



City of Yuma City Council Meeting REVISED Agenda

Wednesday, November 15, 2023

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.

City Council Chambers will be open with public access in addition to participation through Zoom

Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website: <https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

PRESENTATIONS

- Amberly's Place Update
- Greater Yuma Economic Development Corporation Annual Presentation
- Recognition of Achievement for Excellence Award from the Government Finance Officers Association

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):

1. [MC 2023-185](#) **Variance Appeal - Board of Adjustments Draft Minutes
November 1, 2023**

Attachments: [2023 11 01 Variance Appeal Minutes](#)

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 2023-172](#) **Liquor License: Maverik**
Approve a Series #10: Beer and Wine Store Liquor License application submitted by Lauren Merrett, agent for Maverik located at 2930 E. Gila Ridge Road. (LL23-14) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Maverik](#)

2. [MC 2023-173](#) **Liquor License: Carnitas El Taste Foothills**
Approve a Series #12: Restaurant Liquor License application submitted by Marina Barajas, agent for Carnitas El Taste Foothills located at 5836 E. 32nd Street, Suite 1. (LL23-15) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Carnitas El Taste Foothills](#)

3. [MC 2023-174](#) **Liquor License: 928 Tacos**
Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1150 W. 24th Street. (LL23-16) (City Administration/ City Clerk) (Lynda L. Bushong)
- Attachments:* [1. MAP Liquor License: 928 Tacos](#)
4. [MC 2023-176](#) **Bid Award: 45th Avenue Multi-Use Pathway 28th Street to 24th Street**
Authorize the City Administrator to execute a construction services contract for the 45th Avenue Multi-Use Pathway, 28th Street to 24th Street Project, to the lowest responsive and responsible bidder in the amount of \$471,226.80 for the base bid, and \$56,773.20 for the alternate bid for a total of \$528,000.00 to DPE Construction, Inc., Yuma, Arizona. (Engineering - RFB-23-253) (David Wostenberg/Robin R. Wilson)
5. [MC 2023-177](#) **Cooperative Purchase Agreement: Ground and Turf Maintenance Equipment**
Authorize the purchase of various Ground and Turf Maintenance Equipment to Hillyard, Mesa, Arizona; Stotz Equipment, Avondale, Arizona; and RDO Equipment, Yuma Arizona utilizing Arizona State Contract, Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$228,417.63 (Parks and Recreation Department-CPA-24-131) (Eric Urfer/Robin R. Wilson)
6. [MC 2023-178](#) **Cooperative Purchase Agreement: Global Positioning System Receivers**
Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for the purchase of a 3D Laser Scanner with AllTerra Central, Inc., Austin, Texas for a total amount of \$104,956.51. (Police/Administration - GRT-24-136) (Thomas Garrity/Robin R. Wilson)
7. [MC 2023-184](#) **Cooperative Purchase Agreement: Playground Equipment - Shade Structure**
Authorize the purchase and delivery of two shade structures from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$94,408.69. (Park-CPA-24-108) (Eric Urfer/Robin R. Wilson)

8. [MC 2023-179](#) **Software Subscription Renewal: Tyler Technologies**
Authorize the renewal of the annual software subscription for a total expenditure of \$161,694.18 to: Tyler Technologies, Inc., Dallas, TX (Finance/IT - RFP 2011000118) (Douglas Allen/Isaiah Kirk/Robin R. Wilson)
9. [MC 2023-180](#) **Sole Source: Integrated Ballistic Information System Warranty and Protection Plan**
Authorize the City Administrator to execute a sole source purchase extending the Warranty and Protection Plan of the Integrated Ballistic Information System (IBIS) with Forensic Technology Inc., of Largo, Florida, for total expenditure of \$123,879.00. (Police/Administration - GRT-24-140) (Thomas Garrity/Robin R. Wilson)
10. [MC 2023-181](#) **Amendment: City of Yuma Investment Policy**
Approve amendments to the City of Yuma Investment Policy relating to authorized investments and changing the title of the authorized director. (Finance) (Douglas Allen)
11. [MC 2023-182](#) **Final Plat: Spirit Park Subdivision**
Approve the final plat of the Spirit Park Subdivision. The property is located at the southeast corner of Avenue 3E and 38th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. SUPP DOC Final Plat: Spirit Park Subdivision](#)

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 request 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.

1. **R2023-055** **2023 City of Yuma Special Election Canvass**
Adopt the official canvass of the November 7, 2023, City of Yuma Special Election. (City Administration/ City Clerk) (Lynda L. Bushong)

Attachments:

1. RES 2023 Spc. Election Canvass
2. EXH A 2023 Spc. Election Canvass

ADDITION

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.

1. [O2023-035](#)

Text Amendment: Accessory Dwelling Units

Amend Title 15, Chapter 154, to update the placement, size and height of accessory dwellings. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1 P&Z Text Amendment: Accessory Dwelling Units](#)

[2 ORD Text Amendment: Accessory Dwelling Units](#)

2. [O2023-036](#)

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. (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:

[1 P&Z RPT Nursing & Personal Care Facilities and Residential Care Homes](#)

[2 ORD Nursing & Personal Care Facilities and Residential Care Homes](#)

3. [O2023-037](#)

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. (City Attorney) (Richard Files)

Attachments:

[1. ORD Text Amendment Fireworks](#)

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. [O2023-038](#) **Declare Real Property Surplus and Authorize Sale: 150 N. Madison Avenue and 120 N. Main Street**

Declare vacant City of Yuma-owned real property surplus and authorize the sale through a request for proposal (RFP) process (or other competitive process) for the City-owned properties located at 150 N. Madison Avenue and 120 N. Main Street. (Economic Development) (Jeff Burt)

Attachments: [1. ORD Declare Surplus and Authorize Sale: Madison Ave and Main St.](#)

V. PUBLIC HEARING AND RELATED ITEMS

1. [R2023-052](#) **General Plan Amendment: 1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th Street**

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Commercial to High Density Residential, for properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. (GP-41487-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: 1749 S. Arizona Avenue and NEC of Riley Avenue and 18th Street](#)
[2. RES GP Amendment: 1749 S. Arizona Avenue and NEC of Riley Avenue and 18th Street](#)

2. [R2023-053](#) **General Plan Amendment: 1717 S. Pacific Avenue**

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Industrial to Commercial, for a portion of the property located at 1717 S. Pacific Avenue. (GP-41558-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: 1717 S. Pacific Avenue](#)
[2. RES GP Amendment: 1717 S. Pacific Avenue](#)

REVISED

VI. UTILITY RATES

1. [MC 2023-183](#) **Notice of Intention to Adjust Water and Wastewater Utility Rates**
Adopt a Notice of Intention pursuant to A.R.S. § 9-511.01 to increase water and wastewater rates, reinstate the Water Resource Trust Fund surcharge, and set a public hearing on the proposed rate increase. (Utilities/Administration) (Jeremy McCall)

Attachments: [1. Notice of Intent](#)

FINAL CALL

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Building Advisory Board - two reappointments
- Design and Historic Review Commission - one reappointment
- Merit System Board - one reappointment
- Planning and Zoning Commission - two reappointments
- Residential Advisory Board - two reappointments
- Water and Sewer Commission - two reappointments
- Housing Authority Commission - one reappointment
- Clean and Beautiful Commission - one appointment

2. Announcements:

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 November 2, 2023 through November 15, 2023. 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.

3. Scheduling:

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

VIII. SUMMARY OF CURRENT EVENTS

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.

IX. CALL TO THE PUBLIC

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.

X. EXECUTIVE SESSION

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:

There are no additional executive session items scheduled at this time.

ADJOURNMENT

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.