

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JUNE 19, 2019**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:30 p.m.

**INVOCATION/PLEDGE**

**Councilmember Jacob Miller** gave the invocation. **Kathleen Fernandez**, Chief Information Officer, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Watts, Thomas, Knight, McClendon, Miller, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Interim City Administrator, John D. Simonton  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

**PRESENTATIONS** - There were no presentations scheduled at this time.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.6 – Outside Agency Agreement: Yuma Visitors Bureau, Inc. (execute an agreement with the Yuma Visitors Bureau providing for Fiscal Year 2019-2020 funding in the amount of \$600,000 and setting performance standards) (Admin)

**McClendon** declared a conflict of interest with regard to Motion Consent Agenda Item B.6 and left the dais.

**Motion** (Knight/Miller): To approve Motion Consent Agenda Item B.6 as recommended. Voice vote: **approved** 6-0-1, McClendon abstaining due to conflict of interest.

**McClendon** returned to the dais.

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Motion Consent Agenda Item B.3 – Contract Award: Professional Audit Services (execute a one-year contract, with the option to renew for an additional four one-year periods, at an estimated annual cost of \$65,000.00 to: Heinfeld Meech & Co., P.A., Tucson, Arizona) (Finance – Bid#2019-20000148)

**Shelton** asked that Item B.3 be pulled for separate consideration. **Mayor Nicholls** asked if there were any comments or questions on the item. **Shelton** stated that he made his comments at last night's Worksession.

**Motion** (Knight/Watts): To approve Motion Consent Agenda Item B.3 as recommended. Voice vote: **approved** 6-1, Shelton voting nay.

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**Motion** (Thomas/Miller): To approve the Motion Consent Agenda as recommended with the exception of items B3 and B6. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting:

Special Council Worksession April 16, 2019  
Regular Council Worksession April 16, 2019  
Council Citizen's Forum April 16, 2019  
Council Citizen's Forum June 4, 2019

B. Approval of Staff Recommendations:

1. 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 Atty)
2. Approve a new Series #12 Restaurant Liquor License application submitted by Jeffrey Craig Miller, agent for Angry Crab Shack located at 1530 S. Castle Dome Avenue. (LL19-07) (CLK)
3. Pulled for separate consideration; see above.
4. Authorize the Interim City Administrator to execute a four-year tax-exempt municipal lease for Personal Computers (PCs) with Dell Financial Services, at an annual payment of \$242,097.75 for a total cost of \$968,391.00. At the conclusion of the lease period, Dell Financial Services will transfer ownership of all equipment to the City for a fee of \$1.00. (ITS)
5. Authorize the Interim City Administrator to execute an agreement with the Western Arizona Council of Governments to provide annual funding assistance to qualified City of Yuma utility customers. (UTL)
6. Pulled for separate consideration; see above.
7. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for fiscal year 2019-2020 in the total amount of \$951,476. (ATTY)
8. Extend expiration dates for the recording of Final Plats for Saguaro Unit No. 3 and Desert Sky Unit No. 1 Subdivisions. (ADM)

## II. RESOLUTION CONSENT AGENDA

**Motion** (Knight/Thomas): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following titles:

### **Resolution R2019-016**

**A resolution of the City Council of the City of Yuma, Arizona, creating the City of Yuma 2019 Charter Review Committee, providing for the appointment of committee members, the terms and duties thereof, and establishing a sunset date after which the 2019 Charter Review Committee shall cease to exist** (Establishing a new committee to review the City Charter and propose any amendments to City Council that may be placed on the ballot at the next scheduled election) (Administration)

### **Resolution R2019-017**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 109, serving Livingston Ranch Unit No. 2, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Livingston Ranch Unit No. 2** (for the neighborhood located at 40<sup>th</sup> Street and Avenue B ½) (DCD/Planning)

### **Resolution R2019-018**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma Development Fees and Water and Sanitary Sewer Capacity Charges for Livingston Ranch Phase 1 Subdivision** (for a period of three years upon payment of a \$500.00 fee and continuing until issuance of a certificate of occupancy) (Engineering)

### **Resolution R2019-019**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma Development Fees and Water and Sanitary Sewer Capacity Charges for Sunset Terrace Townhomes Subdivision** (for a period of three years upon payment of a \$500.00 fee and continuing until issuance of a certificate of occupancy) (Engineering)

Roll call vote: **adopted** 7-0.

## III. ADOPTION OF ORDINANCES CONSENT AGENDA

**Motion** (Knight/Thomas): To adopt the Ordinances Consent Agenda as recommended.

**Bushong** displayed the following titles:

### **Ordinance O2019-023**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 21, Chapter 210, Section 09 of the Yuma City Code relating to construction standards and adopting by reference construction standard detail drawings, dated May 2019, for the construction or alterations of streets, public utilities, public rights-of-way and other publicly owned properties within the city limits of the City of Yuma and providing penalties for violations thereof** (to ensure the City is consistent with current

standardized and recognized construction industry practices and is reasonably consistent and compatible with similar standards adopted by other government entities) (Engineering)

#### **Ordinance O2019-024**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 21 of the Yuma City Code, Chapter 210, by adding a new subchapter titled, "Street Preservation," which provides for work within public streets, easements or rights-of-way, with a penalty for violations thereof (to establish pavement preservation guidelines, pavement restoration fees, and inspection and maintenance fees) (Engineering)**

Roll call vote: **adopted** 7-0.

IV. **INTRODUCTION OF ORDINANCES** - There were no ordinances scheduled for introduction at this time.

#### **V. 2019-2020 BUDGET AND RELATED ACTIONS**

Resolution R2019-020 – Capital Improvement Program Fiscal Years 2020-2024 (pursuant to the Yuma City Charter, Article XIII, Section 11) (Administration)

**Mayor Nicholls** declared a potential conflict of interest with regard to Resolution R2019-020, turned the meeting over to Deputy Mayor Knight, and left the dais.

**Shelton** asked if there was any reference to the park on Araby Road in the Capital Improvement Program (CIP). **Simonton** replied that it is not in the first five years of the CIP, but it is listed under Potential Infrastructure Projects.

**Gary Wright**, 2240 S. Elks Ln. #27, expressed concerns regarding the budget process including the publication of a notice in the Yuma Sun that tonight would be the public hearing on and final adoption of the tax levy and adoption of the final budget, as well as the CIP expenditures being adopted prior to the adoption of the final budget.

**Simonton** explained that the notice in the Yuma Sun was published one day short of the 14 days required by law, causing that hearing and adoption to be rescheduled to the meeting in July. A notice will be published prior to that meeting. Regarding the adoption of the CIP, the City Charter requires that it be adopted before July 1<sup>st</sup>. **Miller** asked if the monies approved for the CIP will not be able to be spent until the final budget is approved. **Simonton** confirmed this is correct.

**Motion** (Thomas/Shelton): To adopt Resolution R2019-020, Capital Improvement Program Fiscal Years 2020-2024.

**Bushong** displayed the following title:

#### **Resolution R2019-020**

**A resolution of the City Council of the City of Yuma, Arizona, adopting the Capital Improvement Program Fiscal Years 2020 through 2024 (pursuant to the Yuma City Charter, Article XIII, Section 11) (Administration)**

Roll call vote: **adopted** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

VI. **PUBLIC HEARINGS AND RELATED ITEMS** – There were no public hearings scheduled at this time.

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

VII. **APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Thomas, Shelton, McClendon, Watts, Miller, Deputy Mayor Knight, and Mayor Nicholls** reported on events and meetings they have attended during the last two weeks and upcoming events of note.

VIII. **SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- June 21<sup>st</sup> – Washoes & Cornhole Tournament at the Yuma Civic Center
- June 21<sup>st</sup> – Yuma Art Center TGIF Summer Movie Series: The Breakfast Club
- June 22<sup>nd</sup> – Juneteenth Celebration at Carver Park
- June 28<sup>th</sup> – Yuma Art Center TGIF Summer Movie Series: Ghostbusters
- July 13<sup>th</sup> – Night at the Museum Sleepover at the Yuma Art Center

IX. **CALL TO THE PUBLIC**

**Will Katz**, 340 W. 32<sup>nd</sup> Street P.O. Box 643, requested assistance in understanding the expenditures that were just approved in the CIP. Based on the Expenditure Limitation Report, several of the bonds referenced in the CIP are listed as either having no proceeds or insufficient proceeds available.

X. **EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Thomas/Watts): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:07 p.m.

APPROVED:

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Lynda L. Bushong, City Clerk

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Douglas J. Nicholls, Mayor