



City of Yuma City Council Meeting Summary

Wednesday, June 15, 2016

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2008-55 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.

CALL TO ORDER

5:31 P.M.

INVOCATION

FATHER FRAGOSO, IMMACULATE CONCEPTION CHURCH

PLEDGE OF ALLEGIANCE

SCOUT BEN STOVER, TROOP #8010

ROLL CALL

Present: 5 - Councilmember Gary Knight , Councilmember Gary Wright , Councilmember Edward C. Thomas , Councilmember Jacob Miller and Councilmember Michael Shelton

Absent: 2 - Mayor Douglas J. Nicholls and Deputy Mayor William Craft

FINAL CALL

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

PRESENTATIONS

PRESENTATIONS MADE

- Check presentation to Catholic Community Services - Safe House and Humane Society of Yuma, from tribal gaming proceeds.
- Board and Commission Quarterly Recognitions

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):

Approval of the Consent Agenda

A motion was made by Councilmember Knight, seconded by Councilmember Miller, to approve the Motion Consent Agenda. The motion carried by the following vote:

Aye: 5 - Councilmember Knight, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

Absent: 2 - Mayor Nicholls, and Deputy Mayor Craft

1. [MC 2016-133](#) **Regular City Council Worksession Draft Minutes March 15, 2016**

Attachments: [1. 2016_03_15_RWS_Minutes](#)

APPROVED

2. [MC 2016-134](#) **Regular City Council Meeting Draft Minutes March 16, 2016**

Attachments: [1. 2016_03_16_RCM_Minutes](#)

APPROVED

3. [MC 2016-135](#) **Regular City Council Worksession Draft Minutes April 5, 2016**

Attachments: [1. 2016_04_05_RWS_Minutes](#)

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 2016-126](#) **Liquor License: Whiskey Road Saloon**

Approve a Person Transfer for a Series #06 Bar Liquor License Application, submitted by Joseph Inman, agent for C.I.R. Investments LLC dba Whiskey Road Saloon located at 3780 S. 4th Avenue #E (LL16-09) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Liquor License: Whiskey Road Saloon](#)
 - [2. SUMMARY Liquor License: Whiskey Road](#)
 - [3. MAP Liquor License: Whiskey Road](#)

APPROVED

3. [MC 2016-127](#) **Liquor License: Native Grill & Wings**

Approve a new Series #12 Restaurant Liquor License Application submitted by Amy Nations, agent for Native Grill & Wings located at 1730 E. 16th Street (LL16-10) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Liquor License: Native Grill & Wings](#)
 - [2. SUMMARY Liquor License: Native Grill](#)
 - [3. MAP Liquor License: Native Grill](#)

APPROVED AS AMENDED

4. [MC 2016-128](#) **Intergovernmental Cooperative Purchase Agreement: Public Purchasing Authority**

Authorize the City Administrator to enter into an Intergovernmental Cooperative Purchase Agreement with Public Procurement Authority. (Finance/Purchasing) (Robin R. Wilson)

- Attachments:**
- [1. RFCCA Coop Pur Agmt.: Public Purchasing Auth.](#)
 - [2. AGMT. Coop Pur Agmt.: Public Purchasing Auth.](#)

APPROVED

5. [MC 2016-129](#) **Request for Proposal (RFP): Biosolids Removal and Disposal**

Authorize the City Administrator to excute a contract for Biosolids Removal and Disposal to Ag Tech, LLC, Yuma, AZ. (Utilities RFP #2016-20000150) (Jay Simonton)

- Attachments:**
- [1. RFCCA RFP: Biosolids Removal and Disposal](#)
 - [2. SPRDSHEET RFP: Biosolids Removal and Disposal](#)

APPROVED

6. [MC 2016-130](#) **Renewal of City's Insurance Coverage for Fiscal Year 2016-17**

Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Underground Storage Tanks, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2016-2017 in the total amount of \$874,211.64. (City Attorney/Risk Management) (Laura Kohmetscher)

Attachments: [1. RFCCA Insurance Renewal FY16-17](#)

APPROVED

7. [MC 2016-131](#) **Operation and Maintenance Agreement: Yuma Quartermaster Depot State Historic Park**

Authorize the City Administrator to execute an agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the operation and maintenance of the Yuma Quartermaster Depot State Historic Park (QMD); to provide funding in support of park operations in the amount of \$150,000.00 for Fiscal Year 2016-2017; and to provide performance standards for YCNHAC. (City Administration/YCNHAC) (Charles Flynn)

Attachments: [1. RFCCA Operation and Maintenance Agreement: Yuma Quartermaster Depot State Historic Park](#)
[2. AGMT. Operating Agreement: Yuma Quartermaster Depot State Historic Park](#)

APPROVED

8. [MC 2016-132](#) **Grant Application: Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Fiscal Year 2016 Local Solicitation**

Authorize the City Administrator to execute the required documents and submit an application for the Edward Byrne Memorial Justice Assistance Grant Program: Fiscal Year 2016 Local Solicitation (CFDA # 16.738), offered by the U.S. Department of Justice, for funding in the amount of \$60,827.00. (Police/Patrol) (John Lekan)

Attachments: [1. RFCCA 2016 JAG Grant request](#)
[2. APP. 2016 JAG Grant request](#)

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.

Approval of the Consent Agenda

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

Aye: 5 - Councilmember Knight, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

Absent: 2 - Mayor Nicholls, and Deputy Mayor Craft

1. [R2016-016](#) **Resolution of Support: Mission of the Marine Corps Air Station Yuma and Yuma Proving Ground**

Adoption of a resolution supporting the mission of Marine Corps Air Station Yuma and Yuma Proving Ground through the efforts of Yuma 50, Inc., a non-profit organization. (City Administration) (Gregory K. Wilkinson)

Attachments: [1. RFCCA Yuma 50 Support of MCAS & YPG](#)
[2. RES Yuma 50 Support of MCAS & YPG](#)

ADOPTED

2. [R2016-017](#) **City of Yuma Workers' Compensation Trust**

Adopt a resolution establishing the Workers' Compensation Trust Agreement as the Trust Document. (Human Resources) (Ron Corbin)

Attachments: [1. RFCCA Workers Compensation Trust](#)
[2. RES Workers Compensation Trust](#)
[3. AGMT. Workers Compensation Trust](#)

ADOPTED

3. [R2016-019](#) **Development Fee Deferral: Park West Unit No. 2 and Trail Estates Unit No. 5**

Adopt a resolution authorizing the City Administrator to execute two deferral agreements to defer City of Yuma development fees and water and sewer capacity charges for Park West Unit No. 2 Subdivision and Trail Estates Unit No. 5 Subdivision, and to collect a \$500.00 administrative fee for each deferral agreement. The effective length of each deferral agreement is for three years from date of execution. (Engineering/Development Engineering) (Andrew McGarvie)

Attachments:

- [1. RFCCA Parkwest and Trail Estates Dev Fee Deferral](#)
- [2. EXH. 1 MAP Parkwest Dev Fee Deferral](#)
- [3. EXH. 2 MAP Trail Estate Dev Fee Deferral](#)
- [4. RES Parkwest and Trail Estates Dev Fee Deferral](#)
- [5. EXH. A Parkwest Dev Agmt.](#)
- [6. EXH. B Trail Estates Dev Agmt](#)

ADOPTED

4. [R2016-020](#) **Proposed League of Arizona Cities and Towns 2017 Resolutions**

Ratify the City Administrator's submission of the City of Yuma's policy ideas to the League of Arizona Cities and Towns ("League") for consideration as part of the League's 2017 legislative platform. (City Administration) (Gregory K. Wilkinson)

Attachments:

- [1. RFCCA Proposed AZ League Cities and Towns Resolutions FY16-17](#)
- [2. RES Proposed AZ League Cities and Towns Resolutions FY16-17](#)

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.

1. [O2016-010](#) **Zoning Code Text Amendment: Off-Site Signs**

Amend Title 15, Chapter 154 (Sections: 01.07 and 17.04) to provide definitions and add regulations regarding off-site

signage. (ZONE-13006-2016) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Zoning Code Text Amendment: Off-Site Signs](#)
- [2. P&Z RPT Zoning Code Text Amendment Off-Site Signs](#)
- [3. ORD Zoning Code Text Amendement Off-Site Signs](#)

A motion was made by Councilmember Wright, seconded by Councilmember Knight that this ordinance be CONTINUED FOR 90 DAYS. The motion was carried by a unanimous vote of all present members of City Council.

2. [O2016-017](#) Government Property Land and Improvements Lease: Sixteen & Four, LLC.

Authorize (1) accepting title to land and improvements at the northwest corner of 16th Street and 4th Avenue; (2) an eight-year government property land and improvements lease with Sixteen & Four, LLC, as the statutory prime lessee; (3) abatement of the government property lease excise tax for the term of the lease; and, (4) reconveyance of the land and improvements to the prime lessee at the conclusion of the lease. (This item must be adopted by a simple majority vote without the use of the consent calendar) (City Administration/YCNHAC) (Charles Flynn)

Attachments:

- [1. RFCCA Sixteen & Four LLC](#)
- [2. LEASE Sixteen & Four](#)
- [3. ORD Sixteen & Four LLC](#)
- [4. NOTICE Sixteen & Four LLC](#)
- [5. NOTICE Sixteen & Four LLC](#)
- [6. MEMO Sixteen & Four LLC](#)

A motion was made by Councilmember Knight, seconded by Councilmember Shelton, that this ordinance be ADOPTED. The motion carried by the following vote:

Aye: 4 - Councilmember Knight, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

Nay: 1 - Councilmember Wright

Absent: 2 - Mayor Nicholls, and Deputy Mayor Craft

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.

There are no ordinances scheduled for introduction at this time.

V. PUBLIC HEARING AND RELATED ITEMS

1. [R2016-018](#) **General Plan Amendment: Palos/Martinez**

Approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Medium Density Residential, for property located at the northwest corner of 11th Street and Avenue A. The applicants are Rogelio Sosa Palos and Ma. Del Pilar Soto Martinez. (GP-10768-2015). (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA GP-10768-2015 General Plan Amendment: Palos/Martinez](#)
[2. PZ Staff Report GP-10768-2015 General Plan Amendment: Palos/Martinez](#)
[3. RES GP-10768-2015 General Plan Amendment: Palos/Martinez](#)

Public Hearing Held. A motion was made by Councilmember Knight, seconded by Councilmember Miller, that this resolution be ADOPTED. The motion carried by the following vote:

Aye: 5 - Councilmember Knight, Councilmember Wright, Councilmember Thomas, Councilmember Miller, and Councilmember Shelton

Absent: 2 - Mayor Nicholls, and Deputy Mayor Craft

FINAL CALL

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

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

There are no appointments scheduled at this time.

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 June 2, 2016 through June 15, 2016. City Council question 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.

VII. 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.

VIII. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

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

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 Dyer v. City of Yuma. (A.R.S 38-431.03 A3 & A4)

- B. Discussion, consultation with and/or instruction to legal counsel, regarding the Yuma Mesa Land LLC et al v. City of Yuma et al. (A.R.S 38-431.03 A3 & A4)
- C. Discussion, consultation with and/or instruction to legal counsel, regarding LaMarche v. COY, et al (A.R.S 38-431.03 A3 & A4)
- D. Discussion, consultation with and/or instruction to legal counsel, regarding the City of Yuma v. PMG Partnership, LLC. (A.R.S 38-431.03 A3 & A4)

ADJOURNMENT

6:37 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.