



City of Yuma City Council Meeting Summary

Wednesday, January 15, 2020

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.

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight , Councilmember Leslie L. McClendon , Councilmember Chris Morris, Councilmember Michael Shelton, Councilmember Ema Lea Shoop and Councilmember Karen Watts

CALL TO ORDER

5:32 PM

INVOCATION

FATHER TIMOTHY IMBYA, IMMACULATE CONCEPTION CHURCH

PLEDGE OF ALLEGIANCE

RANDALL CRIST, ASSISTANT DIRECTOR OF DCD

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Gary Knight , Councilmember Leslie L. McClendon , Councilmember Chris Morris, Councilmember Michael Shelton, Councilmember Ema Lea Shoop and Councilmember Karen Watts

FINAL CALL

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

PRESENTATIONS

PRESENTATIONS MADE

- Recognition of Years of Service and Retirement
- Performance Recognition at the Southern AZ High-Risk Deployment K9 Seminar

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 McClendon, to APPROVE the Motion Consent Agenda with the exception of item B.13. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

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

1. [MC 2020-011](#) **Regular Council Worksession Draft Minutes September 18, 2018**

Attachments: [2018 09 18 RWS Minutes](#)

APPROVED

2. [MC 2020-012](#) **Regular Council Meeting Draft Minutes March 6, 2019**

Attachments: [2019 03 06 RCM Minutes](#)

APPROVED

3. [MC 2020-013](#) **Council Citizen's Forum Draft Minutes December 17, 2019**

Attachments: [2019 12 17 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 2020-001](#) **Special Event Liquor License: Yuma Art Symposium, Inc. - Yuma Art Symposium**

Approve a Special Event Liquor License application submitted by Pamela Tomkins on behalf of Yuma Art Symposium, Inc., for Yuma Art Symposium. The event will take place at the Historic Gowan Building, 370 S. Main Street, on Saturday, February 22, 2020, from 4:00 p.m. to 9:00 p.m. (SP19-38) (Lynda L. Bushong) (City

Administration/City Clerk)

Attachments: [1. RFCCA Special Event Liquor License: Yuma Art Symposium, Inc.](#)
[2. MAP Special Event Liquor License: Yuma Art Symposium, Inc.](#)

APPROVED

3. [MC 2020-002](#) **Special Event Liquor License: Caballeros de Yuma - Bull of the Desert Strongman Competition**

Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of the Caballeros de Yuma for the Bull of the Desert Strongman Competition. The event will take place at Desert Sun Stadium, 1280 W. Desert Sun Drive, on Saturday, February 15, 2020, from 8:00 a.m. to 7:00 p.m. (SP20-01) (City Administration/City Clerk) (Lynda L. Bushong)

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

APPROVED

4. [MC 2020-010](#) **Special Event Liquor License: Immaculate Conception Church - Valentine's Day Dinner & Dance**

Approve a Special Event Liquor License application submitted by Oscar Chavez on behalf of Immaculate Conception Church for the Valentine's Day Dinner & Dance. The event will take place at Immaculate Conception Church, 501 S. Avenue B, on Friday, February 14, 2020, from 5:30 p.m. to 9:00 p.m. (SP19-34) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: Immaculate Conception Church](#)
[2. MAP Special Event Liquor License: Immaculate Conception Church](#)

APPROVED

5. [MC 2020-016](#) **Special Event Liquor License: Littlewood Fine Art and Community Co-Op - Chicano Artwalk 2020**

Approve a Special Event Liquor License application submitted by Isaac Russell on behalf of Littlewood Fine Art and Community Co-Op for Chicano Artwalk 2020. The event will take place at Littlewood Fine Art and Community Co-Op, 176 S. Main Street, on Saturday, January 25, 2020, from 4:00 p.m. to 11:59 p.m. (SP20-06) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:** [1. RFCCA Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)
[2. MAP Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)

APPROVED

6. [MC 2020-017](#) **Special Event Liquor License: Littlewood Fine Art and Community Co-Op - Folk Music Festival**

Approve a Special Event Liquor License application submitted by Isaac Russell on behalf of Littlewood Fine Art and Community Co-Op for a Folk Music Festival. The event will take place at Littlewood Fine Art and Community Co-Op, 176 S. Main Street, on Saturday, February 1, 2020, from 12:00 p.m. to 11:59 p.m. (SP20-07) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:** [1. RFCCA Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)
[2. MAP Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)

APPROVED

7. [MC 2020-018](#) **Special Event Liquor License: Littlewood Fine Art and Community Co-Op - Comedy Night**

Approve a Special Event Liquor License application submitted by Isaac Russell on behalf of Littlewood Fine Art and Community Co-Op for Comedy Night. The event will take place at Littlewood Fine Art and Community Co-Op, 176 S. Main Street, on Friday, February 7, 2020, from 6:00 p.m. to 11:59 p.m. (SP20-08) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:** [1. RFCCA Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)
[2. MAP Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)

APPROVED

8. [MC 2020-019](#) **Special Event Liquor License: Littlewood Fine Art and Community Co-Op - Yuma Love Hip Hop**

Approve a Special Event Liquor License application submitted by Isaac Russell on behalf of Littlewood Fine Art and Community Co-Op for Yuma Love Hip Hop. The event will take place at Littlewood Fine Art and Community Co-Op, 176 S. Main Street, on Saturday, February 8, 2020, from 4:00 p.m. to 11:59 p.m. (SP20-09) (City Administration/City Clerk) (Lynda L. Bushong)

- Attachments:**
- [1. RFCCA Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)
 - [2. MAP Special Event Liquor License: Littlewood Fine Art & Community Co-Op](#)

APPROVED

9. [MC 2020-015](#) **Temporary Extension of Premises: Fat Harvey's**

Approve a Temporary Extension of Premises/Patio Permit application submitted by Clifford Beesley, agent for Fat Harvey's located at 303 W. 26th Street, for a Super Bowl Playoff Barbeque on Sunday, February 2, 2020 (EP19-02)

- Attachments:**
- [1. RFCCA Temporary Extension of Premises: Fat Harvey's](#)
 - [2. MAP Temporary Extension of Premises: Fat Harvey's](#)

APPROVED

10. [MC 2020-003](#) **Contract Increase: Lucity, Inc.**

Authorize the City Administrator to increase the contract amount by \$119,094.00 for a contract total of \$329,094.00 for the Lucity Enterprise Asset Management solution, which includes annual maintenance, support and to purchase an additional software module. (Information Technology - RFP #2016-20000054) (Kathleen Fernandez/Robin R. Wilson)

- Attachments:**
- [1. RFCCA Contract Increase: Lucity, Inc.](#)

APPROVED

11. [MC 2020-004](#) **Grant Award: Walmart Community Grants**

Authorize the Yuma Fire Department to accept grant funding from Walmart's Community Grants in the amount of \$7,500.00 to purchase training materials for community education of bleeding control/traumatic injury training and fire extinguisher training. (Fire/Community Risk Reduction) (Steve Irr)

- Attachments:**
- [1. RFCCA Grant Award: Walmart Community Grants](#)
 - [2. SUPP DOC Grant Award: Walmart community Grants](#)

APPROVED

12. [MC 2020-005](#) **Lease Agreement: Arizona Housing Development Corporation**

Authorize the City Administrator to execute a lease agreement, in

substantially similar form as attached Exhibit A, between the City of Yuma and the Arizona Housing Development Corporation (AHDC) for premises located at 1100 S. 13th Avenue (City Attorney) (Richard Files)

Attachments: [1. RFCCA Lease Agreement: 1100 S. 13th Ave](#)
[2. EXH A Lease Agreement 1100 S. 13th Ave](#)

APPROVED

13. [MC 2020-006](#) **Job Order Authorization: 8th Street and Castle Dome Intersection Improvements**

Authorize the City Administrator to execute a job order with SWP Contracting & Paving, in an amount of \$1,150,241.89, for capital improvements to 8th Street and Castle Dome intersection through the City's Job Order Contracting program. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Job Order Authorization: 8th St. & Pacific Ave.](#)
[2. SUPP DOC Job Order Authorization: 8th St. & Pacific Ave.](#)
[3. SUPP DOC Job Order Authorization: 8th St. & Pacific Ave.](#)

A motion was made by Councilmember Watts, seconded by Councilmember McClendon, that this motion be APPROVED. The motion carried by the following vote:

Aye: 5 - Deputy Mayor Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Watts

Abstain: 1 - Councilmember Shoop

COI: 1 - Mayor Nicholls

14. [MC 2020-007](#) **Final Plat: The Village on 19th Subdivision**

Approve the final plat for The Village on 19th Subdivision. The property is located at the southeast corner of S. 13th Avenue and W. 19th Street, Yuma, AZ. The applicant is Dahl Robins and Associates, on behalf of the First Church of the Nazarene of Yuma. (SUBD-27629-2019)(Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Final Plat: The Village on 19th Subdivision](#)
[2. P&Z RPT Final Plat: The Village on 19th Subdivision](#)

APPROVED

15. [MC 2020-008](#) **Final Plat: Araby North Subdivision**

Approve the final plat for Araby North Subdivision. The property is located at the southeast corner of S. Araby Road and E. 32nd Street, Yuma, AZ. The applicant is Colvin Engineering, Inc., on behalf of Elliot Construction Inc. (SUBD-27862-2019) (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Final Plat: Araby North Subdivision](#)
[2. P&Z RPT Final Plat: Araby North Subdivision](#)

APPROVED

16. [MC 2020-014](#) **Settlement of Lawsuit**

Approve and ratify settlement of Yuma County Superior Court Case No. S1400CV2019-00080. (City Attorney) (Richard Files)

Attachments: [1. RFCCA Settlement of Lawsuit: S1400CV2019-00080](#)

A motion was made by Deputy Mayor Knight, seconded by Councilmember Shelton to move that the budgeted amount on the Request for City Council Action for Motion Consent Agenda item B.16, the Settlement of Lawsuit, be noted as \$50,000.00 and that it will be funded from the City Attorney's Office settlement account. The motion carried by a unanimous vote.

APPROVED AS AMENDED

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.

1. [R2020-001](#) **Declare A Public Record: 2020 Tree & Shade Master Plan**

Declare that certain document entitled 2020 Tree & Shade Master Plan a public record and order three copies of each to remain on file with the City Clerk.

Attachments: [1. RFCCA Declaring 2020 Tree Shade Master Plan a Public Document](#)
[2. RES Declaring 2020 Tree Shade Master Plan a Public Document](#)
[3. EXH A Declaring 2020 Tree Shade Master Plan a Public Document](#)

A motion was made by Deputy Mayor Knight, seconded by Councilmember Watts, that this resolution be ADOPTED. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, Councilmember Shoop, and Councilmember Watts

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. [O2020-001](#) **Declare Surplus and Authorize Sale of Real Property**

Authorize the sale of approximately 758 square feet of City-owned property generally located at 1916 S. Ridgeview Drive.
(Engineering) (Jeff Kramer)

Attachments:

- [1. RFCCA Declare Surplus and Sale: 1916 S. Ridgeview Dr.](#)
- [2. MAP Declare Surplus and Sale: 1916 S. Ridgeview Dr.](#)
- [3. ORD Declare Surplus and Sale: 1916 S. Ridgeview Dr.](#)
- [4. EXH A Declare Surplus and Sale: 1916 S. Ridgeview Dr.](#)

INTRODUCED

2. [O2020-002](#) **Rezoning of Property: Southeast Corner of Avenue 7 1/2 E and 44th Street**

Rezone approximately 19.3 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, for the property located at the southeast corner of Avenue 7 1/2 E and 44th Street, Yuma, AZ. (ZONE-27899-2019) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning: 7 1/2E and 44th Street](#)
- [2. P&Z RPT Rezoning: 7 1/2E and 44th Street](#)
- [3. ORD Rezoning: 7 1/2E and 44th Street](#)

A motion was made by Councilmember Watts, seconded by Councilmember McClendon to move that the Request for City Council Action be amended in the 1st line of the report to replace S. Avenue 7 1/2E with S. Avenue 8E, to reflect the Planning and Zoning Report. The motion carried by a unanimous vote.

INTRODUCED AS AMENDED

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 McClendon to APPOINT Karen Watts to serve as the Deputy Mayor for the year 2020. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Deputy Mayor Watts, seconded by Councilmember McClendon to APPOINT Mayor Nicholls to the Greater Yuma Economic Development Corporation, Executive Board. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts to APPOINT Leslie McClendon to the Greater Yuma Economic Development Corporation, Board of Directors. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Councilmember McClendon, seconded by Councilmember Shelton to APPOINT Gary Knight to the Greater Yuma Port Authority. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Councilmember Morris, seconded by Councilmember Knight to APPOINT Mike Shelton to the Western Arizona Council of Governments, Executive Board and Council on Aging. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Deputy Mayor Watts, seconded by Councilmember Knight to APPOINT Ema Lea Shoop to the Western Arizona Council of Governments, Yuma County Advisory Board. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Councilmember Shelton, seconded by Councilmember McClendon to APPOINT Gary Knight, Chris Morris and

Karen Watts as members to the Yuma Metropolitan Planning Organization, Executive Board. The motion carried by the following vote: Aye: 7 - Unanimous vote

A motion was made by Deputy Mayor Watts, seconded by Councilmember Morris to APPOINT Mike Shelton to the Yuma Fire Public Safety Board and the Yuma Public Safety Police Board. The motion carried by the following vote: Aye: 7 - Unanimous vote

Board and Commission appointments:

A motion was made by Deputy Mayor Watts, seconded by Councilmember McClendon to APPOINT Bill Craft to the Workers' Compensation Trust Board with a term expiration of December 31, 2024. The motion carried by the following vote: Aye: 7 - Unanimous vote

CITY COUNCIL APPOINTED POSITIONS/COMMITTEES:

- Deputy Mayor
- Greater Yuma Economic Development Corporation, Executive Board
- Greater Yuma Economic Development Corporation, Board of Directors
- Greater Yuma Port Authority
- Western Arizona Council of Governments, Executive Board
- Western Arizona Council of Governments, Council on Aging
- Western Arizona Council of Governments, Yuma County Advisory Board
- Yuma Metropolitan Planning Organization, Executive Board (three terms/appointments)
- Yuma Fire Public Safety Board
- Yuma Public Safety Police Board

BOARD AND COMMISSION APPOINTMENTS:

- Workers Compensation Trust Board - one 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 December 19, 2019 through January 15, 2020. 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

**A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts to adjourn to Executive Session. The motion carried by the following vote: Aye: 7 - unanimous vote.
EXECUTIVE SESSION 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 following legal matters (ARS 38-431.03 A3, A4 and A7):

1. Avenue 6E Investments, et al v. City of Yuma
2. Pearce v. City of Yuma, et al
3. Angulo-Murrieta v. City of Yuma, et al
4. Preciado v. City of Yuma, et al
5. Steenhard v. City of Yuma, et al
6. City of Yuma v. Great American Insurance
7. City of Yuma v. PKC, et al
8. Boys and Girls Club and the City of Yuma v. Salvation Army
9. Beas v. Babb, et al
10. Claims and potential litigation

B. Discussion, consultation with and/or instruction to legal counsel regarding changes and proposed changes in telecommunication and digital information laws, the legal effects of the changes, including City of Eugene, Oregon v. FCC, et al [City of Yuma] Case No. 19-72219. (ARS 38-431.03 A3 and A4)

ADJOURNMENT**6:28 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.