



# City of Yuma City Council Meeting Agenda

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Tuesday, October 17, 2023

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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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](mailto: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](http://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*
- *Clean and Beautiful Commission 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):

1. [MC 2023-161](#)      **Regular Council Worksession Draft Minutes September 19, 2023**  
  
    Attachments:      [2023 09 19 RWS Minutes](#)
2. [MC 2023-162](#)      **Regular Council Meeting Draft Minutes October 4, 2023**  
  
    Attachments:      [2023 10 04 RCM 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 2023-156](#)      **Authorize Contract and Payment Based on Bid Award: "A" Canal - 7E and 40th Street Project**  
  
    Authorize Yuma Mesa Irrigation & Drainage District (YMIDD) to execute a construction services contract for the "A" Canal - 7E and 40th Street project, in the amount of \$2,839,213.05 to the lowest responsive and responsible bidder: Gutierrez Canales Engineering, PC. Authorize payment to YMIDD to provide construction administration and inspection for construction of the "A" Canal - 7E and 40th Street project, in accordance with the executed intergovernmental agreement (IGA), in the amount of \$270,283.76. (Engineering) (Dave Wostenberg)

2. [MC 2023-157](#) **Cooperative Purchase Agreement: Economic Development Marketing and Media Services**  
Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for media and marketing services with Highnoon Ventures LLC, Phoenix, AZ for an estimated annual expense of \$89,950, with the option to renew for three additional one-year periods pending budget appropriation and satisfactory performance. (City Administration CPA-23-132) (Jenn Reichelt/Robin R. Wilson)
3. [MC 2023-158](#) **Sole Source: Water Filter Membrane Replacement**  
Authorize a sole source purchase for water filter membrane replacements for the Agua Viva Water Treatment Plant (AVWTP) in the amount of \$1,515,185.00 to: Zenon Environmental Corporation dba Veolia Water Technologies, Richmond, CA. (Utilities SS-24-095) (Jeremy McCall/Robin R. Wilson)
4. [MC 2023-159](#) **Sole Source Contract: Hydrogen Peroxide Regenerated Iron-Sulfide Control**  
Award a five-year Sole Source contract for Hydrogen Peroxide at an estimated annual expenditure of \$450,000.00 to US Peroxide LLC dba USP Technologies, Atlanta, GA (Utilities SS-24-061) (Jeremy McCall/Robin R. Wilson)
5. [MC 2023-160](#) **Mutual Aid and Assistance Agreement: Yuma Proving Ground**  
Approve a Mutual Aid and Assistance Agreement between the U.S. Army Garrison, Yuma Proving Ground AZ and the City of Yuma Fire Department for mutual aid in fire prevention, the protection of life and property from fire, and firefighting to include emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions. (Fire/Administration) (Dusty Fields).

**Attachments:**

[1. AGMT Mutual Aid and Assistance: Yuma Proving Ground](#)

## 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. [R2023-047](#)

**2023 Special Election: Election Board**

Approve the appointed election board for the 2023 City of Yuma Special Election to be held November 7, 2023. (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**

[1. RES 2023 Spc Election: Election Board](#)

[2. EXH A 2023 Spc Election: Election Board](#)

## 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. [O2023-032](#)

**Lease Amendment: Tesla Motors, Inc.**

Authorize an amendment to the Ground Lease with Tesla Motors, Inc. to allow the charging of third-party electric vehicles. (Administration/City Attorney) (Jay Simonton/Richard Files)

**Attachments:**

[1. ORD: Amend Tesla Ground Lease](#)

2. [O2023-033](#)

**Development Agreement and Transfer of City-Owned Property: Mesa Heights Affordable Housing Project**

Declare City-owned property surplus and approve a development agreement with the Arizona Housing Development Corporation for the construction of six two-bedroom affordable rental housing units on three parcels owned by the City in the Mesa Heights neighborhood. (Planning and Neighborhood Services) (Jay Nance)

**Attachments:**

[1. MAP: Mesa Heights Affordable Housing Project](#)

[2. ORD: Mesa Heights Affordable Housing Project](#)

[3. AGMT: Mesa Heights Affordable Housing Project](#)

#### IV. PUBLIC HEARING AND RELATED ITEMS

*The following statutory compliance hearing may result in the introduction of Ordinance O2023-034.*

1. [O2023-034](#)

**Statutory Compliance Hearing/Amendment: Ordinance O2019-037**

Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for rezoning Ordinance O2019-037, and introduce an ordinance to amend O2019-037 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

**Attachments:**

[1. ORD Statutory Compliance: SEC Ave 3E and 38th St Alignment](#)

[2. MAP Statutory Compliance: SEC Ave 3E and 38th St Alignment](#)

#### FINAL CALL

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

#### V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

1. Appointments:

- Americans With Disabilities Act (ADA) Advisory Commission

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 October 5, 2023 through October 17, 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.

## VI. 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.*

## VII. 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.*

## VIII. 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, consultation with, and/or instruction to legal counsel regarding the One Arizona Opioid Settlement Memorandum of Understanding. (A.R.S. § 38-431.03 A3 & A4)
- B. Discussion, consultation with, and/or instruction to legal counsel regarding the City of Yuma Investment Policy. (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.