



City of Yuma City Council Meeting Summary

Wednesday, May 6, 2020

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.

Consistent with the March 13, 2020 Arizona Attorney General opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the May 6, 2020 Regular City Council meeting will be conducted remotely through technological means.

City Council Chambers will be closed to the public as there are no public hearings scheduled.

A pilot program is being introduced during the May 6, 2020 City Council Meeting to enable interaction with the public to address City Council on agenda related items and at Call to the Public. In order to participate via Zoom, residents will need to connect through the following website: <https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join". Those wishing to speak to City Council must email publiccomment@yumaaz.gov by 4:30 p.m. Wednesday, May 6th to submit your name, address, telephone number and description of what you are speaking on, such as "Agenda item B.4" or "Call to the Public".

Members of the public may view the meetings live streamed on the City of Yuma website and City Channel 73, or they may also view through the above noted Zoom link. Recordings of the meetings will be available on the City's website after the meeting.

The Worksession and Citizen's Forum previously scheduled for May 5, 2020 are cancelled.

CALL TO ORDER

5:32 P.M.

INVOCATION

COUNCILMEMBER MORRIS

PLEDGE OF ALLEGIANCE

RICK POWER, TELEVISION PRODUCTION & OPERATIONS MANAGER

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Karen Watts, Councilmember Gary Knight, Councilmember Leslie L. McClendon, Councilmember Chris Morris, Councilmember Michael Shelton and Councilmember Ema Lea Shoop

PRESENTATIONS**PRESENTATION MADE**

- Proposed Yuma City Charter amendments presented by 2019 Charter Review Committee Chairman, Russ Clark.

I. MOTION CONSENT AGENDA

A motion was made by Councilmember Knight, seconded by Councilmember Shelton, to APPROVE the Motion Consent Agenda, with the exception of item B.4 that was voted separately and noted below. The motion carried by a unanimous vote.

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.

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

1. [MC 2020-105](#) **Regular City Council Worksession Draft Minutes: Sept. 3, 2019**

Attachments: [2019_09_03_RWS_Minutes](#)

APPROVED

2. [MC 2020-106](#) **Regular City Council Worksession Draft Minutes: Nov. 19, 2019**

Attachments: [2019_11_19_RWS_Minutes](#)

APPROVED

3. [MC 2020-107](#) **Regular City Council Worksession Draft Minutes: Dec. 17, 2019**

Attachments: [2019_12_17_RWS_Minutes](#)

APPROVED

4. [MC 2020-108](#) **Regular City Council Meeting Draft Minutes: April 1, 2020**

Attachments: [2020_04_01_RCM_Minutes](#)

APPROVED

5. [MC 2020-109](#) **Regular City Council Meeting Draft Minutes: April 15, 2020**

Attachments: [2020_04_15_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)

APPROVED

2. [MC 2020-100](#) **Liquor License: Yaquiana Investments LLC**

Approve a new Series #4 Wholesaler Liquor License application submitted by Mark Christopher Jessen, agent for Yaquiana Investments LLC located at 3050 S. Avenue 7E (LL20-05) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Yaquiana Investments LLC](#)
[2. MAP Liquor License: Yaquiana Investments LLC](#)

APPROVED

3. [MC 2020-101](#) **Request for Qualifications (RFQ): Landscape Maintenance Services**

Authorize the City Administrator to execute a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, at an estimated annual amount of \$247,034.00, with the following landscape contractors: APV Curbing Landscape and Masonry; Yuma, Arizona; Arbor Tech Tree & Landscape Services; Yuma, Arizona and JSA Company; Yuma, Arizona; (Public Works/Streets - RFQ #2020-20000098) (Joel Olea/Robin R. Wilson)

Attachments: [1. RFCCA RFQ: Landscape Maintenance Services](#)
[2. SPRDSHEET RFQ: Landscape Maintenance Services](#)

APPROVED

4. [MC 2020-102](#) **Guarantor Letter and Related Documents: Greater Yuma Port Authority (GYPA) Loan Refinancing**

Authorize the City Administrator to provide a Guarantor letter and related documents confirming the City of Yuma will act as Guarantor, on a pro-rata share basis, along with the City of San Luis and Yuma County, for a Greater Yuma Port Authority refinance loan. (Admin/Economic Development) (Jay Simonton)

Attachments: [1. RFCCA GYPA Loan Refinance](#)

A motion was made by Councilmember Knight, seconded by Councilmember McClendon, to APPROVE Motion Consent item B.4 as presented. The motion carried as follows:

**AYE (6) - Shelton, Morris, Watts, Knight, McClendon and Shoop
Declared Conflict (1) - Mayor Nicholls**

5. [MC 2020-103](#) **Consent to Assignment and Assumption of Parcel B Land and Improvements Lease**

Approve the assignment and assumption of the Parcel B Land and Improvements Lease from Sixteen & Four, LLC to MAN3MP-DB, LLC (City Attorney) (Richard Files)

Attachments: [1. RFCCA - Sixteen & Four Assignment and Assumption of Parcel B Land and Improvements Lease](#)
[2. SUPP DOC Sixteen & Four Assignment and Assumption of Parcel B Land and Improvements Lease](#)

APPROVED

6. [MC 2020-104](#) **Intergovernmental Agreement Amendment No. 6: Bureau of Reclamation - Colorado Water Delivery**

Authorize the City Administrator to execute Amendment No. 6 to the Colorado River Water Delivery Contract 14-06-W-106 with the United States Department of Interior--Bureau of Reclamation, which extends the current contract to October 1, 2027. (Administration) (Jay Simonton)

Attachments: [1. RFCCA IGA Amendment 6: BOR - Colorado Water Delivery](#)
[2. AGMT IGA Amendment 6: BOR - Colorado Water Delivery](#)

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.

A motion was made by Councilmember Knight, seconded by Councilmember Morris, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

1. [R2020-017](#) **Designate City Administrator as City's Applicant Agent for Public Assistance**

Adopt Resolution No. R2020-017 authorizing and designating the City Administrator to act as the City's agent for public assistance, to execute and file applications for public assistance in the appropriate state offices, and to provide information to federal and state authorities for the purpose of obtaining disaster relief and emergency assistance during the COVID-19 public health emergency. (Administration) (Philip Rodriguez)

Attachments: [1. RFCCA Designating Applicant Agent for DEMA](#)
[2. RES Designating Applicant Agent for DEMA](#)

ADOPTED

2. [R2020-018](#) **Intergovernmental Agreement: City of San Luis and City of Yuma**

Adopt a Resolution approving the Intergovernmental Agreement (IGA) relating to an Annexation with the City of San Luis (San Luis) and authorizing the Mayor to execute the IGA. (City Administration) (Philip Rodriguez)

Attachments: [1. RFCCA IGA Annexation: San Luis](#)
[2. RES IGA Annexation: San Luis](#)
[3. EXH A IGA Annexation: San Luis](#)

ADOPTED

3. [R2020-019](#) **Development Fee Deferral: Livingston Ranch Unit 2 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 Livingston Ranch Unit 2 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three (3) years from date of execution. (Engineering) (Jeffrey A. Kramer)

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

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.

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, to ADOPT the Ordinance Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

1. [O2020-011](#) **Rezoning of Properties: Northwest corner of Arizona Avenue and 34th Street**

Rezone approximately 18.34 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, for the properties located at the northwest corner of Arizona Avenue and 34th Street, Yuma, AZ. (Community Development/Community Planning) (Jay Simonton)

Attachments: [1. RFCCA Rezoning of Properties: NW Corner of Arizona Ave and 34th St](#)
[2. P&Z RPT Rezoning of Properties: NW Corner of Arizona Ave and 34th St](#)
[3. ORD Rezoning of Properties: NW Corner of Arizona Ave and 34th St](#)

ADOPTED

IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

APPOINTMENTS MADE

- Library Board of Trustees: One appointment
- Housing Authority of the City of Yuma: 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 April 16, 2020 through May 6, 2020. 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 Knight and second by Councilmember Shelton to SCHEDULE a Budget Roundtable on May 12th and 14th at 5:30 p.m. The motion carried unanimously.

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

V. 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.

VI. PRESENTATIONS

PRESENTATIONS MADE

- The Fiscal Year 2020 9+3 Financial Report from the City Administrator and staff, followed by questions and discussion from City Council.
- City Administrator discussion with City Council regarding the Fiscal Year 2021 Proposed Annual Budget, including possible dates for additional budget roundtable discussions.

VII. CALL TO THE PUBLIC

NO SPEAKERS AT THIS TIME

Members of the public may address the City Council on matters that are not listed on the City Council agenda through the Zoom conferencing program (see instructions above). 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.

VIII. EXECUTIVE SESSION

A motion was made by Councilmember Knight, seconded by Councilmember Morris, that City Council ADJOURN to EXECUTIVE SESSION. The motion carried by a unanimous vote.

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 potential contract litigation. (A.R.S. 38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel regarding potential sale of real property located at Avenue C and 5th Street. (A.R.S. 38-431.03 A3, A4 & A7)
- C. Discussion, consultation with and/or instruction to legal counsel regarding class action opioid litigation. (A.R.S. 38-431.03 A3 & A4)
- D. Discussion, consultation with and/or instruction to legal counsel regarding COVID-19 legalities. (A.R.S. 38-431.03 A3 & A4)

ADJOURNMENT

7:11 p.m.

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.