% increase in both the Residential Solid Waste Fee and the Environmental Solid Waste Fee; and declaring the necessity of Boards and Commissions (includes a CIP budget of \$158,300,018; an Operating Expenditure Budget of \$343,783,923; and Wastewater Infrastructure Borrowing of \$193,068) (Admin/Fin)

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

Bushong displayed the following title to allow for introduction:

Ordinance O2021-018

An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2022 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous fiscal year, providing a General Fund; and fixing, levying, and assessing upon property subject to taxation within the boundaries of each of the respective Maintenance Improvement Districts numbered 100, 104, 107, 108, and 109 and within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said district, all for the fiscal year beginning July 1, 2021 and ending June 30, 2022 (the primary property tax rate of \$2.2681 on each \$100.00 of assessed valuation is a decrease from the Fiscal Year 2021 rate of \$2.3185) (Admin/Fin)

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. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

Scheduling – No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Rodriguez reported the following events:

- June 21 – General Plan Listening Session at City Hall
- July 4 – 4th of July Fireworks Spectacular at the Ray Kroc Sports Complex
- July 9 – Summer Exhibit Reception at the Yuma Art Center
- July 17 – Back to School Rodeo at the Yuma Civic Center

Mayor Nicholls encouraged the public to attend the Yuma NAACP Juneteenth Celebration on Saturday, June 19 at 5:00 p.m. at Carver Park.

VIII. CALL TO THE PUBLIC

- **Gene Dalbey**, City Resident, thanked City Council for the projects in the CIP relating to bicycling and invited all to attend the 2021 Tour de Fields, which will take place on October 23.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Knight/Shelton): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:53 p.m.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____