



# City of Yuma City Council Meeting Summary

---

Wednesday, November 4, 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 November 4, 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](mailto: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](http://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 November 3, 2020 are cancelled.

## **CALL TO ORDER**

**5:34 PM**

## **INVOCATION**

**HEAD ELDER FRED DANIEL, 7TH DAY ADVENTIST CHURCH**

**PLEDGE OF ALLEGIANCE**

**POLICE OFFICER, TYLER CALEY**

**ROLL CALL**

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

**FINAL CALL**

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

**PRESENTATIONS**

**PRESENTATION MADE**

- Body-Worn Camera Presentation by the Yuma Police Department

**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):

Approval of the Consent Agenda

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

**Aye:** 7 - Mayor Nicholls, Deputy Mayor Watts (5:40 pm), Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

1. [MC 2020-193](#) **Regular Council Meeting Draft Minutes October 7, 2020**

**Attachments:** [2020 10 07 RCM Minutes](#)

**APPROVED**

2. [MC 2020-194](#) **Regular Council Meeting Draft Minutes October 21, 2020**

**Attachments:** [2020 10 21 RCM 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)

**APPROVED**

2. [MC 2020-188](#) **Temporary Extension of Premises: Lutes Casino**

Approve a Temporary Extension of Premises/Patio Permit application submitted by Robert Lutes, agent for Lutes Casino located at 221 S. Main Street (EP20-03) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**

[1. RFCCA Temporary Extension of Premises: Lutes Casino](#)

[2. MAP Temporary Extension of Premises: Lutes Casino](#)

**APPROVED**

3. [MC 2020-189](#) **Bid Award: Main Street Water Treatment Plant Filters 5-8 Rehabilitation/Upgrades Phase 2**

Authorize the City Administrator to execute a contract for construction services for the Main Street Water Treatment Plant Filters 5-8 Rehabilitation/Upgrades Phase 2 to the lowest responsive and responsible bidder in the amount of \$2,978,600.00 to: Kay Constructors, LLC., Goodyear, AZ. (Engineering / Bid #2021-20000006) (Robin R. Wilson / Jeffrey A. Kramer)

**Attachments:**

[1. RFCCA Bid Award: Main Street Water Treatment Plant Rehab/Upgrades Phase 2](#)

[2. SPRDSHEET Bid Award: Main Street Water Treatment Plant Rehab/Upgrades Phase 2](#)

**APPROVED**

4. [MC 2020-190](#) **Bid Award: Joe Henry Optimist Center Facility Improvements**

Authorize the City Administrator to execute a contract for construction services for the Joe Henry Optimist Center Facility Improvements to the lowest responsive and responsible bidder in the amount of \$133,641.00 to:

DPE Construction, Inc., Yuma, Arizona. (Engineering / Bid #2021-20000045) (Robin R. Wilson / Jeffrey A. Kramer)

**Attachments:**

[1. RFCCA Bid Award: Joe Henry Optimist Center Facility Improvements](#)

[2. SPRDSHEET Bid Award: Joe Henry Optimist Center Facility Improvements](#)

**APPROVED**

5. [MC 2020-191](#) **Grant Award Amendment: 2020 Arizona Department of Forestry and Fire Management Hazardous Vegetation Removal Program**

Authorize the City Administrator to: 1) execute the amended contractual terms of a grant award of \$176,850 with the Arizona Department of Forestry and Fire Management (AZ DFFM); 2) cancel the existing sub-contract with the AZ DFFM associated with this grant; and 3) enter into a new sub-contract for this grant's programmatic activities with an independent licensed contractor. (Parks and Recreation) (John Simonton)

**Attachments:**

[1. RFCCA Grant Award Amendment: Hazardous Vegetation Removal Program](#)

**APPROVED**

6. [MC 2020-192](#) **Intergovernmental Agreement: Mutual Aid and Assistance**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) between the City of Somerton and Cocopah Indian Tribe, and the City of Yuma Fire Department for mutual aid and assistance for fire, medical, hazardous material, Chemical Biological Radiological Nuclear and High Yield Explosive (CBRNE), mass casualty emergencies, technical rescue, and operations support. (Fire/Administration) (Steve Irr)

**Attachments:**

[1. RFCCA IGA: Cooperative Emergency Services](#)

[2. AGMT IGA: Mutual Aid and 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 McClendon, seconded by Councilmember Knight, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:**

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

1. [R2020-052](#) **Development Fee Deferral: Araby North Subdivision**

Authorize the City Administrator to execute an agreement deferring City of Yuma development fees and water and sewer capacity charges for the Araby North 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 - Araby North Subdivision Development Fee Deferral](#)
- [2. LOC MAP - Araby North Subdivision Development Fee Deferral](#)
- [3. RES - Araby North Subdivision Development Fee Deferral](#)
- [4. AGMT- Araby North Subdivision Development Fee Deferral](#)

**ADOPTED**

2. [R2020-053](#) **Development Agreement: Home2 Suites Hotel**

Approve a development agreement with Kesari Putra Hospitality LLC, owner and operator of the new Home2 Suites hotel, deferring water and sanitary sewer capacity charges for payment in three equal installments due January 1, 2021, January 1, 2022, and January 1, 2023. (City Attorney) (Richard W. Files)

**Attachments:**

- [1. RFCCA Development Agreement: Home2 Suites Hotel](#)
- [2. RES Development Agreement: Home2 Suites Hotel](#)
- [3. AGMT Development Agreement: Home2 Suites Hotel](#)

**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 Shelton, seconded by Councilmember McClendon, to ADOPT the Ordinances Consent Agenda. The motion carried by the following vote:**

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

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](#)

**ADOPTED**

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](#)

**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. [O2020-025](#) **First Amendment to Sixteen & Four, LLC Land and Improvements Lease and Memorandum of Lease**

Authorize the City Administrator to execute a First Amendment to the Parcel A government property lease, creating two separate lease documents applicable to the two separate parcels that resulted from the land division of Parcel A into Parcel A1 and Parcel A2 located at the northwest corner of 16th Street and 4th Avenue. (This item must be adopted by a simple majority vote without the use of the consent calendar) (City Attorney) (Richard Files)

**Attachments:** [1. RFCCA First Amendment: Sixteen and Four LLC Lease](#)  
[2. ORD First Amendment: Sixteen and Four LLC Lease](#)

**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 22, 2020 through November 4, 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 (Knight/McClendon): To schedule a Special City Council Meeting for November 10, 2020 at 3:30 p.m. in the City Hall Council Chambers.**  
**Voice Vote: Approved 7-0.**

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/Morris): To adjourn to Executive Session. Voice Vote: Approved 7-0.**

*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 sales of real properties. (A.R.S. 38-431.03 A3, A4 & A7)

## 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.