

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**DECEMBER 18, 2024**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Deacon Joel Olea**, Immaculate Conception Church, gave the invocation. **Eric Urfer**, Director of Parks and Recreation, led the City Council in the Pledge of Allegiance.

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

**ROLL CALL**

Councilmembers Present: Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Director of Engineering, David Wostenberg  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item C.5 – Contract Award: Professional Design Services for Yuma Police De-escalation and Scenario Facility (award a contract for professional design services for the Police De-escalation and Scenario Facility, to Pearlman Architects of Arizona Inc., Phoenix, Arizona, for an estimated amount of \$425,230.41) (RFQ-25-060) (Eng/Purch)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item C.5, due to his firm's involvement in the project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Discussion

- The police De-escalation facility will be a brand-new building constructed in the area of the Yuma Police Department's safety test track. (**Smith/Wostenberg**)

**Motion** (Morales/Smith): To approve Motion Consent Item C.5 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

Motion Consent Agenda Item C.11 – First Amendment to Design-Build Services Contract (Authorize the City Administrator to amend the Design-Build construction contract with Willmeng Construction and add American Ramp Company to the extended warranty and bonding requirements for Kennedy Skate Park) (Eng/Pks & Rec)

**Motion** (Morris/McClendon): To recess the Regular City Council Meeting to Executive Session. Voice vote: **approved** 7-0. The meeting recessed at 5:41 p.m.

The Regular City Council Meeting reconvened at 5:47 p.m.

**Motion** (Morris/McClendon): To continue Motion Consent Agenda Item C.11 to the next available City Council Meeting. Voice vote: **approved** 7-0.

**Motion** (Smith/Morales): To approve the Motion Consent Agenda as recommended, with the exception of Motion Consent Agenda Item C.5, which was adopted by a previous vote, and Motion Consent Agenda Item C.11, which was continued to the next available City Council Meeting. Voice vote: **approved** 7-0.

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

Regular Council Worksession Minutes

November 19, 2024

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 #12: Restaurant Liquor License application submitted by Juanita Alicia Esparza, agent for Las Delicias De Mi Abuela located at 344 W. 24<sup>th</sup> Street. (LL24-17) (Admn/Clk)
2. Approve a Class A Bingo License application submitted by Joyce Hahn on behalf of Westwind RV & Golf Resort LLC located at 9797 E. 32<sup>nd</sup> St. (BL24-01) (Admn/Clk)
3. Award a construction services contract for the Avenue 9E Sewer Line Casing Extension Project to the lowest responsive and responsible bidder in the amount of \$190,735.60 to Gutierrez Canales Engineering PC, Yuma, Arizona. (RFB-25-195) (Eng/Purch)
4. Authorize the purchase and installation of 17 HVAC Rooftop units to the lowest responsive and responsible bidder to Polar Cooling, Yuma, Arizona for a total cost of \$219,256.00. (RFB-24-307/RFB-25-160) (Facil Mgmt/Purch)
5. Pulled for separate consideration; see above.

6. Authorize the use of the cooperative purchase agreement initiated by the City of Tucson through Omnia Partners Network, for the purchase and delivery of MRO supplies, parts, equipment, materials, and related services with W.W. Grainger Inc. of Lake Forest, Illinois, for an estimated annual expenditure of \$195,000.00. (CPA-25-214) (Fac'l Mgmt/Purch)
7. Declare surplus and award the sale of 108 surplus firearms to the highest responsive and responsible offer for a total of \$21,515.00 from the following vendors: (1) Nine Lives Auction, Phoenix, Arizona, \$9,688.00; and (2) ProForce Marketing, Inc. Prescott, Arizona, \$11,827.00. (RFO-25-184) (YPD/Purch)
8. Award a one-year professional services contract with the option to renew for four additional one-year periods, one period at a time, contingent on appropriations and satisfactory performance with Meeder Public Funds, Dublin, Ohio and PFM Asset Management, Tempe, Arizona. (RFQ-24-253) (Fin/Purch)
9. Authorize the purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an estimated expenditure of \$846,232.40 to Badger Meter, Milwaukee, Wisconsin. (SS-25-216) (Utl/Purch)
10. Approve the final plat of the Mariadawnlee Subdivision, located at the southwest corner of 33<sup>rd</sup> Drive and 24<sup>th</sup> Street. (Plng & Nbhd Svcs/Cmty Plng)
11. Pulled for separate consideration, see above.

## II. RESOLUTION CONSENT AGENDA

Resolution R2024-069 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) – Interstate-8 / Avenue 8½ E Traffic Interchange Design Concept Report (DCR) (authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) for the AZ SMART funding) (Eng)

Resolution R2024-070 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) – Hacienda Estates Storm Drain Improvements (authorizes the City Administrator to execute an IGA with ADOT for the AZ SMART funding) (Eng)

Resolution R2024-071 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) fund – 40<sup>th</sup> Street Construction from Avenue 6E to Fortuna Road (authorizes the City Administrator to execute an IGA with ADOT for the AZ SMART funding) (Eng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2024-069, Resolution R2024-070 and Resolution R2024-071 due to his firm's involvement in the projects, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Morales/Smith): To amend Resolution R2024-069 and the associated staff report to revise the total project cost from \$600,000 to \$1,500,000 and to remove all language referencing the 20% match funds from the City, as the total cost will be provided through the AZ SMART Funds Grant if the City is successful with its application. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Motion** (Smith/McClendon): To adopt Resolution R2024-069 as amended, and Resolutions R2024-070 and R2024-071 as recommended.

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

**Resolution R2024-069**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for development of a Design Concept Report (DCR) for the Interstate-8 / Avenue 8½ E Traffic Interchange** (to study alternatives to improve safety and traffic operations) (Eng)

**Resolution R2024-070**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for Hacienda Estates storm drain improvement** (creating the opportunity to alleviate flooding in Hacienda Estates) (Eng)

**Resolution R2024-071**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for Construction of 40<sup>th</sup> Street from Avenue 6E to Fortuna Road** (to construct the 40th Street Corridor which will improve traffic safety operations on 32nd Street) (Eng)

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

**Mayor Nicholls** returned to the dais.

**Motion** (Morris/Morales): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2024-069, Resolution R2024-070, and Resolution R2024-071, which were adopted through a previous vote.

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

**Resolution R2024-068**

**A resolution of the City Council of the City of Yuma, Arizona, approving a water delivery agreement with Yuma Cogeneration Associates** (proposes a new 20-year water delivery agreement that largely preserves the existing water delivery arrangement between the City and Yuma Cogen.) (Utl)

Roll call vote: **adopted** 7-0.

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

Ordinance O2024-041 – Rezoning of Property: Southeast Corner of S. Avenue 7E and E. 40<sup>th</sup> Street (to allow the applicant to develop the property for the Desert Sky Unit 4 townhome development) (Plng & Nbhd Svcs/Cmty Plng)

**Mayor Nicholls** declared a conflict of interest on Ordinance O2024-041, due to his firm's involvement in the project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Smith/Morales): To adopt Ordinance O2024-041 as recommended.

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

**Ordinance O2024-041**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, and amending the zoning map to conform with the rezoning** (rezone approximately 28.5 acres located at the southeast corner of S. Avenue 7E and E. 40th Street) (Plng & Nbhd Svcs/Cmty Plng)

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

**Mayor Nicholls** returned to the dais.

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**Motion** (Smith/McClendon): To adopt the Ordinance Consent Agenda as recommended, with the exception of Ordinance O2024-041, which was approved by a previous vote.

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

**Ordinance O2024-040**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code to comply with State Statute** (ensures that City regulations reflect recent modifications to state law) (Plng & Nbhd Svcs/Cmty)

Roll call vote: **adopted** 7-0.

#### **IV. ANNOUNCEMENTS AND SCHEDULING**

##### Announcements

**Smith, Morales, Morris, and Mayor Nicholls** reported on the following meetings attended/upcoming events:

- Christmas at the Sanguinetti House
- Toy for Tots Drive
- City of Yuma Downtown Christmas
- 5<sup>th</sup> Annual Nourish Gala
- Western Arizona Council of Government (WACOG) County Advisory Board Meeting
- Ribbon Cutting for new inclusive play pieces at the West Wetlands Park
- Dorothy Young Memorial Electric Light Parade
- Monthly Yuma Metropolitan Planning Organization (YMPO) Meeting
- Ribbon Cutting for the West Wetlands New Native Area
- Groundbreaking of the new Cocopah Event Center
- Yuma County National Heritage Area (YCNHA) Board Meeting
- Attainable Housing Committee Meeting
- Colorado River Water Users Association Annual Meeting
- Yuma Catholic High School Annual Rib Cook-Off

- Arizona Technology Council Meeting
- 4FrontEd Quarterly Meeting
- Elevate Southwest Quarterly Meeting
- Yuma Fresh Vegetables Association Annual Luncheon
- Mellon Family Holiday Fiesta
- Wreaths Across America at the Desert Lawn Memorial Cemetery
- Army – Navy football Game
- Ribbon Cutting Panera Bread
- Fourth Avenue Beautification Meeting

**Shoop** thanked City staff and the community for the opportunity to serve as a City Councilmember for the last five years.

### Scheduling

Shelton requested the following items be addressed by City Council after his departure:

- Affordable Housing
- A marquee for the Pacific Avenue Athletic Complex
- Request for Amtrack representatives to appear before City Council and update the public on passenger rail services
- Consider a Public Safety bond to address the many needs of police and fire at one time
- Consider if a Space Port Commission would be productive
- Establish a youth group comparable to those in other cities and towns
- Come to some conclusion on Riverfront development

## **V. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- January 4, 2025 – Kennedy Skate Park Grand Opening
- January 4, 2025 – Yuma AgFest
- January 11-12, 2025 – Art in the Park
- December 26, 2024-January 3, 2025 – Live Christmas Tree Recycling

**Simonton** reminded the community that City Hall will be closed on December 24<sup>th</sup> and 25<sup>th</sup> for the Christmas holiday and January 1, 2025, for the New Year holiday. The refuse collection schedule will not be affected by the closures.

## **VI. CALL TO THE PUBLIC**

**Gary Wright**, City resident, thanked City Councilmembers **Shoop** and **Shelton** for their service to the community and for focusing on economic development during their years of service. **Wright** suggested that City Council continue making economic development and tourism in Yuma a high priority and proposed starting with promoting the Colorado River.

**Tommy Morgan**, City resident, spoke regarding a code violation he received for a shade structure he had installed in front of his house. **Morgan** asked if he meets the criteria to keep the shade erect under Building Safety's "Grandfathered-In" policy.

**Anthony Felix**, City resident, spoke regarding what he believes are false reports and accusations against him by the Yuma Police Department regarding two incidents that happened at his home.

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**Mayor Nicholls** presented a farewell video to Councilmembers Shelton and Shoop and thanked them for their many years of service to the community.

**Shelton** and **Shoop** thanked the community and staff for allowing them to serve the City of Yuma. They intend to continue to be involved in future projects for the City.

**VII. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:45 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

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