



City of Yuma City Council Meeting Summary

Wednesday, December 2, 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 December 2, 2020 Regular City Council meeting will be conducted remotely through technological means along with limited public, in-person access, consistent with social distancing requirements.

City Council Chambers will be open with limited public access in addition to participation through Zoom.

Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) 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".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

The Worksession and Citizen's Forum previously scheduled for December 1, 2020 are cancelled.

CALL TO ORDER

5:34 PM

INVOCATION

PHILIP RODRIGUEZ, CITY ADMINISTRATOR

PLEDGE OF ALLEGIANCE

RANDY CRIST, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT

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

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

PRESENTATION MADE

- Vision Statement and Strategic Outcomes

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.

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

Approval of the Consent Agenda

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, to APPROVE the Motion 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. [MC 2020-204](#) **Draft Minutes: November 18, 2020 City Council Meeting**

Attachments: [1. Draft Minutes: 11/18/2020 RCM](#)

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 2020-198](#) **Liquor License: Circle K Store #1756**

Approve a new Series #9 Liquor Store Liquor License application submitted by Kim Kenneth Kwiatkowski, agent for Circle K Store #1756 located at 2400 S. Arizona Avenue (LL20-10) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Circle K Store #1756](#)
[2. MAP Liquor License: Circle K Store #1756](#)

APPROVED

3. [MC 2020-199](#) **Bid Award: Reconstruction of Single-Family Home with HOME Funds**

Authorize award of bid to reconstruct a single-family home under the Neighborhood Services Housing Rehabilitation Program to the lowest responsive and responsible bidder in the amount of \$113,118.03 to: Latin Builders. (Community Development/Neighborhood Services) (Rhonda Lee-James)

Attachments: [1. RFCCA Reconstruction Project - HOME Funds](#)

APPROVED

4. [MC 2020-200](#) **Bid Award: Mesa Heights Street Light Expansion**

Authorize the City Administrator to execute a contract for construction services for the Mesa Heights Street Light Expansion project to the lowest responsive and responsible bidder in the amount of \$185,195.00 to: DPE Construction, Inc. Yuma. (Bid #2021-20000007) (Robin Wilson/Jeff Kramer)

Attachments: [1. RFCCA Mesa Heights Street Light Expansion](#)
[2. SPRDSHEET Mesa Heights Street Light Expansion](#)

APPROVED

5. [MC 2020-202](#) **Change Order Authorization: Downtown Raised Crosswalk & Spot Drainage Improvements**

Authorize the City Administrator to execute a change order to the approved construction contract with Gutierrez Canales Engineering, PC (GCE), in the amount not exceed \$ 13,216.60 for construction services for Downtown Raised crosswalk & Spot Drainage Improvements. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Change Order - Downtown Raised Crosswalk Spot Drainage Improvements](#)

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 Knight, seconded by Councilmember McClendon, 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. [R2020-055](#) **Preannexation Development Agreement: 818 S. Dora Avenue**

Authorize a Preannexation Development Agreement with Pedro A. Ramirez Valenzuela and Griselda Padro Cervantes for property located at 818 S. Dora Avenue. (Community Development/Community Planning) (Randall Crist)

Attachments: [1. RFCCA PDA 818 Dora Ave](#)
[2. RES PDA 818 Dora Avenue](#)
[3. AGMT PDA 818 Dora Avenue](#)

ADOPTED

2. [R2020-056](#) **Intent to Create Municipal Improvement District No. 116: Cielo Verde Units 2B, 4, and 6 Subdivision**

Approve the creation of Municipal Improvement District No. 116 to serve Cielo Verde Units 2B, 4, and 6 Subdivision. (Community Development/Community Planning) (Randall D. Crist)

Attachments: [1. RFCCA Intent to Create MID No. 116.docx](#)
[2. RES Intent to Create MID No. 116.docx](#)
[3. PETITION Intent to Create MID No. 116 \(2\).pdf](#)

ADOPTED

III. 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. [O2020-026](#) **Amend Yuma City Code Title 13: Health and Safety**

Adopt an ordinance amending the City of Yuma Health and Safety code in Title 13 of the Yuma City Code, by adding a new Chapter 140, titled, Recreational Marijuana. (City Administration) (Philip Rodriguez)

Attachments: [1. RFCCA Amend Yuma City Code: Health and Safety](#)
[2. ORD Amend Yuma City Code: Health and Safety](#)

Motion (Knight/Morris): To AMEND Ordinance O2020-026 by striking the entirety of Section 140-05 titled "Marijuana Testing Facility Permitted" and replace it with a new Section 140-05 titled "Marijuana Testing Facility Prohibited" to read as follows: Sec. 140-05 Marijuana Testing Facility Prohibited. To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in the City of Yuma. This prohibition does not apply to marijuana testing facilities operated by the federal government and its agencies, the State of Arizona and its agencies and political subdivisions, or by public or private universities or colleges engaged in research. This prohibition shall supersede any Yuma City Code provision in conflict with this Section to the extent of the conflict. VV: Approved 6-1 (Watts-Nay).

INTRODUCED AS AMENDED

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

IV. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. 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 19, 2020 through December 2, 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.

2. Scheduling:

Motion (Knight/Watts): To schedule a Special City Council meeting for December 7, 2020 at 5:30 p.m. in City Hall Council Chambers with an agenda to be posted in accordance with Arizona Open Meeting Law. VV: Approved 7-0.

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. 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.

VII. EXECUTIVE SESSION

Motion (Knight/McClendon): To adjourn to Executive Session. VV: Approved 7-0.

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 One Arizona Opioid Settlement Memorandum of Understanding. (A.R.S. 38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel regarding Public Safety Pension Liability Bond Issuance and Bond Refunding. (A.R.S. 38-431.03 A3 & A4)

ADJOURNMENT

6:25 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.