



# City of Yuma City Council Meeting Summary

---

Wednesday, November 20, 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 VINCE HARMAN, CHRIST LUTHERAN CHURCH**

## PLEDGE OF ALLEGIANCE

**FORMER CITY ATTORNEY, STEVE MOORE**

## 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

*There are no presentations scheduled at this time.*

## 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 Councilmember Miller, seconded by Councilmember Watts, to APPROVE the Motion Consent Agenda with the exception of item B.2. 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 2019-236](#) **Council Citizen's Forum Draft Minutes November 5, 2019**

**Attachments:** [2019 11 05 CCF Minutes](#)

**APPROVED**

2. [MC 2019-237](#) **Regular Council Meeting Draft Minutes November 6, 2019**

**Attachments:** [2019 11 06 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 2019-233](#) **Special Event Liquor License: Yuma Visitors Bureau - Iceberg Drop**

Approve a Special Event Liquor License application submitted by Linda Morgan on behalf of the Yuma Visitors Bureau for the Iceberg Drop. The event will take place on the 100-200 blocks of Main Street on Tuesday, December 31, 2019, from 8:00 p.m. to 1:30 a.m. (SP19-31) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:** [1. RFCCA Special Event Liquor License: Yuma Visitors Bureau](#)  
[2. MAP Special Event Liquor License: Yuma Visitors Bureau](#)

**A motion was made by Deputy Mayor Knight, seconded by Councilmember Miller, that this motion be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Miller, Councilmember Shelton, Councilmember Thomas, and Councilmember Watts

**COI:** 1 - Councilmember McClendon

3. [MC 2019-235](#) **Special Event Liquor License: Yuma Art Center - Christmas Lighting on Main Street**

Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the Yuma Art Center 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. (SP19-25) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:** [1. RFCCA Special Event Liquor License: Yuma Art Center](#)  
[2. MAP Special Event Liquor License: Yuma Art Center](#)

**APPROVED**

4. [MC 2019-234](#) **Grant Award: Fire Prevention and Safety Grant - FEMA Award**

Authorize the City Administrator to execute the required documents to accept a grant award from the Department of Homeland Security/FEMA. (Fire/Community Risk Reduction) (Steve Irr)

**Attachments:** [1. RFCCA Grant Award: FEMA Award](#)  
[2. SUPP DOC Grant Award: FEMA Award](#)

**APPROVED**

5. [MC 2019-224](#) **Intergovernmental Agreement: Arizona Criminal Justice Information System Holder of Record Agreement**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the Yuma Police Department and the Arizona Registrar of Contractors to identify responsibilities related to the exchange of Arizona Criminal Justice Information between the parties. (Police/Quality Assurance) (Susan Smith)

**Attachments:** [1. RFCCA IGA: AZ Criminal Justice Info System Holder of Record Agmt-AZ Registrar of Contractors](#)  
[2. AGMT IGA: AZ Criminal Justice Info System Holder of Record Agmt-AZ Registrar of Contractors](#)

**APPROVED**

6. [MC 2019-226](#) **Intergovernmental Agreement: Arizona Criminal Justice Information System Holder of Record Agreement**

Authorize the City Administrator to execute an intergovernmental agreement between the Yuma Police Department and Arizona Western College Police Department to identify responsibilities related to the exchange of Arizona Criminal Justice Information between the parties. (Police/Quality Assurance) (Susan Smith)

**Attachments:** [1. RFCCA IGA: AZ Criminal Justice Info Sys Holder of Record Agmt-AWC](#)  
[2. AGMT IGA: AZ Criminal Justice Info Sys Holder of Record Agmt.-AWC](#)

**APPROVED**

7. [MC 2019-225](#) **Intergovernmental Agreement: Use of Police Vehicles**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the Yuma Police Department and Arizona Western College for the loan of two police vehicles in support of the regional training academy and other local trainings. (Police/Quality Assurance) (Susan Smith)

**Attachments:** [1. RFCCA IGA: Use of Police Vehicles](#)  
[2. AGMT IGA: Use of Police Vehicles](#)

**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 Miller, seconded by Councilmember Thomas, to ADOPT the Resolution Consent Agenda as amended. 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. [R2019-049](#) **2019 City of Yuma General Election Canvass**

Adopt the results of the November 5, 2019 City of Yuma General Election through the official canvass. (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:** [1. RFCCA 2019 General Election Canvass](#)  
[2. RES 2019 General Election Canvass](#)  
[3. SPRD SHEET General Election Canvass](#)

**ADOPTED**

2. **R2019-051** **Resolution Opposing the Transfer of any Colorado River Water Rights or Allocations From La Paz County to the Town of Queen Creek in Pinal and Maricopa Counties**

Adopt a Resolution Opposing the Transfer of any Colorado River Water Rights or Allocations Designated, Granted or Leased to GSC Farm, LLC, a Delaware limited liability company, owning land in La Paz County, Arizona. The proposed transfer would move 2,083.1 acre-feet of water to the Town of Queen Creek in Pinal and Maricopa Counties. The Resolution further directs the Yuma City Clerk to provide a copy of the Resolution, as adopted, to the Mayor and Council of the Town of Queen Creek, Arizona, the City of Yuma's Federal and State Legislators, the Governor of Arizona, the Commissioner of the Bureau of Reclamation, the Director of the Arizona Department of Water Resources, and the Statutory Agent of GSC Farm, LLC. The Resolution authorizes City of Yuma Mayor, Douglas J. Nicholls, to provide public comment as the official spokesperson for the City of Yuma, at the November 21, 2019 Arizona Water Department Public Hearing on GSC's transfer request to be held at the City of Yuma City Council Chambers. (City Administration)(Jay Simonton)

**Attachments:** 1. RFCCA Opposition to Water Transfer  
2. RES Opposition to Water Transfer

**A motion was made by Deputy Mayor Knight, seconded by Councilmember Thomas to correct the first line of the title of Resolution R2019-051 to read: "A Resolution of the City Council of the City of Yuma, Arizona opposing the transfer". The motion was adopted by a unanimous vote.**  
**ADOPTED AS AMENDED**

### 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.*

1. [O2019-037](#)      **Rezoning of Property: Southeast corner of Avenue 3E and the 38th Street alignment**

Rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38th Street alignment. (Community Development/Community Planning) (Laurie Lineberry)

**Attachments:**      [1. RFCCA Rezoning of Property: SE Corner of Ave 3E and the 38th St. Alignment](#)  
[2. P&Z RPT Rezoning of Property: SE Corner of Ave 3E and the 38th St. Alignment](#)  
[3. ORD Rezoning of Property: SE Corner of Ave 3E and the 38th St. Alignment](#)

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

### 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. [O2019-038](#)      **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](#)

**INTRODUCED**

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](#)

**INTRODUCED**

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](#)

**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:

- Parks, Arts, and Recreation Commission: Two appointments

A motion was made by Deputy Mayor Knight, seconded by Councilmember McClendon to appoint Rose Ann Forte to an unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2022. The motion was approved by a unanimous vote.

A motion was made by Councilmember Shelton, seconded by Councilmember Watts to appoint John MacDonald to an unexpired term on the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2020. The motion was approved by a unanimous vote.

## 2. Announcements:

A motion was made by Councilmember Watts, seconded by Councilmember Thomas to cancel the January 1, 2020 City Council Meeting due to the New Year Holiday. The motion was approved by a unanimous vote.

A motion was made by Deputy Mayor Knight, seconded by Councilmember McClendon to cancel the September 1, 2020 City Council Worksession and the September 2, 2020, City Council Meeting due to the City Council's attendance at the League of Arizona Cities & Town Annual Conference. The motion was approved by a unanimous vote.

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 7, 2019 through November 20, 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 the Boys and Girls Club and the City of Yuma v. Salvation Army. (A.R.S. 38-431.03 A3 & A4)

## ADJOURNMENT

### **6:13 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.