



City of Yuma City Council Meeting Summary

Wednesday, June 19, 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

5:30 PM

INVOCATION

COUNCILMEMBER JACOB MILLER

PLEDGE OF ALLEGIANCE

KATHY FERNANDEZ, CHIEF INFORMATION OFFICER

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

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 Thomas, seconded by Councilmember Miller, to APPROVE the Motion Consent Agenda with the exception of items B.3 and B.6. 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 2019-128](#) **Special Council Worksession Draft Minutes April 16, 2019**

Attachments: [2019 04 16 SWS Minutes](#)

APPROVED

2. [MC 2019-129](#) **Regular Council Worksession Draft Minutes April 16, 2019**

Attachments: [2019 04 16 RWS Minutes](#)

APPROVED

3. [MC 2019-130](#) **Council Citizen's Forum Draft Minutes April 16, 2019**

Attachments: [2019 04 16 CCF Minutes](#)

APPROVED

4. [MC 2019-131](#) **Council Citizen's Forum Draft Minutes June 4, 2019**

Attachments: [2019 06 04 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 2019-118](#) **Liquor License: Angry Crab Shack**

Approve a new Series #12 Restaurant Liquor License application submitted by Jeffrey Craig Miller, agent for Angry Crab Shack located at 1530 S. Castle Dome Avenue (LL19-07) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Liquor License: Angry Crab Shack](#)
 - [2. MAP Liquor License: Angry Crab Shack](#)

APPROVED

3. [MC 2019-120](#) **Contract Award: Professional Audit Services**

Authorize the Interim City Administrator to execute a one-year contract, with the option to renew for an additional four one-year periods, at an estimated annual cost of \$65,000.00, depending on appropriation of funds and satisfactory performance to: Heinfeld Meech & Co., P.A., Tucson, Arizona; (Finance - Bid #2019-20000148) (Lisa Marlin / Robin R. Wilson)

- Attachments:**
- [1. RFCCA RFP: Professional Audit Services](#)
 - [2. SPRDSHEET RFP: Professional Audit Services](#)

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

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

Nay: 1 - Councilmember Shelton

4. [MC 2019-121](#) **Lease Agreement: Dell Financial Services**

Authorize the Interim City Administrator to execute a four-year tax-exempt municipal lease for Personal Computers (PCs) with Dell Financial Services, at an annual payment of \$242,097.75 for a total cost of \$968,391.00. At the conclusion of the lease period, Dell Financial Services will transfer ownership of all equipment to the City for a fee of \$1.00. (Information Technology/Technical Support) (Kathy Fernandez)

- Attachments:**
- [1. RFCCA Lease Agreement: Dell Financial Services](#)
 - [2. AGR Lease Agreement: Dell Financial Services](#)
 - [3. AMENDMENT #1 Lease Agreement: Dell Financial Services](#)
 - [4. SUPP DOC Lease Agreement: Dell Financial Services](#)
 - [5. IT AGR Lease Purchase Agreement: Dell Financial Services](#)
 - [6. SUPP DOC Lease Agreement: Dell Financial Services](#)

APPROVED

5. [MC 2019-122](#) **Outside Agency Agreement: Western Arizona Council of Governments**

Authorize the Interim City Administrator to execute an agreement with the Western Arizona Council of Governments to provide annual funding for assistance to qualified City of Yuma utility customers. (Utilities/Administration) (Jeremy McCall)

Attachments: [1. RFCCA Outside Agency Agreement: WACOG 2019](#)
[2. AGMT Outside Agency Agreement: WACOG 2019](#)

APPROVED

6. [MC 2019-123](#) **Outside Agency Agreement: Yuma Visitors Bureau, Inc.**

Authorize the Interim City Administrator to execute an agreement with the Yuma Visitors Bureau providing for Fiscal Year 2019-2020 funding in the amount of \$600,000.00 and setting performance standards for the Yuma Visitors Bureau. (City Administration) (John D. Simonton)

Attachments: [1. RFCCA Outside Agency Agreement: YVB, Inc.](#)
[2. AGR Outside Agency Agreement: YVB, Inc.](#)

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

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

COI: 1 - Councilmember McClendon

7. [MC 2019-125](#) **Renewal of City's Insurance Coverage for Fiscal Year 2019-20**

Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2019-20 in the total amount of \$951,476 (City Attorney) (Richard Files)

Attachments: [1. RFCCA Renewal of City's Insurance FY19-20](#)

APPROVED

8. [MC 2019-127](#) **Motion to Extend Final Plat Deadlines: Saguaro Unit No. 3 and Desert Sky Unit No. 1 Subdivisions**

Extend expiration dates for the recording of Final Plats for Saguaro Unit No. 3 and Desert Sky Unit No. 1 Subdivisions (Administration) (John D. Simonton)

Attachments: [1. RFCCA Extend Final Plats: Saguaro Unit No. 3 and Desert Sky Unit No. 1](#)

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 Deputy Mayor Knight, seconded by Councilmember Thomas, to ADOPT the Resolution 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

1. [R2019-016](#) **2019 Charter Review Committee**

Establish a City of Yuma 2019 Charter Review Committee.
(Administration) (John D. Simonton)

Attachments: [1. RFCCA 2019 Charter Review Committee](#)
[2. RES 2019 Charter Review Committee](#)

ADOPTED

2. [R2019-017](#) **Intent to Create Municipal Improvement District No. 109: Livingston Ranch Unit No. 2**

Approve the creation of Municipal Improvement District No. 109 to serve Livingston Ranch Unit No. 2. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Intent to Create MID No. 109: Livingston Ranch Unit No. 2](#)
- [2. RES Intent to Create MID No. 109: Livingston Ranch Unit No. 2](#)
- [3. EXH 1 Intent to Create MID No. 109: Livingston Ranch Unit No. 2](#)

ADOPTED

3. [R2019-018](#) **Development Fee Deferral: Livingston Ranch Phase 1 Subdivision**

Adopt a resolution authorizing the Interim City Administrator to execute an agreement to defer City of Yuma development fees and water and sewer capacity charges for Livingston Ranch Phase 1 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from date of execution. (Engineering) (Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Dev. Fee Deferral: Livingston Ranch Phase 1 Subdivision](#)
- [2. MAP Dev. Fee Deferral: Livingston Ranch Phase 1 Subdivision](#)
- [3. RES Dev. Fee Deferral: Livingston Ranch Phase 1 Subdivision](#)
- [4. AGMT Dev. Fee Deferral: Livingston Ranch Phase 1 Subdivision](#)

ADOPTED

4. [R2019-019](#) **Development Fee Deferral: Sunset Terrace Townhomes Subdivision**

Adopt a resolution authorizing the City Administrator to execute an agreement to defer City of Yuma development fees and water and sewer capacity charges for Sunset Terrace Townhomes Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from date of execution. (Engineering) (Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Dev. Fee Deferral: Sunset Terrace Townhomes Subdivision](#)
- [2. MAP Dev. Fee Deferral: Sunset Terrace Townhomes Subdivision](#)
- [3. RES Dev. Fee Deferral: Sunset Terrace Townhomes Subdivision](#)
- [4. AGR Dev. Fee Deferral: Sunset Terrace Townhomes Subdivision](#)

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.

Approval of the Consent Agenda

A motion was made by Deputy Mayor Knight, seconded by Councilmember Thomas, to ADOPT the Ordinances 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

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](#)

ADOPTED

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](#)

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.

There are no ordinances scheduled for introduction at this time.

V. 2019-2020 BUDGET AND RELATED ACTIONS

The following discussion may result in the adoption of Resolution R2019-020

1. [R2019-020](#) **Capital Improvement Program Fiscal Years 2020-2024**

Adopt the Capital Improvement Program for Fiscal Years 2020 through 2024 pursuant to Yuma City Charter, Article XIII, Section 11 (City Administration) (John D. Simonton)

Attachments: [1. RFCCA CIP Budget FY2020-2024](#)
[2. RES CIP Budget FY2020-2024](#)

A motion was made by Councilmember Thomas, seconded by Councilmember Shelton, 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

COI: 1 - Mayor Nicholls

VI. PUBLIC HEARING AND RELATED ITEMS

There are no public hearings scheduled at this time.

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:

There are no appointments scheduled at this time.

2. Announcements:

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 6, 2019 through June 19, 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

**A Motion was made by Councilmember Thomas, seconded by Councilmember Watts to ADJOURN to Executive Session. The motion carried by a unanimous vote of the members present.
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 COY v. the Salvation Army. (A.R.S. 38-431.03 A3, A4 and A7)

B. Discussion, consultation with and/or instruction to legal counsel regarding Opioid litigation. (A.R.S. 38-431.03 A3 and A4)

C. Discussion, consultation with and/or instruction to legal counsel regarding SB1154. (A.R.S. 38-431.03 A3)

D. Discussion, consultation with and/or instruction to legal counsel, regarding Riverfront phases, leases and the Master Development and Disposition Agreement (DDA). (ARS 38-431.03 A3 and A4)

E. Discussion, consultation with and/or instruction to legal counsel, regarding Main Street Mall and Off Street Parking. (ARS 38-431.03 A3 and A4)

F. Discussion, consultation with and/or instruction to legal counsel, regarding extension of subdivision plats. (ARS 38-431.03 A3)

ADJOURNMENT

6:07 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.