

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**AUGUST 19, 2020**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:38 p.m.

**INVOCATION/PLEDGE**

**Pastor Vince Harman**, Christ Lutheran Church, gave the invocation. **Erika Peterson**, Assistant Planner for Community Development, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Shelton, Morris, Watts, Knight, McClendon, Shoop, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Philip A. Rodriguez  
Police Chief, Susan Smith  
Assistant Director Community Development, Alyssa Linville  
Assistant Planner, Erika Peterson  
Principal Planner, Jennifer Albers  
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**

MCAS Weapons and Tactics Instructor Course (WTI) Assault Support Tactics 3  
**Colonel Dudik**, MCAS-Yuma Commanding Officer; **Colonel Gillette**, (WTI) Coordinator; and, **Major Miersma**, Evolution Coordinator presented the following related to the upcoming training:

Assault Support Tactics 3 (ATS-3) Overview:

- On October 16, 2020, WTI students will conduct the following exercises:
- Non-Combatant Evacuation Operation in Twentynine Palms, CA
  - Foreign Humanitarian Assistance in Yuma
  - Purpose:
    - To provide WTI students realistic training that is consistent with a mission they may execute in real-world operations.
  - Aviation Participation:
    - There are over 30 aircraft involved in this exercise, 5 of those in Yuma
    - The flight window is between 4:00 p.m. and 10:30 p.m.

- Aircrafts used in this exercise will include UH-1Y Hueys and CH-53 Super Stallions
- Ground Participation will include the following:
  - United States Agency for International Development and Office of United States Foreign Disaster Assistance
  - Marine security forces
  - Next Gen loudspeakers for crowd control
  - Refugee Role Players, will all be civilians volunteering for the rescue exercise
  - Medical Civil Action Program (MEDCAP)
- Landings will include four sites:
  - Yuma Regional Medical Center (YRMC)
    - Landings at YRMC will not interfere with actual medical emergencies
  - Centennial Middle School
  - Crane Middle School
  - Kiwanis Park
- Yuma Flight Operations will follow strict adherence to all FAA regulations such as:
  - Minimum of 500' Above Ground Level over the city except during takeoff and landing
  - Communication with air traffic control
- Training Events will include:
  - Aviation insert of security forces and MEDCAP
  - Provide aid to refugees and Internally Displaced Persons
  - Provide Casualty Evacuation support
  - Provide on-call reinforcements (additional security)
  - Successfully handle a Mass Casualty situation
  - Extract security forces and MEDCAP
- Safety/Environment at each site will consist of the following:
  - MAWTS-1 Site Commanders to arrive at the site 30 minutes prior to start and also responsible for ensuring site is clean prior to departure
  - Marine Expeditionary Firefighting and Rescue
  - Yuma Police and Military Police to assist with crowd control
  - Drip pans are to be placed beneath forklifts at Kiwanis Park to protect the environment and limited vehicle movement will be performed in order to preserve the grass areas
  - No ordnance will be carried on any aircraft and/or personnel
- Spectators
  - Role players will be in civilian clothes and will wear reflective belts
  - Are encouraged to follow instructions and/or directions of local authorities and exercise personnel for their own safety
- Contact Numbers
  - MCAS Yuma Public Affairs Office: 269-2275
  - Noise Complaint Hotline available during working hours: 269-2325
  - MAWTS-1 Supervisor of Flight (for Emergencies only) during AST-3 flight operations: 269-3604
  - After Hours MCAS Officer of the Day: 269-2252
  - Evolution Coordinator: Major Mike Miersma: 269-2688 or via email at [michael.miersma@usmc.mil](mailto:michael.miersma@usmc.mil)

Discussion

- Due to the pandemic, there were three measures put in place to secure the rotation:
  - Ensure the Marines coming to support the WTI class were in good health and tested prior to travel.
  - Practice social distance while in class and wearing masks at all times.
  - Lodging availability in case someone becomes symptomatic. [Mayor Nicholls/ Gillette]

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.5 – Grant Award and Cooperative Purchase Agreement: Body-Worn Cameras (purchase of body-worn camera hardware and software through a cooperative state contract with Axon [OMNIA Contract No. 151089]) (YPD)

Discussion

- The Body-Worn Grant was first applied for and granted in 2016, but it was determined time by the former City Administrator and former Chief of Police that due to City finances it was not the right time to move forward with the grant. [Knight/Smith]
- In May 2018, the Department of Justice agreed to reissue the Body-Worn Camera Grant without any penalties. YPD has been planning the implementation for a little over a year. Supervisor Rodriguez is leading the program and met with the Department of Justice to make sure all grant guidelines are followed accordingly. [Knight/Smith]
- The Yuma Police Department met with a few vendors to evaluate their hardware and software for the body-worn cameras. Towards the end of 2019, an additional vendor came forward using cellular based technology; this added 3 months to the process of selecting the right vendor. [Knight/Smith]
- YPD selected Axon from a Cooperative Purchase Agreement for a 5-year contract. Axon tailored the program to the Yuma Police Department. The cost for the five-year contract includes the hardware, storage, docking stations and everything needed to get the program up and running. Due to frequent technology changes, Axon also worked into the contract the ability for YPD to get new and updated technology at years two and five of the program. [Knight/Smith]
- There will be no additional hiring of YPD staff for the management of the 77 cameras that will be up and running. Supervisor Rodriguez and the Radar Specialist will be managing the program. If there is a need for additional staff, YPD will confer with the City Administrator. [Watts/Smith]
- The rollout date is projected for September 2020. Once the approval is received, there will be a four-week training period for the officers. [Mayor Nicholls/Smith]

Motion Consent Agenda Item B.6 – Final Plat: La Estancia Subdivision (property located at southeast corner of S. Avenue 8½E and E. 40<sup>th</sup> Street, Yuma, AZ. Applicant is Edais Engineering, Inc., on behalf of Riedel Construction Company, LLC.) (DCD)

Discussion

- Although the Request for City Council Action conditions did not mention the bicycle path on 40<sup>th</sup> Street, the bicycle path is included in the Standard Construction Details for the roadway and in the approved construction drawings for the subdivision. [Knight/Linville]

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

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

Regular City Council Meeting                      June 19, 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 new Series #12 Restaurant Liquor License application submitted by Anand Sabapathy, agent for Curries, located at 711 E. 32<sup>nd</sup> Street (LL20-08) (Admin/Clerk)
3. Approve a new Series #12 Restaurant Liquor License application submitted by Larry Vernon Cunningham, agent for Daybreakers Cafe, located at 3101 S. 4<sup>th</sup> Avenue (LL20-09) (Admin/Clerk)
4. Authorize the City Administrator to execute the required documents with Arizona Department of Administration/Office of Grants and Federal Resources (ADOA/GFR) to disperse awarded grant funds from the emergency telecommunication services revolving fund to pay for authorized contractual costs related to equipment and services used in the operation of 911 services in the Yuma region. (YRCS/Admin)
5. Authorize the City Administrator to execute the grant award documents from the U.S. Department of Justice for body-worn cameras. Upon acceptance of the grant funds, authorize the purchase of body-worn camera hardware and software through a cooperative state contract with Axon (OMNIA Contract No. 151089). (YPD/Admin)
6. Approve the final plat for La Estancia Subdivision. The property is located at the southeast corner of Avenue 8½E and E. 40<sup>th</sup> Street, Yuma, AZ. The applicant is Edais Engineering, Inc., on behalf of Riedel Construction Company, LLC. (SUBD-30285-2020). (DCD)

**II. RESOLUTION CONSENT AGENDA**

**Motion** (Knight/Watts): To adopt Resolution R2020-027 as presented.

**Bushong** displayed the following title:

**Resolution R2020-027**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 115, serving La Estancia Subdivision, 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 La Estancia Subdivision** (approve the creation of Municipal Improvement District No. 115 to serve La Estancia Subdivision located at S. Avenue 8 1/2E and E. 40<sup>th</sup> Street) (DCD)

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

### III. ADOPTION OF ORDINANCES CONSENT AGENDA

Adoption of Ordinance O2020-017 – Waterline Easement: Patagonia (acquisition of an easement adjoining parcels 2 through 5 described in the Patagonia Land Division (LDP14-04) plan extending east from Avenue 9E for a waterline extension, operation and maintenance.) (ENG)

**Motion** (Knight/McClendon): To adopt Ordinance O2020-017 as presented.

**Bushong** displayed the following title:

#### **Ordinance O2020-017**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain easement parcel of real property, hereinafter described, be acquired by the City of Yuma by gift, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto** (acquire easements adjoining parcels 2 through 5 of the Patagonia Land Division plat extending east from Avenue 9E for a waterline extension) (ENG)

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

### IV. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2020-018 – Rezoning of Property: Southwest corner of Avenue 7½E and 36<sup>th</sup> Street (rezoning approximately 18.3 acres from Agriculture (AG) to Medium Residential/Planned Unit Development [R-2/PUD]) (DCD)

#### Discussion

- The building of the barbecue grills and the playground in the Patagonia Land Division will take place once the occupancy or built of homes reaches the 50% minimum set by the City in Phase 1. [Shelton/Linville]

**Bushong** displayed the following title:

#### **Ordinance O2020-018**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain real property located in the Agriculture (AG) District to the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District and amending the zoning map to conform with the rezoning (rezoning of Property: Southwest corner of Avenue 7½E and 36<sup>th</sup> Street) (DCD)**

### V. PUBLIC HEARING AND RELATED ITEMS

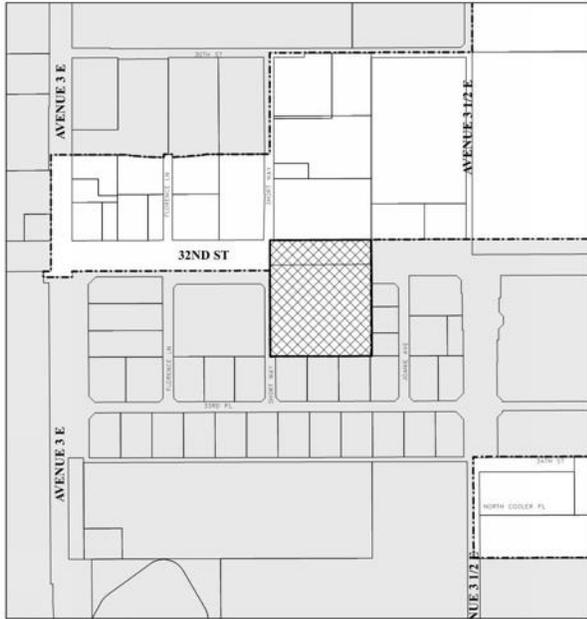
Public Hearing Annexation Area No. ANEX-30780-2020: Sunset Mobile Home Park (proposed annex property located at 3285 E. 32<sup>nd</sup> Street.) (DCD)

**Mayor Nicholls** opened the Public Hearing at 6:15 p.m.

**Peterson** presented as the following information:

- Annexation area of approximately 11.56 acres consist of one property located at 3285 E. 32<sup>nd</sup> Street.

### Location Map



- The annexation area contains a developed mobile home park with 52 mobile home spaces and the adjacent 32<sup>nd</sup> Street right-of-way.
- Property is currently on a well system, upon annexation it will be connecting to City Water.
- The property will remain a mobile home park without the ability to expand from the existing mobile home spaces.
- MCAS Yuma has no opposition to the proposed annexation as long as the Mobile Home Park does not expand beyond the existing 52 spaces.
- Upon annexation, the property will be a legal non-conforming use with a zoning designation of Agriculture (AG).
- Future Schedule:
  - Introduction of the Ordinance - September 16, 2020
  - Adoption of the Ordinance - October 7, 2020.

### Discussion

- The zoning must be in conformance with the City's General Plan; since the current County zoning is Commercial the City zoning would need to match the County zoning, or not be more intense, pursuant to state statute. Upon annexation, the best alternative is to classify it as Agricultural District and that will make it illegal non-conforming use, but they will still be able to operate as they currently do. [Mayor Nicholls/Albers]
- The bridge across the canal that is being annexed as part of the mobile home park is a private access and the property owner is responsible for the maintenance of it. [Knight/Albers]

**Motion** (Knight/McClendon): To close the Public Hearing. Voice vote: **approved** 7-0; the Public Hearing closed at 6:18 p.m.

## 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.

## VI. ANNOUNCEMENTS

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

Future Meeting Requests: Update regarding the opening of parks, games, facilities and other public sites. [McClendon/Shelton/Mayor Nicholls]

## VII. SUMMARY OF CURRENT EVENTS

**Rodriguez** reported the following events:

- A series of 2020 Census Ice Cream Socials will take place to promote the Census process. The first event will take place at Carver Park on Thursday August 20, 2020 from 6:00p.m. – 7:00p.m.
  - Other locations that will host a 2020 Census Ice Cream social in the weeks to come and will be posted on the City's website.
  - Census personnel will be present to assist individuals who have not completed their Census forms.
- Yuma Art Center and the gift shop has reopened to visitors. Visitation can be set up by ticketed appointment online at [www.YumaArtCenter.com](http://www.YumaArtCenter.com). Entrance is free, however a suggested \$5.00 donation is appreciated to support local arts and arts programming in the community.

### Discussion

- The community received notification about the 2020 Census Ice Cream Social through social media, as well as by email, for those on the City's constant email list. [Shelton/Rodriguez]

## VIII. CALL TO THE PUBLIC

**MaryAnn Easterday**, City resident, thanked the First Responders, Police Chief Smith and Fire Chief Irr for their leadership during these times. Easterday encouraged the public to donate to the Crossroads Mission, as they have a shortage on water and other items needed for the summer weather. Easterday thanked the Mayor on his leadership, as well as City Clerk Bushong and Deputy City Clerk Pierson for their kindness and professionalism. Easterday encouraged the community to return to sender any mail-in-ballots that do not belong to an individual in their home in order to prevent any voter fraud in the community. She concluded by mentioning that tonight will be her last time attending a Yuma City Council meeting.

**Mayor Nicholls** thanked Mrs. Easterday for always bringing forth comments and information that are helpful for the community to know.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Shoop/Knight): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:37 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

DRAFT