

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 1, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Honorable Wynnne Ortega, Cocopah Tribal Councilmember, gave the invocation. **Colonel Jared K. Stone**, Commanding Officer, Marine Corps Air Station Yuma, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Knight (passed away 4/14/2024 – seat vacant)
Staffmembers Present: Acting City Administrator, John D. Simonton
Neighborhood Services Manager – Grants, Nikki Hoogendoorn
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.

Economic Development Week Proclamation

Mayor Nicholls read a proclamation declaring the week of May 6th through May 10th, 2024, as Economic Development Week. The proclamation recognizes economic developers and their contributions to create and promote economic wellbeing and quality of life for their communities.

Simonton recognized **Jeff Burt**, Economic Development Director, and thanked him for the great work he has done for the City of Yuma. **Mayor Nicholls** also thanked **Burt** for his contributions to the City. **Burt** will be retiring at the end of May.

Presentation

Nikki Hoogendoorn presented the 2024 Action Plan describing how federal funds awarded to the City from the Department of Housing and Urban Development (HUD) will be used.

- Purpose of funds:
 - Community Development Block Grant (CDBG)
 - National Objective
 - Benefit low-to-moderate income people
 - ✓ A family of 4 with a yearly income of \$53,000 or less will qualify for services

- Prevent or eliminate slums or blight
 - Meet an urgent need
 - Used only within the City of Yuma limits
 - Current primary focus is the Mesa Height Neighborhood Revitalization Area (Mesa Heights)
- HOME Investment Partnership Program (HOME)
 - Used to create or preserve affordable housing
 - Awarded to the Yuma County HOME Consortium
 - Can be used county-wide

• Federal Allocation

	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
CDBG	\$859,415	\$916,984	\$916,011	\$890,871	\$890,871 est.
HOME	\$1,042,144	\$753,444	\$411,329	\$378,564	\$378,564 est.

- The chart reflects an estimate of funds expected to be awarded from HUD. The allotment is expected the first week of May

• Application Process

- October 20, 2023 – Invitations to submit grant applications and public notice
- November 6, 2023 – Public hearing, technical assistance for applicants
- December 11, 2023 – Application deadline
- January – February 2024:
 - CDBG Citizen Advisory Committee: reviews applications, hears presentations from applicants, offers funding recommendations
 - Yuma County HOME Consortium, Board: reviews applications, requests application clarification, makes funding decisions

• HOME Funding Recommendation

HOME Funding Recommendations				
PY 24/25 Allocation	\$378,564			
Reprogrammed Funds	<u>197,854</u>	Funding Requests	Consortium Recommendation	Contingencies
	\$576,418			
Applications Received				
1	Danco Communities – Fortuna Palms	\$200,000	\$200,000	<i>If not awarded LIHTC, funds will go to Yuma County Housing Rehab</i>
2	City of Yuma - Housing Rehab	\$375,000	\$281,777	
3	Yuma County - Housing Rehab	\$150,000		
	Subtotal	\$725,000	\$481,777	
CHDO Required (15% estimated \$56,785)				
4	CHDO Set-Aside PY 2024-25	\$56,785	\$56,785	<i>Will be adjusted to 15% of actual allocation</i>
	Subtotal	\$56,785	\$56,785	
HOME Planning & Administration (10% cap - \$37,856)				
5	HOME Planning & Admin	\$37,856	\$37,856	<i>Will be adjusted to 10% of actual allocation</i>
	Total	\$819,641	\$576,418	

- Estimated allotment of HOME funds is expected to be over \$378,000 this year
 - Reprogrammed funds that are returned to the City will be used for some of the HOME funding recommendations
 - Danco Communities – Fortuna Palms is an affordable housing project. The developer has applied for a Low-Income Housing Tax Credit; the City has provided funding to support their application. If the developer does not receive the tax credit, the funds for the project will go to the Yuma County Housing Rehab Program
 - Every year the Consortium is required to set aside 15% of their funding to benefit the Community Housing Development Organization to create affordable housing
 - The Consortium is allowed to set aside 10% of funds for planning and Administrative costs of the HOME program
- CDBG Funding Recommendations

CDBG Funding Recommendations				
PY 24/25 Allocation	\$ 890,871			
Reprogrammed funds	\$ 53,347			
Total to allocate	\$ 944,218			
		Funding Requests	Advisory Board Recommendation	Comments
Public Services (15% cap - \$133,630)				
1	Crossroads Mission – Outreach Program	40,000	40,000	
2	WACOG Housing Counseling Services	75,000	40,000	Prevention of mortgage default and evictions
3	AWC SBDC – Microenterprise Assistance	91,350	50,000	One-on-One Microenterprise Counseling
	Subtotal	\$206,350	\$130,000	
Housing & Public Facilities				
3	City of Yuma			
	Code Enforcement	75,000	75,000	
	Housing Rehab	500,000	363,220	Will be adjusted per actual allocation
4	Infrastructure Supporting Rental Development-Vistara*	150,000	130,000	*If LIHTC is not awarded, funds will be moved to Housing Rehab
5	Achieve, LNR1 – Window Replacement	72,824	72,824	12 units – Mesa Heights Neighborhood
	Subtotal	\$797,824	\$641,044	
Planning & Administration (20% cap - \$178,174)				
6	CDBG Planning & Admin	178,000	158,174	Will be adjusted per actual allocation
7	Southwest Fair Housing Council-Fair Housing Program	22,000	15,000	
		\$200,000	\$173,174	
	Total	\$1,204,174	\$944,218	

- Allotment of CDBG funds is estimated to be \$890,000; this amount will be combined with reprogrammed funds for an estimated total of over \$944,000
 - The Infrastructure Supporting Rental Development-Vistara project is contingent on the developer receiving their tax credit award. If the tax credit is not awarded, the money for that project will be moved to the Housing Rehab Program
- Next Steps
 - Public comment period begins
 - Expected HUD allocation notification – May 8
 - Newspaper publication – May 17
 - Public Hearing – May 29
 - Council consideration of 2024 Action Plan – June 26
 - Submit Plan to HUD before July 8

Discussion

- In an effort to divide the money between the City and the County, the Advisory Board recommended Yuma County to receive the full amount allotted for the Fortuna Palms project in the event the project is not awarded the money. **(Nicholls/Hoogendoorn)**
- The HOME and CDBG funds are not meant to help house people, instead they help people who are at risk of losing their home through foreclosure or eviction. Western Arizona Council of Governments (WACOG) is a good resource for people who are seeking help for housing. **(Shelton/Hoogendoorn)**

I. MOTION CONSENT AGENDA

Motion (Smith/Morales): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

Special Worksession/City Council Retreat Minutes	March 26, 2024
Special Worksession/City Council Retreat Minutes	March 27, 2024
Regular Council Meeting Minutes	April 17, 2024

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. Approve a Series #12: Restaurant Liquor License application submitted by Ruben Walshe, agent for La Bodega Entertainment & Hospitality, LLC located at 1221 W. 16th Street. (LL24-04) (Admn/Clk)
2. Pursuant to Yuma City Code § 36-36, reject the bid received for concert production services, which exceeded the allocated amount for these services. (RFB-24-173) (Admn/Purch)
3. Authorize the purchase and installation of a G2 Fire Station Alerting System utilizing the Cooperative Purchase Agreement originated by NPPgov at a cost of \$718,637.45 to: US Digital Designs, Inc., Tempe, Arizona. (CPA-24-280) (YFD/Purch)
4. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for overtime, employee related expenses, and mileage being utilized in support of Operation Stonegarden. (YPD)
5. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for overtime, employee related expenses, and mileage being utilized in support of Operation Stonegarden. (YPD)

6. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for equipment utilized in support of Operation Stonegarden. (YPD)

II. RESOLUTION CONSENT AGENDA

Motion (Morris/Shelton): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2024-012

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an Intergovernmental Agreement with Marine Corps Air Station Yuma (allow Marine Corps Air Station-Yuma to use the City of Yuma Public Safety Training Facility for training of their personnel) (YPD)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Smith/Morales): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2024-014

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 7 of the Yuma City Code adding regulation of short-term rentals (vacation rentals) in a manner consistent with Arizona Revised Statutes; providing penalties for violation thereof; and providing for severability (following State Statutes and State of Arizona Department of Revenue regulations, treat Short Term Rentals the same as other hotel/motel/transient lodging operations) (Fin/Atty)

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

IV. INTRODUCTION OF ORDINANCES

Ordinance O2024-016 – Rezoning of Property: 958 S. 3rd Avenue (Approve the rezoning of an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3rd Avenue, Yuma, AZ) (Plng & Nbhd Svcs/Cmnty Plng)

Deputy Mayor Morris declared a conflict of interest and left the dais.

Bushong displayed the following title:

Ordinance O2024-016

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 General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, and amending the zoning map to conform with the rezoning (rezoning of approximately 7,000 square foot lot located at 958 S. 3rd Avenue) (Plng & Nbhd Svcs/Cmnty Plng)

Deputy Mayor Morris returned to the dais.

Ordinance O2024-017 – Rezoning of Property: Southeast corner of Avenue 6E and 48th Street (Rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48th Street) (Plng & Nbhd Svcs/Cmty Plng)

Speaker

Colonel Jared Stone, Commanding Officer, Marine Corp Air Station - Yuma (MCAS), spoke concerning infringement on the buffer zone around the Barry Goldwater Range and the agreement between the City of Yuma and Yuma County that was set in place in 1996. **Stone** added that not only will the rezoning of the property impact the range, but it will also lead to rezoning proposals in the future.

Discussion

- Councilmember **Shelton** spoke in agreement with Colonel Stone's point of view and stated his vote will not be in accordance with the Planning and Zoning Commission's vote, which was 3-2 in favor of rezoning the property.
- There has not been any conflict with residents in the neighborhoods that are currently outside the buffer zone; that is the reason why maintaining the buffer zone is important; to avoid complaints and conflicts with residents. (**Morales/Stone**)
- If the proposal is approved, new residents purchasing a home in the area will be made aware of the potential noise from the range by signing an agreement. Although the agreement will not prevent resident complaints, it will prevent legal action in the case of a lawsuit being filed due to the noise. (**Morales/Files/Stone**)
- Balance is important when making decisions that will affect the relationship the City has with MCAS, Yuma Proving Ground, Yuma County, and surrounding cities. There will be more discussion about the rezoning proposal at the next meeting and how we can keep the balance and get things done in the community. (**Mayor Nicholls**)

Bushong displayed the following title(s):

Ordinance O2024-013

An ordinance of the City Council of the City of Yuma, Arizona, fixing compensation and benefits for the Office of Municipal Judge from and after January 1,2025 (to establish compensation for the next term of the Municipal Judge's elected position) (Muni Court/Admin)

Ordinance O2024-015

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of an easement to the Yuma County Water Users Association for installation and maintenance of a new irrigation line for the Thacker Lateral (located along the southside of 28th Street, between Avenue C and 33rd Drive) (Eng)

Ordinance O2024-017

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts and amending the zoning map to conform with the rezoning (rezone approximately 77 acres located at the southeast corner of Avenue 6E and 48th Street) (Plng & Nbhd Svcs/Cmty Plng)

V. POTENTIAL CHARTER AMENDMENTS

Speaker

Patrick Cooley, non-resident, spoke about the plan to execute a salary increase for the Mayor and City Council. The idea to add an automatic cost of living increase to the salaries was impeding the progress of the salary increase, and for that reason, adding a cost-of-living increase will be revisited in the future. **Cooley** shared the recommended salary rates for the Mayor and City Council: Mayor will receive a \$45,000 annual salary, and each Councilmember will receive a \$25,000 annual salary. **Cooley** will hire a professional company to help with this campaign.

Discussion

- The salary for these positions is low across the state, with some cities being extremely low. Taking into consideration the size of the City of Yuma, the responsibilities of the Mayor and City Council, and the progress of the City, it was decided to stay within the mid-average paid salary across the state of Arizona (**Mayor Nicholls/Cooley**)
- The decision to revisit the idea of adding a cost-of-living increase to the Mayor and City Council salaries was a wise choice, as it will not go over well with the current population. That is something for a future group to decide if they want to make that change (**Shelton/Cooley**)

Speaker

Gary Wright, City resident, spoke in opposition of a salary increase for Mayor and City Council. As a former City Councilmember, **Wright** believes a public service position is a special position with an opportunity to serve the community and its citizens; compensation should not be a reason to run for City Council. **Wright** encourages the Mayor and City Council to discuss the proposed salary increase through conversations or worksessions with citizens and not look to a special committee for guidance or suggestions.

Miguel Miranda, City resident, spoke in opposition of the proposed annual compensation for the Mayor and City Council. As a business owner, **Miranda** understands that a major cost of a business is the cost of labor, and **Miranda** believes that the City does not have a budget to support the proposed salary increase and a more moderate increase should be considered.

Norma Nelson, City resident, shared her greatest honor was serving her family and community as a City Councilmember 20 years ago. **Nelson** also spoke regarding the economic development within the City, and the lack of local jobs. **Nelson** proposed investing in the City's economic development, which is in turn investing in the children in the community so they will not have to move out of the City to find employment.

Discussion

- Current Mayor and City Council salaries were put in place 20 to 30 years ago, and it is not out of line to ask for a raise. The idea to add the initiative to the November ballot was brought to City Council by the citizens. (**Mayor Nicholls**)
- Proposition 420 failed due to shortcomings and the way that it was presented to the people of Yuma. Adjustments have been made to the presentation of the new proposition for citizens to view it differently and consider that compared to other cities in Arizona, the City of Yuma salaries for Mayor and City Council are low even though the quantity and quality of work is similar to that of other cities. (**Shelton**)

- It is important to note the current salary of City Council is \$3,600 a year. Although it is one of the greatest honors to serve the City of Yuma, it is fair and reasonable to request a salary increase after 20 or 30 years of when the current salary was established for City Councilmembers. **(Smith)**
- Being up on the dais is a great honor, and the Mayor and City Council sit on the dais today at their current base salary because it was never about the salary. The proposal for a salary increase was presented and driven by the citizens. This initiative is for the community, and if a salary increase will help bring people to put their names on a ballot to run for office, the initiative will be gladly supported. **(Morales)**
- It is an honor to be able to serve the community as a City Councilmember. Not a single City Councilmember sits at the dais because of the pay; however, now is an adequate time for the pay to be adjusted and the proposed amounts of the new salary are suitable amounts. The ultimate decision is up to the vote of the people. **(Morris)**

Motion (Morris/Morales): to add to the ballot of the 2024 General Election the matter of the Mayor and City Council annual compensation. Voice vote: **approved** 6-0

VI. BUDGET DISCUSSION

No budget discussions at this time.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Smith, Morales, Morris, and Mayor Nicholls reported on the following meetings attended/upcoming events:

- Launch party for the Greater Yuma Water Safety Alliance
- Chamber of Commerce Mixer
- Tree Planting Event in partnership with Arizona Public Service (APS), Yuma Regional Medical Center (YRMC), Clean and Beautiful Commission and NexGen
- HerStory Tea party hosted by the Territorial Charter Chapter of Yuma's American Business Association
- City of Yuma Police Department Awards Banquet
- Arizona Western College 11th Annual Student Etiquette Luncheon
- Clean and Beautiful Commission Meeting
- Greater Yuma Economic Development Corporation Quarterly Luncheon
- Yuma Metropolitan Planning Organization Meeting
- Yuma County Teacher of the Year Awards
- Tour of Crossroads Mission with Arizona Community Foundation Director, Veronica Shorr
- The Yuma Legacy Gala
- Ponies North Kickoff
- Governor's Committee on Housing Meeting
- Yuma Investment Group Fundraiser
- Arizona Western College Border Entrepreneurial Challenge
- Arizona Airports Association Annual Meeting
- Press Conference for the Arizona Historical Society
- Bring your Child to Work Day at Yuma City Hall

Scheduling

Councilmember **Shelton** requests a presentation at the next City Council Meeting to inform the community of the partnership between Yuma Parks and Recreation and Yuma County Public Health Services and the launch of their summer swim programs.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- May 3, 2024 – Councilmember Gary Knight Celebration of Life at the City of Yuma Historic Theater

IX. EXECUTIVE SESSION

Motion (Smith/Morales): To adjourn the meeting to Executive Session. Voice vote: **approved** 6-0. The meeting adjourned at 6:45 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____