



# City of Yuma City Council Meeting Summary

Wednesday, June 5, 2019

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

5:31 PM

## INVOCATION

FATHER MANUEL FRAGOSO, IMMACULATE CONCEPTION CHURCH

## PLEDGE OF ALLEGIANCE

RICK POWERS, TELEVISION PRODUCTION AND OPERATIONS MANAGER

## ROLL CALL

**Present:** 6 - Deputy Mayor Gary Knight , Councilmember Leslie L. McClendon , Councilmember Jacob Miller, Councilmember Michael Shelton, Councilmember Edward C. Thomas 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

*There are no presentations scheduled at this time.*

## 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 Councilmember Miller, seconded by Councilmember Thomas, to APPROVE the Motion Consent Agenda as amended. The motion carried by the following vote:

**Aye:** 6 - Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

**Absent:** 1 - Mayor Nicholls

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

[MC 2019-112](#)      **Regular Council Meeting Draft Minutes March 20, 2019**

**Attachments:**      [2019 03 20 RCM Minutes](#)

**APPROVED**

2.      [MC 2019-113](#)      **Council Citizen's Forum Draft Minutes April 2, 2019**

**Attachments:**      [2019 04 02 CCF Minutes](#)

**APPROVED**

3.      [MC 2019-114](#)      **Special Council Meeting Draft Minutes April 26, 2019**

**Attachments:**      [2019 04 26 SCM Minutes](#)

**APPROVED**

4.      [MC 2019-115](#)      **Special Council Meeting Draft Minutes May 16, 2019**

**Attachments:**      [2019 05 16 SCM 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 2019-104](#)      **Liquor License: Sun of a Gun Cigars**

Approve a Series #07 Beer & Wine Bar Liquor License Location/Owner Transfer application submitted by Brenda Lizbeth Maldonado on behalf of Sun of a Gun Cigars located at 1651 S. Arizona Avenue (LL19-04) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**      [1. RFCCA Liquor License: Sun of a Gun Cigars](#)  
                                 [2. MAP Liquor License: Sun of a Gun Cigars](#)

**APPROVED**

3.      [MC 2019-105](#)      **Liquor License: Maria Bonita**

Approve a new Series #12 Restaurant Liquor License application submitted by Phillip Joseph Green, agent for Maria Bonita located at 711 E. 32nd Street (LL19-05) (City Administration/City Clerk) (Lynda L Bushong)

- Attachments:**      [1. RFCCA Liquor License: Maria Bonita](#)  
                                 [2. Map Liquor License: Maria Bonita](#)

**APPROVED**

4.      [MC 2019-106](#)      **Liquor License: Yuma Market**

Approve a new Series #10 Beer and Wine Store Liquor License application submitted by Ragheed Naim Shaya, agent for Yuma Market located at 890 E. 24th Street (LL19-06) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**      [1. RFCCA Liquor License: Yuma Market](#)  
                                 [2. MAP Liquor License: Yuma Market](#)

**APPROVED**

5.      [MC 2019-107](#)      **Intergovernmental Agreement: Marine Corps Air Station Yuma**

Authorize an Intergovernmental Agreement between the Marine Corp Air Station Yuma and the City of Yuma Public Safety Training Facility. (Police/Support Services) (Susan Smith)

- Attachments:**      [1. RFCCA IGA: MCAS Use of the Public Safety Training Facility](#)  
                                 [2. AGMT IGA: MCAS Use of the Public Safety Training Facility](#)

**APPROVED**

6. [MC 2019-108](#) **Intergovernmental Agreement: Drug Enforcement Administration, Phoenix Division**

Authorize an Intergovernmental Agreement between the Drug Enforcement Administration, Phoenix Division and the City of Yuma Public Safety Training Facility. (Police/Support Services) (Susan Smith)

**Attachments:**

- [1. RFCCA IGA: DEA Use of Public Safety Training Facility](#)
- [2. AGMT: IGA: DEA Use of Public Safety Training Facility](#)

**APPROVED**

7. [MC 2019-109](#) **Agreement: Law Enforcement Support Office Program**

Authorize the City Administrator to sign a participation letter allowing the Yuma Police Department to participate in the Department of Defense LESO program, otherwise known as the 1033 Program. (Police/Admin) (Susan Smith)

**Attachments:**

- [1. RFCCA 2019 Law Enforcement Support Office Program](#)
- [2. AGMT 2019 Law Enforcement Support Office Program](#)
- [3. SUPP DOC 2019 Law Enforcement Support Office Program](#)

**APPROVED**

8. [MC 2019-110](#) **2019 Annual Action Plan - Community Development Block Grant and HOME Investment Partnership Funds**

Approve the City of Yuma 2019 Community Development Block Grant (CDBG) and HOME Investment Partnership Annual Action Plan and authorize the Interim City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Community Development/Neighborhood Services) (Laurie Lineberry)

**Attachments:**

- [1. RFCCA 2019 Annual Action Plan CDBG and HOME](#)
- [2. SUPP 2019 Annual Action Plan CDBG and HOME](#)
- [3. PLAN 2019 Annual Action Plan CDBG and HOME](#)

**A motion was made by Councilmember Thomas, seconded by Councilmember McClendon to REPLACE the 2018 CDBG and HOME allocation document with the correct 2019 version. The motion carried by a unanimous vote of all councilmembers present.**

**APPROVED AS AMENDED**

9. [MC 2019-117](#) **Settlement of Claim: Avenue 6E Investments v City of Yuma**

Authorize settlement of United States District Court Case No.  
2:09-CV-00297-JWS, Avenue 6E Investments, LLC v. City of Yuma.

Attachments:     [1.Ave 6E.RFCCA.pdf](#)  
                             [2.Ave 6E.AGR.pdf](#)  
                             [3.Ave 6E.EXH.pdf](#)

**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. [R2019-015](#) **Municipal Improvement District No. 108: Driftwood Ranch Units No. 1 and 2 - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 108 to serve Driftwood Ranch Units No. 1 and 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. 108 shall be assessed upon the properties in MID No. 108; 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) (Laurie Lineberry)

Attachments:     [1. RFCCA MID No. 108 Order Improvements - Driftwood Ranch Units 1 and 2](#)  
                             [2. RES MID No. 108 Order Improvements - Driftwood Ranch Units 1 and 2](#)  
                             [3. EXH A & B MID No. 108 Order Improvements - Driftwood Ranch Units 1 and 2](#)

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

**Aye:** 6 - Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

**Absent:** 1 - Mayor Nicholls

### 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.*

Approval of the Consent Agenda

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

**Aye:** 6 - Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

**Absent:** 1 - Mayor Nicholls

1. [O2019-021](#) **Annexation Area No. ANEX-24913-2019: Riedel**

Authorize annexation of property generally located east of the southeast corner of Avenue 8½E and 40th Street. (ANEX-24913-2019)  
(Community Development/Community Planning)(Laurie Lineberry)

**Attachments:** [1. RFCCA ORD ANEX-24913-2019 Riedel](#)  
[2. Petition ANEX-24913-2019 Riedel](#)  
[3. ORD ANEX-24913-2019 Riedel](#)

**ADOPTED**

2. [O2019-022](#) **Zoning Code Text Amendment: Company Housing**

Amend Title 15, Chapter 154, Section 01.07 to add definitions related to company housing, and to add Title 15, Chapter 154, Section 15.18 to provide regulations regarding company housing, with the caveat that a new construction company housing complex (large) or a new company housing complex conversion (large) housing 25 or more workers have a crew chief or supervisor present in the complex. (Community Development/Community Planning)  
(Laurie Lineberry)

**Attachments:** [1. RFCCA Zoning Code Text Amendment: Company Housing](#)  
[2. RPT Zoning Code Text Amendment: Company Housing](#)  
[3. ORD Zoning Code Text Amendment: Company Housing](#)

**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. [O2019-023](#) **Amend Yuma City Code: Adopt Construction Standard Detail Drawings**

Adopt the Construction Standard Detail Drawings, dated May 2019 and amend Title 21, Chapter 210, Section 09 of the Yuma City Code to incorporate the newly adopted construction standards (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA: Standard Detail Drawings](#)  
[2. ORD: Standard Detail Drawings](#)

**INTRODUCED**

2. [O2019-024](#) **Amend Yuma City Code: Street Preservation**

Amend Title 21, Chapter 210 of the Yuma City Code to create a new Subchapter titled Street Preservation, related to work within public streets, easements or rights-of-way, and providing for penalties for violations thereof. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Code Amendment: Street Preservation](#)  
[2. ORD Code Amendment: Street Preservation](#)

**INTRODUCED**

#### V. PUBLIC HEARING AND RELATED ITEMS

*There are no public hearings scheduled at this time.*

#### VI. 2019-2020 CITY OF YUMA PRELIMINARY BUDGET

The following discussion may result in the approval of the Preliminary Budget: Fiscal Year 2019-2020

1. [MC 2019-111](#) **Preliminary Budget: FY2019-2020**

Adopt the City of Yuma Preliminary Budget for Fiscal Year 2019-2020 in the amount of \$224,696,487 which includes a Capital Improvement Program Budget of \$41,909,592 and an Operating Budget of

\$182,786,895. (Finance/Administration) (Lisa Marlin)

**Attachments:**

[1. RFCCA Preliminary Budget FY2019-2020](#)

[2. SCHEDULES Preliminary Budget FY2019-2020](#)

**A motion was made by Councilmember Thomas, seconded by Councilmember Watts to APPROVE the FY19-20 Preliminary Budget for the Yuma Visitor's Bureau in the amount of \$600,000. The motion carried by the following: Aye: 5 (Councilmember McClendon COI)**

**A motion was made by Councilmember Watts, seconded by Councilmember Shelton to APPROVE the FY 2019-2020 Preliminary Budget for an amount of \$224,096,487 which excludes the Yuma Visitor's Bureau as approved through the prior motion. The motion carried by the following vote:**

**Aye:** 6 - Deputy Mayor Knight, Councilmember McClendon, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

**Absent:** 1 - Mayor Nicholls

## 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:

- Industrial Development Authority: One appointment

**A motion was made by Councilmember Thomas, seconded by Councilmember Watts to reappoint Dan Gray to the Industrial Development Authority with a term expiration of June 22, 2024. The motion carried by a unanimous vote of all councilmembers present.**

### 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 16, 2019 through June 5, 2019. 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

### 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.*

## 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 Avenue 6E Investments, et al v. COY. (ARS 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding COY v. the Salvation Army. (A.R.S. 38-431.03 A3, A4 & A7)

## ADJOURNMENT

### 6:11 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.