



# City of Yuma City Council Meeting Summary

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Wednesday, February 3, 2021

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.

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 February 3, 2021 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 February 2, 2021 are cancelled.

## **CALL TO ORDER**

**5:34 PM**

## **INVOCATION**

**HOWARD BLITZ, CONGREGATION BETH HAMIDBAR**

**PLEDGE OF ALLEGIANCE**

**JUNIOR GARCIA, VIDEO AND PRODUCTION OPERATIONS SPECIALIST**

**ROLL CALL**

**Present:** 7 - Mayor Douglas J. Nicholls, Deputy Mayor Leslie L. McClendon, Councilmember Gary Knight, 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.*

**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 Deputy Mayor McClendon, to APPROVE the Motion Consent Agenda. The motion carried by the following vote:**

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

1. [MC 2021-011](#) **Regular Council Meeting Draft Minutes January 6, 2021**

**Attachments:** [2021 01 06 RCM Minutes](#)

**APPROVED**

2. [MC 2021-010](#) **Regular Council Meeting Draft Minutes January 20, 2021**

**Attachments:** [2021 01 20 RCM Minutes](#)

**APPROVED**

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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**

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

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

1. [O2021-002](#) **Zoning Code Text Amendment: Recreational Marijuana Establishments**

Amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments, as it relates to the recent approval of State Proposition 207 in the November 2020 General Election. (Community Development/Community Planning) (Randy Crist)

**Attachments:** [1. RFCCA Zoning Amendment: Recreational Marijuana Establishments](#)  
[2. P&Z Rpt. Zoning Amendment: Recreational Marijuana Establishments](#)  
[3. ORD Zoning Amendment: Recreational Marijuana Establishments](#)

**ADOPTED**

2. [O2021-003](#) **Repeal Yuma City Code §§ 211-09 and 211-10: Traffic Rules**

Repeal Yuma City Code §§ 211-09 and 211-10. (City Attorney)  
(Richard Files)

**Attachments:**     [1. RFCCA Repeal Yuma City Code §§211-09 and 211-10](#)  
                              [2. ORD Repeal Yuma City Code §§211-09 and 211-10](#)

**ADOPTED**

3. [O2021-004](#) **Preannexation Development and Property Disposition Agreement:  
Piramide Contractors, Inc.**

Authorize a Preannexation Development and Property Disposition  
Agreement with Piramide Contractors, Inc. for property located at 414  
S. Vaughn Avenue. (City Engineering) (Jeff Kramer)

**Attachments:**     [1. RFCCA PADPDA: Piramide Contractors, Inc.](#)  
                              [2. ORD PADPDA: Piramide Contractors, Inc.](#)  
                              [3. EXHIBITS PADPDA: Piramide Contractors, Inc.](#)

**ADOPTED**

### III. 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. [O2021-005](#) **Repeal and Replace Title 21, Chapter 213, Yuma City Code**

Approve an Ordinance repealing and replacing Title 21, Section 213 of the Yuma City Code with updates to regulations relating to the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized play vehicles and similar devices. (Police) (Susan Smith)

**Attachments:**     [1. RFCCA Repeal and Replace Title 21, Chapter 213, Yuma City Code](#)  
                              [2. ORD Repeal and Replace Title 21, Chapter 213, Yuma City Code](#)

**Motion (Knight/Shelton): to amend Section 213-13(a) of Ordinance O2021-005 to strike the first sentence in its entirety and replace with the following sentence: "An electric scooter that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a lamp on the rear that emits a red light visible from the back at a distance of at least five hundred feet**

from the back." Voice Vote: approved 7-0.  
**INTRODUCED AS AMENDED**

#### IV. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2021-007](#) **Biennial Development Fee Audit Hearing**

Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes (A.R.S.) § 9-463.05 and Yuma City Code § 157.05. (Engineering) (Andrew McGarvie)

**Attachments:**

[1. RFCCA Biennial Development Fee Audit Hearing](#)

[2. REPORT - Biennial Development Fee Audit Hearing](#)

**PUBLIC HEARING HELD - 6:14 PM to 6:23 PM**  
**Motion (Knight/McClendon): to close the public hearing. Voice Vote:**  
**approved 7-0**

#### FINAL CALL

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

#### V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

1. Appointments:

- Parks, Arts and Recreation Commission (PARC) - one appointment

**Motion (Knight/Watts): to appoint Jim Chancey to the Parks, Arts and Recreation Commission with a term expiration of December 31, 2025.**  
**Voice Vote: approved 7-0.**

## 2. Announcements:

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 January 21, 2021 through February 3, 2021. 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.

**Motion (Knight/McClendon): to schedule a Special City Council Worksession for February 23, 2021 at 2:00 p.m., with an agenda to be posted in accordance with Arizona Open Meeting Law. Vocie vote: approved 7-0.**

## 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 development of a proposed solar project. (A.R.S. 38-431.03 A3 & A4)*

## ADJOURNMENT

**6:46 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.