

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**SEPTEMBER 20, 2023**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:33 p.m.

**INVOCATION/PLEDGE**

**Pastor Phillip Hayman**, Valley Baptist Church, gave the invocation. **Adrian Rodriguez**, YPD Technical and Support Services Manager, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Police Chief, Thomas Garrity  
Police Officer, Christina Fernandez  
Municipal Court Administrator, Del Miller  
Assistant Director of Planning, Jennifer Albers  
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**

Yuma Police Department (YPD) Teen Academy

**Garrity** spoke about the Yuma Police Teen Academy that took place this year, noting that it took a team of instructors who volunteered their time to facilitate the program. He commended all those involved. He shared what the program entailed and how the School Resource Officers (SRO) took on the exciting challenge. **Garrity** introduced **Officer Cristina Fernandez** with the Yuma Police Department Public Affairs Office. **Fernandez** presented a program overview and the day-to-day hands-on activities of the Teen Academy's four-day course as follows:

Objective

- Build positive relationships and interactions between YPD personnel and participants
- Create an interest and excitement in seeking a career in law enforcement
- Introduce participants to the many opportunities YPD has to offer
- Expose participants to hands-on activities through first-hand experiences

### Recruitment

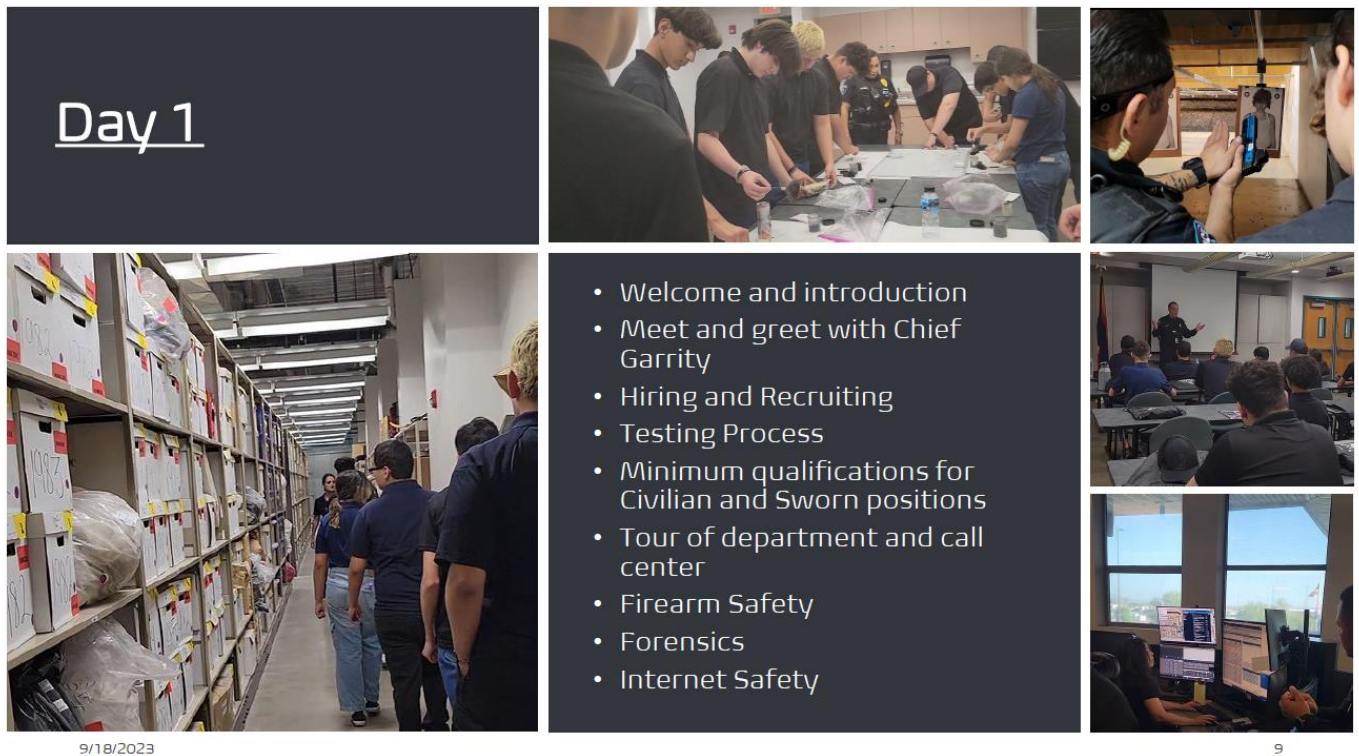
- Flyers were created to share through social media platforms
- Press release
- SRO's handed out flyers while on foot patrol

### Selection Process

- Applicant required to have a GPA of 2.0 or higher
- No Criminal History
- Must be enrolled in school
- Selected on first come first serve basis

**Fernandez** noted the academy was originally designed by Sergeant Franklin as a 12-week program and it was tailored down to four days of what would interest this age category. She also thanked Yuma Union High School and District One for providing lunches and transportation.

### Day-to-Day Activities



- Students were provided detailed information about the hiring and recruiting process to set up future qualified candidates with a successful hiring process.
- Students were given a tour of the Police Department, some classroom-based firearm safety instructions, and the opportunity to use the firearms at the firing range.
- Internet safety was an important issue to address with the teens as they are most vulnerable to internet dangers.



## Day 2

- Completed the Police Officer Physical Abilities Test (POPAT)
- Explored the Bearcat
- Tried on Special Enforcement (SET) gear
- Practiced tactical room clearing
- Presentation given on gangs by SOG
- Discussed bullying and cyberbullying

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- The students supported and encouraged each other through the Physical Abilities Test
- Were given a presentation by the Special Operations Group, which is our gang unit
- Discussed bullying and cyberbullying with intent that they can help peers recognize the red flags of bullying and how to report bullying.

## Day 3

- Rode with a Driving Instructor through the driving course.
- Discussed the dangers of driving while under the influence and distracted driving.
- Learned basic defensive tactics, handcuffing and Taser deployment.



- Riding with a driving instructor, students were able to go through the driving course like a newly recruited officer.
- Discussed the dangers of driving while under the influence and students utilized the drunk goggles
- Distracted driving, specifically discussing how cell phones have made an impact

## Day 4

Learned Basic Search and Seizure

Probable Cause

Reasonable Suspicion

Dangers of vaping and fentanyl

Responsibilities of Animal Control

K9 Presentation and demonstration

Graduation

10/12/2023



- Students were clearly showing development in their engagement at this point
- Students learned what is needed in order to justify an arrest.
- There was discussion about the dangers of vaping and fentanyl, as it is a huge issue at this time.
- Families were invited to a graduation ceremony to honor the 15 students.

### Objectives and Participant Input

- Many students stated they were uninterested and began the program only because their parents signed them up. Those same students ended the program wanting more.
- Future classes will include daily duties of the detectives, a more in-depth dispatcher presentation and more dedicated time to tactical room clearing of multiple rooms, as requested by participants.

### Discussion

- The initial application to attend the academy has a requirement for teens to be registered in school; home schooled teens meet the requirement. **(Mayor Nicholls/Fernandez)**
- Teens with a criminal background are not eligible to participate in the academy; there have been discussions with the Yuma County Juvenile Detention Center to partner and create something similar to the Scared Straight Program in the future. **(Morales/Fernandez)**
- The Yuma Police Department currently offers tours for preschool and kindergarten students that can be scheduled through the Yuma Police Department Public Affairs Office. **(Morales/Fernandez)**
- The Teen Academy will be an annual event; if there is enough funding there will be two classes during the summer. **(Shelton/Fernandez)**
- The Yuma Police Department is looking into bringing back the Explorer Program that would include 17 year old students, so just as they are graduating we can get them involved in the department and hopefully they will continue down this path. **(Morris/Fernandez)**

- Explorer Program outreach efforts will be made by Yuma Police Department SROs, through social media, and by review of current academy applications of those who attended the Teen Academy. (Morris/Fernandez)

#### Yuma Police Department Border Security Fund

**Garrity** presented the following overview of the grant funds received from the Department of Emergency and Military Affairs (DEMA) for Border Security and Anti-Human Trafficking:

#### Funding Overview and Objectives

- HB 2893 established Border Security Funds under Arizona Revised Statute § 26-105
  - Requires DEMA to administer the grant funds
  - Designates that funding may be used for the following purposes:
    - HB 2317 -Preventing Entry into the United States of:
      - ✓ Aliens who are unlawfully present in the US.
      - ✓ Terrorists and instruments of terrorism.
      - ✓ Contraband, including narcotics and other controlled substance.
    - HB 2862 – Anti-Human Trafficking purposes.
- Funding Uses
  - Personnel and Fringe benefit costs
    - Operation Stonegarden
  - Travel
  - Equipment (cost equal or greater than \$5,000)
  - Supplies (tangibles that cost less than \$5,000)
    - Office, training, exercise supplies
    - Outreach supplies
    - Small equipment such as laptops, monitors, radios, projectors, etc. that cost less than \$5,000 per unit.
  - Contractual/Consultant Services
  - Other costs such as on-going maintenance services, vehicle maintenance, phone services, etc.
  - Training and Exercise (except costs for consultation and/or contractual)
  - Outreach/Education/Awareness
- Application Overview
  - Initial Review Panel consisted of AZ Department of Emergency & Military Affairs, AZ Department of Public Safety and AZ Department of Homeland Security
  - Final Award Letter & Agreement
- Final Award Agreement Received
  - 8/24/2023 - FY 2023 Border Security Fund Program
    - Total \$9,286,332.00
  - 9/11/2023 – FY 2023 Anti-Human Trafficking Fund Program
    - Total \$499,998.00

#### Border Security Fund

- Reimbursement Grant
- 5-Year Agreement
  - October 2022 – December 2027

- Funding broken into two categories
  - Equipment - \$8,178,332.00
  - Supplies - \$1,108,000.00

**Border Security Fund  
 Equipment: \$8,178,332.00**

Item(s)	Quantity	Total Awarded
Patrol Division Vehicles	25	\$2,125,000
Tethered Drone	1	\$73,000
Portable Radios	60	\$420,000
Night Vision Headset	25	\$400,000
Regional P25 System	N/A	\$3,357,140
Four-wheel drive Vehicles (All-Terrain)	2	\$120,000
Investigations Division Vehicles	5	\$325,000
Forensic Technology SafeGuard Support	N/A	\$123,094
Mobile Communications Technology	N/A	\$700,098
BWC Hardware/License/ Support	N/A	\$350,000
Watch Tower	1	\$80,000
3D Laser Scanner	1	\$105,000

**Border Security Fund  
 Supplies: \$1,108,000.00**

Item(s)	Quantity	Total Awarded
Night Vision Scopes	6	\$18,000
Night Vision Sites	25	\$30,000
First Aid Kits	200	\$400,000
Major Crime Scene Digital Cameras	10	\$35,000
Mobile ID Units	50	\$625,000

**Anti-Human Trafficking Fund Program**

- Total \$499,998.00
- Funding broken into two categories
  - Supplies \$106,200.00
  - Contractual \$393,798.00
    - In collaboration with Amberly’s Place, Yuma County Sheriff’s Office and Yuma Police Department

**Anti-Human Trafficking Fund  
 Supplies - \$106,200**

Item(s)	Quantity	Total Awarded
Billboards Signage, Pamphlets, Radio and TV Commercials	N/A	\$86,400
Outreach Program and Promotional Items	N/A	\$19,800

**Anti-Human Trafficking Fund  
 Contractual - \$393,798**

name	Rate	Total Awarded
Patrol Level Anti -Human Trafficking 101 Training for Yuma LE Personnel	\$18,064.00 per training x 4 times for 3 years	\$216,768
Out of State Anti -Human Trafficking Conference (registration, hotel & per diem)	\$2,050.00 per officer x 10 officers per year for 3 years	\$61,500
Anti Human Trafficking "How to Interview victims" Training/Conference (registration, hotel, & per diem)	\$2,050.00 per officers x 11 officers per year for 3 years	\$67,650
Forensic Computer Services Software Training	\$1,995 per Investigator x 8 Investigators per year for 3 years	\$47,880

Discussion:

- Personnel is slowly increasing; Yuma Police Department, Border Patrol, Yuma County Sherriff's Office, Somerton Police, and City of San Luis work together whenever back up is needed. Relying on each other gets the job done until more personnel is hired. **(Shelton/Garrity)**
- Increasing the YPD fleet of patrol cars will allow us to issue each patrol officer their own vehicle. Push-popper bumpers are used to push vehicles off to the side of the road for safety. Specialized training, such as Precision Impact Technique (PIT) is being looked into. **(Morales/ Garrity)**

City of Yuma Municipal Court Amnesty Program:

**Miller** briefed City Council on the Amnesty Program and its benefits as follows:

Introduction to Amnesty Program

- The Amnesty Program was created in collaboration with the Yuma City Prosecutor and the Yuma County Public Defender
- Designed to address outstanding warrants
- Provides an opportunity to remedy those warrants, without the fear of being arrested
- One time opportunity for defendants
  - This is the only time the Amnesty Program will be in effect

**Miller** provided the following background of how warrants occur:

- Defendant is charged with a crime, and
  - Failed to show up for a court hearing (FTA)
  - Failed to pay their fine (FTP-Contempt)
  - Failed to comply with order such as counseling (FTC)



Due to these failures a warrant is issued, and now the defendant is looking at additional fines and/or jail time. **Miller** noted that while there are defendants who chose to ignore laws and court orders, there are also those who avoid surrendering due to the fear of losing their jobs or they may have gotten out of compliance because they have already lost their jobs. **Miller** stated the later are the defendants that the program will likely assist. He provided the following information on the Amnesty Program process:

**AMNESTY PROGRAM**

- Defendants with warrants issued for FTA, FTP, FTC eligible
- **MUST** sign up at Municipal Court during amnesty period
- **NO ARREST** on outstanding warrant
- Warrant quashed and given court date to appear at Amnesty Court
- When defendant appears at Amnesty Court warrant charge dismissed
- The original case is not part of Amnesty
- Amnesty Court then gets defendant back on track dealing with original charges

*IF FAIL TO APPEAR FOR AMNESTY COURT DATE- AMNESTY REVOKED AND WARRANT REISSUED*

**PARTICIPANTS APPEARING AT AMNESTY COURT = NO ARREST AND WARRANT CHARGE DISMISSED**



**Miller** reiterated that the Amnesty Program does not dismiss the original charge, it only dismisses the warrant charge. The Amnesty period is from September 21<sup>st</sup> through October 13<sup>th</sup>. **Miller** stated the Yuma Municipal Court currently has 1,350 outstanding criminal warrants, and the goal of Amnesty Court is to:

- Get defendants in compliance without further incarceration
- Give defendants an opportunity to stop the cycle
- Reduce the number of outstanding warrants that court and police have to address
- Clear up backlog of pending cases that are due to outstanding warrants

**Miller** also stated that if the Amnesty court date is missed, Amnesty is revoked, and the warrant is reissued. They will be holding Amnesty Court in the City Council Chambers due to the full docket at the Municipal Court and to provide a less intimidating location.



Discussion:

- These defendants are aware of their court dates due to either previously attending court or they signed to appear in court. The warrants issued through the Yuma Municipal Court are not bench warrants; a defendant is aware of an existing warrant out for their arrest (**Morris/Miller**)
- Letters are sent to the address provided by defendant to notify of warrant issued; it is the defendants responsibility to provide correct address. If defendant is on court ordered probation and address is not up to date, a warrant for their arrest can violate probation. (**Morris/Miller**)
- Original charges and fines will not be dismissed, only the additional charge for FTA, FTC or FTP will be dismissed. (**Knight/Miller**)
- The Amnesty program will not be recurring, this is the first and only amnesty program for the City of Yuma. (**Smith/Miller**)
- The Amnesty program is only for Municipal Court warrants issued for criminal charges, not to be mistaken with any other internationally known Amnesty programs. (**Mayor Nicholls/Miller**)

**I. MOTION CONSENT AGENDA**

**Motion** (Knight/Smith): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

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

Regular Council Meeting	July 19, 2023
Regular Council Meeting	August 2, 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. Approve a Series #07: Beer and Wine Bar/Owner Transfer Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1840 S. Arizona Avenue. (LL23-13) (Admn/Clk)
2. Award to the lowest responsive and responsible bidders for Tire Retread Services, a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual expenditure of \$102,239.20 with the following vendors: Active Tire LLC, dba Ed Whiteheads Tire Pros, Yuma, AZ and Purcell Tire, Yuma, AZ. (RFB-23-283) (Pub Wrks/Fin)
3. Authorize the City Administrator to execute a construction services contract for the water line replacement, 24<sup>th</sup> Street to 25<sup>th</sup> Street, between 5<sup>th</sup> and 6<sup>th</sup> Avenue, in the amount of \$666,616.38 to the lowest responsive and responsible bidder, Gutierrez Canales Engineering, Yuma, AZ. (RFB-23-220) (Eng/Fin)

4. Authorize the purchase of data protection services utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$163,063.75 to AHEAD, Inc., Chicago, IL. (CPA-24-001) (IT/Fin)
5. Authorize the purchase of two annual renewals of the Bonfire procurement software subscription through Bonfire Interactive, Ontario, Canada, utilizing a Cooperative Purchase Agreement through the Texas Department of Information Resources for an estimated annual expenditure of \$36,000.00. (2021-40000060) (IT/Fin)
6. Authorize the purchase of radio console software upgrades utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$315,167.00 to Motorola Solutions, Inc., Tempe, AZ. (GRT-24-083) (IT/Fin)
7. Authorize the purchase of asphalt, concrete and traffic control services for various locations utilizing the Asphalt and Concrete Maintenance Services agreement at an expenditure of \$104,978.50 awarding to: Quail Construction, LLC., Yuma, AZ (RFQ-22-089) (Utl/Fin)
8. Approve the final plat of the Mid Pointe Plaza Lot C Subdivision. The properties are located near the northwest corner of Avenue 8E and 32<sup>nd</sup> Street. (Plng & Nbhd Svcs/Cmty Plng)

## II. PUBLIC HEARING

Resolution R2023-042 – General Plan Amendment: Magnolia Avenue (Following a public hearing, adopt a resolution to amend the City of Yuma General Plan to change the land use designation from Medium Density residential to High Density Residential, for property located at 430 and 440 S. Magnolia Avenue) (Plng & Nbhd Svcs/Cmty Plng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2023-042 as his firm will be working on the project, turned the meeting over to Deputy Mayor Morris and left the dais.

**Deputy Mayor Morris** opened the Public Hearing at 6:33 p.m.

**Albers** presented the following information:

- This is a request for a General Plan amendment to change the land use designation for 430 and 440 S. Magnolia Avenue.
- Proposed change is from the current Medium Density to High Density Residential
- Area is 1.2 acres
- Development potential:
  - Potential increase of 16 dwelling units
  - Potential population increase of 32 persons
- Applicants intend to develop a 20-unit apartment complex.
- Concerns from residents regarding traffic density.
- Three comments in favor of the amendment were received from neighboring schools with Yuma School District 1.
- On August 14, 2023, the Planning and Zoning commission recommended approval of the request.

**Motion** (Knight/Morales): To close the Public Hearing. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest. The Public Hearing closed at 6:47 p.m.

Speakers

- **Thomas Bedoya**, City resident, expressed opposition to the project due to concerns regarding increased traffic, crime, and drugs, He stated that he does not believe the traffic study completed covered a large enough area to accurately reflect the amount of traffic coming into the area. He also noted that the amendment did not mention accommodations for special needs or handicapped residents.
- **Christopher Thompson**, Thompson Design, identified himself as one of the architects for the Arizona Housing Development Corporation. **Thompson** explained that this area is in desperate need of multi-family housing. The increase in density will allow for a 20-unit apartment complex project that is managed by the Housing Authority of the City of Yuma (HACY). This project will meet all current codes, standards for retention drainage, and several of the units will be designed for handicap accessibility. The targeted tenants are HACY families that go through a screening process for housing, units are reviewed frequently to deter misconduct, and if there are any violations families will be removed. **Thompson** is confident tenants will be good contributors to the neighborhood.
- **Michael Morrissey**, Director of Housing Authority City of Yuma (HACY), compares the new planned development on Magnolia Avenue to the Mesa Heights Apartments recently built on Arizona Avenue regarding quality. Morrissey spoke about the need for affordable housing in the City's General Plan, and how this project will help solve the need for housing for the 1,975 families that have applied for housing assistance with HACY.

Discussion

- **Knight, Shelton, and Deputy Mayor Morris** spoke in favor of the amendment to help with affordable housing that is needed for families at this time.

**Motion** (Knight/Smith): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title(s):

**Resolution R2023-042**

**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 Medium Density Residential to High Density Residential for properties located at 430 S. Magnolia Avenue and 440 S. Magnolia Avenue (change the land use designation for 1.2 acres to High Density Residential) (Plng & Nbhd Svcs)**

Roll call vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**FINAL CALL**

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

**III. ANNOUNCEMENTS AND SCHEDULING**

Announcements

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

Scheduling – No meetings were scheduled at this time.

**IV. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- September 21, 2023 – Local Contractors Forum at City Hall
- September 22, 2023 – Yuma Art Center Opening Reception for unveiling of two new fall exhibits

**V. CALL TO THE PUBLIC**

**Spurgeon Wesley Hilton**, City resident, presented City Council with a wooden walking stick he carved himself to donate back to the City in exchange for taking a prison cell key from the Yuma Territorial Prison when he visited the facility as a child 48 years ago.

**VI. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:06 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: \_\_\_\_\_