



City of Yuma City Council Meeting Summary

Wednesday, May 19, 2021

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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 May 19, 2021 Regular City Council meeting will be conducted remotely through technological means along with limited public, in-person access, consistent with social distancing requirements.

City Council Chambers will be open with limited 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 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 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 May 18, 2021 are cancelled.

CALL TO ORDER

5:31 PM

INVOCATION

PASTOR VINCE HARMON, CHRIST LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

SUE COWEY, CIP ADMINISTRATOR

ROLL CALL

Present: 6 - Deputy Mayor Leslie L. McClendon , Councilmember Gary Knight , Councilmember Chris Morris, Councilmember Michael Shelton, Councilmember Ema Lea Shoop and Councilmember Karen Watts

Absent: 1 - Mayor Douglas J. Nicholls

FINAL CALL

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

PRESENTATIONS**PRESENTATIONS MADE**

- Reading of Nurses Month Proclamation
- Annual Stormwater 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 motion was made by Councilmember Knight, seconded by Councilmember Morris, to APPROVE the Motion Consent Agenda as recommended. The motion carried by the following vote:

Aye: 6 - Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

Absent: 1 - Mayor Nicholls

A. 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)

APPROVED**2. [MC 2021-041](#) Liquor License: Cafecito**

Approve a new Series #12 Restaurant Liquor License application submitted by Ashley Morgan Simms, agent for Cafecito located at

176 S. Main Street. (LL21-04) (City Administration/City Clerk)
(Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Cafecito](#)
 [2. MAP Liquor License: Cafecito](#)

APPROVED

3. [MC 2021-042](#) **Bid Award: 1st Avenue Waterline Replacement - Court Street to 1st Street**

Authorize the City Administrator to execute a contract for construction services for the 1st Avenue Waterline Replacement from Court Street to 1st Street to the lowest responsive and responsible bidder in the amount of \$173,917.69 to: Gutierrez Canales Engineering, Yuma, Arizona, (Engineering Bid #2021-20000008) (Jeffrey Kramer/Robin R. Wilson)

Attachments: [1. RFCCA Bid Award: 1st Ave Waterline Replacement](#)
 [2. SUPP DOC Bid Award: 1st Ave Waterline Replacement](#)

APPROVED

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.

A motion was made by Councilmember Knight, seconded by Councilmember Watts, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:

Aye: 6 - Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

Absent: 1 - Mayor Nicholls

1. [R2021-010](#) **Resolution Designating the Chief Fiscal Officer**

Adopt a resolution designating Philip A. Rodriguez as the Chief Fiscal Officer for the purpose of submitting the City's Annual Expenditure Limitation Reports (AELR) to the Auditor General for Fiscal Year (FY) 2021 (July 1, 2020 to June 30, 2021) and FY 2022 (July 1, 2021 to June 30, 2022). (Finance) (Barbara Goodrich)

Attachments: [1. RFCCA Designating the CFO](#)
 [2. RES Designating the CFO](#)

ADOPTED**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

All items listed on the Ordinances 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 Ordinance Consent Agenda and the vote or action will be taken separately.

A motion was made by Councilmember Knight, seconded by Councilmember Watts, to ADOPT the Ordinances Consent Agenda. The motion carried by the following vote:

Aye: 6 - Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

Absent: 1 - Mayor Nicholls

1. [O2021-008](#) **Utility Easement: Terraces Retail, L.L.C.**

Approve a public utilities easement for the Terraces commercial property dedicated by Terraces Retail L.L.C., a subsidiary of Elliott Homes, Inc. (Engineering) (Jeffrey Kramer)

Attachments: [1. RFCCA Utility Easement: Terraces Retail, L.L.C.](#)
[2. MAP Utility Easement: Terraces Retail, L.L.C.](#)
[3. ORD Utility Easement: Terraces Retail, L.L.C.](#)
[4. EXH. A Utility Easement: Terraces Retail, L.L.C.](#)

ADOPTED

2. [O2021-009](#) **Lease Renewal: Yuma Private Industry Council**

Authorize the City Administrator to execute a lease agreement with the Yuma Private Industry Council for use of the Dr. Martin Luther King, Jr. Neighborhood Center. (Community Development / Neighborhood Services) (Randy Crist / Rhonda Lee-James)

Attachments: [1. RFCCA MLK Center Lease](#)
[2. ORD MLK Center Lease](#)
[3. AGR MLK Center Lease](#)

ADOPTED

IV. 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. [O2021-010](#) **Utility Easement: Southwest Gas Corporation**

Grant a utility easement to Southwest Gas Corporation in Block 14 of Yuma Townsite (from Madison Avenue to Main Street, between 2nd Street and 3rd Street) to replace an existing undefined easement. (Engineering) (Jeff Kramer)

Attachments: [1. RFCCA Utility Easement: Southwest Gas Corporation](#)
[2. ORD Utility Easement: Southwest Gas Corporation](#)
[3. GRANT OF EASEMENT Utility Easement: Southwest Gas Corporation](#)

INTRODUCED

V. PUBLIC HEARINGS

PUBLIC HEARING OPENED at 6:10 PM
Motion (Knight/Shelton): To close the Public Hearing. Voice vote: approved 6-0.
PUBLIC HEARING CLOSED at 6:15 PM

1. [MC 2021-043](#) **Annexation Area No. ANEX-33710-2021: Las Palmas Apartments**

This is a public hearing to consider the annexation of property located at 248 S. Avenue B. (ANEX-33710-2021) (Community Development/Community Planning) (Randall Crist)

Attachments: [1. RFCCA PH Las Palmas Apartments ANEX-033710-2021](#)
[2. PET PH Las Palmas Apartments ANEX-033710-2021](#)
[3. RESEARCH PH Las Palmas Apartments ANEX-033710-2021](#)
[4. MAP PH Las Palmas Apartments ANEX-033710-2021](#)

VI. BUDGET AND RELATED ITEMS

PUBLIC HEARING OPENED at 6:16 PM
Motion (Knight/Watts) To close the Public Hearing. Voice vote: approved 6-0.
PUBLIC HEARING CLOSED at 6:27 PM

1. [MC 2021-044](#) **Public Hearing: FY 2022-FY 2026 Capital Improvement Program**

Conduct a public hearing for the City of Yuma Capital Improvement

Program budget for Fiscal Years 2022 through 2026 pursuant to Yuma City Charter, Article XIII, Section 11 (Engineering) (Jeff Kramer)

Attachments: [1. RFCCA Public Hearing: CIP FY 2022-2026](#)

2. Proposed Annual Budget for Fiscal Year 2022

PRESENTATION MADE

- City Administrator, Philip Rodriguez and Interim Finance Director, Barbara Goodrich will provide a briefing of the Proposed Annual Budget for Fiscal Year 2022.

FINAL CALL

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

CITY COUNCIL APPOINTED POSITIONS/COMMITTEES:

- Greater Yuma Port Authority

Motion (Morris/Knight): To appoint Wayne Gale to the Greater Yuma Port Authority. Voice vote: approved 6-0.

BOARD AND COMMISSION APPOINTMENTS:

- Planning and Zoning Commission - one appointment
- Workers Compensation Board - one reappointment

Motion (Knight/Morris): To appoint Branden Freeman to the Planning and Zoning Commission with a term expiration of December 31, 2025. Voice vote: approved 6-0.

Motion (Watts/Knight) To appoint Keli Osborn to the Workers' Compensation Trust Board with a term expiration of December 31, 2025. Voice vote: approved 6-0.

2. Announcements:

REPORTED

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 May 6, 2021 through May 19, 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.

3. Scheduling:

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

VIII. SUMMARY OF CURRENT EVENTS

REPORTED

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.

IX. 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.

NO LEGAL ACTION PERMITTED

X. EXECUTIVE SESSION

EXECUTIVE SESSION NOT HELD

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 potential sale of real property. (A.R.S. 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding Spectrum Pacific West, LLC v. City of Yuma. (A.R.S. 38-431.03 A3, A4 & A7)

ADJOURNMENT**8:14 PM**

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.