



City of Yuma City Council Meeting Summary

Wednesday, August 4, 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 August 4, 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 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 August 3, 2021 are cancelled.

CALL TO ORDER

5:43 P.M.

INVOCATION

LT JOHN HERZOG, THE SALVATION ARMY

PLEDGE OF ALLEGIANCE

JEFF KRAMER, DIRECTOR OF ENGINEERING

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls (5:55 p.m.), Deputy Mayor Leslie L. McClendon , Councilmember Gary Knight (5:55 p.m.), Councilmember Chris Morris, Councilmember Michael Shelton, Councilmember Ema Lea Shoop and Councilmember Karen Watts (5:55 p.m.)

FINAL CALL

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

PRESENTATIONS

- Reading of National Purple Heart Day Proclamation
- Briefing of the upcoming Marine Corps Air Station-Yuma WTI Exercise
- Presentation regarding the City's Investment Portfolio

PRESENTATIONS MADE

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 Deputy Mayor McClendon, seconded by Councilmember Knight, to APPROVE the Motion Consent Agenda as recommended. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

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

1. [MC 2021-089](#) **Special/Joint City Council Worksession Draft Minutes June 23, 2021**

Attachments: [2021 06 23 SWS](#)

APPROVED

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)

APPROVED

2. [MC 2021-085](#) **Declaration and Bid Award: Sale of Firearms**

Declare 87 firearms surplus and award bid for the sale of firearms to the highest responsive/responsible bidder for a total of \$16,405.00 to the following vendors: King's Firearms Online-\$6,635.00, Columbia, Tennessee; Sierra Auction-\$9,770.00, Phoenix, Arizona. (Police Department/RFB-21-193) (Susan M. Smith/Robin R. Wilson)

Attachments: [1. RFCCA Declaration and Bid Award: Sale of Fire Arms](#)

APPROVED

3. [MC 2021-086](#) **Grant Award Acceptance: Southwest Border Rural and Tribal Assistance Program**

Authorize the City Administrator to accept the Southwest Border Rural and Tribal Assistance Grant from the Institute of Intergovernmental Research on behalf of the Bureau of Justice Administration in an amount up to \$149,915.00. (Police/ Administration) (Susan Smith)

Attachments: [1. RFCCA Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)
[2. AWARD Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)
[3. SUPP DOC Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)
[4. SUPP DOC Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)

APPROVED

4. [MC 2021-087](#) Declare Surplus and Transfer: Mobile Data Computers

Authorize the City Administrator to declare surplus and transfer Operation Stonegarden grant-funded Mobile Data Computers (MDC's) to other law enforcement agencies in Yuma County. The receiving agencies will assume responsibility for reporting to the Arizona Department of Homeland Security regarding the transferred equipment. The approximate total value of the equipment is \$70,000.00. (Police Department/Susan Smith)

Attachments: [1. RFCCA Transfer of Grant Funded Mobile Data Computers](#)

APPROVED

5. [MC 2021-088](#) Final Plat: Desert Sands Subdivision Unit 3

Approve the final plat of the Desert Sands Subdivision Unit 3. The property is located at the southeast corner of E. 45th Street and S. Avenue 8E, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments: [1. RFCCA Final Plat: Desert Sands Subdivision Unit 3](#)
[2. P&Z RPT Final Plat: Desert Sands Subdivision Unit 3](#)
[3. PLAT Final Plat: Desert Sands Subdivision Unit 3](#)

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: 7 - Mayor Nicholls, Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

1. [R2021-020](#) **Intergovernmental Agreement: Weekend and Holiday Municipal Court Coverage**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with Yuma County to provide a Justice Court Initial Appearance Master to preside over initial appearances for the Yuma Municipal Court on weekends and City of Yuma recognized holidays. (Municipal Court) (Del Miller)

Attachments:

- [1. RFCCA IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)
- [2. RES IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)
- [3. IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)

ADOPTED

2. [R2021-021](#) **Municipal Improvement District No. 117: Desert Sands Subdivision Unit 2 - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 117 to serve Desert Sands Subdivision Unit 2, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 117 shall be assessed upon the properties in MID No. 117; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)
- [2. RES MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)
- [3. EXH A MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)

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 Deputy Mayor McClendon, to ADOPT the Ordinances Consent Agenda, with the exception of Ordinance O2021-028 which was addressed by a separate motion. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

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 Services/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](#)

ADOPTED

2. [O2021-020](#) **Code Text Amendment: Erosion and Sediment Control**

Amend Title 15, Chapter 156 of the Yuma City Code, to update erosion and sediment control code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Code Text Amendment: Erosion and Sediment Control](#)
[2. ORD Code Text Amendment: Erosion and Sediment Control](#)

ADOPTED

3. [O2021-021](#) **Code Text Amendment: Stormwater Runoff in New Developments**

Amend Title 19, Chapter 192 of the Yuma City Code, to update Stormwater Runoff in New Developments code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments:

[1. RFCCA Code Text Amendment: Stormwater Runoff in New Developments](#)

[2. ORD Code Text Amendment: Stormwater Runoff in New Developments](#)

ADOPTED

4. [O2021-022](#) **Code Text Amendment: Illicit Discharge Detection and Elimination**

Amend Title 19, Chapter 194 of the Yuma City Code, to update Illicit Discharge Detection and Elimination code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments:

[1. RFCCA Code Text Amendment: Illicit Discharge Detection and Elimination](#)

[2. ORD Code Text Amendment: Illicit Discharge Detection and Elimination](#)

ADOPTED

5. [O2021-023](#) **Code Text Amendment: Traffic Rules**

Amend Title 21, Chapter 211 of the Yuma City Code, to update traffic control standards to current references and other minor editorial updates. (Engineering) (Jeffrey A. Kramer)

Attachments:

[1. RFCCA Code Text Amendment: Traffic Rules](#)

[2. ORD Code Text Amendment: Traffic Rules](#)

ADOPTED

6. [O2021-024](#) Code Text Amendment: Chapter 213

Amend Title 21, Chapter 213 of the Yuma City Code, to remove inconsistencies and outdated processes relating to the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices.(City Attorney) (Richard W.Files)

Attachments: [1. RFCCA Code Text Amendment: Title 21 Chapter 213](#)
[2. ORD Code Text Amendment: Title 21 Chapter 213](#)

ADOPTED

7. [O2021-025](#) Easement Acquisition: Yuma RV & Boat Storage L.L.C.

Approve the acquisition of an easement for public sewer facilities for the Yuma RV & Boat Storage property by dedication from Yuma RV & Boat Storage L.L.C. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
[2. MAP Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
[3. ORD Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
[4. GRANT Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)

ADOPTED

8. [O2021-026](#) Easement: Avenue 10E South of 28th Street

Approve an easement along the west side of Avenue 10E south of 28th Street for the purpose of a dedicated pick-up/drop-off lane and a multiuse pathway being constructed as part of a roadway improvement project. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Easement: Avenue 10E South of 28th Street](#)
[2. MAP Easement: Avenue 10E South of 28th Street](#)
[3. ORD Easement: Avenue 10E South of 28th Street](#)
[4. AGMT Easement: Avenue 10E South of 28th Street](#)

ADOPTED

9. [O2021-027](#) Rezoning of Property: 1639 S. 6th Avenue

Rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA Rezoning of Property: 1639 S. 6th Ave](#)
- [2. P&Z RPT Rezoning of Property: 1639 S. 6th Ave](#)
- [3. ORD Rezoning of Property: 1639 S. 6th Ave](#)

ADOPTED

10. [O2021-028](#) Rezoning of Property: Northwest Corner of Avenue A and 11th Street

Rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the property located at the northwest corner of Avenue A and 11th Street. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA Rezoning of Property: NW Corner of Ave A and 11th St.](#)
- [2. P&Z RPT Rezoning of Property: NW Corner of Ave A and 11th St.](#)
- [3. ORD Rezoning of Property: NW Corner of Ave A and 11th St.](#)

A motion was made by Councilmember Knight, seconded by Councilmember Shelton, to ADOPT Ordinance O2021-028. The motion carried by the following vote:

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

COI: 1 - Mayor Nicholls

FINAL CALL

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

IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Approve City Administrator's appointment of Finance Director

Motion (Shoop/McClendon): To approve the City Administrator's appointment of Douglas Allen as Finance Director, pursuant to the Yuma City Charter Article 6, Section 3 (d). Voice vote: approved 7-0.

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 July 22, 2022 through August 4, 2022. 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.

V. 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.

VI. 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

VII. 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 Riverfront phases, leases, Master Development and Disposition Agreement, and zoning code densities. (ARS 38-431.03 A3 and A4)

B. Discussion, consultation with and/or instruction to legal counsel, regarding modification and/or termination of existing contracts. (ARS 38-431.03 A3 and A4)

A motion was made by Councilmember Knight, seconded by Councilmember Watts, to ADJOURN to EXECUTIVE SESSION. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor McClendon, Councilmember Knight, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

ADJOURNMENT

7:00 P.M.

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.