

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 6, 2019
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:30 p.m.

INVOCATION/PLEDGE

Pastor Tom Renard, Imagine Nations Church, gave the invocation. **Carrie Ring**, Marketing Specialist led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Shelton, Thomas, Knight, Miller, and Mayor Nicholls
Councilmembers Absent:	Watts and McClendon
Staffmembers Present:	City Administrator, John D. Simonton Deputy Chief of Police, Lisa Culp Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

PRESENTATIONS

Simonton recognized **Carrie Ring**, Marketing Specialist, for receiving her Certified Festival and Event Executive certification this past September from the International Festivals and Events Association. Ring was one of only 13 people who graduated this year and is only the seventh person in the State of Arizona to complete the two-year program.

I. MOTION CONSENT AGENDA

Motion (Knight /Shelton): To approve the Motion Consent Agenda as recommended. Voice vote: **approved 5-0.**

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

Council Citizens Forum	March 5, 2019
Regular Council Worksession	March 5, 2019
Regular Council Worksession	April 30, 2019
Regular Council Meeting	September 18, 2019

Special Council Meeting October 10, 2019
Special Council Meeting October 11, 2019

B. Approval of Staff Recommendations:

1. 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 Atty)
2. 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) (Admin/Clk)
3. 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) (Admin/Clk)
4. 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) (Admin/Clk)
5. 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) (Admin/Clk)
6. Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of Caballeros de Yuma, Inc., for the Colorado River 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) (Admin/Clk)
7. 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) (Admin/Clk)
8. Authorize the City Administrator to negotiate and execute a contract for Professional Architectural Services for the Police Storage Facility to: Architekton, Tempe, Arizona. (Eng RFQ#2020-20000014)
9. 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)

10. 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)
11. 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)

II. RESOLUTION CONSENT AGENDA

Mayor Nicholls called for a motion on the correction to Resolution R2019-048.

Resolution 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

Motion (Thomas/Knight): To correct the Request for City Council Action to reference Chapter 137, not Chapter 37. Voice vote: 5-0

There being no questions or comments by City Council and no speakers, **Mayor Nicholls** called for a motion.

Motion (Miller/Thomas): To adopt the Resolution Consent Agenda as amended.

Bushong displayed the following title(s):

Resolution R2019-046

A resolution of the City Council of the City of Yuma, Arizona in support of reauthorization of the Yuma Crossing National Heritage Area Corporation (calls on members of the Arizona Congressional delegation to affirm Congressional support for Heritage Area reauthorization for an additional 15 years through September 30, 2036) (Admin/YCNHAC)

Resolution R2019-047

A resolution of the City Council of the City of Yuma, Arizona authorizing and approving the execution of a third amendment to the Development Agreement with Yuma Regional Medical Center and Hospital District No. 1, Yuma County, Arizona (extends the duration of a temporary construction easement within the YRMC Development Agreement) (Eng)

Resolution R2019-048

A resolution of the City Council of the City of Yuma, Arizona declaring a certain document filed with the City Clerk and titled, Chapter 137: Trees a public record and ordering three copies of the document to remain on file with the City Clerk (declares Chapter 137: Trees a public record; changes to Chapter 137 of the City Code will be introduced at the November 20, 2019 RCM) (P&R/Admin)

Roll call vote: **adopted** 5-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

There being no questions or comments by City Council and no speakers, **Mayor Nicholls** called for a motion.

Motion (Thomas/Knight): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2019-034

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of title to certain real property and improvements, the execution of a Government Property Land and Improvements Lease for a term of eight years with Sixteen & Four, LLC as the prime Lessee, the reconveyance of title to the real property and improvements at the conclusion of the described lease, and approving the abatement of the Government Property Lease Excise Tax during the term of the eight year lease (project is a proposed coffee shop on an internal pad within the Sprouts Market parking field) (City Atty)

Ordinance O2019-035

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Agriculture/Conditional Low Density Residential (AG/COND. R-1-8) District to the low density residential/public overlay (R-1-8/P) District, and amending the zoning map to conform with the rezoning (rezone approximately 10.71 acres located at the southeast corner of 45th Place and Bennie Avenue) (DCD/Planning)

Roll call vote: **adopted** 5-0.

IV. INTRODUCTION OF ORDINANCES

Mayor Nicholls asked if there has been any progress regarding his comments last night on the non-gun issues in the weapons ordinance.

Ordinance 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

Files shared a matrix that was prepared by Emily Hart with the City's Prosecutor's Office, that compared Yuma's proposed ordinance with ordinances for Chandler, Tempe, Phoenix, Mesa, Scottsdale and Tucson. It was determined that Yuma's proposed ordinance is in line with those cities sampled.

In regards to a private property exception, both Chandler and Mesa have exceptions. Pellet guns and guns operated by gas cartridges are considered firearms pursuant to case law.

Discussion:

- Nerf guns would fall under the catch-all shooter of projectiles. In order to get a criminal conviction, it has to go in front of a judge and be proven beyond a reasonable doubt. (**Mayor Nicholls/Files**)
- Being all encompassing with the language could lead to unintended consequences. (Mayor **Nicholls/Culp**)
- The change to the weapons ordinance regarding regulation of firearms is necessary because ordinances that conflict with State law could trigger a Senate Bill 1487 Complaint which allows the State to cut off the State Shared Revenues to the city/town in violation. (**Shelton/Files**)
- The City is allowed to regulate in places such as in City Parks and it seemed prudent to restrict the carrying of sling shots, bows/arrows and items of that nature in the City parks. (**Shelton/Files/Culp**)
- The intention was to not be redundant with State Statutes, but also not be too restrictive with the use of non-gun weapons. The ordinance can be taken back and tightened up. (**Culp/Shelton**)
- The City of Mesa private property exemption is a good start for the City's ordinance. (**Knight**)
- The discharging of a non-gun weapons was purposely left in the ordinance to cover the public safety issues. (**Culp**)

Motion (Thomas/Miller): To pull Ordinance O2019-036 from the November 6, 2019, City Council meeting. Voice vote: 5-0

There being no questions or comments by City Council and no speakers, Mayor Nicholls asked the City Clerk to display the title for the remaining ordinance introduction.

Bushong displayed the following title(s):

Ordinance O2019-037

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Agriculture (AG) District to the light industrial (L-I) District, and amending the zoning map to conform with the rezoning (rezone approximately 19.31 located at the southeast corner of Avenue 3E and the 38th Street alignment) (DCD/Planning)

V. PUBLIC HEARINGS AND RELATED ITEMS-There are no public hearings scheduled at this time.

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING -There were no appointments scheduled at this time.

Knight, Shelton, Thomas, Miller and **Mayor Nicholls** reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Shelton requested information on why the court diversion fee to attend traffic school is \$175.00. **Mayor Nicholls** requested this be reviewed and reported administratively.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- November 7th - Utilities Department Water Festival - Colorado River State Historic Park
- November 13-14 - Sunbelt Senior Professional Golf Tour – Desert Hills Golf Course
- November 14th – Conversations with the Mayor – Mesa Heights Community Center
- November 15th - North End Art Walk – Downtown Yuma

Simonton reported on a few Capital Improvement Program projects as follows:

- 16th Street from Avenue B to Avenue C – 4-month project.
- Avenue 3E between 32nd Street and 40th Street – in front of the Marine Corps Air Station.
- Miscellaneous slurry projects throughout the City of Yuma.

VIII. CALL TO THE PUBLIC-There are no speakers scheduled at this time.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:11 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor