



# City of Yuma City Council Meeting Agenda

---

Wednesday, September 18, 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 Call to the Public must complete a Speaker Request Form prior to the start of the meeting. Speaker Request Forms can be found on the City's website, in the Clerk's Office, as well as in the Council Chambers.**

**"Call to the Public" comments are limited to non-agenda items that pertain to City business under the authority and legislative functions of the City Council. The total time for "Call to the Public" is limited to 30 minutes.**

**Speaker Request Forms should be submitted to City clerk staff prior to the start of each meeting. All speakers, whether speaking on an agenda item or during "Call to the Public" are provided 3 minutes, with no more than 5 speakers permitted per topic/issue.**

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](http://www.yumaaz.gov/telvue). Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Teams on their computer or mobile device at [www.yumaaz.gov/publicmeetings](http://www.yumaaz.gov/publicmeetings). Click on "Calendar" then select the City meeting and click "Join".

## **CALL TO ORDER**

## **INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **FINAL CALL**

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

## ROLL CALL

### 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 2024-133](#)      **Regular Council Meeting Draft Minutes August 7, 2024**  
Attachments:      [2024 08 07 RCM Minutes](#)
  
2. [MC 2024-134](#)      **Variance Appeal - Board of Adjustments Draft Minutes August 7, 2024**  
Attachments:      [2024 08 07 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 2024-135](#)      **Liquor License: Sun Of A Gun Cigars**  
Approve a Series #06: Bar Liquor License application submitted by Katherine Espinal, agent for Sun Of A Gun Cigars located at 1651 S. Arizona Avenue. (LL24-14) (City Administration/City Clerk) (Lynda L. Bushong)  
Attachments:      [1. MAP Liquor License: Sun of a Gun Cigars](#)
  
2. [MC 2024-142](#)      **Liquor License: Yuma Market**  
Approve a Series #10 Beer and Wine Store Liquor License application submitted by Haitham Yaldo, agent for Yuma Market, located at 890 E. 24th Street (LL24-12). (City Administration/City Clerk) (Lynda L. Bushong)  
Attachments:      [1. MAP Liquor License: Yuma Market](#)

- 
3. [MC 2024-136](#) **Temporary Extension of Premises/Patio Permit: The Chile Pepper**  
Approve a Temporary Extension of Premises/Patio Permit application submitted by Andrea Huff, agent for The Chile Pepper located at 1030 W. 24th Street. (EP24-02) (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:**
- 1. [MAP Temporary Extension of Premises: The Chile Pepper](#)
  - 2. [MAP Legend](#)
4. [MC 2024-137](#) **Permanent Extension of Premises/Patio Permit: Texas Roadhouse**  
Approve a Permanent Extension of Premises/Patio Permit application submitted by Lauren Merrett, agent for Texas Roadhouse located at 594 E. 16th Street. (EP24-03) (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:**
- 1. [MAP Extension of Premises: Texas Roadhouse](#)
5. [MC 2024-138](#) **Bid Award: Colorado River Interceptor Manhole Replacements Phase I**  
Authorize a construction services contract for the Colorado River Interceptor Manhole Replacements Phase I Project to the lowest responsive and responsible bidder in the amount of \$1,356,606.90 to TF Contracting Services, Phoenix, Arizona. (Engineering - RFB-25-012) (David Wostenberg/Robin R. Wilson)
6. [MC 2024-139](#) **Sole Source Contract: Hydrogen Peroxide**  
Award a five-year Sole Source contract for Hydrogen Peroxide at an estimated annual expenditure of \$540,000.00 to US Peroxide, Atlanta, Georgia (Utilities SS-25-059) (Jeremy McCall/Robin R. Wilson)
7. [MC 2024-140](#) **Ratification: Settlement of Roberts v. City of Yuma, et al.**  
Ratify settlement of the lawsuit *Frances Roberts v. City of Yuma, et al.* Yuma County Superior Court Case No. S1400CV202300792. (City Attorney) (Richard Files)

## 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. [R2024-049](#)

**Intergovernmental Agreement: Arizona Western College**

Adopt an intergovernmental agreement with Arizona Western College (AWC) for emergency medical technician and paramedic field training. (Fire/EMS) (Dustin Fields)

**Attachments:**

[1. RES IGA: Arizona Western College](#)

[2. AGR IGA: Arizona Western College](#)

2. [R2024-050](#)

**Order Improvements: Municipal Improvement District No. 126:  
Barkley Ranch Units 8-10**

Order Improvements for Municipal Improvement District (MID) No. 126 to serve Barkley Ranch Units 8-10, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parking and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 126 shall be assessed upon the properties in MID No. 126; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Alyssa Linville)

**Attachments:**

[1. RES Order of Improvements MID No.126 Barkley Ranch Unit 8-10](#)

[2. EXH A Order Improvements MID 126 Barkley Ranch Units 8-10](#)

### 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. [O2024-028](#)      **Annexation Area No. ANEX-42924-2024: Irwin Trust**  
Authorize annexation of property located in the vicinity of E. 28th Street and S. Rebecca Avenue. (ANEX-42924-2024). (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)  
  
**Attachments:**      [1. PET Annex: Irwin Trust](#)  
   [2. ORD Annex: Irwin Trust](#)

### 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. [O2024-029](#)      **Rezoning of Property: 2050 S. 10th Avenue**  
Rezone approximately .17 acres located at 2050 S. 10th Avenue from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District (ZONE-42650-2024) (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)  
  
**Attachments:**      [1. P&Z RPT Rezoning of Property: 2050 S. 10th Ave](#)  
   [2. ORD Rezoning of Property: 2050 S. 10th Ave](#)
  
2. [O2024-030](#)      **Declare Real Property Surplus and Authorize Sale: 2495 South Sierra Vista Avenue**  
Declare vacant City of Yuma owned real property surplus and authorize the sale of the surplus property located at 2495 South Sierra Vista Avenue. (City Attorney) (Richard W. Files)  
  
**Attachments:**      [1. MAP Declare Surplus and Authorize Sale](#)  
   [2. ORD Declare Surplus and Authorize Sale](#)

3. [O2024-031](#)**Rezoning of Property: 1651 S. Arizona Avenue**

Approve the rezoning of an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, located at 1651 S. Arizona Avenue. (ZONE-42890-2024)(Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**[1. P&Z RPT Rezoning of Property: 1651 S. Arizona Ave](#)[2. ORD Rezoning of Property: 1651 S. Arizona Ave](#)**V. FINANCIAL UPDATE**

City Administrator and Finance Director to provide information, including but not limited to follow-up to questions and requests from City Council regarding the City's investment portfolio and outlook, Capital Reserve and Contingencies and local revenue trends, as well as discussion and direction regarding the Bond Buy Back program that was presented to City Council on September 4, 2024.

**VI. PUBLIC HEARING AND RELATED ITEMS**

*The following statutory compliance hearing may result in the introduction of Ordinance O2024-032.*

1. [O2024-032](#)**Amendment: Ordinance O2022-032**

Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for Rezoning Ordinance O2022-032, and introduce an ordinance to amend O2022-032 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**[1. MAP Amend O2022-032 NWC Avenue 10E and 37th Street Alignment](#)[2. ORD Amend O2022-032 NWC Avenue 10E and 37th Street Alignment](#)

## VII. VARIANCE APPEAL: 963 S. Latisha Way

1. [MC 2024-141](#)

**Variance Appeal: VAR-42764-2024 - 963 S. Latisha Way**

The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustment pursuant to Arizona Revised Statutes (A.R.S.) Section 9-462.06 and Yuma City Code (Y.C.C.) §154-02.02. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. HO RPT Variance: 963 S Latisha Way](#)

[2. Hearing Office Minutes](#)

[3. July 11, 2024 Notice of Right to Appeal](#)

[4. July 13, 2024 Appellant's Notice to Appeal](#)

[5. July 23, 2024 Appeal Schedule](#)

[6. Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer's decision dated August 19, 2024](#)

## VIII. ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

1. 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 September 5, 2024 through September 18, 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.

2. Scheduling:

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

## IX. 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.*

**X. CALL TO THE PUBLIC**

*Members of the public may address the City Council on matters within City Council's authority and jurisdiction that are not listed on the agenda during the "Call to the Public" segment of the meeting. All speakers must complete a Speaker Request Form and submit it to City Clerk staff no later than the "Final Call for Speaker Request Forms" is made at the beginning of each meeting.*

**XI. 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 following legal matters (ARS 38-431.03 A3, A4 and A7):

- 1) BJA v. COY
- 2) Mohave County, et al. v. BOR, et al.
- 3) Quinn v. Yuma County, et al.
- 4) Aguilera for O.A.
- 5) Jaramillo, et al. v. COY
- 6) Roberts v. COY
- 7) Tortora v. COY
- 8) Candela v. COY
- 9) Blankenship v. Allo, et al.
- 10) Meadows v. COY, et al.
- 11) MacDonald v. COY
- 12) Rodriguez v. COY
- 13) Castillo v. Yuma County, et al
- 14) Claims against the City

**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.