



City of Yuma City Council Meeting Summary

Wednesday, September 18, 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

5:32 PM

INVOCATION

RICK POLLARD, GRACE BIBLE FELLOWSHIP

PLEDGE OF ALLEGIANCE

WAYNE BOYD, POLICE CAPTAIN

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 from members of Arizona House and Arizona Senate on the 2019 legislative session

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 2019-177](#) **Regular Council Worksession Draft Minutes January 15, 2019**

Attachments: [2019 01 15 RWS Minutes](#)

APPROVED

2. [MC 2019-178](#) **Regular Council Worksession Draft Minutes April 2, 2019**

Attachments: [2019 04 02 RWS Minutes](#)

APPROVED

3. [MC 2019-179](#) **Regular Council Meeting Draft Minutes April 17, 2019**

Attachments: [2019 04 17 RCM Minutes](#)

APPROVED

4. [MC 2019-180](#) **Regular Council Meeting Draft Minutes August 7, 2019**

Attachments: [2019 08 07 RCM 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 2019-172](#) **Special Event Liquor License: Child & Family Services of Yuma, Inc. - Trick-or-Treat on Main Street**

Approve a Special Event Liquor License submitted by Judy Smith on behalf of Child & Family Services for Trick-or-Treat on Main Street. The event will take place on the 100-300 blocks of Main Street on Thursday, October 31, 2019, from 4:00 p.m. to 10:00 p.m. (SP19-19) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Special Event Liquor License: Child & Family Services of Yuma, Inc.](#)

[2. MAP Special Event Liquor License: Child & Family Services of Yuma, Inc.](#)

APPROVED

3. [MC 2019-173](#) **Special Event Liquor License: Yuma Rotary North End Club - Christmas Lighting on Main Street**

Approve a Special Event Liquor License application submitted by Anne Fisher on behalf of Yuma Rotary North End Club for Christmas Lighting on Main Street. The event will take place on the 100-300 blocks of Main Street on Saturday, December 7, 2019, from 4:00 p.m. to 10:00 p.m. (SP19-23) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Special Event Liquor License: Yuma Rotary North End Club](#)

[2. MAP Special Event Liquor License: Yuma Rotary North End Club](#)

APPROVED

4. [MC 2019-174](#) **Special Event Liquor License: Amberly's Place - Dream Gala**

Approve a Special Event Liquor License application submitted by Brian Trevor Umphress on behalf of Amberly's Place for the Dream Gala. The event will take place at the Colorado River State Historic Park, 201 N. 4th Avenue, on Saturday, November 2, 2019, from 5:00 p.m. to 11:00 p.m. (SP19-24) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Special Event Liquor License: Amberly's Place](#)

[2. MAP Special Event Liquor License: Amberly's Place](#)

APPROVED

5. [MC 2019-175](#) **Subrecipient Agreements: 2019-2020 Community Development Block Grant**

Authorize the City Administrator to execute five Community Development Block Grant (CDBG) subrecipient agreements totaling \$102,000 in accordance with the 2019 Annual Action Plan. (Community Development/Neighborhood Services) (Laurie Lineberry)

Attachments:

- [1. RFCCA CDBG 2019-2020 Subrecipient Agreements](#)
- [2. AGMT CDBG 2019-2020 Subrecipient Agreements - AZCB](#)
- [3. AGMT CDBG 2019-2020 Subrecipient Agreements - CCS](#)
- [4. AGMT CDBG 2019-2020 Subrecipient Agreements - Crossroads Mission](#)
- [5. AGMT CDBG 2019-2020 Subrecipient Agreements - Saguaro Foundation](#)
- [6. AGMT CDBG 2019-2020 Subrecipient Agreements - WACOG](#)

APPROVED

6. [MC 2019-176](#) **Job Order Authorization: Sierra Sunset I Retention Basin Xeriscape Conversion**

Authorize the City Administrator to execute a job order with JSA Company, in an amount not to exceed \$118,986.27, for capital improvements to Sierra Sunset I Retention Basin through the City's Job Order Contracting program. (Engineering) (Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Job Order Authorization: Sierra Sunset I Retention Basin](#)

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 McClendon, to ADOPT the Resolution Consent Agenda with the exception of Resolution R2019-038. 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. [R2019-036](#) **Preannexation Development Agreement: Adan and Irma Flores**

Authorize a Preannexation Development Agreement with Adan and Irma Flores, LLC for two properties located east of 1057 South Pagent Avenue. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA PDA Flores - Pagent Avenue](#)
 [2. RES PDA Flores - Pagent Avenue](#)
 [3. AGMT PDA Flores - Pagent Avenue](#)

ADOPTED

2. [R2019-037](#) **Preannexation Development Agreement: A and I Builders**

Authorize a Preannexation Development Agreement with A and I Builders, LLC for two properties located east of 1047 South Pagent Avenue. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA PDA A and I Builders - Pagent Avenue](#)
 [2. RES PDA A and I Builders- Pagent Avenue](#)
 [3. AGMT PDA A and I Builders- Pagent Avenue](#)

ADOPTED

3. [R2019-038](#) **Preannexation Development Agreement: MAHA LLC**

Authorize a Preannexation Development Agreement with MAHA LLC for property located at 600 South Vaughn Avenue. (Community Development/Community Planning)(Laurie Lineberry)

Attachments: [1. RFCCA PDA Vaughn Avenue](#)
 [2. RES PDA Vaughn Avenue](#)
 [3. AGMT PDA Vaughn Avenue](#)

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

COI: 1 - Mayor Nicholls

4. [R2019-040](#) 2019 City of Yuma Primary Election Canvass

Declare the results of the August 27, 2019 City of Yuma Primary Election through the official canvass. (City Administration/City Clerk)
(Lynda L. Bushong)

Attachments: [1. RFCCA 2019 Primary Election Canvass](#)
 [2. RES 2019 Primary Election Canvass](#)
 [3. SUPP DOC 2019 Primary Election Canvass](#)

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 McClendon, to ADOPT the Ordinances Consent Agenda with the exception of Ordinance O2019-032. 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. [O2019-029](#) First Amendment to License Agreement between Unite Private Networks, LLC, and City of Yuma

Authorize and direct the City Administrator to execute the First Amendment to the License Agreement between Unite Private Networks, LLC, and the City of Yuma to extend the term of the License Agreement from September 17, 2023 to September 17, 2028, a five-year term extension. (City Administration) (Chris Wood/Scott McCoy)

Attachments: [1. RFCCA UPN License Agreement Amendment No. 1](#)
 [2. ORD UPN License Agreement Amendment No. 1](#)

ADOPTED

2. [O2019-030](#) **Right-of-way Acquisition: Chestnut Avenue**

Authorize acquisition by fee title of corner triangles at the southwest corner of 10th Street and Chestnut Avenue and at the northwest corner of 11th Street and Chestnut Avenue. (Engineering/Development Engineering) (Jeff Kramer)

Attachments: [1. RFCCA Right-of-Way Acquisition: Two corner triangles](#)
[2. MAP Right-of-Way Acquisition: Two corner triangles](#)
[3. ORD Right-of-Way Acquisition: Two corner triangles](#)
[4. EXH A Right-of-Way Acquisition: Two corner triangles](#)

ADOPTED

3. [O2019-031](#) **Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets**

Amend Title 21, Chapter 212, Article 11 Parking Trucks and Trailers on Residential Streets to add language addressing service vehicles actively engaged in commercial activities within residential districts. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Streets and Traffic Code Text Amendment: Trucks and Trailers](#)
[2. ORD Streets and Traffic Code Text Amendment: Trucks and Trailers](#)

ADOPTED

4. [O2019-032](#) Declare Property Surplus and Authorize Sale: Crest Drive

Authorize the vacation of Crest Drive right-of-way, reserving utility and access easements, declare the right-of-way (subject to the reserved easements) surplus and authorize an exchange of the surplus right-of-way to Bill Alexander Ford Lincoln Mercury Inc. (Alexander Ford) in exchange for a covenant to perform landscape maintenance of the Bonanza Basin Property. (Engineering) (Jeff Kramer)

Attachments: [1. RFCCA Surplus Property: Crest Drive](#)
[2. MAP Surplus Property: Crest Drive](#)
[3. ORD Surplus Property: Crest Drive](#)
[4. EXH 1 Surplus Property: Crest Drive](#)

A motion was made by Councilmember Thomas, seconded by Councilmember McClendon, that this ordinance 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

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. [O2019-033](#) Rezoning of Property: Near the southeast corner of Avenue 9E and 24th Street

Rezone approximately 33.38 acres from the Agriculture (AG) District to the Low Density Residential (R-1-40) District, for the property located near the southeast corner of Avenue 9E and 24th Street, Yuma, AZ. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Rezoning of Property: 9E and 24th Street](#)
[2. P&Z RPT Rezoning of Property: 9E and 24th Street](#)
[3. ORD Rezoning of Property: 9E and 24th Street](#)

INTRODUCED

V. PUBLIC HEARING AND RELATED ITEMS

The following public hearing may result in the adoption of Resolution R2019-039

1. [R2019-039](#) **General Plan Amendment: Riedel Construction Company**

Approve the request to amend the City of Yuma General Plan to change the land use designation from Rural Density Residential to Low Density Residential, for property located east of the southeast corner of Avenue 8½E and 40th Street. The applicant is Riedel Construction Company (GP-26140-2019). (Community Development/Community Planning)(Laurie Lineberry)

Attachments: [1. RFCCA General Plan Amendment \(GP-26140-2019\): Riedel Construction Co.](#)
[2. P&Z RPT General Plan Amendment \(GP-26140-2019\): Riedel Construction Co.](#)
[3. RES General Plan Amendment \(GP-26140-2019\): Riedel Construction Co.](#)

PUBLIC HEARING HELD - OPENED AT 5:58 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 5:59 PM

A motion was made by Councilmember Thomas, seconded by Councilmember Watts to ADOPT Resolution R2019-039. The motion carried by a unanimous vote of all members present.

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:

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 September 5, 2019 through September 18, 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.

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 City of Yuma v. Great American. (A.R.S. 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)

C. Discussion, consultation with and/or instruction to legal counsel regarding potential litigation. (A.R.S. 38-431.03 A3, A4 & A7)

D. Discussion, consultation with and/or instruction to legal counsel regarding Guzman Family Wealth Trust v. City of Yuma. (A.R.S. 38-431.03 A3 & A4)

ADJOURNMENT

6:15 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.