



City of Yuma City Council Meeting Summary

Wednesday, August 7, 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. 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. Click on "Calendar" then select the City meeting and click "Join".

CALL TO ORDER

5:34 PM

INVOCATION

DEACON DAVID CLARK, IMMACULATE CONCEPTION CHURCH

PLEDGE OF ALLEGIANCE

THOMAS GARRITY, CHIEF OF POLICE

FINAL CALL

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

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Chris Morris, Councilmember Leslie L. McClendon , Councilmember Arturo Morales, Councilmember Michael Shelton, Councilmember Ema Lea Shoop and Councilmember Carol Smith

PRESENTATIONS

PRESENTATIONS MADE

- Recognition of Yuma Fire Department Executive Fire Officer's Certification
- Yuma Fire Department Update
- Overview of the Outdoor Lighting Code Update

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):

Approval of the Consent Agenda

A motion was made by Councilmember Morales, seconded by Councilmember Smith, to APPROVE the Motion Consent Agenda with the exception of items C.10, C.11 and C.12. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shelton, Councilmember Shoop, and Councilmember Smith

1. [MC 2024-112](#) **Special Council Meeting Draft Minutes May 14, 2024**

Attachments: [2024 05 14 SCM Minutes](#)

APPROVED

2. [MC 2024-113](#) **Regular Council Meeting Draft Minutes June 26, 2024**

Attachments: [2024 06 26 RCM Minutes](#)

APPROVED

3. [MC 2024-114](#) **Regular Council Worksession Draft Minutes July 16, 2024**

Attachments: [2024 07 16 RWS 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 2024-098](#) **Liquor License: Estrellita Meat Market**

Approve a Series #10: Beer and Wine Store Liquor License application submitted by Maria Lopez, agent for Estrellita Meat Market located at 2100 S. 4th Avenue #1. (LL24-09) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Estrellita Meat Market](#)

APPROVED
2. [MC 2024-099](#) **Liquor License: Gozen**

Approve a Series #12: Restaurant Liquor License application submitted by Jose Rios, agent for Gozen located at 2355 S. 4th Avenue. (LL24-08) (City Administration/City Clerk) (Lynda L. Bushong)

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

APPROVED
3. [MC 2024-100](#) **Liquor License: Yuma Liquor**

Approve a Series #09S: Liquor Store with Sampling Privileges Liquor License application submitted by Delon Abahad, agent for Yuma Liquor located at 2411 S. 4th Avenue. (LL24-07) (City Administration/City Clerk) (Lynda L. Bushong)

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

APPROVED
4. [MC 2024-101](#) **Bid Award: Rye Grass Seed**

Authorize the purchase of rye grass seed to the lowest responsive and responsible bidder, Nutrien Ag Solutions, Tucson, Arizona for an expenditure of \$137,606.27 (including tax). (Parks and Recreation) (RFB-24-261 Eric Urfer/Robin R. Wilson)

APPROVED

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5. [MC 2024-102](#) **Cooperative Purchase Agreement: Fire Service Apparatus**
Authorize the purchase of one Ward Apparatus 2024 Ford 450, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$254,949.19 to: Republic EVS, Huntington Beach, California (Fire Department-CPA-25-015) (Dustin Fields/Robin R. Wilson)
APPROVED
6. [MC 2024-103](#) **Cooperative Purchase Agreement: Emergency Preparedness and Safety Equipment**
Authorize the purchase of two fourier-transform, infrared spectrometers (FTIR) with extended warranty, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$127,481.89 to: FarrWest, Schertz, Texas (Fire Department-CPA-25-020) (Dustin Fields/Robin R. Wilson)
APPROVED
7. [MC 2024-104](#) **Sole Source: Technical Rescue Equipment**
Authorize the Sole Source purchase of Technical Rescue Equipment, at a cost of \$315,922.38; to: Atlas Devices, Chelmsford, Massachusetts. (Fire Department-SS-25-019) (Dustin Fields/Robin R. Wilson)
APPROVED
8. [MC 2024-105](#) **Transfer of Ownership: Police Canine**
Authorize the retirement and transfer of ownership of one Yuma Police Department canine to the assigned handler. (Police/Patrol) (T. Garrity)
APPROVED
9. [MC 2024-106](#) **Ratification: Settlement of *Solorio v. City of Yuma, et al.***
Ratify settlement of the lawsuit *Francisca Solorio v. City of Yuma, et al.* Yuma County Superior Court Case No. S1400CV202300577. (City Attorney) (Richard Files)
APPROVED

Approval of the Consent Agenda

A motion was made by Councilmember McClendon, seconded by Deputy Mayor Morris, to APPROVE items C.10, C.11 and C.12. The motion carried by the following vote:

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

COI: 1 - Councilmember Morales

10. [MC 2024-107](#) **Final Plat: Cielo Verde Unit 4 Phase II Subdivision**
Approve the final plat for the Cielo Verde Unit 4 Phase II Subdivision, located at the corner of Albatross Drive and E. 35th Street. (SUBD-040902-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)
- Attachments:** [1. P&Z RPT Final Plat: Cielo Verde Unit 4 Phase II](#)
[2. PLAT Final Plat: Cielo Verde Unit 4 Phase II](#)
- APPROVED**
11. [MC 2024-108](#) **Final Plat: Cielo Verde Unit 4 Phase III Subdivision**
Approve the final plat for the Cielo Verde Unit 4 Phase III Subdivision, located at the corner of S. Eagle Drive and E. 36th Street. (SUBD-042903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:** [1. P&Z RPT Final Plat: Cielo Verde Unit 4 Phase III](#)
[2. PLAT Final Plat: Cielo Verde Unit 4 Phase III](#)
- APPROVED**
12. [MC 2024-109](#) **Final Plat: Cielo Verde Unit 6 Phase II Subdivision**
Approve the final plat for the Cielo Verde Unit 6 Phase II Subdivision, located at the corner of Ostrich Drive and E. 35th Place. (SUBD-040903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:** [1. P&Z RPT Final Plat: Cielo Verde Unit 6 Phase II Subdivision](#)
[2. PLAT Final Plat: Cielo Verde Unit 6 Phase II](#)
- 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.

1. [R2024-040](#) **Preannexation Development Agreement: 9759 S. Avenue 9E**

Authorize a Preannexation Development Agreement with Feliciano Lopez and Mallappa Neelappa for the property located at 9759 S. Avenue 9E (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. RES PDA: 9759 S. Avenue 9E](#)
[2. AGR PDA: 9759 S. Avenue 9E](#)

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: 7 - Mayor Nicholls, Deputy Mayor Morris, Councilmember McClendon, Councilmember Morales, Councilmember Shelton, Councilmember Shoop, and Councilmember Smith

III. 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. [O2024-018](#) **Acceptance of Historic Properties**

Authorize the City of Yuma to acquire ownership of: (1) the Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma, Arizona, and (2) the Molina Block located at 272 Madison Avenue, Yuma, Arizona from the Arizona Historical Society. (City Administrator) (Jay Simonton)

Attachments: [1. ORD to Accept Historic Properties](#)

INTRODUCED

2. [O2024-027](#) **Text Amendment: Conditional Uses within the General Commercial District**

Amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E, to amend the list of Conditional Uses to include cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District. (Planning and Neighborhood Services) (Alyssa Linville)

Attachments: [1. P&Z REPORT Zoning Code Text Amendment: Conditional Uses within the General Commercial District](#)
[2. ORD Zoning Code Text Amendment: Conditional Uses within the General Commercial District](#)

INTRODUCED

IV. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2024-110](#) **Annexation Area No. ANEX-42924-2024: Irwin Trust**

This is a public hearing to consider the annexation of properties 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. P&Z RPT Annex: Irwin Trust](#)
[3. MAP Annex: Irwin Trust](#)

PUBLIC HEARING HELD (6:52 PM-6:54 PM)

Motion (Smith/McClendon): to close the public hearing. Voice vote: approved (7-0).

Motion (Morales/Morris): to recess the August 7th City Council meeting and reconvene as a quasi-judicial body sitting as a statutory Board of Adjustment to hear the Variance Appeal on property located at 9616 E. 33rd Lane. Voice vote: approved (7-0)

MEETING RECESS (6:56 PM-7:46 PM).

V. VARIANCE APPEAL: 9616 E. 33RD LANE

VARIANCE APPEAL HELD (7:05 PM-7:45 PM)

1. [MC 2024-111](#) **Variance Appeal: VAR-42542-2024 - 9616 E. 33rd Lane**

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: 9616 E. 33rd Lane](#)
 - [2. Hearing Officer Minutes](#)
 - [3. May 9, 2024 Notice of Right to Appeal](#)
 - [4. May 10, 2024 Appellant's Notice to Appeal](#)
 - [5. May 20, 2024 Appeal Schedule](#)
 - [6. Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer's decision dated May 9, 2024](#)

Motion (Morris/Smith): I find that one or more of the four necessary variance criteria were NOT present, therefore, I move to AFFIRM the Hearing Officer's denial of the Variance VAR-42542-2024 for property located at 9616 E. 33rd Lane. Roll Vote: approved (7-0).

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

Motion (Smith/Morales): to appoint Katrina Lozano to the Housing Authority of the City of Yuma with a term expiration of December 31, 2025. Voice vote: approved (7-0).

- Housing Authority Commission – one appointment

2. 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 July 18, 2024 through August 7, 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 (Morales/Smith): that a Special Council Meeting be scheduled for August 13, 2024, at 5:30 p.m. for the purpose of canvassing the 2024 Primary election and posting of an agenda in accordance with state law. Voice vote: approved (7-0).

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.

VIII. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

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.

"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.

Speakers are limited to 3 minutes, with no more than 5 speakers permitted per topic/issue. The total time for "Call to the Public" is limited to 30 minutes.

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

Motion (Smith/Morris): to adjourn to Executive Session. Voice vote: approved (7-0).

EXECUTIVE SESSION 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, consultation, and or direction to legal counsel regarding Article VI. and Article XI, of the Yuma City Charter. (A.R.S. 38-431.03 A(3) and A(4)).

ADJOURNMENT**8:09 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.