

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**NOVEMBER 4, 2020**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:34 p.m.

**INVOCATION/PLEDGE**

**Head Elder Fred Daniel**, Yuma Central Seventh-day Adventist Church, gave the invocation.  
**Police Officer, Tyler Caley**, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Morris, Watts (5:40 p.m.), Knight, McClendon, Shoop, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Philip A. Rodriguez  
Chief of Police, Susan Smith  
Deputy Chief of Police, Lisa Culp  
Law Enforcement Program Supervisor, Adrian Rodriguez  
City Engineer, Jeffrey Kramer  
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**

Body-Worn Camera Presentation

**Chief Smith** introduced the Yuma Police Department staff that will be presenting to City Council.

**Culp and Rodriguez** presented the following:

- On September 26, 2018, the Yuma Police Department was awarded a matching funds grant in the amount of \$115,500 to start a pilot Body-Worn Camera program.
  - As part of the grant requirements, YPD reached out to the following stakeholders for their input:
    - Yuma Regional Medical Center
    - Fraternal Order of Police Yuma Lodge #24
    - Yuma Union High School District Administration
    - United Way of Yuma County
    - Fort Yuma Rotary Club

- YPD reported that the input received by the stakeholders was positive. Stakeholder perspectives included: accountability, transparency, integrity, improving law enforcement interaction, increased safety and a well-trained and well-equipped Police department
- Another grant requirement was for YPD to create their own Body-Worn Camera policy; this policy needed the approval from the Bureau of Justice Assistance, Training and Technical Team.
- Policy considerations included: activation, privacy concerns, retention and public access.
- Arizona State University professor, Dr. Charles Katz, one of the team members, assisted YPD with body-worn camera research during the planning stages.
- Dr. Katz was also instrumental in providing YPD staff with an all-expense paid trip to the New Orleans Police Department as part of the research and policy writing.
- As a result of the implementation process for the body-worn cameras, YPD created the Law Enforcement Program Supervisor position, in which Adrian Rodriguez was selected for the position. A Video Analyst Position was also created to review, redact and assist with body-worn camera training.
- After testing and evaluation of four different providers for the body-worn cameras, YPD chose to go with the provider AXON.
- Implementation/go live date was September 28, 2020. The body-worn cameras have a 12-hour battery life; records 30 frames per second; and captures 146° diagonal field of view at a 720 High-Definition resolution. It also allows for 26 hours of video footage for easy upload into the Digital Evidence Management System.
- The body-worn cameras also have embedded GPS that allows YPD to follow the officer's path while the video camera is recording. It also contains four microphones that capture the voice recording and its surrounding audio.
- It's important to note that any video will have limitations to it.
- An Axon Docking Station Wall integrates the cameras into the YPD. This is where officers will retrieve their cameras at the beginning of their shift and return them at the end of their shift.
- Through use of network connectivity, all of the video footage that was captured throughout the day will be transmitted to the new Digital Evidence Management System which is where data is stored, shared and managed.
- Also purchased was a feature called "auto tagging" which automatically tags videos with case information such as case numbers, location of call and dates and times.

#### Discussion

- Due to Grant funding limitations, the real-time wireless networking feature called Axon Aware was not purchased but will be considered in the future as it is a beneficial tool for YPD. **(Mayor Nicholls/Rodriguez)**
- All Patrol Officers and some Patrol Sergeants will be assigned cameras. Additional cameras are a consideration for the future to outfit all Patrol Sergeants and Detectives. **(Mayor Nicholls/Rodriguez)**
- All video is exported into the Digital Evidence Management System at the end of the officer's shift, and Axon offers encryption capabilities on these cameras alleviating any issues of network hacking. **(Morris/Rodriguez)**
- Body-worn cameras have a very strong mount that secures it from falling off of the officer's body. In the future those cameras will have the "find my camera" feature in the event the camera goes missing or it comes off of the officer's body. **(Morris/Rodriguez)**

- Body-worn cameras are to be turned on by the officer as soon as he/she steps out of their vehicle **(Mayor Nicholls/Culp)**
- The public can access the camera footage via a Public Records Request **(Morris/Rodriguez)**
- The camera has a low light capability for nighttime vision; however, it will not replace what the officers see with their naked eye. The camera's intent is to assist with safety and accountability. The footage automatically uploads to the cloud once it is in the Digital Evidence Management System and only the Administrator is able to delete any footage after first going through a process of approvals. An example of deleted footage may be if the officer forgot to turn off the camera during a restroom break or a similar situation. For security reasons, the officers do not have the right to edit or delete any video footage; the Digital Evidence Management System has an auto-tracking function that trails all activity of each camera. **(Shelton/Culp/Rodriguez)**

**Deputy Mayor Watts** joined the dais at 5:40p.m.

Continued Discussion

- The discipline actions of an officer who accidentally or purposely forgets to turn on their body-worn camera will begin after their training curve. For now, YPD officers who are assigned a body-worn camera are getting used to turning on/off their camera. Once YPD is past their training curve, the Sergeants will review a minimum of one video per month to ensure that the officers are being diligent with turning on/off their body-worn cameras. **(Watts/Culp/Rodriguez)**
- YPD canines do not have a body-worn camera for now but that may change in the future. The K-9 Officers, including the Sergeants, do have a body-worn camera assigned to them. **(Mayor Nicholls/Rodriguez)**

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.4 – Bid Award: Joe Henry Optimist Center Facility Improvements (execute a contract for construction services in the amount of \$133,641.00 to: DPE Construction, Inc.) (Bid #2021-20000045) (Eng)

Discussion

- Bid items 1-7 for \$70,337.00 were not included in the total bid amount of \$133,641.00. Those seven items were for site preparation and fencing, among other things, for that project. **(Morris/Kramer)**

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Motion Consent Agenda Item B.5 – Grant Award Amendment: 2020 Arizona Department of Forestry and Fire Management Hazardous Vegetation Removal Program (1). Execute the amended contractual terms of a grant award of \$176,850 with the Arizona Department of Forestry and Fire Management-AZ DFFM; 2). cancel the existing sub-contract with the AZ DFFM associated with this grant; and 3). enter into a new sub-contract for this grant's programmatic activities with an independent licensed contractor) (Parks & Rec)

Discussion

- The inmate workers were not allowed to work as a precaution due to Covid, which caused for the grant to be re-written and for the labor portion to be sent out for bid to a local contractor. **(Morris/Kramer)**

**Motion (Knight/McClendon):** To approve the Motion Consent Agenda as recommended. Voice vote:  
**approved 7-0**

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

Regular Council Meeting	October 7, 2020
Regular Council Meeting	October 21, 2020

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 Temporary Extension of Premises/Patio Permit application submitted by Robert Lutes, agent for Lutes Casino located at 221 S. Main Street (EP20-03) (City Clerk)
3. Authorize the City Administrator to execute a contract for Construction Services for the Main Street Water Treatment Plant Filters 5-8 Rehabilitation/Upgrades Phase 2 to the lowest responsive and responsible bidder in the amount of \$2,978,600.00 to: Kay Constructors, LLC., Goodyear, AZ. (Bid #2021-20000006) (Eng)
4. Authorize the City Administrator to execute a contract for construction services for the Joe Henry Optimist Center Facility Improvements to the lowest responsive and responsible bidder in the amount of \$133,641.00 to: DPE Construction, Inc., Yuma, Arizona. (Bid #2021-20000045) (Eng)
5. Authorize the City Administrator to: 1) execute the amended contractual terms of a grant award of \$176,850 with the Arizona Department of Forestry and Fire Management (AZ DFFM); 2) cancel the existing sub-contract with the AZ DFFM associated with this grant; and 3) enter into a new sub-contract for this grant's programmatic activities with an independent licensed contractor. (Parks & Rec)
6. Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the City of Somerton and Cocopah Indian Tribe, and the City of Yuma Fire Department for mutual aid and assistance for fire, medical, hazardous material, Chemical Biological Radiological Nuclear and High Yield Explosive (CBRNE), mass casualty emergencies, technical rescue, and operations support. (YFD)

## II. RESOLUTION CONSENT AGENDA

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

**Bushong** displayed the following titles:

### **Resolution R2020-052**

**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 Araby North Subdivision** (Authorizes collection of a \$500.00 administrative fee for deferral of utility charges for a 3 year term) (Eng)

### **Resolution R2020-053**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of water and sanitary sewer capacity charges for Kesari Putra Hospitality LLC** (Kesari Putra is the owner/operator of the new Home2Suites hotel and deferral is for payments of 3 equal installments due January 1, 2021, January 1, 2022, and January 1, 2023) (City Attny)

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

## III. ADOPTION OF ORDINANCES CONSENT AGENDA

Adoption of Ordinance O2020-024 – Zoning Code Text Amendment: Accessory Structures (amend Yuma City Code Title 15, Chapter 154, to update the height limitations, and area permitted for accessory structures) (DCD)

### Discussion

- **Shelton** expressed his support for the amendment, which allows property owners to build outdoor barbeques and fireplaces with fewer restrictions.

**Motion** (Shelton/McClendon): To adopt the Ordinances Consent Agenda as recommended.

**Bushong** displayed the following titles:

### **Ordinance O2020-023**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a portion of a certain easement, hereafter described, surplus for City use and authorizing the vacating of the surplus easement to the property owner and directing the execution of all necessary documents for transfer thereof** (vacation of the south 249.74 feet – Yuma RV & Boat Storage) (Eng)

### **Ordinance O2020-024**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to changes to the zoning code to modify accessory structure regulations** (to update the height limitations and area permitted for accessory structures) (DCD)

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

#### IV. INTRODUCTION OF ORDINANCES

**Bushong** displayed the following title:

##### **Ordinance O2020-025**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving an amendment to the Sixteen & Four, LLC Land and Improvements Lease between the City and Sixteen & Four, LLC to create separate leases applicable to the two parcels of real property created by the land division of Parcel A (land division of Parcel A into Parcel A1 and Parcel A2 located at northwest corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue and allowing for the GPLET lease to remain in effect for both parcels) (DCD)**

#### 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.

#### V. ANNOUNCEMENTS AND SCHEDULING

##### **Announcements:**

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

**Motion** (Knight/McClendon): To schedule a Special City Council meeting on November 10, 2020. Voice vote: **approved** 7-0.

#### VI. SUMMARY OF CURRENT EVENTS

**Rodriguez** reported on the following:

- Currently the Neighborhood Services Department has an online 15-minute survey about Housing and Economic Opportunity, in regards to Blok Grants or CDBG. Survey ends on Friday November 6<sup>th</sup>
- November 6<sup>th</sup> – Public Auction for Surplus property
- Citizens Police Academy will begin in January 2021, it consists of 12 weeks and it is limited to 28 participants
- November 11<sup>th</sup> – All City facilities will be closed in Observance of Veteran's Day
- New City Website is up and running, encouraged citizens to reach out to the City if they have any suggestions to make the website better

**VII. CALL TO THE PUBLIC**-There were no speakers signed up to speak.

**VIII. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Knight/Morris): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:31 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

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