



City of Yuma City Council Meeting Summary

Wednesday, October 21, 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.

Consistent with the March 13, 2020 Arizona Attorney General opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the October 21, 2020 Regular City Council meeting will be conducted remotely through technological means along with limited public, in-person access, consistent with social distancing requirements.

City Council Chambers will be open with limited public access in addition to participation through Zoom.

Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website:
<https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

The Worksession and Citizen's Forum previously scheduled for October 20, 2020 are cancelled.

CALL TO ORDER

5:30 PM

INVOCATION

PASTOR RICK POLLARD, GRACE BIBLE FELLOWSHIP

PLEDGE OF ALLEGIANCE

STEVE IRR, FIRE CHIEF

ROLL CALL

Present: 6 - Mayor Douglas J. Nicholls, Deputy Mayor Karen Watts, Councilmember Gary Knight, Councilmember Chris Morris, Councilmember Michael Shelton and Councilmember Ema Lea Shoop

Absent: 1 - Councilmember Leslie L. McClendon

FINAL CALL

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

PRESENTATIONS

PRESENTATIONS MADE

- Reading of Proclamation for Arizona Cities & Towns Week
- Financial briefing from City Administrator, Philip Rodriguez, and Director of Financial Services, Lisa Marlin

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.

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

There are no minutes scheduled for approval at this time.

B. Approval of staff recommendations:

Approval of the Consent Agenda

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, to APPROVE the Motion Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

Absent: 1 - Councilmember McClendon

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)

APPROVED

2. [MC 2020-180](#) **Temporary Extension of Premises: The Pint House**

Approve a Temporary Extension of Premises/Patio Permit application submitted by Amy Marie Biallas, agent for The Pint House located at 265 S. Main Street (EP19-02) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

- [1. RFCCA Temporary Extension of Premises: The Pint House](#)
- [2. MAP Temporary Extension of Premises: The Pint House](#)

APPROVED

3. [MC 2020-181](#) **Bid Award: Figueroa Wastewater Treatment Plant HVAC Replacement**

Authorize the City Administrator to execute a contract for construction services for the Figueroa Wastewater Treatment Plant HVAC Replacement project to the lowest responsive and responsible bidder in the amount of \$456,189.00 to: Pilkington Contracting Co., Inc. dba Pilkington Construction Co., Yuma, Arizona. (Bid #2020-20000166 / Engineering) (Robin R. Wilson / Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Bid Award: Figueroa Waste Water Treatment Plant HVAC Replacement](#)
- [2. SPRDSHEET Bid Award: Figueroa Waste Water Treatment Plant HVAC Replacement](#)

APPROVED

4. [MC 2020-182](#) **Cooperative Purchase Agreement: Lifecycle Sustainment Services**

Authorize the City Administrator to execute a cooperative purchase agreement with Motorola Solutions for Lifecycle Sustainment Services that includes up to five system upgrades with maintenance support for a total expenditure of \$6,372,015.89 (not including taxes) for a 10-year period utilizing the Arizona State MSA Contract CTR046830. (Information Technology/YRCS) (Kathleen Fernandez)

Attachments: [1. RFCCA Cooperative Purchase Agreement: Lifecycle Sustainment Services](#)
[2. SUPP DOC Cooperative Purchase Agreement: Lifecycle Sustainment Services](#)

APPROVED

5. [MC 2020-183](#) **Cooperative Purchase Agreement: Public Communications Equipment and Services**

Authorize the purchase of Public Communications Equipment and Services through a Cooperative Purchase Agreement initiated by the State of Arizona for a total cost of \$206,651.70 to: Motorola Solutions, Inc., Tempe, Arizona; (Bid #2021-20000001 - Information Technology) (Robin Wilson / Kathleen Fernandez)

Attachments: [1. RFCCA Cooperative Purchase Agreement: Motorola](#)

APPROVED

6. [MC 2020-184](#) **Intergovernmental Agreement: Arizona Department of Housing**

Authorize the City Administrator to execute a five-year Intergovernmental Agreement (IGA) with the Arizona Department of Housing (ADOH), permitting the City to conduct installation inspections for manufactured homes, factory-built buildings and mobile homes on behalf of the State of Arizona. (Community Development) (Randall Crist)

Attachments: [1. RFCCA IGA: Arizona Department of Housing](#)
[2. AGMT IGA: Arizona Department of Housing](#)

APPROVED

7. [MC 2020-185](#) **Ratify and Accept Grant Award: Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

Authorize the City Administrator to execute the required Memorandum of Understanding (MOU) documents for the Edward Byrne Memorial Justice Assistance Grant Program awards to ratify the acceptance of: Fiscal Year 2018 award in the amount of \$47,883; Fiscal Year 2019 Award in the amount of \$43,325; and, Fiscal Year 2019 Award in the amount of \$199,975; as well as accept Fiscal Year 2020 award in the amount of \$31,218. (Police/Patrol) (Susan Smith)

Attachments: [1. RFCCA Ratify & Accept Grant Award: JAG Program](#)
[2. AGMTS Ratify & Accept Grant Award: JAG Program](#)

APPROVED

8. [MC 2020-186](#) **Ratification: Axon In-Car Camera System**

Authorize the City Administrator to ratify the approved five-year cooperative purchase agreement (OMNIA Contract No. 151089) for the purchase of seven Axon in-car camera systems in the amount \$84,074.54, an increase of \$3,677.89 (including taxes). This ratification of the additional amount is needed to pay for the wireless offload costs. (Bid # 2021-20000048) (Police/ Administration) (Susan Smith)

Attachments: [1. RFCCA Ratification: Axon In-Car Camera System](#)

APPROVED

9. [MC 2020-187](#) **Authorization to implement programmatic changes**

Approve enhancement to current programs: Utilities Assistance Program additional funding (Yuma Cares) in the amount of \$500,000, implementation of the next phase of the employee market adjustment in the amount of \$300,000 and additional funding for Pavement Preservation in the amount of \$600,000. (Administration/Finance) (Philip Rodriguez/Lisa Marlin)

Attachments: [1. RFCCA Implement Programmatic Changes](#)
[2. MAP Implement Programmatic Changes - Projected Roads](#)

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

Aye: 6 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

Absent: 1 - Councilmember McClendon

1. [R2020-040](#) **Re-Order Improvements: Municipal Improvement District No. 108**

Re-Order Improvements for Municipal Improvement District No. 108 to serve Driftwood Ranch Units 1 & 2, 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. 108 shall be assessed upon the properties in MID No. 108; 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) (Randall Crist)

Attachments:

- [1. RFCCA Re-Order Improvements MID 108 Driftwood Ranch Units 1 and 2](#)
- [2. RES Re-Order Improvements MID 108 Driftwood Ranch Units 1 and 2](#)
- [3. EXH A and B Re-Order Improvements MID 108 Driftwood Ranch Units 1 and 2](#)

ADOPTED

2. [R2020-042](#) **Re-Order Improvements: Municipal Improvement District No. 100**

Re-Order Improvements for Municipal Improvement District No. 100 to serve Park West Units 4 and 5, 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. 100 shall be assessed upon the properties in MID No. 100; 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) (Randall Crist)

Attachments:

- [1. RFCCA Re-Order Improvements MID 100 Park West Units 4 and 5](#)
- [2. RES Re-Order Improvements MID 100 Park West Units 4 and 5](#)
- [3. EXH A and B Re-Order Improvements MID 100 Park West Units 4 and 5](#)

ADOPTED

3. [R2020-048](#) **Intent to Create Municipal Improvement District No. 117: Desert Sands Unit No. 2**

Approve the creation of Municipal Improvement District No. 117 to serve Desert Sands Unit No. 2. (Community Development/Community Planning) (Randy Crist)

Attachments:

- [1. RFCCA Intent to Create MID 117: Desert Sands Unit 2](#)
- [2. RES Intent to Create MID 117: Desert Sands Unit 2](#)
- [3. SUPP DOC Intent to Create MID 117: Desert Sands Unit 2](#)

ADOPTED

4. [R2020-049](#) **Municipal Improvement District No. 115: La Estancia Subdivision - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 115 to serve La Estancia Subdivision, 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. 115 shall be assessed upon the properties in MID No. 115; 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) (Randall Crist)

Attachments:

- [1. RFCCA MID No. 115 La Estancia Subdivision - Order Improvements](#)
- [2. RES MID No. 115 La Estancia Subdivision - Order Improvements](#)
- [3. EXH A MID No. 115 La Estancia Subdivision - Order ImprovementsREVISED](#)

ADOPTED

5. [R2020-050](#) **Development Fee Deferral: Desert Sands Unit No. 1**

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 Desert Sands Unit No. 1 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) (Jeff Kramer)

Attachments:

- [1. RFCCA Development Fee Deferral: Desert Sands Unit 1](#)
- [2. MAP Development Fee Deferral: Desert Sands Unit 1](#)
- [3. RES Development Fee Deferral: Desert Sands Unit 1](#)
- [4. AGMT Development Fee Deferral: Desert Sands Unit 1](#)

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.

Approval of the Consent Agenda

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, to ADOPT the Ordinances Consent Agenda with the exception of Ordinance O2020-022. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

Absent: 1 - Councilmember McClendon

1. [O2020-019](#) **Annexation Area No. ANEX-30780-2020: Sunset Mobile Home Park**

Authorize annexation of property located at 3285 E. 32nd Street. (ANEX-30780-2020) (Community Development/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA Annexation ANEX-30780-2020: Sunset Mobile Home Park](#)
- [2. PET Annexation ANEX-30780-2020: Sunset Mobile Home Park](#)
- [3. ORD Annexation ANEX-30780-2020: Sunset Mobile Home Park](#)
- [4. MAP Annexation ANEX-30780-2020: Sunset Mobile Home Park](#)

ADOPTED

2. [O2020-021](#) **Declare City Right-of-Way Surplus and Authorize Vacation of Right-of-Way: Southeast Corner of Avenue C and 5th Street**

Declare certain City owned right-of-way at the southeast corner of Avenue C and 5th Street surplus for City use and authorize the vacation of the surplus right-of-way to the adjacent property owner pursuant to A.R.S. § 28-7205, in exchange for a new Preannexation Development Agreement. (City Attorney's Office) (Richard Files)

Attachments:

- [1. RFCCA Surplus Property: Ave C and 5th St. ROW](#)
- [2. ORD Surplus Property: Ave C and 5th St. ROW](#)

ADOPTED

3. [O2020-022](#) **Declare Surplus and Real Property Exchange and Development Agreement: Arizona West RV Park**

Authorize the City Administrator to execute the appropriate documents to declare certain right-of-way surplus in order to exchange the surplus right-of-way property for fee title to one parcel of 32nd Street right-of-way, and one parcel of Avenue 7E right-of-way, and vacate the surplus right-of-way to the abutting property owner through the recording of a quit claim deed. (Engineering) (Jeffrey Kramer)

Attachments: [1. RFCCA Real Property Exchange and Development Agreement: Birmingham LLC](#)
[2. ORD Real Property Exchange and Development Agreement: Birmingham LLC](#)
[3. EXH A Real Property Exchange and Development Agreement: Birmingham LLC](#)

A motion was made by Councilmember Knight, seconded by Councilmember Shelton, that Ordinance O2020-022 be ADOPTED. The motion carried by the following vote:

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

Absent: 1 - Councilmember McClendon

COI: 1 - Mayor Nicholls

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. [O2020-023](#) **Partial Easement Vacation: Yuma RV & Boat Storage**

Authorize the vacation of the south 249.74 feet (described in detail in the Quit Claim deed) of the existing sanitary sewer easement to allow future private development of the parcel. (Engineering) (Jeffrey A. Kramer)

Attachments: [1. RFCCA Partial Easement Vacation: Yuma RV & Boat Storage](#)
[2. MAP Vacate Easement Vacation: Yuma RV & Boat Storage](#)
[3. ORD Partial Easement Vacation: Yuma RV & Boat Storage](#)
[4. EXH A Partial Easement Vacation: Yuma RV & Boat Storage](#)

INTRODUCED

2. [O2020-024](#) Zoning Code Text Amendment: Accessory Structures

Amend Yuma City Code Title 15, Chapter 154, Section 06.01 (D), (E), and (F), 08.01 (C), and 15.15 (C) to update the height limitations, and area permitted for accessory structures. (Community Development/Community Planning) (Randall Crist)

Attachments: [1. RFCCA Zoning Code Text Amendment: Accessory Structures](#)
[2. P&Z RPT Zoning Code Text Amendment: Accessory Structures](#)
[3. ORD Zoning Code Text Amendment: Accessory Structures](#)

INTRODUCED

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

V. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. 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 8, 2020 through October 21, 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.

2. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VI. 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.

VII. 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.

VIII. EXECUTIVE SESSION

MOTION (KNIGHT/WATTS): TO ADJOURN TO EXECUTIVE SESSION. VOICE VOTE: APPROVED 6-0.

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 potential sale of properties. (A.R.S. 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding potential litigation. (A.R.S. 38-431.03 A3 & A4)

ADJOURNMENT

6:34 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.