



City of Yuma City Council Meeting Summary

Wednesday, May 15, 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.

CALL TO ORDER

5:32 PM

INVOCATION

Pastor Tom McConkey, Liberty Baptist Church

PLEDGE OF ALLEGIANCE

Madeleine Coil, Grants Administrator

ROLL CALL

Present: 6 - Mayor Douglas J. Nicholls, Deputy Mayor Chris Morris, Councilmember Leslie L. McClendon (after swearing in), Councilmember Arturo Morales, Councilmember Ema Lea Shoop and Councilmember Carol Smith
Absent: 1 - Councilmember Michael Shelton

FINAL CALL

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

PRESENTATIONS

- Formal Swearing In of New Councilmember

Leslie McClendon sworn in by James Coil, Municipal Court Judge

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 motion was made by Deputy Mayor Morris, seconded by Councilmember Smith, to APPROVE the Motion Consent Agenda with the exception of Item C.3. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

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

1. [MC 2024-064](#) **Regular Council Meeting Draft Minutes April 3, 2024**

Attachments: [2024 04 03 RCM Minutes](#)

APPROVED

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 2024-054](#) **Liquor License: A & R Grill**

Approve a Series #12: Restaurant Liquor License application submitted by Judith Lopez, agent for A & R Grill located at 712 S. 4th Avenue. (LL24-05) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: A & R Grill](#)

APPROVED

2. [MC 2024-055](#) **Liquor License: Proper Dose**

Approve a Series #04: Wholesaler/Distributor Liquor License application submitted by Patricia Rodriguez, agent for Proper Dose located at 1775 E. Palo Verde Street #176. (LL24-03) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Proper Dose](#)

APPROVED

3. [MC 2024-056](#) **Bid Award: Pavement Replacement - Avenue B between 24th Street and 16th Street**

Authorize the City Administrator to execute a construction services contract for pavement replacement on Avenue B between 24th Street to 16th Street, in the amount of \$3,589,151.54 to the lowest responsive and responsible bidder, Gutierrez Canales Engineering, Yuma, Arizona. (Engineering RFB-24-270) (David Wostenberg/Robin R. Wilson)

A motion was made by Councilmember Smith, seconded by Councilmember Morales, to APPROVE Item C.3. The motion carried by the following vote:

Aye: 5 - Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

COI: 1 - Mayor Nicholls

4. [MC 2024-057](#) **Bid Award: Ready Mix Concrete, Color and Stamp Mix**

Award to the sole bidder, BLT Companies, LLLP, Yuma, Arizona, the as-needed purchase and delivery of Ready-Mix Concrete, Color and Stamp Mix, a one-year contract with the option to renew for four additional one-year periods, at an estimated first-year cost of \$63,700.00, which will exceed \$100,000.00 over the five-year life of the contract, depending on the appropriation of funds and satisfactory performance. (Public Works/Streets-RFQ-24-167) (Joel Olea/Robin R. Wilson)

APPROVED

5. [MC 2024-058](#) **Cooperative Purchase Agreement: Playground Equipment**
Authorize the purchase, delivery and installation of various playground equipment and shade with Exerplay, Cedar Crest, New Mexico, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an expenditure of \$238,811.94. (Parks-CPA-24-301) (Eric Urfer/Robin R. Wilson)
APPROVED
6. [MC 2024-059](#) **Cooperative Purchase Agreement: Third-Party Emergency Medical Billing Services**
Authorize the City Administrator to enter into a four-year agreement with an option to renew for up to six additional years, in two-year increments, for Third-Party Emergency Medical Billing Services with EMS Management and Consultants, Inc. (EMS|MC) of Winston-Salem, North Carolina, utilizing a Cooperative Purchase Agreement through the City of Tempe, Arizona, for an estimated annual expenditure of \$230,000.00 (CPA-24-286 Fire Department) (Dustin Fields/Robin R. Wilson)
APPROVED
7. [MC 2024-060](#) **Ratification of Purchase Order: Emergency Repair to Sanitary Sewer Overflow**
Ratify a Purchase Order issued to SAK Construction, LLC of Tempe, AZ in an amount of \$124,500.00 for emergency bypass of a sanitary sewer line at Smucker Park. (Engineering/Utilities-EM-24-249) (David Wostenberg/Jeremy McCall/Robin R. Wilson)
APPROVED

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.

A motion was made by Councilmember Smith, seconded by Councilmember Morales, to ADOPT the Resolution Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

1. [R2024-013](#) **Intergovernmental Agreement: Arizona Game and Fish Commission**

Authorize the execution of an Intergovernmental Agreement (IGA) with the Arizona Game and Fish Commission, through the Arizona Game and Fish Department (AGFD) extending the current Community Fishing Program with the City of Yuma for the total not to exceed \$59,988 over the five-year agreement. (Parks & Recreation) (Eric Urfer)

Attachments: [1. RES IGA: Arizona Game and Fish Commission](#)
[2. AGMT IGA: Arizona Game and Fish Commission](#)

ADOPTED

2. [R2024-014](#) **Intergovernmental Agreement: State of Arizona Department of Transportation**

Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the design of the 1st Street Shared Use Pathway Project. This is a Transportation Alternatives Program Funding (TA) project and is 94.3% grant funded, 5.7% local match, with a total amount of \$443,554.00. (Engineering) (David Wostenberg)

Attachments: [1. RES IGA: Arizona Department of Transportation for the 1st Street Shared Use Pathway Project](#)
[2. AGMT IGA: Arizona Department of Transportation for the 1st Street Shared Use Pathway Project](#)

ADOPTED

3. [R2024-015](#) **Order Improvements: Municipal Improvement District No. 127 Riverview Terrace Subdivision**

Order Improvements for Municipal Improvement District (MID) No. 127 to serve Riverview Terrace Subdivision, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings 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. 127 shall be assessed upon the properties in MID No. 127 according to acreage; 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 Improvements MID No. 127](#)
[2. EXH A Order Improvements MID 127 Riverview Terrace Subdivision](#)

ADOPTED

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.

A motion was made by Councilmember Morris, seconded by Councilmember Smith, to ADOPT the Ordinances Consent Agenda with the exception of Ordinance O2024-016. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

1. [O2024-013](#) **Compensation and Benefits for Municipal Judge**
Establish compensation and benefits for the office of Municipal Judge from and after January 1, 2025. (Municipal Court) (Del Miller)

Attachments: [1. ORD Compensation and Benefits for Municipal Judge](#)

ADOPTED

2. [O2024-015](#) **Grant of Easement: Yuma County Water Users' Association**
Authorize the grant of an easement to Yuma County Water Users' Association (YCWUA) along the south side of 28th Street, between Avenue C and 33rd Drive, for the relocation of a portion of the United States Bureau of Reclamation's (USBR) Thacker Lateral. (Engineering) (David Wostenberg)

Attachments: [1. ORD Grant of Easement to YCWUA – 28th Street, between Avenue C and 33rd Drive](#)
[2. EXH B AGMT Grant of Easement to YCWUA - 28th Street, between Avenue C and 33rd Drive](#)

ADOPTED

3. [O2024-016](#) **Rezoning of Property: 958 S. 3rd Avenue**

Approve the rezoning of an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3rd Avenue, Yuma, AZ. (ZONE-42266-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezone 958 S. 3rd Avenue](#)
[2. ORD Rezone 958 S. 3rd Avenue](#)

A motion was made by Councilmember Morales, seconded by Councilmember Smith, to ADOPT Ordinance O2024-016. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

COI: 1 - Deputy Mayor Morris

4. [O2024-017](#) **Rezoning of Property: Southeast Corner of Avenue 6E and 48th Street**

Rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z REPORT Rezoning: Southeast corner of Avenue 6E and 48th Street](#)
[2. ORD Rezoning: Southeast corner of Avenue 6E and 48th Street](#)

ADOPTED

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. [O2024-019](#)**Right-of-Way Vacation and Exchange: JAKART 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 JAKART Holdings, LLC, and City acceptance of a utility easement. (Engineering) (David Wostenberg)

Attachments:

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

INTRODUCED

V. BUDGET AND RELATED ITEMS1. [MC 2024-062](#)**Public Hearing: Fiscal Year 2025 - Fiscal Year 2029 Capital Improvement Program**

Conduct a public hearing for the proposed Fiscal Year 2025 - Fiscal Year 2029 City of Yuma Capital Improvement Program pursuant to Yuma City Charter, Article XIII, Section 11 (Engineering) (Susan Cowey)

PUBLIC HEARING HELD (5:59 p.m. - 6:00 p.m.)

A motion was made by Councilmember Morales, seconded by Councilmember McClendon, to close the Public Hearing. The motion carried by the following vote:

Aye: 5 - Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

COI: 1 - Mayor Nicholls

The following discussion may result in the approval of the Tentative Annual Budget for Fiscal Year 2024

Motion (Morales/Smith): To amend Schedule B of the Tentative Annual Budget to reflect the dollar amount of \$16,040,777 as the Maximum Allowable Primary Property Tax Levy for 2024, instead of \$15,725,831. Voice vote: approved 6-0.

Motion (Morris/Smith): To adopt the Fiscal Year 2025 Tentative Budget for Visit Yuma in an amount not to exceed \$903,000. Voice vote: adopted 5-0-1, McClendon COI.

Motion (Smith/McClendon): To adopt and publish for the June 5th budget hearing, the Fiscal Year 2025 Tentative Budget for the Capital Improvement Program in the amount of \$222,418,219. Voice vote: adopted 5-0-1, Mayor Nicholls COI.

2. [MC 2024-061](#) **Tentative Annual Budget for Fiscal Year 2025**

Adopt the Fiscal Year 2025 Tentative Annual Budget in the amount of \$521,167,546 which includes a Capital Improvement Program budget of \$222,418,219; combined Maintenance Improvement Districts of \$672,094 and Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise operations.
(Administration/Finance) (John D. Simonton/Douglas W. Allen)

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

A motion was made by Councilmember Smith, seconded by Councilmember McClendon, to approve and publish for the June 5th budget hearing, the Fiscal Year 2025 Tentative Budget in the amount of \$297,846,327, which excludes Visit Yuma funding and the Capital Improvement Program. The motion carried by the following vote:

Aye: 6 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shoop, and Councilmember Smith

Absent: 1 - Councilmember Shelton

FINAL CALL

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

VI. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

REPORTED

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 2, 2024 through May 15, 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.

VII. SUMMARY OF CURRENT EVENTS

REPORTED

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.

RECESS (6:15 p.m. - 6:19 p.m.)

VIII. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

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.

IX. EXECUTIVE SESSION

EXECUTIVE SESSION NOT HELD

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, consultation, and/or direction to legal counsel regarding Article VI, Section 11, of the Yuma City Charter. (A.R.S. 38-431.03 A(1), A(3) and A(4)).
- 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)).

ADJOURNMENT

6:35 PM

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.