



City of Yuma City Council Meeting Summary

Wednesday, June 26, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

Those wishing to speak on an agenda item or during the Call to the Public must complete a Speaker Request Form. Forms are located at the entrance of the Council Chambers and should be submitted to City Clerk staff on the evening of the City Council meeting.

City Council Worksessions and Regular City Council Meetings can be viewed through the following platforms:

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.
- Live Stream – Residents can watch meetings on their computer or mobile device at www.yumaaz.gov/telvue. Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Zoom on their computer or mobile device at <https://cityofyuma.zoom.us/>.

CALL TO ORDER

5:31 PM

INVOCATION

PASTOR JOE AVILA, COMMUNITY CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE

RICHARD FILES, CITY ATTORNEY

ROLL CALL

Present: 5 - Mayor Douglas J. Nicholls, Deputy Mayor Chris Morris, Councilmember Arturo Morales, Councilmember Ema Lea Shoop and Councilmember Carol Smith

Absent: 2 - Councilmember Leslie L. McClendon and Councilmember Michael Shelton

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

PRESENTATIONS MADE

- Governmental Finance Officers Association Triple Crown Awards
- Yuma Police Department Annual Report

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action may be taken separately.

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

Approval of the Consent Agenda

A motion was made by Councilmember Morales, seconded by Deputy Mayor Morris, to APPROVE the Motion Consent Agenda as amended. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Morris, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 2 - Councilmember McClendon, and Councilmember Shelton

1. [MC 2024-087](#) **Regular Council Meeting Draft Minutes May 1, 2024**

Attachments: [2024 05 01 RCM Minutes.docx](#)

APPROVED

2. [MC 2024-089](#) **Regular Council Worksession Draft Minutes May 14, 2024**

Attachments: [2024 05 14 RWS Minutes.docx](#)

APPROVED

3. [MC 2024-088](#) **Regular Council Meeting Draft Minutes May 15, 2024**

Attachments: [2024 05 15 RCM Minutes.docx](#)

APPROVED

B. Executive Sessions

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A(1), (3), (4), and (7). (City Attorney)

C. Approval of staff recommendations:

1. [MC 2024-073](#) **Bid Award: Concert Production Services**

Award to the most responsive and responsible bidder a one-year contract for concert production services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$44,948.10 is awarded to Showboss LLC, Mesa, Arizona. (Administration RFB-24-323) (Jen Miller/Robin R. Wilson)

APPROVED
2. [MC 2024-074](#) **Bid Award: Riley Avenue and 17th Street Sidewalk and Streets**

Authorize the City Administrator to execute a contract for construction services at Riley Avenue and 17th Street, Sidewalk and Streets Project, to the lowest responsive and responsible bidder in the amount of \$123,349.50 for the base bid and \$26,303.00 for the alternate bids for a total of \$149,652.50 to Gutierrez Canales Engineering PC, Yuma, Arizona. (Engineering-RFB-24-199) (David Wostenberg/Robin R. Wilson)

APPROVED
3. [MC 2024-075](#) **Cooperative Purchase Agreement: Amazon Business**

Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (Finance-CPA-25-006) (Douglas Allen/Robin R. Wilson)

APPROVED
4. [MC 2024-076](#) **Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies**

Authorize the purchase of three 2025 Peterbilt Model 520/McNeilus 31-Yard Side-loaders and the purchase of one 2026 Peterbilt Model 520/McNeilus Rear-loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,941,981.00 to: Rush Truck Centers of Yuma (Public Works - CPA-24-345) (Joel Olea/Robin R. Wilson)

APPROVED
5. [MC 2024-077](#) **Cooperative Purchase Agreement: Kennedy Hockey Rink, Lighting Upgrade**

Authorize the purchase, delivery and installation of lighting fixtures at the Kennedy Hockey Rink to Musco Sports Lighting, LLC, utilizing Sourcewell cooperative purchase agreement for an expenditure of \$122,450.00. (Parks/Engineering-CPA-25-005) (Eric Urfer/David Wostenberg/Robin R. Wilson)

APPROVED

6. [MC 2024-079](#) **Cooperative Purchase Agreement: Information Technology Products and Services**

Authorize the purchase of Information Technology Products and Services utilizing vendors awarded from the 15 cooperative purchasing agencies noted below, at an estimated amount of \$7,062,175.00. (IT-CPA-25-001) (Isaiah Kirk/Robin R. Wilson)

Attachments: [1. Cooperative Purchase Agreement: ITS Products and Services](#)

APPROVED

7. [MC 2024-078](#) **Cooperative Purchase Agreement: Cyclical Network Refresh Project**

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 \$340,000.00 (IT-CPA-25-004) (Isaiah Kirk/Robin R. Wilson)

APPROVED

8. [MC 2024-080](#) **Cooperative Purchase Agreement: Purchase of Laptops and Monitors**

Authorize the purchase of laptops, monitors, and docks utilizing a Cooperative Purchase Agreement with Dell Technologies in the estimated amount of \$475,000.00. (IT-CPA-25-003) (Isaiah Kirk/Robin R. Wilson)

APPROVED

9. [MC 2024-081](#) **Grant Award: Yuma County 9-1-1 System Annual Funding Award**

Authorize the City Administrator to execute the required documents with Arizona Department of Administration 9-1-1 Program Office (ADOA) to disperse awarded grant funds from the Emergency Telecommunication Services Revolving Fund to pay for authorized contractual costs related to equipment and services used in the operation of 9-1-1 services in the Yuma County region. (Information Technology/YRCS) (Jeremy W. Jeffcoat)

Attachments: [1. AGMT Grant Award Yuma County 911](#)

APPROVED

10. [MC 2024-082](#) **Sole Source: Human Resources Software Subscription Renewal**

Authorize the renewal of a Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, CA, at a one-year estimated expenditure of \$125,000.00. (IT/HR-25-002) (Isaiah Kirk/Monica Welch/Robin R. Wilson)

APPROVED

11. [MC 2024-084](#) **2024 Annual Action Plan - Community Development Block Grant and HOME Investment Partnerships Program**

Approve the City of Yuma 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Planning & Neighborhood Services/Neighborhood Services) (Nikki Hoogendoorn)

Attachments: [1. 2024 Annual Action Plan](#)

Motion (Morris/Smith): to amend the City of Yuma 2024 Community Development Block Grant and HOME Investment Partnerships Program Annual Action Plan, to move \$50,000 from the AWC-SBDC Micro-enterprise Assistance Program to Unprogrammed Funds, which will be programmed into one of the approved activities at a later date. Voice vote: approved (5-0).

APPROVED AS AMENDED

12. [MC 2024-085](#) **Final Plat: Downtown Heights Subdivision**

Approve the final plat of the Downtown Heights Subdivision. The property is located on the northwest corner of Giss Pkwy and 3rd Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. SUPP DOC Final Plat: Downtown Heights Subdivision](#)

APPROVED

13. [MC 2024-086](#) **Settlement: Heebink Claim**

Authorize settlement of a Notice of Claim submitted on behalf of Christian Heebink. (City Attorney) (Richard Files)

APPROVED

14. [MC 2024-090](#) **Renewal of City Insurance Coverage for Fiscal Year 2025**
- Authorize binding of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, Automobile Damage, Drone, and Deadly Weapon coverage for Fiscal Year (FY) 2025 for the total amount of \$1,982,334.86 to: Alliant Insurance Services, Inc., of Phoenix, AZ (City Attorney-RFB-23-110) (Richard W. Files/ Robin Wilson)

APPROVED

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action may be taken separately.

Approval of the Consent Agenda

A motion was made by Deputy Mayor Morris, seconded by Councilmember Morales, to ADOPT the Resolution Consent Agenda as amended. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Morris, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 2 - Councilmember McClendon, and Councilmember Shelton

1. [R2024-026](#) **Election Consolidation, Voting Center Locations, and the Election Board**
- Adopt the voting center locations and consolidation of the precincts, and appoint an election board for the 2024 City of Yuma Primary and General Elections to be held July 30, 2024 and November 5, 2024, respectively. (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:** [1. RES Election Consolidation, Voting Center Locations ad the Election Board](#)
[2. EXH A Election Consolidation, Voting Center Locations, and the Election Board](#)
- ADOPTED**
2. [R2024-027](#) **Resolution Designating the Chief Fiscal Officer for FY 2025**
- Designate Douglas W. Allen as the Chief Fiscal Officer for the purpose of submitting the City's Annual Expenditure Limitation Reports (AELR) to the Auditor General for Fiscal Year 2025.

(Finance) (Douglas Allen)

Attachments: [1. RES CFO for AELR 2025](#)

ADOPTED

3. [R2024-028](#) **Annual Public Safety Personnel Retirement System Funding Policy for Fiscal Year 2025**

Adopt the annual Public Safety Personnel Retirement System (PSPRS) funding policy for Fiscal Year 2025, as required under Arizona Revised Statutes (A.R.S.) § 38-863.01. (Finance) (Doug Allen)

Attachments: [1. RES PSPRS Funding Policy 2025](#)
[2. POLICY PSPRS Funding Policy 2025](#)

ADOPTED

4. [R2024-029](#) **Memorandum of Understanding: Special Operations Group**

Approve a Memorandum of Understanding between United States Customs and Border Protection and the Yuma Police Department to assign federal personnel to the Police Department's Special Operations Group. (Yuma Police Department) (T. Garrity)

Attachments: [1. RES MOU Special Operations Group](#)
[2. AGMT MOU Special Operations Group](#)

ADOPTED

5. [R2024-030](#) **Preannexation Development Agreement: Ruiz Roesner Trust**

Authorize a Preannexation Development Agreement with Ruiz Roesner Trust for the properties located at 3731 W. 5th Street and 3731 ½ W. 5th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. RES PDA 3731 W. 5th Street](#)
[2. AGMT PDA 3731 W. 5th Street](#)

ADOPTED

6. [R2024-031](#) **Preannexation Development Agreement: VEREIT Real Estate, L.P.**

Authorize a Preannexation Development Agreement with the VEREIT Real Estate, L.P. for the property located at 3320 E. Gila Ridge Road (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

- Attachments:** [1. RES PDA 3320 Gila Ridge Road](#)
[2. AGMT PDA 3320 Gila Ridge Road](#)

ADOPTED

7. [R2024-032](#) **Intent to Create Municipal Improvement District No. 126:
Barkley Ranch Units 8-10**

Approve the creation of Municipal Improvement District (MID) No. 126 to serve Barkley Ranch Units 8-10 located at the northwest corner of 32nd Street and Avenue C. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).

- Attachments:** [1. RES MID 126 Intent to Create Barkley Ranch Units 8-10](#)
[2. EXH A MID 126 Intent to Create Barkley Ranch Units 8-10](#)

ADOPTED

8. [R2024-033](#) **Order Improvements: Municipal Improvement District No. 125:
Saguaro Units 5 & 6**

Order Improvements for Municipal Improvement District (MID) No. 125 to serve Saguaro Units 5 & 6, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 125 shall be assessed upon the properties in MID No. 125; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Alyssa Linville)

- Attachments:** [1. RES Order Improvements MID No. 125 Saguaro Units 5 & 6](#)
[2. EXH A Order Improvements MID 125 Saguaro Units 5 & 6](#)

ADOPTED

9. [R2024-035](#) **City Council Meeting Procedures and Call to the Public Guidelines**

Adopt a resolution establishing updated rules and procedures for City Council meetings. (City Administration) (Jay Simonton)

Attachments: [1. RES City Council Mtg Procedures and Call to the Public](#)

**Motion (Morales/Smith): that Exhibit A of Resolution R2024-035 be amended in the first paragraph, to strike the third sentence and replace it to read: The City Council follows democratic processes in the proceedings of its Meetings. Voice vote: approved (5-0).
ADOPTED AS AMENDED**

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item may be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

Approval of the Consent Agenda

A motion was made by Councilmember Smith, seconded by Deputy Mayor Morris, to ADOPT the Ordinance Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Morris, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 2 - Councilmember McClendon, and Councilmember Shelton

1. [O2024-020](#) **Grant of Easement: Electrical Facilities - 200 S. Maiden Lane**

Authorize the City Administrator to execute a grant of easement on City property near the southeast corner of Maiden Lane and 2nd Street to Arizona Public Service Company (APS) for the installation of electric facilities necessary for the development of surrounding Downtown Yuma properties. (City Administrator/Jay Simonton)

Attachments: [1. ORD Utility Easement: Electrical Facilities -200 S. Maiden Lane](#)
[2. AGMT Utility Easement: Electrical Facilities -200 S. Maiden Lane](#)

ADOPTED

2. [O2024-022](#) **Adopt the Fiscal Year 2025 City of Yuma Primary Property Tax Levy, the Main Street Mall and Off-Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies**

Adopt the Fiscal Year 2025 Primary Property Tax Levy, the Main Street Mall and Off Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax

Levies. (Administration/Finance) (Jay Simonton/Doug Allen)

Attachments: [1. ORD Adopt FY 2025 Tax Levy](#)

ADOPTED

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2024-021](#) **Rezoning of Property: Northwest Corner of 28th Street and Avenue B**

Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28th Street and Avenue B, Yuma, AZ. (ZONE-42395-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning: NWC 28th Street and Avenue B](#)
[2. ORD Rezoning: NWC 28th Street and Avenue B](#)

A motion was made by Councilmember Morales, seconded by Councilmember Smith, to CONTINUE Ordinance O2024-021 to the regular City Council Meeting of July 17, 2024, at the request of the applicant. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Morris, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 2 - Councilmember McClendon, and Councilmember Shelton

2. [O2024-024](#) **Amend Yuma City Code: Regulating Parks Within the City**

Adopt a City ordinance to update current park operations and address ongoing issues in the parks. (Parks and Recreation) (Eric Urfer)

Attachments: [1. ORD Parks Code Amendment](#)

INTRODUCED

3. [O2024-025](#) **City of Yuma 2024 Special Election**

Call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation. (City Administration/City Clerk's Office)

Attachments: [1. ORD 2024 Special Election - Charter Amendment](#)

INTRODUCED

4. [O2024-026](#) **Rezoning of Property: 1712 S. Maple Avenue**

Approve the rezoning of an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ (ZONE-42472-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezone 1712. S. Maple Avenue](#)
[2. ORD Rezone 1712 S. Maple Avenue](#)

INTRODUCED

FINAL CALL

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

V. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

REPORTED

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of June 6, 2024 through June 26, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

2. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VI. SUMMARY OF CURRENT EVENTS

REPORTED

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

VII. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

VIII. EXECUTIVE SESSION

EXECUTIVE SESSION NOT HELD

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

- A. Discussion, consultation, and/or direction to legal counsel regarding different aspects of A.R.S. § 38-431 et seq. and state and federal constitutions. (A.R.S. § 38-431.03 A(3) and A(9)).
- B. Discussion, consultation, and/or direction to legal counsel regarding proposed Ordinance Number O2024-024. (A.R.S. § 38-431.03 A(3)).
- C. Discussion, consultation, and/or direction to legal counsel regarding Solario v. City of Yuma. (A.R.S. § 38-431.03 A(3) and A(4)).
- D. Discussion, consultation, and/or direction to legal counsel relating to claims stemming from Smucker Park Basin construction damage to City's sanitary sewer system and sewage releases. (A.R.S. § 38-431.03 A(3) and A(4)).

ADJOURNMENT

7:27 PM

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.

