



# City of Yuma City Council Meeting Summary

Wednesday, July 17, 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

PASTOR GEORGE BOUNDEY, SEVENTH-DAY ADVENTIST CHURCH

## PLEDGE OF ALLEGIANCE

ISAIAH KIRK, ASSISTANT IT DIRECTOR OF TECHNICAL SERVICES & OPERATIONS

## 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

### PRESENTATION MADE

- Recognition of Yuma Police Sergeant Raul Fiveash by Congressman Gosar's Office

## 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 Thomas, 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 2019-147](#)     **Regular Council Meeting Draft Minutes February 21, 2018**  
          Attachments:     [2018 02 21 RCM Minutes](#)  
  
                                  **APPROVED**
2.     [MC 2019-144](#)     **Regular Council Worksession Draft Minutes October 2, 2018**  
          Attachments:     [2018 10 02 RWS Minutes](#)  
  
                                  **APPROVED**
3.     [MC 2019-145](#)     **Special Council Worksession Draft Minutes April 24, 2019**  
          Attachments:     [2019 04 24 SWS Minutes](#)  
  
                                  **APPROVED**
4.     [MC 2019-146](#)     **Council Citizen's Forum Draft Minutes June 18, 2019**  
          Attachments:     [2019 06 18 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 2019-119](#) **Special Event Liquor License: United Yuma Firefighters Association - Celebrate the Heat on Yuma's Main Street**

Approve a Special Event Liquor License application submitted by Nicholas Kyle Rico on behalf of the United Yuma Firefighters Association for Celebrate the Heat on Yuma's Main Street. The event will take place in the 100-300 blocks of Main Street on Saturday, September 7, 2019, from 6:00 p.m. to 11:00 p.m. (SP19-14) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**     [1. RFCCA Special Event Liquor License: United Yuma Firefighters Association](#)  
[2. MAP Special Event Liquor License: United Yuma Firefighters Association](#)

**APPROVED**

3. [MC 2019-132](#) **Special Event Liquor License: Littlewood Fine Art & Community Co-Op - Devon The Dude Concert**

Approve a Special Event Liquor License application submitted by Isaac Daniel Russell on behalf of the Littlewood Fine Art & Community Co-Op for the Devon The Dude Concert. The event will take place at Littlewood Fine Art & Community Co-Op, 176 S. Main Street, on Saturday, August 10, 2019, from 8:00 p.m. to 12:00 a.m. (SP19-15) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**     [1. RFCCA Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)  
[2. MAP Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)

**APPROVED**

4. [MC 2019-133](#) **Liquor License: Thirstyz Sports Bar**

Approve a Series #06 Bar Liquor License Location/Owner Transfer application submitted by Isaac Eugene Marcotte, agent for Thirstyz Sports Bar located at 2241 S. Avenue A #26, #27 & #28 (LL19-08) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**     [1. RFCCA Liquor License: Thirstyz Sports Bar](#)  
[2. MAP Liquor License: Thirstyz Sports Bar](#)

**APPROVED**

**5. [MC 2019-134](#) Bid Award: Graphic Vehicle Decals**

Award to the lowest responsive/responsible bidder, a one-year contract for Graphic Vehicle Decals, 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 \$20,000.00 to: Sign Pro; Yuma, Arizona; (Public Works - Fleet Services - Bid #2019-20000124) (Joel Olea / Robin R. Wilson)

**Attachments:**[1. RFCCA Bid Award: Graphic Vehicle Decals](#)[2. SPRDSHEET Bid Award: Graphic Vehicle Decals](#)**APPROVED****6. [MC 2019-135](#) Bid Award: Harvard Street Sewer Project**

Award a contract for the construction of the Harvard Street Sewer Project in the amount of \$406,680.85 to the lowest responsive and responsible bidder. DPE Construction, Inc., Yuma, Arizona, (Engineering - Bid #2019-20000149) (Jeff Kramer/Robin R. Wilson)

**Attachments:**[1. RFCCA Bid Award: Harvard Street Sewer Project](#)[2. SPRDSHEET Bid Award: Harvard Street Sewer Project](#)**APPROVED****7. [MC 2019-136](#) Bid Award: Lubricants, Motor Oils and Greases**

Award to the lowest responsive/responsible bidders, one-year contracts for Lubricants, Motor Oils and Greases, 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 \$31,000.00 to: Senergy Petroleum, Yuma Arizona and Sellers Petroleum, Yuma, Arizona. (Bid #2019-20000117) (City Wide/Robin R. Wilson)

**Attachments:**[1. RFCCA Bid Award: Lubricants, Motor Oils and Greases](#)[2. SPREADSHEET Bid Award: Lubricants, Motor Oils and Greases](#)**APPROVED**

8. [MC 2019-137](#) **Bid Award: Vehicles - Leasing Services**

Authorize the City Administrator to lease 27 vehicles with the qualified vendor for an estimated amount of \$10,713.04 monthly and a total amount of \$128,556.48 annually for four years to: Enterprise Fleet Management, Chandler Arizona. (Bid #2019-20000016) (Robin R. Wilson / Lisa Marlin)

**Attachments:**

[1. RFCCA Bid Award: Vehicle Leasing Services](#)

[2. SPRDSHEET Bid Award: Vehicle Leasing Services](#)

**APPROVED**

9. [MC 2019-138](#) **Bid Award: Vehicles**

Authorize the purchase of 14 vehicles with the qualified vendors as indicated below for an estimated amount of \$608,421.67 to: Bill Alexander Ford Lincoln, Yuma Arizona; Findlay Auto Group, Bullhead City Arizona. (Bid #2019-20000016) (Robin R. Wilson / Lisa Marlin)

**Attachments:**

[1. RFCCA Bid Award: Vehicles](#)

[2. SPRDSHEET Bid Award: Vehicles](#)

**APPROVED**

10. [MC 2019-139](#) **Cooperative Purchase Agreement: Public Utility Equipment With Related Accessories and Supplies**

Authorize the purchase of one Articulating Telescopic Aerial Truck (Boom Truck) utilizing the cooperative purchase agreement originated by Sourcewell, for an estimated expenditure of \$170,397.00 to: Altec; Phoenix, Arizona; (Public Works / Streets - Bid #2019-20000165) (Joel Olea / Robin R. Wilson)

**Attachments:**

[1. RFCCA Cooperative Purchase Agreement: Public Utility Equipment](#)

**APPROVED**

**11. [MC 2019-140](#) Cooperative Purchase Agreement: Tires, Tubes and Services**

Authorize the purchase and delivery of tires, tubes and services utilizing the State of Arizona cooperative purchase agreement. Contracts are for a one-year term and renewable for four additional one-year terms, depending on the appropriation of funds and satisfactory performance, for an estimated annual cost of \$200,000.00 (including tax): Active Tire LLC dba Ed Whiteheads Tire, Yuma, Arizona; Purcell Tire Company dba Purcell Western States, Yuma, Arizona; Redburn Tire Company, Yuma, Arizona. (Bid #2019-20000164 - Public Works / Fleet Services / Warehouse) (Joel Olea / Robin R. Wilson)

**Attachments:** [1. RFCCA Cooperative Purchase Agreement: Tires, Tubes and Svcs.](#)

**APPROVED**

**12. [MC 2019-141](#) Intergovernmental Agreement: Crane School District Speed Beacons**

Authorize an Intergovernmental Agreement (IGA) with Crane School District 13 for the operation and maintenance of 16 solar-powered flashing speed zone beacons. (Engineering) (Jeffrey A. Kramer)

**Attachments:** [RFCCA IGA: Crane Speed Beacons](#)  
[AGR IGA: Crane Speed Beacons](#)

**APPROVED**

**13. [MC 2019-142](#) Memorandum Of Understanding: Yuma Regional Communications Systems - South County Public Safety Server Farm**

Authorize the City Administrator to sign a Memorandum of Understanding (MOU) on behalf of the Yuma Regional Communications Systems (YRCS) for the hardware and software consolidation of the south county public safety server farm. (ITS/YRCS) (Eddie Carrera)

**Attachments:** [1. RFCCA MOU: YRCS PS Server Farm](#)  
[2. AGR MOU: YRCS PS Server Farm](#)

**APPROVED**

**14. [MC 2019-143](#) Final Plat: Desert Sands Unit No. 1 Subdivision**

Approve the final plat of the Desert Sands Unit No. 1 Subdivision. The property is located at the southwest corner of E. 44th Street and S. Avenue 8E, Yuma, AZ. (Community Development/Community Planning) (Laurie L. Lineberry)

**Attachments:**

- [1. RFCCA Final Plat: Desert Sand Unit No. 1 Subdivision](#)
- [2. P&Z RPT Final Plat: Desert Sands Unit No. 1 Subdivision](#)
- [3. SUPP DOC Final Plat: Desert Sands Unit No. 1 Subdivision](#)

**APPROVED**

**15. [MC 2019-148](#) Grant Award: Yuma County 911 System Annual Funding Award**

Authorize the City Administrator to execute the required documents with Arizona Department of Administration/Office of Grants and Federal Resources (ADOA/GFR) to disperse awarded grant funds from the emergency telecommunication services revolving fund to cover authorized contractual costs related to equipment and services used in the operation of a 911 services in the Yuma region. (YRCS/Administration) (Eddie Carrera/Heather Pyeatt-Morris)

**Attachments:**

- [1. RFCCA Grant Award: Yuma County 911 System Annual Funding Award](#)
- [2. AGMT Grant Award: Yuma County 911 System Annual Funding Award](#)

**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 Thomas, seconded by Councilmember McClendon, 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. [R2019-022](#) **Intergovernmental Agreement for Demolishing, Repaving, and Restriping of Parking Lot**

Authorize the City Administrator to sign an Intergovernmental Agreement with Yuma County for demolishing, repaving, and restriping of the parking lot located north of 2nd Street between Maiden Lane and Gila Street (City Administration - J. Simonton)

**Attachments:** [1. RFCCA IGA: Yuma County-Parking Lot Repaving](#)  
[2. RES IGA: Yuma County-Parking Lot Repaving](#)  
[3. AGMT IGA: Yuma County-Parking Lot Repaving](#)

**ADOPTED**

2. [R2019-023](#) **Intent to Create Municipal Improvement District No. 110: Desert Sands Unit No. 1**

Approve the creation of Municipal Improvement District No. 110 to serve Desert Sands Unit No. 1. (Community Development/Community Planning) (Laurie Lineberry)

**Attachments:** [1. RFCCA MID No. 110: Desert Sands Unit No. 1-Intent to Create](#)  
[2. RES MID No. 110: Desert Sands Unit No. 1-Intent to Create](#)  
[3. PET MID 110: Desert Sands Unit No. 1-Intent to Create](#)

**ADOPTED**



3. [R2019-024](#) **Municipal Improvement District No. 109: Livingston Ranch Unit No. 2 - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 109 to serve Livingston Ranch Unit No. 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. 109 shall be assessed upon the properties in MID No. 109; 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. 109: Livingston Ranch Unit No. 2-Order Improvements](#)  
[2. RES MID No. 109: Livingston Ranch Unit No. 2-Order Improvements](#)  
[3. EXH A and B MID No. 109: Livingston Ranch Unit No. 2-Order Improvements](#)

**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.*

*There are no ordinances scheduled for adoption at this time.*

#### 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. [O2019-026](#)      **Rezoning of Property: 1874 S. Avenue B**

Rezone approximately .93 acres from the Transitional/Aesthetic Overlay (TR/AO) District to the Limited Commercial District. (Community Development/Community Planning)(Laurie Lineberry)

**Attachments:**

- [1. RFCCA Rezoning: 1874 S. Avenue B](#)
- [2. P&Z RPT Rezoning: 1874 S. Avenue B](#)
- [3. ORD Rezoning: 1874 S. Avenue B](#)

**INTRODUCED**

2. [O2019-027](#)      **Rezoning of Property: Northwest corner of the Avenue 5E and 32nd Street**

Rezone approximately 5.34 acres from the Agriculture/Airport Overlay (AG/AD) District to the General Commercial/Airport Overlay (B-2/AD) District. (Community Development/Community Planning) (Laurie Lineberry)

**Attachments:**

- [1. RFCCA Rezoning: Ave. 5E and 32nd St.](#)
- [2. P&Z RPT Rezoning: Ave. 5E and 32nd St.](#)
- [3. ORD Rezoning: Ave. 5E and 32nd St.](#)

**A motion was made by Deputy Mayor Knight, seconded by Councilmember Watts to AMEND Ordinance O2019-027 to include the following condition: Owner shall dedicate 7 feet of right-of-way along the eastern boundary for a total 40 feet street half-width on Avenue 5E. The motion carried by the following vote: 4-3 (Shelton, McClendon and Miller voting Nay).**

**INTRODUCED AS AMENDED**

3. [O2019-028](#) **Rezoning of Property: Southeast corner of W. 16th Street and S. 44th Avenue**

Rezone approximately 5.36 acres from the Suburban Ranch (SR-1) District to the Low Density Residential (R-1-6) District, for the property located at the southeast corner of W. 16th Street and S. 44th Avenue. (Community Development) (Laurie Lineberry)

**Attachments:** [1. RFCCA Rezoning: 16th St. and S. 44th Ave.](#)  
[2. P&Z RPT Rezoning: 16th St. and S. 44th Ave.](#)  
[3. ORD Rezoning: 16th St. and S. 44th Ave.](#)

**INTRODUCED**

## V. PUBLIC HEARING AND RELATED ITEMS

*The following discussion may result in the adoption of Resolution R2019-025*

1. [R2019-025](#) **General Plan Amendment: Yucca Land Company**

Approve the request to amend the City of Yuma General Plan to change the land use designation from Commercial to Mixed Use, for property located at the southeast corner of Mississippi Avenue and 44th Street. The applicant is Yucca Land Company (GP-25035-2019). (Community Development/Community Planning) (Laurie Lineberry)

**Attachments:** [1. RFCCA General Plan Amend- Yucca Land Company](#)  
[2. RES General Plan Amend- Yucca Land Company](#)  
[3. P&Z RPT General Plan Amend- Yucca Land Company](#)

**PUBLIC HEARING HELD - OPENED AT 6:00 PM**

**A motion was made by Councilmember Thomas, seconded by Deputy Mayor Knight to CLOSE the public hearing. The motion carried by a unanimous vote of all members present. The public hearing closed at 6:04 PM**

**A motion was made by Deputy Mayor Knight, seconded by Councilmember Thomas to ADOPT Resolution R2019-025. The motion carried by a unanimous vote of all members present.**

## VI. PUBLIC HEARING FOR 2019-2020 BUDGET ITEMS AND RELATED ACTIONS

*The following discussion may result in the adoption of Resolution R2019-021*

1. [R2019-021](#) **Public Hearing for Truth in Taxation and Final Budget Adoption for Fiscal Year 2019-2020**

Conduct a combined public hearing on the proposed Truth in Taxation and Budget for Fiscal Year 2019-2020, pursuant to A.R.S § 42-17104, and adopt the City of Yuma 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 Taxation PH and Final Budget Adoption FY2019-2020](#)
- [2. RES Taxation PH and Final Budget Adoption FY2019-2020](#)
- [3. SCHEDULES Taxation PH and Final Budget Adoption FY2019-20](#)

**PUBLIC HEARING HELD - OPENED AT 6:11 PM**

**A motion was made by Councilmember Thomas, seconded by Councilmember Watts to CLOSE the public hearing. The motion carried by a unanimous vote of all members present. The public hearing closed at 6:37 PM**

**A motion was made by Councilmember Thomas, Seconded by Councilmember Watts to ADOPT the portion of Resolution R2019-021, of the Fiscal Year 2019-2020 Final Budget, for the Capital Improvement Program in the amount of \$41,909,592. The motion carried by the following vote: Aye 6-0-1 (Mayor Nicholls COI)**

**A motion was made by Councilmember Knight, Seconded by Councilmember Miller to ADOPT the portion of Resolution R2019-021, of the Fiscal Year 2019-2020 Final Budget, for the Yuma Visitor's Bureau in the amount of \$600,000. The motion carried by the following vote: Aye 6-0-1 (Councilmember McClendon COI)**

**A motion was made by Deputy Mayor Knight, Seconded by Councilmember Watts to ADOPT the remaining portions of Resolution R2019-021, of the Fiscal Year 2019-2020 Final Budget, for an amount of \$182,186,895 which excludes the Capital Improvement Program and Yuma Visitor's Bureau that were adopted through the prior motions. The motion carried by the following vote: Aye 5-2 (Councilmembers McClendon and Miller voting Nay)**

*The following discussion may result in the introduction of Ordinance O2019-025*

2. [O2019-025](#) **Adopt the 2019-2020 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy**

Adopt the 2019-2020 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy (Finance/Administration) (Lisa Marlin)

**Attachments:** [1. RFCCA 2019-2020 Prim Tax Levy & Mall Maint District](#)  
[2. ORD 2019-2020 Prim Tax Levy & Mall Maint District](#)

**INTRODUCED**

## **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:

**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 20, 2019 through July 17, 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 COY v. the Salvation Army. (A.R.S. 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding potential litigation. (A.R.S. 38-431.03 A3 & A4)

## ADJOURNMENT

### 7:40 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.