

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**MARCH 11, 2025**  
**4:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 4:30 p.m.

**ROLL CALL**

Councilmembers Present: Morales, Smith, McClendon, Morris, Watts (telephonic),  
and Mayor Nicholls  
Councilmembers Absent: Martinez  
Staffmembers Present: Deputy City Administrator, Jenn Reichelt  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**I. DISCUSSION AND POSSIBLE ACTION**

**Mayor Nicholls** asked if there were any questions on the agenda items.

**A. Ratification of Filing of Verified Complaint**

On Tuesday, March 4, 2025, the Arizona Court of Appeals issued a decision in Desert Mountain v. City of Flagstaff (1 CA-SA 24-0189) requiring a vote in open session by a public body before filing a lawsuit under Arizona's open meeting law. This action will ratify the filing of a December 13, 2024, complaint titled, City of Yuma v. Yuma County Flood Control District, Meridian Engineering Company, et al.

The City's legal counsel filed the complaint to preserve the statute of limitations while the parties attempted to resolve the matter. Prior to filing the complaint, City Council received attorney-client privileged legal memoranda on March 6, 2024, June 6, 2024, June 20, 2024, and attended executive sessions on June 25, 2024 and November 19, 2024.

A copy of the December 13, 2024, complaint is on file with the City Clerk. The complaint has not been served pending possible resolution prior to service.

**B. Authorize Service of the December 13, 2024, Verified Complaint Titled, City of Yuma v. Yuma County Flood Control District, Meridian Engineering Company, et al.**

This action will authorize service of the above-captioned complaint on each of the defendants.

**C. Union Pacific Railroad's Application to Modify it's Existing At-Grade Crossing at Avenue 9E**

This action will authorize the City of Yuma to officially comment and intervene in the matter of Arizona Corporation Commission Docket No. RR-03639A-25-0010.

**Motion** (McClendon/Smith): To recess to Executive Session. Voice vote: **approved** 6-0. The meeting recessed at 4:32 p.m.

The meeting reconvened at 4:45 p.m.

**Motion** (Smith/McClendon): To ratify the filing of the verified complaint titled City of Yuma v. Yuma County Flood Control District, Meridian Engineering Company, et al. Voice vote: **approved** 6-0.

**Motion** (Morris/Morales): To approve service of the December 13, 2024, verified complaint titled City of Yuma v. Yuma County Flood Control District, Meridian Engineering Company, et al. Voice vote: **approved** 6-0.

**Motion** (Morales/McClendon): To approve official comment and intervention in the matter of Arizona Corporation Commission Docket No. RR-03693A-25-0010. Voice vote: **approved** 6-0.

## **II. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 4:47 p.m.

\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: \_\_\_\_\_