



City of Yuma City Council Meeting Summary

Wednesday, December 4, 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 TYRONE JONES, CHURCH FOR THE CITY

PLEDGE OF ALLEGIANCE

ADRIANA DEL RIO, PUBLIC AFFAIRS COORDINATOR

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

- Recognition of Interim City Administrator John D. Simonton
- Crane Middle School AG-Science Class Presentation

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 2019-241](#) **Regular Council Meeting Draft Minutes January 16, 2019**

Attachments: [2019 01 16 RCM Minutes](#)

APPROVED

2. [MC 2019-242](#) **Council Citizen's Forum Draft Minutes November 19, 2019**

Attachments: [2019 11 19 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 2019-238](#) **Liquor License: Double D's Sports Bar**

Approve a Series #6 Bar Liquor License/Owner Transfer application submitted by Debra Ann Davis, agent for Double D's Sports Bar located at 1300 W. 8th Street. (LL19-16) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Double D's Sports Bar](#)
[2. MAP Liquor License: Double D's Sports Bar](#)

APPROVED

3. [MC 2019-239](#) **Intergovernmental Agreement: City of Somerton Traffic Engineering**

Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) to provide traffic engineering services to the City of Somerton. (Engineering) (Jeffrey A. Kramer)

- Attachments:**
- [1. RFCCA IGA: City of Somerton Traffic Engineering](#)
 - [2. AGMT IGA: City of Somerton Traffic Engineering](#)

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. [R2019-050](#) **Enforcement Response Plan: Industrial Waste and other Wastewater Discharges**

Adopt the Utilities Department Enforcement Response Plan pursuant to Environmental Protection Agency requirements and as part of the Yuma City Code Chapter 191 Industrial Waste and other Wastewater Discharges. (Utilities)(Jeremy McCall)

- Attachments:**
- [1. RFCCA Enforcement Response Plan](#)
 - [2. RES Enforcement Response Plan](#)
 - [3. EXH A Enforcement Response Plan](#)

A motion was made by Councilmember Thomas, 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.

Approval of the Consent Agenda

A motion was made by Deputy Mayor Knight, seconded by Councilmember McClendon, 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. [O2019-038](#) **Repeal and Replace Yuma City Code: Title 13, Chapter 137 Trees**

Repeal and replace Title 13, Chapter 137 Trees of the Yuma City Code to clarify the applicability of the code to municipal trees and add requirements for removal and replacement of municipal trees. (Parks & Recreation/Administration) (Debbie Wendt)

Attachments: [1. RFCCA Repeal and Replace Yuma City Code: Title 13, Chapter 137 Trees](#)
[2. ORD Repeal and Replace Yuma City Code: Title 13, Chapter 137 Trees](#)

ADOPTED

2. [O2019-039](#) **Rezoning of Property: 1146 and 1154 S. 3rd Avenue**

Rezone approximately .32 acres from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the Infill Overlay (IO) District. (Community Development/Community Planning) (Lynda L. Bushong)

Attachments: [1. RFCCA Rezoning of Property: 1146 and 1154 S. 3rd Ave](#)
[2. P&Z RPT Rezoning of Property: 1146 and 1154 S. 3rd Ave](#)
[3. ORD Rezoning of Property: 1146 and 1154 S. 3rd Ave](#)

ADOPTED

3. [O2019-040](#) **Rezoning of Property: Avenue 7E and 44th Street**

Rezoning of approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, Yuma, AZ. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Rezoning of Property: Ave 7E and 44th St](#)
[2. P&Z RPT Rezoning of Property: Ave 7E and 44th St](#)
[3. ORD Rezoning of Property: Ave 7E and 44th St](#)

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. [O2019-041](#) **Acquisition of Real Property: 1100 S. 13th Avenue**

Authorize the reacquisition of real property located at 1100 S. 13th Avenue, Yuma Arizona. (City Attorney) (Richard W. Files)

Attachments:

[1. RFCCA Property Acquisition 1100 S 13th Avenue](#)

[2. ORD Property Acquisition 1100 S 13th Avenue](#)

A Motion was made by Mayor Nicholls, seconded by Deputy Mayor Knight to recess to Executive Session. The motion carried by a unanimous vote.

Executive Session: 6:02 p.m. to 6:05 p.m.

INTRODUCED

V. 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.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

Oath of Office Taken

A motion was made by Councilmember Thomas, seconded by Deputy Mayor Knight to appoint Sean Allen to an unexpired term on the Merit System Board with a term expiration of December 31, 2020. The motion carried by a unanimous vote.

- Oath of Office - City Administrator Philip Rodriguez - Mayor Douglas J. Nicholls will administer the Oath of Office for newly appointed City Administrator Philip Rodriguez.
- Merit System Board - One appointment

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 November 21, 2019 through December 4, 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:

A motion was made by Councilmember Shelton, seconded by Councilmember Thomas to schedule a Special City Council Meeting for Tuesday, December 10, 2019 at 6:00 p.m. The motion carried by a unanimous vote.

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 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 the Boys and Girls Club and the City of Yuma v. Salvation Army. (A.R.S. 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding City of Yuma v. Great American. (A.R.S. 38-431.03 A3 & A4)
- C. Discussion, consultation with and/or instruction to legal counsel regarding potential sale of real property. (A.R.S. 38-431.03 A3, A4 & A7)
- D. Discussion, consultation with and/or instruction to legal counsel regarding Beas v. Babb, et al. (A.R.S. 38-431.03 A3 & A4)

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.