

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 1, 2023
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Joe Avila, Community Christian Church, gave the invocation. **Robin Wilson**, Procurement Manager, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Smith
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Finance, Doug Allen
Director of Parks and Recreation, Eric Urfer
Director of Planning and Neighborhood Services, Alyssa Linville
Assistant Director of Planning and Neighborhood Services, Jennifer Albers
Assistant City Attorney, John LeSueur
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.

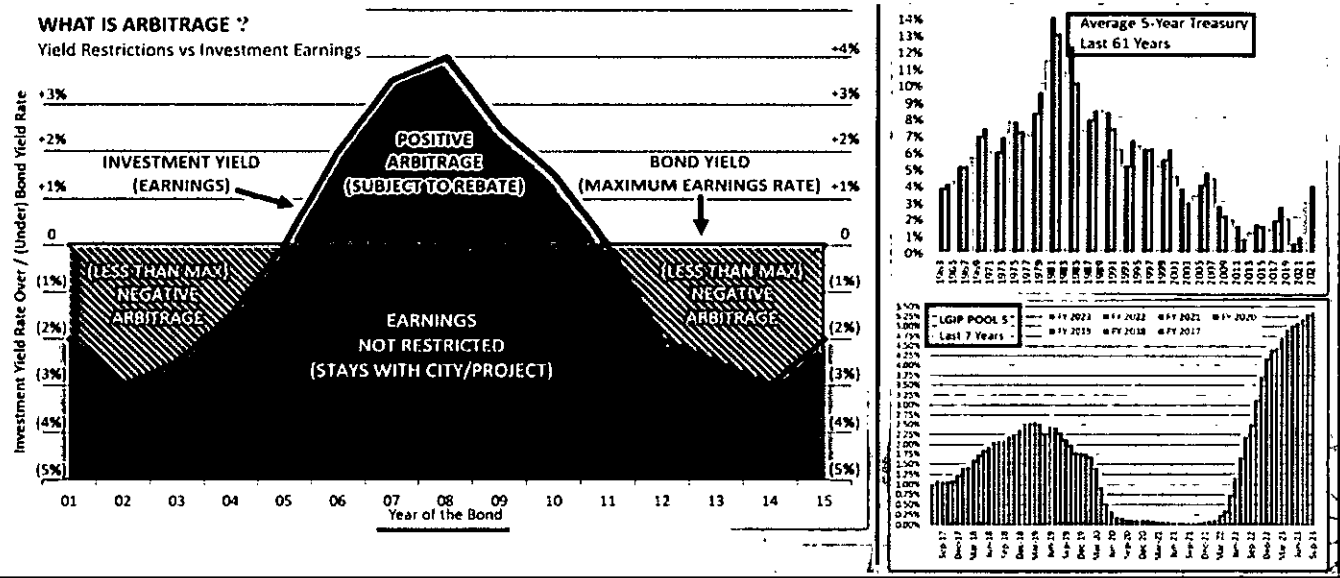
Presentation

Douglas Allen, Director of Finance, presented the Quarterly Financial Briefing for the first quarter of 2024.

- Fiscal Year (FY) 2023 Budget, Projected and Actual – General Fund
 - Expenditures
 - All departments ended FY 2023 under budget.
 - No contingency accounts were used.
 - Total expenditures were 0.17% less than mid-year projections.
 - No recommended changes to the FY 2024 budget from this fiscal year’s results.
 - Revenues
 - Revenues account for nearly 80% of the general fund
 - Exceeded budget goal for FY 2023
 - Major revenues were \$156,634.00, 0.18% more than mid-year projections.
 - Non major revenue was 26% higher than projected.

- Investment Earnings
 - Percentage of interest earnings based on the number of years of investment has been around 1% over the last few years; in 2023 it jumped to 5% for a single year.
 - The City has a few five-year investments at 1%. With the yield curve changes, two years later the investments are still at 1%. With a total of three years, the market says the investment should be at around 4%, resulting in devaluation of investments.
 - The City holds investments until maturity and will not actually see a loss
 - Investment earnings have been rather low over the last few years and then earnings went up a bit before COVID. Interest rates then came back down, and investment earnings went up significantly in 2023 - the City keeps these earnings.
 - Local Government Investment Pool (LGIP) rates were at 1% in FY 2022 and are currently at 5.4%.
- Arbitrage
 - Arbitrage is the difference between the interest paid by the City to the bond holder(s) and the earnings the City receives from investing the bond cash proceeds.
 - Investment earnings at or below the investment yield line, and below the bond yield line are unrestricted earnings for the City to be used for project or to repay bonds.
 - Areas below the bond yield line are not earning interest and are called negative arbitrage, which means the City has earned less than the maximum it could earn off those bonds.
 - Items above the bond yield line are called positive arbitrage and are subject to rebate from the Internal Revenue Service. There are different rules and regulations, as well as exceptions that need to be met for these earnings.

Arbitrage



How Arbitrage interacts with investment indexes (examples are two of many)?

• FY 2024 Financial Status

▪ Major Revenues

- Major Revenues collected through the first quarter total \$43.5 million, which equates to 23% of the budget. Per the benchmark the City should be collecting 22%, so the City is slightly ahead of that mark.
- Year over year changes are 12.6%, which also meet the benchmark.

MAJOR REVENUES

MAJOR OPERATING REVENUE		BENCHMARK (BM) TO BUDGET (BUD)					YEAR OVER YEAR		
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
Source	Fund	FY 2024 July-Sept	FY 2024 Total Budget	% of Budget	Bench Mark	BM Variance	FY 2023 July-Sept	Amount Change	% Change
(1) City Sales Tax (1.0%)	General	\$ 7,869,276	\$ 33,600,000	23%	23%	0.4%	\$ 7,678,996	\$ 190,280	2.5%
(2) Property Tax	"	420,110	16,290,776	3%	2%	0.9%	417,827	2,283	0.5%
(3) State Sales Tax	"	3,614,432	14,371,000	25%	24%	1.0%	3,406,469	207,963	6.1%
(4) State Income Tax	"	6,527,205	25,500,000	26%	25%	0.5%	4,604,673	1,922,532	41.8%
(5) Vehicle License Tax	"	1,278,389	5,375,400	24%	25%	-1.0%	1,320,004	(41,615)	-3.2%
(6) Gasoline Tax (0.5%)	HURF	2,309,328	9,614,190	24%	24%	0.2%	2,144,914	164,414	7.7%
(7) Road Tax (0.5%)	Road Tax	3,933,969	16,809,600	23%	23%	0.5%	3,838,846	95,123	2.5%
(8) Public Safety Tax (0.2%)	Public Safety	1,573,052	6,711,600	23%	23%	0.5%	1,535,017	38,035	2.5%
(9) Two Percent Tax	Two Percent	2,041,795	8,925,000	23%	22%	1.1%	1,928,355	113,440	5.9%
(10) Water Sales	Water	7,682,405	26,354,250	29%	25%	4.4%	6,432,273	1,250,132	19.4%
(11) Wastewater Operating	Wastewater	4,914,411	18,970,000	26%	22%	3.6%	4,221,553	692,858	16.4%
(12) Solid Waste Fees	Solid Waste	1,412,153	5,661,785	25%	22%	3.0%	1,161,796	250,357	21.5%
(13) TOTAL MAJOR OPERATING REVENUE		\$ 43,576,525	\$ 188,183,601	23%	22%	1.6%	\$ 38,690,723	\$ 4,885,802	12.6%

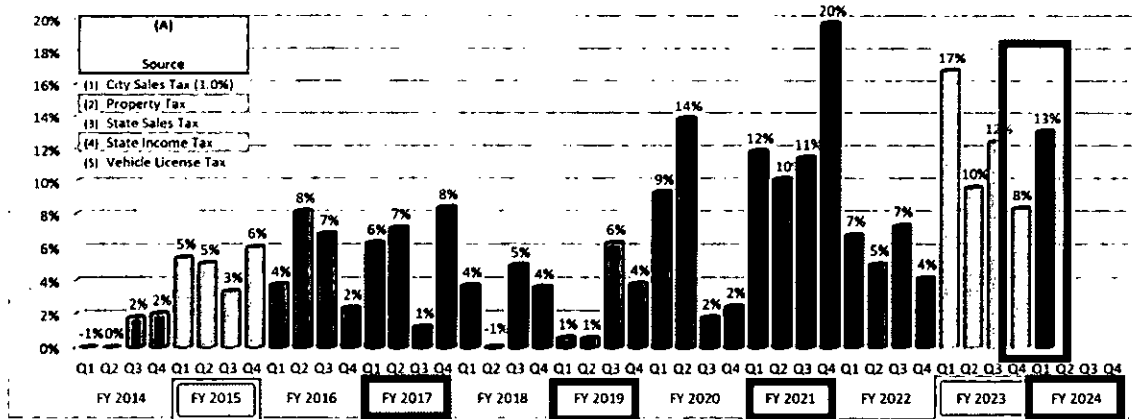
Sound revenue monitoring includes comparing historical trends with current collections and future expectations; and driving factors for each revenue to identify risk indicators.

Column "F" is the percentage of total revenue typically collected in the first Quarter of the fiscal year. All factors consistent, this helps measure the likelihood of a revenue meeting the budget goal at year-end.

Column "G" compares the benchmark "F" with the current percentage of collections in column "E". The higher the % in "G", the greater the chance of making the budget goal.

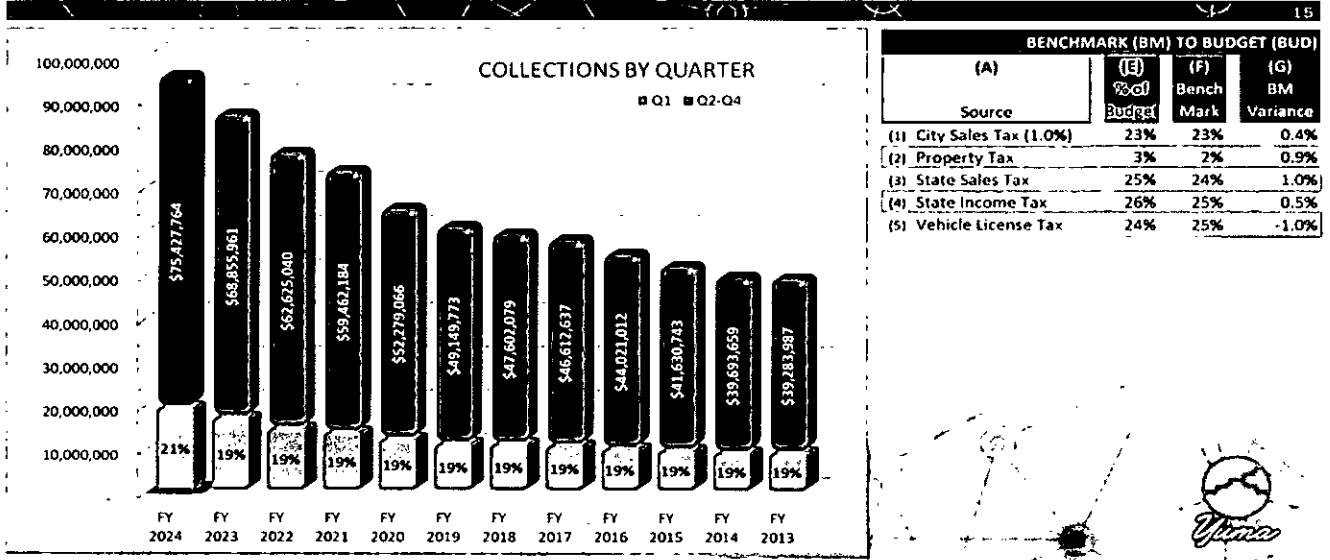
- The Major Revenues from the general fund are ending 8% above the prior quarter for FY 2023 and starting FY 2024 13% above the quarter. The majority of that amount is coming from State Shared Income Tax.

Major Revenues – General Fund



- The City has been consistent in previous years collecting 19% of the State Shared Income Tax in the first quarter. FY 2024 the City is collecting 21% in the first quarter, which puts the City on track.

Major Revenues – General Fund



(A) Source	(E) % of Budget	(F) Bench Mark	(G) Variance BM
(1) City Sales Tax (1.0%)	23%	23%	0.4%
(2) Property Tax	3%	2%	0.9%
(3) State Sales Tax	25%	24%	1.0%
(4) State Income Tax	26%	25%	0.5%
(5) Vehicle License Tax	24%	25%	-1.0%

Graph shows amount and % of total collections by quarter. Note consistency of % in each Q since 2013.

- FY 2024 budget goal of 2.2% City tax increase is being met.
- Comparing the 2% Hospitality Tax for FY 2023 to this quarter, the 2% tax revenue is 9% higher for Restaurants and Bars, and -9.9% for hotels. The hot and extended summer may have had some impact for the two categories.

Major Revenues – City Sales Tax



Category as Reported by ADOR	July-Sept FY 2024	July-Sept FY 2023	July-Sept FY 2022	Change in FY24/FY23	%
Retail	\$ 6,999,313	\$ 6,667,083	\$ 6,397,724	\$ 332,230	5.0%
Restaurants and bars	1,476,683	1,343,956	1,266,948	132,727	9.9%
Internet sales *	527,716	491,185	386,891	36,531	7.4%
Hotels	252,695	280,726	259,511	(28,031)	-10.0%
Utilities	831,042	816,924	857,463	14,118	1.7%
All other	642,525	1,006,479	756,577	(363,954)	-36.2%
Sub-Total Recurring	\$10,729,974	\$10,606,353	\$ 9,925,114	\$ 123,621	1.2%
Grocery **	1,497,017	1,484,434	1,100,465	12,583	0.8%
Residential rental leasing	118,456	105,735	56,676	12,721	12.0%
At-Risk or Ending	\$ 1,615,473	\$ 1,590,169	\$ 1,157,141	\$ 25,304	1.6%
Construction	1,030,849	856,372	947,852	174,477	20.4%
Total City's 1.7% Tax	\$13,376,296	\$13,052,894	\$12,030,107	\$ 323,402	2.5%

Overall, FY 2023 **Total City 1.7% Taxes** are 2.5% or \$0.3 million **more** than FY 2023 for the first 3 months of July-Sept. The FY 2024 Budget Goal of a 2.2% **increase** is being met.

Sub-Total Recurring tax revenues, in the General, support the City's core on-going operations, personnel, small equipment, contracts, commodities and debt service.

"**All other**" consists of 14 categories primarily driving by Commercial Leasing, Equipment rental and Communications accounting for most of the activity.

At-risk or Ending categories have either been or are at risk of being discontinued as taxable activities. The year-over-year change for "Food for home consumption" (Grocery) has been stabilizing Last fiscal year FY 2023 recorded a 20% increase compared to FY 2022. Collections from **residential rental leasing** activities will cease midway through FY 2025.

Construction revenue is allocated for capital expenditures or other one-time type purchases, not core operations. This is an indicator of growth in the tax base for future property and sales taxes.

Category as Reported by ADOR	July-Sept FY 2024	July-Sept FY 2023	July-Sept FY 2022	Change in FY24/FY23	%
Restaurants and bars	\$ 1,751,866	\$ 1,606,557	1,594,051	\$ 145,309	9.0%
Hotels	289,930	321,795	299,666	(31,865)	-9.9%
Total Two Percent Tax	\$ 2,041,796	\$ 1,928,352	\$ 1,893,717	\$ 113,444	5.9%

Total 2% Tax for Parks is 5.9% **higher** through the first 3 months of FY 2024 as compared to FY 2023. The hot and extended summer has may have shown impact to the two categories of the 2% Tax.

- State Revenue Sharing
 - State Revenue Sharing needs to stay relevant as the Budget Hearing is coming up soon.

STATE REVENUE SHARING

Slide From FY 2024
Budget Hearings



- State Shared Revenues are distributed base on population. Initial estimates use prior years population.
- Final estimates with the current population are not available until after the City's budget is adopted.
- COY "rounds down" for its proposed budget to mitigate any decrease in the "final" estimates.

SALES TAX:

- \$877,470,000 Statewide
- Yuma FY 2024 Estimate = \$14.4 million; 12% of GF Budget

RISKS:

- State's economy,
- Yuma/State Population ratio

INCOME TAX:

- Known as Urban Revenue Sharing
- \$ 1,564,820,000 Statewide
- Yuma FY 2024 Estimate = \$25.5 million; 22% of GF Budget

RISKS:

- State's economy,
- State Legislation,
- Yuma/State Population ratio

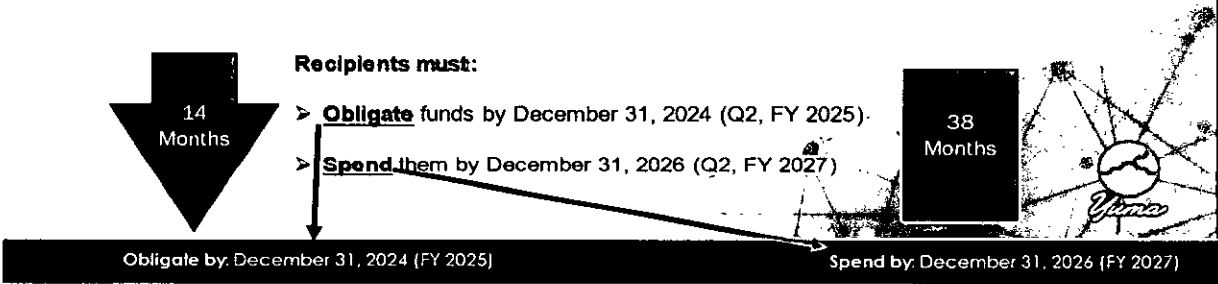
- State Shared Income Tax Changes
 - State allocation to cities/towns are up from 15% to 18% of the total income tax in FY 2024.
 - A flat tax of 2.5% will start in the middle of FY 2025 and will be fully implemented in FY 2026.
 - The amount of money the City will be receiving from the State Shared Income Tax changes is reserved and put in to a separate account, as it is one-time revenue and should not be combined with recurring funds that are received.
- Expenditures/Expenses
 - Governmental Funds
 - Governmental Funds include:
 - General Fund
 - Highway User Revenue Fund
 - City Road Tax Fund
 - Public Safety Tax Fund
 - Two Percent Tax Fund
 - Total expenditures from the General Fund are at 21%. For this time of the year if expenditures are under 25% the City is on track.
 - Governmental Funds are higher than previous years due to inflationary factors, and supply chain delays. The City is receiving vehicles this year that were ordered two or three years ago, and vehicles ordered this year will be delivered two to three years from now. This trend is likely to continue for several years.

- Enterprise funds
 - Enterprise Funds include:
 - Water
 - Wastewater
 - Solid Waste
 - The Enterprise Funds spending levels are within the 25% bracket, which meets the intended goal.
 - Enterprise funds continue consistent revenue growth compared to last year.
- ARPA (American Rescue Plan Act)
 - Obligate funds by December 31, 2024 (Q2, FY 2025) and spend them by December 31, 2026 (Q2, FY 2027)
 - Project Budget original amount and amended amount will always stay the same.
 - As projects are completed their budgets are adjusted to meet their expenditures, that contingency becomes a hub. Keeping that a positive number is how the other funds stay balanced.
 - To date we have spent \$7.1 million and have obligated \$1.7 million, leaving an available balance of \$15.9 million.

ARPA (AMERICAN RESCUE PLAN ACT)

The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements.

On April 6, 2022, City Council adopted Resolution R2022-012 that approved the City's ARPA Project List, which outlines the City's intended uses for the funds. Use of ARPA funding for projects was originally adopted in the FY 2023 City Council approved budget.



ARPA (American Rescue Plan Act)



Project	Project Budget		Actual Spending				Obligate / Encumbered	Total Spent or Obligate	Available Balance
	Original	Amended	FY 2022	FY 2023	FY 2024	TOTAL			
1 Adult Education Project	200,000	200,000	-	-	-	-	-	200,000	
2 Economic Development Marketing	100,000	100,000	-	\$ 85,000	-	\$ 85,000	\$ 10,000	\$ 95,000	
3 Economic Development-Small Business	200,000	200,000	-	-	-	-	-	200,000	
4 East Mesa Community Park	10,000,000	10,000,000	-	26,485	-	26,485	170,339	196,825	
5 City-Wide Parks Rehabilitation	250,000	272,000	-	1,442	\$ 10,555	11,997	124,630	144,627	
7 Kennedy Regional Park Improve	500,000	535,000	-	25,509	-	405,509	116,304	521,813	
9 Ambulance	500,000	500,000	\$ 61,260	105,616	238,221	405,097	87,007	493,000	
11 Readiness Center AC & Gym Enhance	750,000	715,000	-	-	-	-	-	715,000	
12 Kennedy Regional Skate Park	2,500,000	2,500,000	-	48,093	-	48,093	295,507	343,600	
13 Ventilation System Air Purifier	53,000	53,000	-	50,268	-	50,268	-	50,268	
14 East Wetlands Park Improvements	300,000	300,000	-	-	-	-	-	300,000	
15 Fire Station Alerting System	250,000	250,000	-	-	-	-	-	250,000	
18 Audio Upgrade Portable Conference Chamber Sys	25,000	25,000	-	12,007	-	12,007	-	12,007	
19 Fire Station-Ambulance Medical Supplies	130,000	130,000	-	129,037	-	129,037	-	128,037	
20 Technologies Upgrades to 190	100,000	100,000	-	41,049	1,491	42,540	38,488	81,028	
21 COVID Overtime for Public Safety	600,000	600,000	-	-	-	-	-	600,000	
25 Intelligence Trans Sys PH 1	1,500,000	1,500,000	-	-	-	-	-	1,500,000	
26 Hwy Wiring & Rejuvenating of Maint Yd	250,000	333,755	-	213,915	-	213,915	18,201	232,116	
28 Contingency	-	11,843	-	-	-	-	-	11,843	
16 Castle Park Flooring - COMPLETED	415,000	464,135	-	464,135	-	464,135	-	464,135	
8 Playground Replacement Program - COMPLETED	500,000	461,855	-	461,855	-	461,855	-	461,855	
10 Fire Station 7 Construction - COMPLETED	2,000,000	2,019,412	-	898,075	268,589	1,166,664	852,748	2,019,412	
16 Enterprise Document Mngmnt - REPURPOSED	80,000	-	-	-	-	-	-	-	
17 EmerGov Connect Portal - REPURPOSED	20,000	-	-	-	-	-	-	-	
22 HERO Pay Bonuses - COMPLETED	1,000,000	1,000,000	1,000,000	-	-	1,000,000	-	1,000,000	
23 Boys & Girls Club Funding - COMPLETED	100,000	100,000	-	100,000	-	100,000	-	100,000	
24 Public Safety Trk Rehab - COMPLETED	800,000	800,000	-	800,000	-	800,000	-	800,000	
27 Location Data Analytic Tool - REPURPOSED	-	-	-	-	-	-	-	-	
Total	\$23,123,000	\$23,123,000	\$1,061,260	\$3,849,485	\$518,856	\$5,429,601	\$1,714,120	\$7,143,721	



Obligate by: December 31, 2024 (FY 2025)

Spend by: December 31, 2026 (FY 2027)

Discussion

- The City Sales Tax slide shows categories that the Finance Department monitors closely because the State Legislature looks at those different categories to sometimes make changes during budget season. State Income Tax money is a one-time revenue and should not be combined with money from the general fund and spent on operations or ongoing things with those resources; that money is put in a separate fund. How that money will be used and alternative options to deal with the loss of the one-time revenue would be something to discuss at the next budget meeting. (Shelton/Allen/Simonton/Mayor Nicholls)
- Any room occupied from July to September was included in the hotel revenue, that includes rooms for contractors in the area. (Shoop/Allen)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.4 – Cooperative Purchase Agreement: Parks Playground Equipment Shade Structures (Authorize the purchase, delivery, and installation of two shade structures to Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$190,913.86) (CPA-24-108) (Pks & Rec)

Motion (Morales/Knight): To continue the Motion Consent Agenda item C.4/MC 2023-166 to the November 15, 2023, Regular Council Meeting. Voice vote: **approved 6-0.**

Motion Consent Agenda Item C.3 – Cooperative Purchase Agreement: Stewart Vincent Wolfe Playground Inclusive Play Project (Authorize the purchase, delivery and installation of inclusive playground equipment from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement at an estimated expenditure of \$223,262.76) (CPA-24-124) (Pks & Rec)

Urfer provided an update on the Inclusive Play Project at Stewart Vincent Wolf playground, stating that the project was started over a year ago when City Council heard a presentation by the Liggett family who pointed out that although the park was ADA accessible, it lacked true inclusive play opportunities. **Urfer** stated that through fundraising and several significant local donations, the project has been completed.

Urfer also spoke about Yuma Regional Medical Center's contribution to the project and introduced **Robert Trenchel**, President, and CEO of Yuma Regional Medical Center (YRMC), who spoke about the passion and importance of the project to the Yuma community and YRMC. **Trenchel** expressed that it is an honor for YRMC to be part of this project and is proud to support the completion of the West Wetlands inclusive playground, along with the all-new inclusive playground at the East Mesa Park. **Urfer** reiterated that YRMC will be paying for the three inclusive play pieces at the new East Mesa Park.

Mayor Nicholls thanked everyone who has contributed to the Inclusive Play Project at the Stewart Vincent Wolf Playground and the new East Mesa Park.

Motion (Knight/Morales): To approve the Motion Consent Agenda as recommended with the exception of item C.4, which will continue at the November 15, 2023, Regular Council Meeting. Voice Vote: **approved** 6-0.

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

Regular Council Meeting	September 20, 2023
Regular Council Meeting	October 17, 2023

B. Executive Session

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)

C. Approval of Staff Recommendations

1. Declare surplus and award the sale of (175) firearms to the highest responsive and responsible offer for a total of \$33,741.00 from the following vendors: (1) Kings Firearms, Columbia, TN. \$2,870.00; (2) Nine Lives Auction, Phoenix, AZ. \$30,586.00; and (3) Sprague's Sports, LLC, Yuma, AZ. \$285.00 (RFO 23-293) (YPD/Fin)
2. Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$368,215.00 to Advanced Network Management, Inc., Scottsdale, AZ (CPA-24-001) (IT/Fin)
3. Authorize the purchase, delivery and installation of inclusive playground equipment from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement at an estimated expenditure of \$223,262.76 (CPA-24-124) (Pks & Rec/Fin)

4. Authorize the purchase, delivery, and installation of two shade structures to Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$190,913.86 (CPA-24-108) (Pks & Rec/Fin)
5. Authorize a sole source purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an expenditure of \$618,099.62 to: Badger Meter, Milwaukee, WI (SS-24-127) (Utl/Fin)

II. RESOLUTION CONSENT AGENDA

Resolution R2023-050 – Acceptance of Greater Yuma Port Authority (GYPA) Distribution (Accept GYPA’s proposed distribution of \$155,000.00 to each member agency) (Admn)

Motion (Knight/ Morris) to continue Resolution R2023-050 to the December 6, 2023, Regular Council Meeting. Voice Vote: **approved** 6-0.

Councilmember Knight, who also serves as a member of the GYPA Board, explained there are some additional details to take care of at the GYPA Executive Board Meeting on November 16, 2023, before continuing with Resolution R2023-050.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2023-034 – Amendment: Ordinance O2019-037 (Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for rezoning Ordinance O2019-037, and introduce an ordinance to amend O2019-037 to extend the time to comply with the rezoning conditions) (Plng & Nbhd Svcs/Cmty Plng)

Discussion:

- The five-year mark is extended from the original date of approval in 2019. The five-year extension adds flexibility and sufficient time to comply with the rezoning conditions, and additional requests for extensions will not be necessary. (**Mayor Nicholls/Linville**)

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

Bushong displayed the following title(s):

Ordinance O2023-034

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2019-037 to extend the time for compliance with conditions for the rezoning of certain property from the Agriculture (AG) District to the Light Industrial (L-I) District and amending the zoning map to conform thereto (Extend the deadline from two years to five years to comply with rezoning conditions) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0.

IV. INTRODUCTION OF ORDINANCES

Ordinance O2023-035 – Text Amendment: Accessory Dwelling Units (Amend Title 15, Chapter 154, to update the placement, size, and height of accessory dwellings) (Plng & Nbhd Svcs/Cmty Plng)

Discussion:

- **Morris** suggests a clarification on the Ordinance to define 50% of the total square footage of the primary residence to include all covered area.
- All covered areas include the gross square footage of the structure; this includes everything under a roof connected to the structure such as garage, patio, and a front portico. Separate structures like a gazebo or shed would not be included. **(Knight/Morris/Albers)**
- 50% of the entire covered roof area of the structure is reasonable and gives the homeowners and builders more flexibility when building an accessory dwelling unit (ADU), without the unit becoming the primary focus of the property. **(Morris/Mayor Nicholls)**
- ADU's do not require additional parking to be included with the property. Parking is under a separate code and any changes need to be done in a separate action. **(Shoop/Mayor Nicholls/Albers)**
- Changes to the parking code will be coming soon and the parking situation for ADU's will be discussed at this point. **(Simonton)**
- The height requirement for an ADU addresses two different locations. The maximum allowable building height should not exceed the single-family dwelling on site, and ADU's located above a detached garage should not exceed 25 feet. **(Mayor Nicholls/Albers)**
- Some zoning districts have a height limitation for buildings to not exceed 20 feet; ADU's should not exceed the height restriction of the applicable zoning district. **(Morris/Albers)**

Speakers

- **Gary Wright**, City resident, asked how ADU's are compliant with Homeowner Association (HOA) restrictions, commercial operations on the property, and homeowner occupancy if the ADU is used as a rental property. **Albers** informs **Wright** of a deed restriction stating the owner will occupy one of the units on the property if the other is used as a rental. **Mayor Nicholls** informed **Wright** that HOA's are not impacted by this change, and residents should abide by HOA rules; commercial use of an ADU is not allowed due to zoning restrictions.

Motion (Morris/Morales): To amend Ordinance O2023-035 to read in section 1, C (5), B, *shall not exceed 50% of total square footage of the entire structure of the primary residence to include all covered area.*

Voice Vote: **approved 6-0.**

Ordinance 2023-036 – Text Amendment: Nursing & Personal Care Facilities and Residential Care Homes (Amend Title 15, Chapter 154, of the Yuma City Code to update the definitions and allowable zoning districts for Nursing & Personal Care Facilities and Residential Care Homes) (Plng & Nbhd Svcs/Cmty Plng)

Discussion:

- **Gary Wright**, City resident, spoke about federal regulations allowing Assisted Living Facilities in residential units and asks if the regulation can be amended at the local level. **Mayor Nicholls**

informed **Wright** that if the state passes a law, the City can only be more restrictive, not less restrictive.

Ordinance 2023-037 – Yuma City Code Text Amendment: Fireworks (Amend Title 13, Chapter 139 (Yuma City Code §§ 139-004 through 139-010, and § 139-009) to comply with the State preemption of the regulation of Fireworks and Permissible Consumer Fireworks, and incorporate the amendments enacted by Senate Bill 1188, of the Fifty-sixth Legislature, First Regular Session, 2023) (Atty)

Discussion:

- For the City Ordinance to coincide with state law, legal fireworks will not be allowed on Christmas day. (**Shelton/Files**)

Bushong displayed the following title(s):

Ordinance O2023-035

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations to update the placement, size and height requirements for accessory dwelling units (Amend Title 15, Chapter 154, Article 15, Section 16 to update placement, size and height requirements for accessory dwellings) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2023-036

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations to update the definitions and allowable zoning districts for nursing and personal care facilities and residential care homes (Amend to align the City of Yuma zoning code with the State of Arizona statues for residential care facilities) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2023-037

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, Chapter 139 of the Yuma City Code regulating fireworks within the City (Amend Yuma City Code to comply with state law) (Atty)

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.

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2023-048 – General Plan Amendment: YRMC Yuma East Outpatient Medical Campus (Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the properties located at the southeast corner of 24th Street and Avenue A) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls opened the public hearing at 6:31 p.m.

Albers presented the following information:

- This is request for a General Plan amendment to change land use designation for 9.4 acres from Mixed Used to Commercial.

- Noted that the staff report contained an error as this action is a ‘minor’ amendment, not a ‘major’ amendment.
- Proposed change is for property located at the southeast corner of 24th Street and Avenue A.
- Commercial land use designation will allow for land redevelopment and a B-2 District allowing a greater height for new construction; medical offices and related facilities, to include a parking garage.
- Neighbors attended the neighborhood meeting on 08/02/2023 and expressed concerns about existing and future traffic issues on Rosewood Drive.

Speakers

- **Alex Laky**, non-resident, presented himself as the architecture representative for the Yuma Regional Medical Center (YRMC) Yuma East Outpatient Medical Campus project. **Laky** spoke about consolidating existing medical programs at YRMC to the new facility for efficient and improved patient care at one location. **Laky** noted that 13 of the 15 existing buildings in the area are scheduled for demolition, to bring new and improved facilities. The remaining buildings will be renovated with improvements for a higher level of care.

Motion (Knight/Morris): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:34 p.m.

Discussion

- Expressed support of the project, but would like the traffic concerns of neighbors in the area addressed. (**Mayor Nicholls**)
- Also, expressed support of the project, but stated that Rosewood Drive is currently being used as a bypass for traffic on 24th Street, and stated that this issue needs to be mitigated for the future increase in traffic flow. (**Knight**)

Motion (Knight/Morales): To adopt the Resolution Consent Agenda as Recommended.

Bushong displayed the following title(s):

Resolution R2023-048

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation from Mixed Use to Commercial for properties located at the southeast corner of 24th Street and Avenue A (Change the land use designation to Commercial for approximately 9.40 acres) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0

Resolution R2023-049 – General Plan Amendment: YRMC/AWC Medical Education Building (Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the property located at the northwest corner of 24th Street and Elks Lane) (Plng & Nbhd Svcs/Cmty)

Mayor Nicholls opened the Public Hearing at 6:39 p.m.

Albers presented the following information:

- This is request for a General Plan amendment to change land use designation for 7.2 acres from Mixed Used to Commercial
- Proposed change is for property located at the northwest corner of 24th Street and Elks Lane.
- Commercial land use designation will allow for land redevelopment and a B-2 District allowing a greater height for new construction; medical offices and related facilities, to include a parking garage.
- Applicant intends to redevelop the site and build a medical education building.
- Two neighbors attended the neighborhood meeting on 08/09/2023 and asked questions about the construction timeline, the type of development, and noted concerns with construction noise.

Speakers

- **Alex Lakey**, non-resident, presented himself as the architecture representative for YRMC Yuma East Outpatient Medical Campus project. **Lakey** speaks about the partnership between YRMC and Arizona Western College and their intent to offer a full course medical education in Yuma that will help with retainment of local clinical expertise. The new state of the art building will offer an experiential training environment for both simulated and virtual instruction.

Motion (Knight/Morales): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:42 p.m.

Discussion

- Expressed support for this project and looks forward to the project being analyzed in conjunction with the previous project regarding the traffic flow. (**Mayor Nicholls**)
- As the project moves forward, a traffic study will be done to identify any impact or necessary improvements needed to ease traffic in the area. Existing businesses will be included in the traffic study. (**Shoop/Mayor Nicholls**)
- The anticipated duration of construction for the project is 24 months, provided there are no supply chain challenges along the way. Once the contractor is on board with the project, there will be a closer look at noise abatement steps that can be taken and those measures will be shared with neighbors at a later meeting. (**Shelton/Lakey**)

Motion (Morris/Knight): To adopt the Resolution Consent Agenda as Recommended.

Bushong displayed the following title(s):

Resolution R2023-049

A resolution of the City Council of the City of Yuma, Arizona, amending resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation from Mixed Use to Commercial for property located at the northwest corner of 24th Street and Elks Lane (Change the land use designation to Commercial for approximately 7.18 acres) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0

VI. VARIANCE APPEAL – 2475 S. 43RD TRAIL

Motion (Knight/Morris): Move City Council recesses this City Council meeting and reconvenes as a quasi-judicial body sitting as statutory Board of Adjustment to hear a Variance Appeal. Voice vote: **approved 6-0**. City Council Recessed at 6:48 p.m.

Please see Variance Appeal Minutes, that cover the Variance Appeal, on the City of Yuma website

City Council Reconvenes at 7:01 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Shoop/Morales): To appoint **Virginia Avelar** to an initial two-year term expiring December 31, 2025, on the American with Disability Act (ADA) Advisory Commission. Voice vote: **approved 6-0**

Announcements

Knight, Morales, Deputy Mayor Morris, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- November 7th – City of Yuma Special Election
- November 9th – The 14th Annual Water Festival hosted by the utilities department at the Pacific Avenue Athletic Complex (PAAC)

Simonton reminded citizens to take part and complete the online survey on the City website for The Parks, Arts, Recreation and Trails (PART) Master Plan. In addition, **Simonton** notified citizen that in observance of Veteran’s Day, City Hall would be closed, but there would be no interruption to the City’s trash service. Lastly, **Simonton** informed citizens the Fall Pavement Preservation Project is in effect. Citizens can look at the map on the City website to see when the project will be in their neighborhood.

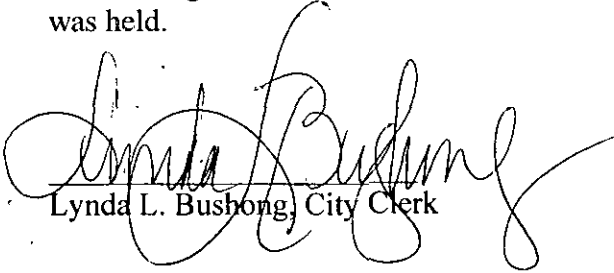
IX. CALL TO THE PUBLIC

Richard Maynard, City resident, spoke about volunteering as a representative of Rosewood Drive and attend the traffic mitigation meetings for the YRMC Yuma East Outpatient Medical Campus project. **Maynard** has been living on Rosewood Drive for 67 years and feels that his input regarding traffic on this street will be beneficial.

Rita Ybarra, City resident, thanked the Mayor and Council for their support of placing speed bumps and sidewalks on Rosewood Drive. **Ybarra** stated there are school busses that come through Rosewood Drive to drop off students, including special needs students. **Ybarra** would like the safety of these students to be taken into consideration with the new project development.

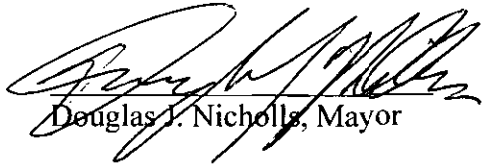
X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:20 p.m. No Executive Session was held.




Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: 
City Clerk: 