



City of Yuma City Council Meeting Summary

Wednesday, November 6, 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 TOM RENARD, IMAGINE NATIONS CHURCH

PLEDGE OF ALLEGIANCE

CARRIE RING, MARKETING SPECIALIST

ROLL CALL

Present: 5 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight, Councilmember Jacob Miller, Councilmember Michael Shelton and Councilmember Edward C. Thomas

Absent: 2 - Councilmember Leslie L. McClendon and Councilmember Karen Watts

FINAL CALL

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

PRESENTATIONS

PRESENTATION MADE

- *Recognition of Graduation*

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 Shelton, to APPROVE the Motion Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Miller, Councilmember Shelton, and Councilmember Thomas

Absent: 2 - Councilmember McClendon, and Councilmember Watts

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

1. [MC 2019-227](#) **Council Citizen's Forum Draft Minutes March 5, 2019**
Attachments: [2019 03 05 CCF Minutes](#)
APPROVED
2. [MC 2019-228](#) **Regular Council Worksession Draft Minutes March 5, 2019**
Attachments: [2019 03 05 RWS Minutes](#)
APPROVED
3. [MC 2019-229](#) **Regular Council Worksession Draft Minutes April 30, 2019**
Attachments: [2019 04 30 RWS Minutes](#)
APPROVED
4. [MC 2019-230](#) **Regular Council Meeting Draft Minutes September 18, 2019**
Attachments: [2019 09 18 RCM Minutes](#)
APPROVED
5. [MC 2019-231](#) **Special Council Meeting Draft Minutes October 10, 2019**
Attachments: [2019 10 10 SCM Minutes](#)
APPROVED
6. [MC 2019-232](#) **Special Council Meeting Draft Minutes October 11, 2019**
Attachments: [2019 10 11 SCM 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 2019-214](#) **Liquor License: Patio Susheria Bar & Grill**

Approve a new Series #12 Restaurant Liquor License application submitted by Gorgonio George Molina, agent for Patio Susheria Bar & Grill located at 1401 S. Avenue B. (LL19-14) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Patio Susheria Bar & Grill](#)
[2. MAP Liquor License: Patio Susheria Bar & Grill](#)

APPROVED

3. [MC 2019-215](#) **Liquor License: Friendly Tavern**

Approve a Series #6 Bar Liquor License/Owner Transfer application submitted by William Laverne Alexander, agent for Friendly Tavern located at 1949 S. Arizona Avenue. (LL19-15) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Friendly Tavern](#)
[2. MAP Liquor License: Friendly Tavern](#)

APPROVED

4. [MC 2019-216](#) **Special Event Liquor License: Yuma Fresh Vegetable Association - Harvest Dinner**

Approve a Special Event Liquor License application submitted by Amy Karvoski on behalf of the Yuma Fresh Vegetable Association for Harvest Dinner. The event will take place at the Colorado River State Historic Park, 201 N. 4th Avenue, on Thursday, February 27, 2020, from 6:00 p.m. to 11:30 p.m. (SP19-28) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

- [1. RFCCA Special Event Liquor License: Yuma Fresh Vegetable Association - Harvest Dinner](#)
- [2. MAP Special Event Liquor License: Yuma Fresh Vegetable Harvest Dinner](#)

APPROVED

5. [MC 2019-217](#) **Special Event Liquor License: Child & Family Services of Yuma, Inc. - Yuma Medjool Date Festival**

Approve a Special Event Liquor License application submitted by Judy Smith on behalf of Child & Family Services of Yuma, Inc. for the Yuma Medjool Date Festival. The event will take place on the 100-300 blocks of Main Street on Saturday, January 25, 2020, from 10:00 a.m. to 6:00 p.m. (SP19-29) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

- [1. RFCCA Special Event Liquor License: Yuma Medjool Date Festival](#)
- [2. MAP Special Event Liquor License: Yuma Medjool Date Festival](#)

APPROVED

6. [MC 2019-218](#) **Special Event Liquor License: Caballeros de Yuma, Inc. - Colorado River Crossing Balloon Festival**

Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of Caballeros de Yuma, Inc., for the Colorado River Crossing Balloon Festival. The event will take place at Desert Sun Stadium, 1280 W. Desert Sun Drive, on Saturday, November 23, 2019, from 11:00 a.m. to 11:00 p.m. (SP19-30) (City Administration/City Clerk)

Attachments:

- [1. RFCCA Special Event Liquor License: Caballeros de Yuma, Inc.](#)
- [2. MAP Special Event Liquor License: Caballeros de Yuma, Inc.](#)

APPROVED

7. [MC 2019-219](#) **Special Event Liquor License: St. Francis of Assisi School - Washoes Tournament**

Approve a Special Event Liquor License application submitted by Israel Valencia on behalf of St. Francis of Assisi School for a Washoes Tournament. The event will take place at St. Francis of Assisi School, 700 W. 18th Street, on Friday, November 22, 2019, from 2:00 p.m. to 9:00 p.m. (SP19-32) (City Administration/City Clerk) (Lynda L. Bushong)

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

APPROVED

8. [MC 2019-220](#) **Contract Award: Professional Architectural Services for Police Storage Facility**

Authorize the City Administrator to negotiate and execute a contract for Professional Architectural Services for the Police Storage Facility to: Architekton, Tempe, Arizona. (Engineering - RFQ #2020-20000014) (Jeffrey A. Kramer/Robin R. Wilson)

Attachments: [1. RFCCA Contract Award: Prof. Architectural Svc - Police Storage Facility](#)
[2. SPRD SHEET Contract Award: Prof. Architectural Svc - Police Storage Facility](#)

APPROVED

9. [MC 2019-221](#) **Grant Award: FY 2019 Edward Byrne Memorial Justice Assistance Grant Program**

Authorize the City Administrator to accept and execute the 2016 Edward Byrne Memorial Justice Assistance Grant award # 2019-DJ-BX-0887 for reimbursement to facilitate interoperable communications and data sharing among criminal justice agencies in the Yuma area. (Police/Patrol) (Susan Smith)

Attachments: [1. RFCCA Grant Award: 2019 Edward Byrne Memorial JAG Program](#)
[2. SUPP DOC Grant Award: 2019 Edward Byrne Memorial JAG Program](#)

APPROVED

10. [MC 2019-222](#) Grant Agreement: Arizona Department of Homeland Security

Authorize the City Administrator to execute a grant agreement with Arizona Department of Homeland Security for reimbursement of funds expended for materials, services, labor, equipment and travel expenses in support of the Cyber Security Program. (IT/YRCS) (Eddie Carrera) Agreement Number: 190409-01

Attachments:

- [1. RFCCA Grant Agreement: Az Dept. of Homeland Security](#)
- [2. AWARD LTR Grant Agreement: Az Dept. of Homeland Security](#)
- [3. BUDGET WORKSHEET Grant Agreement: Az Dept. of Homeland Security](#)
- [4. SUPP DOC Grant Agreement: Az Dept. of Homeland Security](#)
- [5. SUPP DOC Grant Agreement: Arizona Dept of Homeland Security](#)
- [6. AGMT Grant Agreement: Az Dept of Homeland Security](#)

APPROVED

11. [MC 2019-223](#) Grant Award: FY 2019 Southwest Border Rural Law Enforcement Assistance Grant Award

Authorize the City Administrator to accept and execute the FY19 Southwest Border Rural Law Enforcement Assistance Grant Award # 2019-DG-BX-0031 for the procurement of mobile data computers under the Yuma Area Border Initiative project. (Police/Patrol) (Susan Smith)

Attachments:

- [1. RFCCA Grant Award: FY 2019 SW Border Rural Law Enforcement Assistance](#)
- [2. AWARD LTR Grant Award: FY 2019 SW Border Rural Law Enforcement Assistance](#)
- [3. SUPP AGMT Grant Award: FY2019 SW Border Rural Law Enforcement Assistance](#)

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: 5 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Miller, Councilmember Shelton, and Councilmember Thomas

Absent: 2 - Councilmember McClendon, and Councilmember Watts

1. [R2019-046](#) **Resolution of Support: Reauthorization of Yuma Crossing National Heritage Area Corporation**

Adoption of resolution supporting reauthorization of Yuma Crossing National Heritage Area Corporation. (Administration) (Lowell Perry)

Attachments: [1. RFCCA Resolution of Support: Reauthorization of YCNHAC](#)
[2. RES Resolution of Support: Reauthorization of YCNHAC](#)

ADOPTED

2. [R2019-047](#) **Third Amendment: YRMC Development Agreement**

Approve extending the duration of a temporary construction easement within the YRMC Development Agreement between the City, Hospital District No. 1 and Yuma Regional Medical Center. (Administration) (Jeff Kramer)

Attachments: [1. RFCCA Third Amendment: YRMC Development Agreement](#)
[2. RES Third Amendment: YRMC Development Agreement](#)
[3. AGMT Third Amendment: YRMC Development Agreement](#)

ADOPTED

3. [R2019-048](#) **Declare A Public Record: Chapter 137: Trees, Dated October 2019**

Declare that certain document entitled Chapter 137: Trees, Dated October 2019 a public record and order three copies of each to remain on file with the City Clerk. (Parks & Recreation / Administration)
(Debbie Wendt)

Attachments:

[1. RFCCA Declare a Public Record Chapter 37: Trees, Dated October 2019](#)

[2. RES Declare of Public Record Chapter 37: Trees, Dated October 2019](#)

[3. SUPP DOC Declare a Public Record Chapter 37: Trees, Dated October 2019](#)

A motion was made by Councilmember Thomas, seconded by Deputy Mayor Knight to correct the title of the Request for City Council Action to reference Chapter 137, not Chapter 37. The motion carried by a unanimous vote of all councilmembers present.

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.

Approval of the Consent Agenda

A motion was made by Councilmember Thomas, seconded by Deputy Mayor Knight, to ADOPT the Ordinances Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Knight, Councilmember Miller, Councilmember Shelton, and Councilmember Thomas

Absent: 2 - Councilmember McClendon, and Councilmember Watts

1. [O2019-034](#) **Government Property Land and Improvements Lease: Sixteen & Four, LLC**

Authorize: (1) acceptance of title to land and improvements on Parcel B at the northwest corner of 16th Street and 4th Avenue; (2) an eight-year government property land and improvements lease with Sixteen & Four, LLC, as the statutory prime lessee; (3) abatement of the government property lease excise tax for the term of the lease; and, (4) reconveyance of the land and improvements to the prime lessee at the conclusion of the lease. (This item must be adopted by a simple majority vote without the use of the consent

calendar) (City Attorney) (Richard Files)

Attachments:

- [1. RFCCA GPLET: Sixteen and Four LLC](#)
- [2. SUPP DOC GPLET: Sixteen and Four LLC Economic and Fiscal Impact](#)
- [3. SUPP DOC GPLET: Sixteen and Four LLC 30 Day Notice](#)
- [4. SUPP DOC GPLET: Sixteen and Four LLC 60 Day Notice](#)
- [5. ORD GPLET: Sixteen and Four LLC](#)
- [6. AGMT GPLET: Sixteen and Four LLC GPLET Parcel B Land and Improvements Lease](#)

ADOPTED

2. [O2019-035](#) **Rezoning of Property: Southeast corner of 45th Place and Bennie Avenue**

Rezone approximately 10.71 acres from the Agriculture/ Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P) District, for the property located at the southeast corner of 45th Place and Bennie Avenue, Yuma, AZ. (Communtiy Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning of Property: SE Corner 45th Pl and Bennie Ave](#)
- [2. P&Z RPT Rezoning of Property: SE Corner 45th Pl and Bennie Ave](#)
- [3. ORD Rezoning of Property: SE Corner 45th Pl and Bennie Ave](#)

ADOPTED

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. [O2019-036](#) **Amend Yuma City Code Chapter 114: Weapons**

Repeal Yuma City Code (Code) sections 114-02, 114-03, 114-04, 114-05, 114-17, 114-31, 114-32 and amend Code sections 114-15 (renumbered to 114-02), 114-16 (renumbered to 114-03-Forfeiture), to align with recent changes in state laws. (Police/Quality Assurance) (Susan Smith)

Attachments:

- [1. RFCCA Amend and Repeal of Ordinances in Chapter 114: Weapons](#)
- [2. ORD Amend Yuma City Code Chapter 114: Weapons](#)

A motion was made by Councilmember Thomas, seconded by Councilmember Miller to PULL Ordinance O2019-036 from the agenda. The motion carried by a unanimous vote of all councilmembers present.

2. [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](#)

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:

There are no appointments scheduled at this time.

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 October 17, 2019 through November 6, 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)
- B. Discussion, consultation with and/or instruction to legal counsel regarding City of Yuma v. Great American. (A.R.S. 38-431.03 A3, A4 & A7)
- C. Discussion, consultation with and/or instruction to legal counsel regarding potential contract litigation. (A.R.S. 38-431.03 A3 & A4)

ADJOURNMENT**6:11 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.