



# City of Yuma City Council Meeting Summary

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Wednesday, September 4, 2019

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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*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

HOWARD BLITZ, FREEDOM LIBRARY

## PLEDGE OF ALLEGIANCE

SYLVIA CHAPPELL, LEGAL ASSISTANT

## ROLL CALL

**Present:** 6 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight, Councilmember Jacob Miller, Councilmember Michael Shelton, Councilmember Edward C. Thomas and Councilmember Karen Watts

**Absent:** 1 - Councilmember Leslie L. McClendon

## FINAL CALL

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

## PRESENTATIONS

### PRESENTATIONS MADE

- *Presentation of tribal gaming proceeds from Quechan Indian Tribe*
- *Recognition of Lifetime Achievement Award*
- *Presentation of Yuma Fire Department Certifications*

## 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 Deputy Mayor Knight, seconded by Councilmember Thomas, to APPROVE the Motion Consent Agenda. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember McClendon

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

1. [MC 2019-169](#) **Regular Council Meeting Draft Minutes December 19, 2018**

**Attachments:** [2018 12 19 RCM Minutes](#)

**APPROVED**

2. [MC 2019-170](#) **Regular Council Meeting Draft Minutes February 20, 2019**

**Attachments:** [2019 02 20 RCM Minutes](#)

**APPROVED**

3. [MC 2019-171](#) **Council Citizen's Forum Draft Minutes August 6, 2019**

**Attachments:** [2019 08 06 CCF 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 2019-155](#) **Liquor License: Chipotle Mexican Grill #3374**

Approve a new Series #12 Restaurant Liquor License application submitted by H. J. Lewkowitz, agent for Chipotle Mexican Grill #3374 located at 3080 S. 4th Avenue, Suite A (LL19-10) (City Administration/ City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Liquor License: Chipotle Mexican Grill #3374](#)
  - [2. MAP Liquor License: Chipotle Mexican Grill #3374](#)

**APPROVED**

3. [MC 2019-156](#) **Special Event Liquor License: Desert Elite Basketball Club, Inc. - Michelada Festival**

Approve a Special Event Liquor License application submitted by Anna Sylvia Martinez on behalf of Desert Elite Basketball Club, Inc., for Michelada Festival. The event will take place at Arizona Market Place, 3351 S. Avenue 4E, on Saturday, October 5, 2019, from 5:00 p.m. to 12:00 a.m. (SP19-17) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Special Event Liquor License: Desert Elite Basketball Club, Inc.](#)
  - [2. MAP Special Event Liquor License: Desert Elite Basketball Club, Inc.](#)

**APPROVED**

4. [MC 2019-157](#) **Special Event Liquor License: St. Francis of Assisi Church - St. Francis Fiesta**

Approve a Special Event Liquor License Application submitted by Nerissa Freeman on behalf of St. Francis of Assisi Church for St. Francis Fiesta. The event will take place on Friday, October 4, 2019, from 7:00 p.m. to 11:00 p.m., Saturday, October 5, 2019, from 5:00 p.m. to 8:00 p.m., and Sunday, October 6, 2019, from 12:00 p.m. to 5:00 p.m. at St. Francis of Assisi Parish, 1815 S. 8th Avenue. (SP19-18) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Special Event Liquor License: St. Francis of Assisi Church](#)
  - [2. MAP Special Event Liquor License: St. Francis of Assisi Church](#)

**APPROVED**

5. [MC 2019-158](#) **Special Event Liquor License: Yuma Catholic High School - Traditional Tailgate Event**

Approve a Special Event Liquor License application submitted by Rhett Stallworth on behalf of Yuma Catholic High School for the Traditional Tailgate Event. The event will take place at the Yuma Catholic High School Practice Athletic Field, 2100 W. 28th Street, on Friday, October 11, 2019, from 4:00 p.m. to 8:00 p.m. (SP19-20) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**      [1. RFCCA Special Event Liquor License: Yuma Catholic High School](#)  
[2. MAP Special Event Liquor License: Yuma Catholic High School](#)

**APPROVED**

6.      [MC 2019-159](#)      **Special Event Liquor License: Humane Society of Yuma - Poker for Paws**

Approve a Special Event Liquor License application submitted by Sara Gale on behalf of Humane Society of Yuma for Poker for Paws. The event will take place at 3:10 Autoworks/3:10 Diesel Works, 3222 S. Florence Lane, on Saturday, November 9, 2019, from 4:00 p.m. to 11:59 p.m. (SP19-21) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**      [1. RFCCA Special Event Liquor License Humane Society of Yuma](#)  
[2. MAP Special Event Liquor License Humane Society of Yuma](#)

**APPROVED**

7.      [MC 2019-160](#)      **Special Event Liquor License: Yuma County Democratic Party - Burritos and Champagne**

Approve a Special Event Liquor License application submitted by Xanthe Bullard on behalf of the Yuma County Democratic Party for Burritos and Champagne. The event will take place at Littlewood Fine Arts Co-Op located at 176 S. Main Street on Friday, October 18, 2019, from 5:30 p.m. until 11:59 p.m. (SP19-22) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**      [1. RFCCA Special Event Liquor License: Yuma County Democratic Party](#)  
[2. MAP Special Event Liquor License: Yuma County Democratic Party](#)

**APPROVED**

8.      [MC 2019-161](#)      **Cooperative Purchase Agreement: Grounds Maintenance Equipment, Parts, Accessories, Supplies, Related Services and Equipment**

Authorize the use of the cooperative purchase agreement initiated by the Omnia Partners, previously known as the National IPA, for irrigation controllers and sprinklers for Desert Hills golf courses for an estimated expenditure of \$179,957.59 to the following awarded vendor: Simpson Norton Corporation, Goodyear Arizona. (Bid #2020-20000036-Engineering/Purchasing) (Jeff Kramer/Robin R. Wilson)

**Attachments:** [1. RFCCA CPA: Grounds Maintenance Equip, Parts, Accessories, Supplies and related](#)

**APPROVED**

9. [MC 2019-162](#) **Cooperative Purchase Agreement: Water and Wastewater Treatment Chemicals**

Authorize the use of the cooperative purchase agreement initiated by the City of Chandler for the purchase and delivery of Water and Wastewater Treatment Chemicals for an estimated annual expenditure of \$2,127,897.00 to the following awarded vendors: Chemrite, Inc., Bufford, Georgia, DPC Enterprises, L.P, Glendale, Arizona, Hill Brothers Chemical Company, Phoenix, Arizona, Polydyne, Inc., Atlanta, Georgia, Thatcher Company of Arizona, Buckeye, Arizona, U.S. Peroxide, LLC, Atlanta, Georgia, Univar USA, Inc., Phoenix, Arizona, Commercial Pool Repair, Scottsdale, Arizona (Bid #2019-20000018) (Jeremy McCall/Robin R. Wilson)

**Attachments:** [1. RFCCA CPA Water Treatment Chemicals](#)

**APPROVED**

10. [MC 2019-163](#) **Proposal Rejection: Integrated Facility Control Systems Repair/Installation Services**

Reject proposal received for Integrated Facility Control Systems Repair/Installation Services. (City Administration / Facilities Maintenance RFP #2019-20000069) (Chris Wood)

**Attachments:** [1. RFCCA Proposal Rejection: Integrated Facility Control Systems Repair Install Services](#)

**APPROVED**

11. [MC 2019-151](#) **Change Order: Fire Station No. 4 Improvements**

Authorize the City Administrator to approve a planned change order to the Construction Services Contract with CORE Construction, Inc. for Fire Station No. 4 Improvements in the amount of Guaranteed Maximum Price Proposal #2 (\$1,600,000.00). (RFQ #2018-20000194 Engineering) (Jeffrey A. Kramer)

**Attachments:** [1. RFCCA Change Order: Fire Station No. 4 Improvements](#)  
[2. SUPP DOC Change Order: Fire Station No. 4 Improvements](#)

**APPROVED**

12. [MC 2019-164](#) **Intergovernmental Agreement: United States Border Patrol  
Emergency Medical Technicians Training Program**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) providing Emergency Medical Services (EMS) training to United States Border Patrol Emergency Medical Services Technicians. (Fire Department/Administration) (Steve Irr)

**Attachments:**     [1. RFCCA IGA: United States Border Patrol EMT Training Program](#)  
                              [2. AGR IGA: United States Border Patrol EMT Training Program](#)

**APPROVED**

13. [MC 2019-165](#) **Grant Award: Emergency Response Fund Grant**

Authorize the City Administrator to execute any further required documents for State Fiscal Year 2019 Emergency Response Fund Grant. (Fire/Suppression) (Steve Irr)

**Attachments:**     [1. RFCCA Grant Award: Emergency Response Fund](#)  
                              [2. SUPP DOC Grant Award: Emergency Response Fund](#)  
                              [4. LIST Grant Award: Emergency Response Fund](#)

**APPROVED**

14. [MC 2019-166](#) **Agreement: Catholic Community Services of Southern Arizona,  
Inc.**

Authorize the City Administrator to execute a five-year agreement with Catholic Community Services-Yuma to use the North End Community Center (Center). (Parks & Recreation / Administration) (Debbie Wendt)

**Attachments:**     [1. RFCCA Catholic Community Services of Southern Arizona, Inc.](#)  
                              [2. AGMT Catholic Community Services of Southern Arizona, Inc.](#)

**APPROVED**

15. [MC 2019-167](#) **Agreement: Unite Private Network, LLC Indefeasible Right of  
Use**

Approve an indefeasible right-of-use agreement between the City of Yuma (City) and Unite Private Network, LLC (UPN). (City Administration) (Chris Wood/Scott McCoy)

**Attachments:**      [1. RFCCA Unite Private Network Indefeasible Right of Use](#)  
[2. AGMT Unite Private Network Indefeasible Right of Use](#)

**APPROVED**

16.    [MC 2019-168](#)      **Agreement: Unite Private Network, LLC, YumaNet Maintenance Agreement**

Approve a Maintenance Agreement between the City and Unite Private Network, LLC (UPN ). (City Administration) (Chris Wood/Scott McCoy)

**Attachments:**      [1. RFCCA Unite Private Network Maintenance Agreement](#)  
[2. AGMT Unite Private Network Maintenance Agreement](#)

**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 Thomas, seconded by Deputy Mayor Knight, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:**

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

**Absent:** 1 - Councilmember McClendon

1.    [R2019-029](#)      **Lease Agreement: Amberly's Place, Inc.**

Authorize the City Administrator to execute a 12-month lease agreement with Amberly's Place, Inc., for City property located at 812 S. Avenue A. (City Attorney) (Richard Files)

**Attachments:**      [1. RFCCA Lease Agreement: Amberly's Place, Inc.](#)  
[2. RES Lease Agreement: Amberly's Place, Inc.](#)  
[3. AGMT Lease Agreement: Amberly's Place, Inc.](#)

**ADOPTED**

2. [R2019-030](#) **Lease Agreement: First Choice Wireless, LLC**

Authorize the City Administrator to execute a 12-month lease agreement with First Choice Wireless, LLC, for City property located at 1610 S. Maple Avenue. (City Attorney) (Richard Files)

**Attachments:**     [1. RFCCA Lease Agreement: First Choice Wireless, LLC](#)  
[2. RES Lease Agreement: First Choice Wireless, LLC](#)  
[3. EXH A Lease Agreement: First Choice Wireless, LLC](#)

**ADOPTED**

3. [R2019-032](#) **Development Fee Deferral: Saguaro Unit 3 Subdivision**

Adopt a resolution authorizing the City Administrator to execute an agreement to defer City of Yuma development fees and water and sewer capacity charges for Saguaro Unit 3 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from date of execution. (Engineering) (Jeffrey A. Kramer)

**Attachments:**     [1. RFCCA Development Fee Deferral: Saguaro Unit 3](#)  
[2. LOC Map Development Fee Deferral: Saguaro Unit 3 Subdivision](#)  
[3. RES Development Fee Deferral: Saguaro Unit 3 Subdivision](#)  
[4. AGMT Development Fee Deferral: Saguaro Unit 3](#)

**ADOPTED**

4. [R2019-033](#) **Municipal Improvement District No. 110: Desert Sands Unit No. 1 - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 110 to serve Desert Sands Unit No. 1, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 110 shall be assessed upon the properties in MID No. 110; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Laurie Lineberry)



- Attachments:**
- [1. RFCCA MID No. 110: Desert Sands Unit No. 1 Order Improvements](#)
  - [2. RES MID No. 110: Desert Sands Unit No. 1 Order Improvements](#)
  - [3. EXH A MID No. 110: Desert Sands Unit No. 1 Order Improvements](#)

**ADOPTED**

5. [R2019-034](#) **Repeal and Replace: City of Yuma Emergency Operations Plan**

Repeal Resolution R2011-29 related to the City of Yuma Emergency Operations Plan 2011 and adopt the updated City of Yuma Emergency Operations Plan 2018. (Fire Department) (Steve Irr)

- Attachments:**
- [1. RFCCA Repeal and Replace Emergency Op's Plan](#)
  - [2. RES Repeal and Replace Emergency Op's Plan](#)
  - [3. EOP Repeal and Replace Emergency Op's Plan](#)

**ADOPTED**

6. [R2019-035](#) **Repeal and Replace: Yuma County Multi-Jurisdictional Hazard Mitigation Plan**

Repeal Resolution R2011-30 related to the Yuma County Multi-Jurisdictional Hazard Mitigation Plan 2010 and adopt a resolution supporting the updated Yuma County Multi-Jurisdictional Hazard Mitigation Plan dated March 2019. (Fire Department/Administration) (Steve Irr)

- Attachments:**
- [1. RFCCA Multi-Jurisdictional Hazards Mitigation Plan March 2019](#)
  - [2. RES Multi-Jurisdictional Hazards Mitigation Plan](#)
  - [3. SUPP DOC Multi-Jurisdictional Hazards Mitigation Plan](#)
  - [4. PLAN Multi-Jurisdictional Hazard Mitigation Plan](#)

**ADOPTED**

### 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.*

*There are no ordinances scheduled for adoption at this time.*

#### 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. [O2019-029](#)      **First Amendment to License Agreement between Unite Private Networks, LLC, and City of Yuma**

Authorize and direct the City Administrator to execute the First Amendment to the License Agreement between Unite Private Networks, LLC, and the City of Yuma to extend the term of the License Agreement from September 17, 2023 to September 17, 2028, a five-year term extension. (City Administration) (Chris Wood/Scott McCoy)

**Attachments:**      [1. RFCCA UPN License Agreement Amendment No. 1](#)  
[2. ORD UPN License Agreement Amendment No. 1](#)

**INTRODUCED**

2. [O2019-030](#)      **Right-of-way Acquisition: Chestnut Avenue**

Authorize acquisition by fee title of corner triangles at the southwest corner of 10th Street and Chestnut Avenue and at the northwest corner of 11th Street and Chestnut Avenue.  
(Engineering/Development Engineering) (Jeff Kramer)

**Attachments:**      [1. RFCCA Right-of-Way Acquisition: Two corner triangles](#)  
[2. MAP Right-of-Way Acquisition: Two corner triangles](#)  
[3. ORD Right-of-Way Acquisition: Two corner triangles](#)  
[4. EXH A Right-of-Way Acquisition: Two corner triangles](#)

**INTRODUCED**

3. [O2019-031](#)      **Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets**

Amend Title 21, Chapter 212, Article 11 Parking Trucks and Trailers on Residential Streets to add language addressing service vehicles actively engaged in commercial activities within residential districts.  
(Community Development/Community Planning) (Laurie Lineberry)

- Attachments:**
- [1. RFCCA Streets and Traffic Code Text Amendment: Trucks and Trailers](#)
  - [2. ORD Streets and Traffic Code Text Amendment: Trucks and Trailers](#)

**INTRODUCED**

4. [O2019-032](#) **Declare Property Surplus and Authorize Sale: Crest Drive**

Authorize the vacation of Crest Drive right-of-way, reserving utility and access easements, declare the right-of-way (subject to the reserved easements) surplus and authorize an exchange of the surplus right-of-way to Bill Alexander Ford Lincoln Mercury Inc. (Alexander Ford) in exchange for a covenant to perform landscape maintenance of the Bonanza Basin Property. (Engineering) (Jeff Kramer)

- Attachments:**
- [1. RFCCA Surplus Property: Crest Drive](#)
  - [2. MAP Surplus Property: Crest Drive](#)
  - [3. ORD Surplus Property: Crest Drive](#)
  - [4. EXH 1 Surplus Property: Crest Drive](#)

**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:

A motion was made by Deputy Mayor Knight, seconded by Councilmember Watts to appoint Russ Clark, John Courtis, Barbara Hengl, Doug Jennings, Gel Lemmon, Russel McCloud, Art Morales, Jeff Polston, Bill Regenhardt, Peter Smith and Jennifer Tobin to the Charter Review Committee. The motion carried by a unanimous vote of all councilmembers present.

A motion was made by Councilmember Miller, seconded by Councilmember Shelton to appoint Jacqueline Follmuth to the Planning and Zoning Commission with a term expiration of December 31, 2021. The motion carried by a unanimous vote of all councilmembers present.

A motion was made by Councilmember Watts, seconded by

**Councilmember Thomas to appoint Amanda Coltman to the Design and Historic Review Commission with a term expiration of December 31, 2023. The motion carried by a unanimous vote of all councilmembers present.**

- Charter Review Committee members
- Planning and Zoning Commission - one appointment
- Design and Historic Review Commission - appointment

2. 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 August 8, 2019 through September 4, 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:

**A motion was made by Councilmember Thomas, seconded by Councilmember Watts to schedule Special City Council Meetings for: Monday, September 9, 2019 at 5:00 p.m.; Thursday, October 10, 2019 at 8:00 a.m.; and, Friday, October 11, 2019 at 8:00 a.m. in Yuma City Hall Conference Room #315. The motion carried by a unanimous vote of all councilmembers present.**

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 COY v. the Salvation Army. (A.R.S. 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding potential sale of property. (A.R.S. 38-431.03 A3, A4 & A7)
- C. Discussion, consultation with and/or instruction to legal counsel regarding SB1154 and HB2604. (A.R.S. 38-431.03 A3 & A4)

## **ADJOURNMENT**

**6:31 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.