



City of Yuma City Council Meeting Agenda

Wednesday, June 5, 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

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

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 2024-065](#) **Regular City Council Worksession Draft Minutes April 30, 2024**
Attachments: [2024 04 30 RWS Minutes](#)

2. [MC 2024-066](#) **Special City Council Meeting Draft Minutes May 8, 2024**
Attachments: [2024 05 08 SCM 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 2024-067](#) **Liquor License: Original Yumas Red Tacos**
Approve a Series #12: Restaurant Liquor License application submitted by Michelle Armenta, agent for Original Yumas Red Tacos located at 2601 S. 4th Avenue. (LL24-06) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Original Yumas Red Tacos](#)

2. [MC 2024-068](#) **Request for Proposals Award: Professional Audit Services**
Authorize the City Administrator to execute a three-year contract, with the option to renew for two additional one-year periods, at an estimated annual cost of \$106,400, depending on the appropriation of funds and satisfactory performance to: BakerTilly US, LLP, Tempe, AZ. (Finance - RFP-24-263) (Douglas Allen/Robin R. Wilson)

3. [MC 2024-072](#) **First Amendment: Concession Services Agreement**
Amend the existing Concessionaire Agreement with Guzman Hospitality Group LLC, for operation of the restaurant at Desert Hills Golf Course (Parks and Recreation) (Eric Urfer)
- Attachments:** [1. AGR Concession Services Agreement](#)
[2. SUPP DOC Concession Services Agreement](#)
4. [MC 2024-069](#) **Request for Proposals Award: Transaction Privilege (Sales) and Use Tax Auditing Services**
Authorize the City Administrator to execute a one-year contract, with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$60,000.00, depending on the appropriation of funds and satisfactory performance to Albert Holler & Associates, Queen Creek, Arizona. (Finance - RFP-24-252) (Douglas Allen/Robin R. Wilson)
5. [MC 2024-070](#) **Bid Award: 28th Street Reconstruction Project**
Authorize the City Administrator to execute a construction services contract for road and infrastructure improvements on 28th Street from 4th Avenue to Madison Avenue and on Virginia Drive from 28th Street to 27th in the amount of \$846,255.30 to the lowest responsive and responsible bidder, DPE Construction, Inc., Yuma, Arizona. (Engineering RFB-23-277) (David Wostenberg/Robin R. Wilson)

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.

1. [R2024-016](#) **Ratification of Intergovernmental Agreement: Yuma Elementary School District No. 1 School Safety Program Grant for School Resource Officers**
Ratify execution of a three-year Intergovernmental Agreement (IGA) with the Yuma Elementary School District No. 1 (District) for School Resource Officer (SRO) services. (Police/Patrol) (T. Garrity)
- Attachments:** [1. RES IGA: Yuma School District No. 1 SROs](#)
[2. AGMT IGA: Yuma School District No. 1 SROs](#)

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2. [R2024-017](#) **Extension of Delegation Agreement: Arizona Department of Environmental Quality**
Authorize the extension of the Delegation Agreement with the Arizona Department of Environmental Quality (ADEQ) for the issuance of open burning permits until May 23, 2026. (Fire Department/Community Risk Reduction) (Dustin Fields)
- Attachments:** [1. RES ADEQ IGA Open Burning Permit](#)
 [2. SUPP DOC ADEQ IGA Open Burning Permit](#)
3. [R2024-019](#) **Intent to Create Municipal Improvement District No. 125: Saguaro Units 5 & 6**
Approve the creation of Municipal Improvement District (MID) No. 125 to serve Saguaro Units 5 & 6 located at the southwest corner of Mississippi Avenue and 44th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).
- Attachments:** [1. RES MID 125 Intent to Create Saguaro Units 5 & 6](#)
 [2. EXH A MID 125 Intent to Create Saguaro Units 5 & 6](#)
4. [R2024-021](#) **Intergovernmental Agreement: Arizona Department of Transportation - Highway User Revenue Funding Exchange**
Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) regarding receiving Highway User Revenue Funding (HURF) exchange funding in the amount of \$900,000 for the construction of a box culvert, located on Avenue 7E and 40th Street. (Engineering) (David Wostenberg)
- Attachments:** [1. RES IGA HURF Exchange Funding – Bridge 7E and 40th Street](#)
 [2. IGA HURF Exchange Funding – Bridge 7E and 40th Street](#)
5. [R2024-022](#) **Intergovernmental Agreement: Arizona Department of Transportation - Crane Elementary School District No. 13 Transportation Safety Project**
Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the design of the Crane Elementary School District No. 13 Transportation Safety Project where the City is acting as project sponsor for Crane Elementary School District. This is a Transportation Alternatives Program Funding (TA) project and is 94.3% grant funded, 5.7% local match, for a total amount of \$153,002.00. (Engineering) (David Wostenberg)
- Attachments:** [1. RES IGA ADOT Crane Elementary School Dist](#)
 [2. IGA ADOT Crane Elementary School Dist](#)

6. [R2024-023](#) **Intergovernmental Agreement: Arizona Department of Transportation - 32nd Street Shared Use Pathway Project**
Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation (ADOT) for the design of the 32nd St. Shared Use Pathway Project. This is a Transportation Alternatives Program Funding (TA) project and is 94.3% grant funded, 5.7% local match, for a total amount of \$333,912.00. (Engineering) (David Wostenberg)

Attachments:

1. [RES ADOT Shared Use Pathway Project - 32nd St](#)
2. [IGA ADOT Shared Use Pathway Project - 32nd St](#)

7. [R2024-024](#) **Intergovernmental Agreement: Arizona Department of Transportation - Bus Pull-Outs, Avenue A at 16th Street Project**
Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the construction of the Bus Pull-Outs Avenue A at 16th Street Project. This is a Carbon Reduction Program (CRP) project where design will be 100% funded by City Road Tax Funds and construction will be 94.3% grant funded, 5.7% local match. (Engineering) (David Wostenberg)

Attachments:

1. [RES ADOT Bus Pull-Outs Avenue A at 16th Street Project](#)
2. [IGA ADOT Bus Pull-Outs Avenue A at 16th Street Project](#)

8. [R2024-025](#) **Intergovernmental Agreement: Arizona Department of Transportation - Shared-Use Pathway, East Wetlands Park to Pacific Avenue Project**
Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the design and construction of the Shared-Use Pathway East Wetlands Park to Pacific Avenue Project. This is a Carbon Reduction Program (CRP) project where design will be 100.0% funded by City Road Tax Funds and construction will be 94.3% grant funded, 5.7% local match. (Engineering) (David Wostenberg)

Attachments:

1. [RES IGA with ADOT - Shared-Use Pathway](#)
2. [IGA with ADOT - Shared-Use Pathway](#)

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. [O2024-019](#)

Right-of-Way Vacation and Exchange: JAKARTA Holdings, LLC

Authorize the vacation of 25 feet of 4th Avenue right-of-way (easement) in exchange for the underlying fee title to the remaining 75 feet of right-of-way with JAKARTA Holdings, LLC, and City acceptance of a utility easement. (Engineering) (David Wostenberg)

Attachments:

[1. ORD ROW Vacation and Exchange: JAKARTA Holdings, LLC](#)

[2. EXH A-B ROW Vacation and Exchange: Jakart Holdings, LLC](#)

[3. MAP ROW Vacation and Exchange: JAKARTA Holdings, LLC](#)

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. [O2024-020](#)

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](#)

2. [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](#)

3. [O2024-023](#) **Amend Yuma City Code: Parks, Arts, and Recreation Commission**
Amend § 50-02(C) of the Yuma City Code (YCC) to remove the two-term limit for members of the Parks, Arts, and Recreation Commission and amend YCC § 50-05(A) to change the meeting frequency from monthly to quarterly and as deemed necessary by the Parks, Arts, and Recreation Commission. (Parks and Recreation) (Eric Urfer)

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

4. [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](#)

V. PUBLIC HEARING - BUDGET RELATED ITEM

1. [MC 2024-071](#) **Public Hearing: Truth in Taxation, Main Street Mall and Off-Street Parking Maintenance District No. 1, Levy for 12 Municipal Improvement Districts, and Final Budget Adoption for Fiscal Year 2025**

Conduct a combined public hearing on the proposed City of Yuma primary property tax levy (Truth-in-Taxation); the Main Street Mall and Off-Street Parking Maintenance District No. 1 expenditures and levy, as well as for the 12 Municipal Improvement Districts (MID) and the proposed revenues and expenditures (budget) for Fiscal Year 2025 pursuant to A.R.S. § 42-17104.

The City of Yuma expenditure budget for Fiscal Year 2025 in the amount of \$521,167,546 which is comprised of a Capital Improvement Program Budget of \$222,418,219; 12 Maintenance Improvement Districts combined for \$672,094 and an Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise operations. Following the close of the public hearing, City Council may open a special meeting to adopt the proposed budget resolution, which includes a 3% increase in solid waste fees. (Administration/Finance) (Jay Simonton/Doug Allen)

Attachments: [1. FY25 City of Yuma Budget Schedules A-G](#)

VI. SPECIAL MEETING: Discussion and Possible Action relating to the FY2025 Final Budget

City Council will convene a Special Meeting in accordance with Arizona law to consider adoption of the Capital Improvement Program and Final Budget for Fiscal Year 2025.

1. [R2024-018](#) **Fiscal Year 2025 - Fiscal Year 2029 Capital Improvement Program**
Adopt a resolution approving the FY 2025 - FY 2029 Capital Improvement Program, pursuant to the Yuma City Charter, Article XII, Section 11. (Engineering) (Susan Cowey)

Attachments: [1. RES FY 2025 - FY 2029 Capital Improvement Program](#)

2. [R2024-020](#) **Final Budget Adoption for Fiscal Year 2025**
Adopt the City of Yuma's final budget for Fiscal Year 2025 in the amount of \$521,167,546 which is comprised of a Capital Improvement Program Budget of \$222,418,219; 12 Maintenance Improvement Districts combined for \$672,094 and an Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise operations. The adoption of the proposed budget resolution includes a 3% increase in solid waste fees and establishes the budgets for the Main Street Mall and Off-Street Parking Maintenance District No. 1. (Administration/Finance) (Jay Simonton/Doug Allen)

Attachments: [1. RES Final Budget Adoption for FY25](#)
[1. SUPP DOC Final Budget Adoption for FY25: Schedules A-G](#)

RECONVENE REGULAR MEETING

ADDITIONAL BUDGET RELATED ITEMS

1. [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](#)

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:

- Industrial Development Authority - one reappointment
- Residential Advisory Board - three appointments
- Water and Sewer 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 May 16, 2024, through June 5, 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.

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:

A. Discussion, consideration and/or direction regarding the possible purchase, sale, or lease of various properties. (A.R.S. 38-431.03 A 3, 4 and/or 7)

B. 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)).

C. Discussion, consultation with, and/or instruction to legal counsel regarding the Heebink Notice of Claim. (A.R.S. §38-431.03 A3 & A4)

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.