



City of Yuma City Council Meeting Summary

Wednesday, April 4, 2018

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.

CALL TO ORDER

5:33 PM

INVOCATION

PASTOR JOE AVILA, COMMUNITY CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE

STEVE IRR, FIRE CHIEF

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight, Councilmember Leslie L. McClendon, Councilmember Jacob Miller, Councilmember Michael Shelton, Councilmember Edward C. Thomas and Councilmember Karen Watts

FINAL CALL

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

PRESENTATIONS

PRESENTATIONS MADE

- Presentation of tribal gaming proceeds from Cocopah Indian Tribe
- Recognition of Employer Support of the Guard and Reserve nomination

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.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

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

1. [MC 2018-066](#) **Regular Council Meeting Draft Minutes October 18, 2017**

Attachments: [2017 10 18 RCM Minutes](#)

APPROVED

2. [MC 2018-067](#) **Regular Council Meeting Draft Minutes November 15, 2017**

Attachments: [2017 11 15 RCM Minutes](#)

APPROVED

3. [MC 2018-068](#) **Council Citizen's Forum Draft Minutes January 16, 2018**

Attachments: [2018 01 16 CCF 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)

2. [MC 2018-061](#) **Liquor License: Chretien's**

Approve a new Series #12 Restaurant Liquor License application submitted by Robert Rodriguez, agent for Chretien's, 505 E. 16th Street. (LL18-04) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Chretien's](#)

APPROVED

3. [MC 2018-062](#) **Special Event Liquor License: City of Yuma Parks and Recreation Department - ARTbeat 11**

Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the City of Yuma Parks and Recreation Department for ARTbeat 11. The event will take place between the 200-300 blocks of Main Street on Saturday, April 21, 2018, from 3:00 p.m. to 10:00 p.m. (SP18-20) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: City of Yuma Parks and Recreation Department](#)

APPROVED

4. [MC 2018-050](#) **Cooperative Purchase Agreement: Refuse and Recycling Container Solutions and Related Products, Equipment and Services**

Authorize the purchase and delivery of 95-gallon containers by utilizing the cooperative purchase agreement originated by the City of Tucson with National Intergovernmental Purchasing Association (NIPA) for a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual expenditure of \$106,100.00 to: Toter Inc., Statesville, North Carolina. (Public Works - Bid #2018-20000108) (Joel Olea/Robin Wilson)

Attachments: [1. Cooperative Purchase Agreement: Refuse and Recycling Container](#)

APPROVED

5. [MC 2018-063](#) **Intergovernmental Agreement: City of San Luis - Cooperative Emergency Services**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with the City of San Luis for cooperative emergency services. (Fire/Admin) (Steve Irr)

Attachments: [1. RFCCA IGA: San Luis Mutual Aid](#)
[2. AGMT IGA: San Luis Mutual Aid](#)

APPROVED

6. [MC 2018-064](#) **Intergovernmental Agreement: City of San Luis - City of Yuma Public Safety Training Facility**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with the City San Luis for use of the City of Yuma's Public Safety Training Facility (PSTF). (Fire Department/Administration) (Steve Irr)

Attachments: [1. RFCCA IGA: City of San Luis for Use of PSTF](#)
[2. AGR IGA: City of San Luis for Use of PSTF](#)

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.

1. [R2018-003](#) **Intention to Create Municipal Improvement District No. 104: Desert Sky Unit No. 1**

Approve the creation of Municipal Improvement District No. 104 to serve Desert Sky Unit No. 1, located at the northwest corner of Avenue 7 1/2 E and 40th Street. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA MID No. 104: Desert Sky No. 1](#)
[2. RES MID No. 104: Desert Sky No. 1](#)
[3. PET MID No. 104: Desert Sky No. 1](#)

A motion was made by Deputy Mayor Knight, seconded by Councilmember McClendon, that this resolution be ADOPTED. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

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. [O2018-012](#) **Annexation Area No. ANEX-20377-2017: Driftwood**

Authorize annexation of property generally located at the southwest corner of Avenue 6E and 44th Street. (ANEX-20377-2017)
(Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA ORD ANEX-20377-2017 Driftwood](#)
 [2. ORD ANEX-20377-2017 Driftwood](#)
 [3. ANEX-20377-2017 Driftwood](#)

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

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

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. [O2018-013](#) **Rezoning of Property: 978 S. 1st Avenue**

Rezone approximately 0.16 acres from the Light Industrial / Infill Overlay (L-I/IO) District to the Low Density Residential / Infill Overlay (R-1-6/IO) District, located at 978 S. 1st Avenue, Yuma, AZ (ZONE-20534-2017). (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Rezoning of Property: 978 S. 1st Ave.](#)
 [2. P&Z RPT Rezoning of Property: 978 S. 1st Ave.](#)
 [3. ORD Rezoning of Property: 978 S. 1st Ave.](#)

INTRODUCED

2. [O2018-014](#) **Zoning Code Text Amendment: Title 15, Chapter 154, Article 19
"Personal Wireless Communications"**

Amend Yuma City Code, Title 15, Chapter 154, Article 19 to (i) comply with changes to federal and state laws and regulations regarding use of the City's rights-of-ways and facilities by wireless communications providers for the providers' installation, operation, and maintenance of their personal wireless communications facilities, and (ii) to maintain and protect the public safety and welfare through the City's police and land use powers. (ZONE-20543-2017) (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Zoning Code Text Amendment: Wireless Communication](#)
[2. P&Z Zoning Code Text Amendment: Wireless Communication](#)
[3. ORD Zoning Code Text Amendment: Wireless Communication](#)

INTRODUCED

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2018-004 may be adopted in conjunction with the below noted public hearing.

1. [R2018-004](#) **General Plan Amendment: 1421 S. Avenue B**

Deny the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential, for property located at 1421 S. Avenue B. The applicant is South Avenue B L.L.C. (GP-19696-2017). (Community development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA PH General Plan Amendment: 1421 S. Ave B](#)
[2. P&Z Report General Plan Amendment: 1421 Ave B](#)
[3. RES PH General Plan Amendment: 1421 Ave B](#)

A motion was made by Deputy Mayor Knight, seconded by Councilmember Watts, that this public hearing and related actions be CONTINUED to the July 18, 2018 Regular City Council Meeting at the request of the applicant. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

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 March 22, 2018 through April 4, 2018. 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.

MOTION TO SCHEDULE A SPECIAL WORKSESSION/ROUNDTABLE FOR APRIL 24TH, 25TH AND 26TH, 2018, AT 5:30 P.M. AT CITY HALL, FOR THE PURPOSE OF DISCUSSING THE CITY'S BUDGET.

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 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 Avenue 6E Investments, et al v. COY. (ARS 38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel regarding a potential purchase and contract negotiations. (A.R.S. 38-431.03 A3, A4 & A7)

ADJOURNMENT**6:18 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.