



City of Yuma City Council Meeting Special City Council Meeting Agenda

Monday, November 21, 2022

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

CALL TO ORDER

ROLL CALL

PRESENTATION

- Innovation Districts Overview by Chris Camacho of Greater Phoenix Economic Council

I. GENERAL ELECTION CANVASS

The following discussion may result in the adoption of Resolution R2022-046

1. [R2022-046](#)

2022 City of Yuma General Election Canvass

Adopt the results of the November 8, 2022, City of Yuma General Election through the official canvass. (Administration/Clerk) (Lynda L. Bushong)

Attachments:

[1. RES General Election Canvass 2022](#)

[2. EXH A General Election Canvass 2022](#)

II. DISCUSSION AND POSSIBLE ACTION

The following discussion may result in the adoption of Resolution R2022-047

1. [R2022-047](#)

Resolution of Support and Certification: Kennedy Park Improvements Grant

Authorize a Resolution of Support and the Certification of Legal Authority to Apply for the submission of the Land and Water Conservation fund grant to Arizona State Parks and Trails to provide funding to support the Kennedy Park improvements. (Parks and Recreation) (Eric Urfer)

Attachments:

[1. SUPP DOC Resolution of Support: Kennedy Park Improvements Grant](#)

[2. RES Resolution of Support: Kennedy Park Improvements Grant](#)

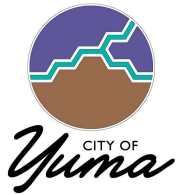
III. EXECUTIVE SESSION

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:

There are no additional agenda items at this time.

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.



City of Yuma

City Council Report

File #: R2022-046

Agenda Date: 11/21/2022

Agenda #: 1.

DEPARTMENT: City Administration	STRATEGIC OUTCOMES	ACTION
DIVISION: Clerk's Office	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible <input checked="" type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
2022 City of Yuma General Election Canvass

SUMMARY RECOMMENDATION:

Adopt the results of the November 8, 2022, City of Yuma General Election through the official canvass. (Administration/Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

Canvassing the election at a public meeting aligns with City Council's Respected and Responsible and Connected and Engaged strategic outcomes as it provides formal notification in a public setting and is required by statute and the City Charter.

REPORT:

The City of Yuma General Election was held on Tuesday, November 8, 2022, for the purpose of electing candidates to fill three at-large seats for the office of City Councilmember and referring the following two questions to the qualified electors:

- Proposition 416 - Submitting the City of Yuma 2022 General Plan to the qualified electors of the City of Yuma for their approval or rejection.
- Proposition 417 - Determining whether to Amend Article III, Section 16 of the City Charter of the City of Yuma, Arizona, regarding continuation of the City of Yuma 2% Hospitality Tax and Distributing Ten Percent (10%) of total hospitality tax collections to the Heritage Area and Ten Percent (10%) of total hospitality tax collections to the designated Destination Marketing Organization.

The results of the election are contained in the official canvass to be adopted by this resolution.

As required by the Yuma City Charter and Arizona Revised Statutes (A.R.S.) §16-642, the City Council shall declare by resolution the results of the election not less than six days nor more than 20 days following the election. A.R.S. §16-646 requires the official canvass to contain certain information, which has been included in the resolution.

The resolution declares that Art Morales, Gary Knight and Carol Smith are duly elected to the offices of City Councilmember for the full term of four years, beginning January 1, 2023. The resolution further declares that both Proposition 416 and Proposition 417 passed.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date: 11/18/2022
Reviewed by City Attorney: Richard W. Files	Date: 11/17/2022

RESOLUTION NO. R2022-046

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
YUMA, ARIZONA, DECLARING AND ADOPTING THE
OFFICIAL CANVASS OF THE RESULTS OF THE GENERAL
ELECTION HELD ON NOVEMBER 8, 2022**

WHEREAS, a General Election was held and conducted in the City of Yuma, Arizona, on Tuesday, November 8, 2022, for the purpose of electing three candidates for the office of City Councilmember and referring two questions to the qualified electors; and,

WHEREAS, notice of the election was duly and regularly given in the time, form and manner as provided by law; voting centers were properly established; election officers were appointed and in all respects the election was held and conducted and the votes were cast and received and the returns made and declared in the time, form and manner required by the provisions of state election law for the holding of elections in cities; and,

WHEREAS, it now becomes the duty of the City Council of the City of Yuma, Arizona to canvass the returns of the election and declare the results; and,

WHEREAS, Article IV, Section 9, of the Yuma City Charter and Arizona Revised Statutes §§ 16-642 and 16-646 require City Council of the City of Yuma to canvass and declare by resolution the results of the General Election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The number of votes cast at each precinct and the number of votes cast in the City of Yuma General Election for the candidates are listed in the attached Exhibit “A”, which is hereby declared and adopted as the Official Canvass.

SECTION 2: The number of votes cast at each precinct and the number of votes cast in the City as to Proposition 416 and Proposition 417 are listed in the attached Exhibit “A”, which is hereby declared and adopted as the Official Canvass.

SECTION 2: The total number of ballots cast in the City of Yuma General Election was 22,473.

SECTION 3: The names of eligible candidates appearing on the ballot for the office of City Councilmember at the General Election are as follows:

- | | |
|-----------------------|----------------------|
| • Knight, Gary | • Smith, Carol |
| • Morales, Arturo | • Thomas, Edward |
| • Scarborough, Robert | • Wilkinson, Nicolle |

SECTION 4: The City Council further determines and declares that Art Morales, Gary Knight and Carol Smith were duly elected to the office of City Councilmember for the City of Yuma for the full term of four years, beginning January 1, 2023.

SECTION 5: The votes cast as to Proposition 416, submitting the City of Yuma 2022 General Plan to the qualified elector of the City of Yuma for their approval or rejection:

- 20,217 total votes cast
- 13,270 votes cast in support
- 6,947 votes cast in opposition

Therefore, Proposition 416 is hereby declared to have passed.

SECTION 6: The votes cast as to Proposition 417, determining whether to Amend Article III, Section 16 of the City Charter of the City of Yuma, Arizona, regarding continuation of the City of Yuma 2% Hospitality Tax and Distributing Ten Percent (10%) of total hospitality tax collections to the Heritage Area and Ten Percent (10%) of total hospitality tax collections to the designated Destination Marketing Organization:

- 20,269 total votes cast
- 11,240 votes cast in support
- 9,029 votes cast in opposition

Therefore, Proposition 417 is hereby declared to have passed.

SECTION 7: The City Clerk shall enter on the records of the City of Yuma a statement, known and designated as the Official Canvass, which shall recite:

1. The number of ballots cast in each precinct
2. The number of ballots rejected in each precinct
3. The titles of offices voted for and the names of each person voted for to fill the offices
4. The number of votes by precinct received by each candidate
5. The number and a brief title of the measure(s)
6. The number of votes by precinct for and against the measures(s)

Adopted this ____ day of _____, 2022.

APPROVED:

Douglas J. Nicholls,
Mayor


ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

Resolution R2022-046
Exhibit A

		Precinct																
		001	002	003	004	005	008	009	010	011	012	013	014	015	016	017	021	022
	Registered Voters (Active)	1,358	1,485	255	2,971	2,302	1,397	1,444	6,146	2,545	1,607	2,178	695	2,111	1,687	460	0	594
	Ballots Cast	403	559	76	1,292	1,305	868	599	2,938	1,244	1,027	782	245	1,011	735	290	0	347
	Turnout Percentage	29.7%	37.6%	29.8%	43.5%	56.7%	62.1%	41.5%	47.8%	48.9%	63.9%	35.9%	35.3%	47.9%	43.6%	63.0%	0.0%	58.4%
		026	027	031	032	033	035	036	037	038	039	040	041	042	043	044	045	046
	Registered Voters (Active)	860	95	0	0	2	1,675	2,155	2,264	2,295	2,102	2,221	2,545	3,137	0	0	1,221	1
	Ballots Cast	269	32	0	0	2	813	949	820	934	1,000	1,089	1,205	1,211	0	0	431	0
	Turnout Percentage	31.3%	33.7%	0.0%	0.0%	100.0%	48.5%	44.0%	36.2%	40.7%	47.6%	49.0%	47.3%	38.6%	0.0%	0.0%	35.3%	0.0%

	Registered Voters	Ballots Cast	Turnout Percentage
Total	49,808	22,476	45.1%

Councilmembers

Councilmembers		
	Votes Cast	Percentage
Knight, Gary	9,871	44%
Morales, Art	10,683	48%
Scarborough, Robert	6,021	27%
Smith, Carol	8,621	38%
Thomas, Edward	6,183	28%
Wilkinson, Nicole	7,525	33%
Write-Ins	286	1%
Total	49,190	

	Precinct																
	001	002	003	004	005	008	009	010	011	012	013	014	015	016	017	021	022
Knight, Gary	176	206	31	518	575	434	281	1,205	559	507	345	118	502	337	115	0	158
Morales, Art	207	299	35	667	640	356	276	1,371	593	463	388	112	456	379	121	0	117
Scarborough, Robert	83	132	10	283	363	285	186	821	434	299	161	63	319	198	87	0	96
Smith, Carol	140	242	28	530	524	337	211	1,076	474	382	294	98	366	280	108	0	98
Thomas, Edwards	103	150	19	387	425	241	117	720	330	258	241	80	232	180	82	0	123
Wilkinson, Nicole	133	184	18	396	418	340	211	1,007	408	362	258	93	360	240	96	0	129
Write-Ins	2	4	0	36	20	7	4	32	19	3	7	0	13	10	3	0	0
	026	027	031	032	033	035	036	037	038	039	040	041	042	043	044	045	046
Knight, Gary	83	12	0	0	0	325	445	346	440	467	468	514	552	0	0	152	0
Morales, Art	152	25	0	0	0	360	452	444	462	411	486	594	601	0	0	216	0
Scarborough, Robert	42	6	0	0	2	179	220	186	252	316	291	299	279	0	0	129	0
Smith, Carol	111	13	0	0	2	292	366	330	345	423	461	489	443	0	0	158	0
Thomas, Edwards	84	5	0	0	0	258	287	193	244	255	274	400	387	0	0	108	0
Wilkinson, Nicole	83	9	0	0	2	269	334	246	270	314	357	365	474	0	0	149	0
Write-Ins	11	1	0	0	0	6	21	15	11	5	10	29	9	0	0	8	0

Proposition 416

Proposition 416		
	Votes Cast	Percentage
Yes	13,270	59%
No	6,947	31%
Total	20,217	

	Precinct																
	001	002	003	004	005	008	009	010	011	012	013	014	015	016	017	021	022
Yes	228	328	47	796	796	503	385	1,699	764	635	463	142	599	424	174	0	194
No	134	173	21	389	379	279	145	928	380	283	246	79	296	223	81	0	116
	026	027	031	032	033	035	036	037	038	039	040	041	042	043	044	045	046
Yes	164	21	0	0	2	461	532	455	506	575	650	763	728	0	0	236	0
No	85	7	0	0	0	251	330	295	315	312	330	328	393	0	0	149	0

Resolution R2022-046
Exhibit A

Proposition 417

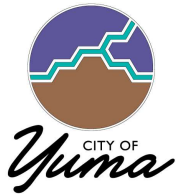
Proposition 417		
	Votes Cast	Percentage
Yes	11,240	50%
No	9,029	40%
Total	20,269	

	Precinct																
	001	002	003	004	005	008	009	010	011	012	013	014	015	016	017	021	022
Yes	208	273	40	618	650	474	314	1,410	661	568	371	113	520	356	164	0	175
No	154	235	26	536	520	312	240	1,242	515	383	344	115	387	293	98	0	145
	026	027	031	032	033	035	036	037	038	039	040	041	042	043	044	045	046
Yes	129	15	0	0	2	415	452	405	441	536	536	615	569	0	0	210	0
No	116	9	0	0	0	301	405	340	399	344	415	454	527	0	0	174	0

Rejected Ballots

Total	
Rejected	Percentage
263	1.2%

Precinct																
001	002	003	004	005	008	009	010	011	012	013	014	015	016	017	021	022
22	6	4	10	6	4	10	30	6	16	10	0	10	14	15	0	13
026	027	031	032	033	035	036	037	038	039	040	041	042	043	044	045	046
2	5	16	4	2	8	7	7	5	7	5	8	10	0	0	1	0



City of Yuma

City Council Report

File #: R2022-047

Agenda Date: 11/21/2022

Agenda #: 1.

DEPARTMENT: Parks & Recreation	STRATEGIC OUTCOMES	ACTION
DIVISION: Administration	<input type="checkbox"/> Safe & Prosperous <input checked="" type="checkbox"/> Active & Appealing <input type="checkbox"/> Respected & Responsible <input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Resolution of Support and Certification: Kennedy Park Improvements Grant

SUMMARY RECOMMENDATION:

Authorize a Resolution of Support and the Certification of Legal Authority to Apply for the submission of the Land and Water Conservation fund grant to Arizona State Parks and Trails to provide funding to support the Kennedy Park improvements. (Parks and Recreation) (Eric Urfer)

STRATEGIC OUTCOME:

If awarded, the acceptance and use of the grant proceeds furthers the City Council's strategic outcome of Active and Appealing. The use of the grant funds will provide for the installation of inline hockey rink lighting improvements at Kennedy Park, ensuring the hockey rink's long-term serviceability to the community.

REPORT:

The grant funds, if awarded, will provide the funding for the installation of inline hockey rink lighting at Kennedy Community Park, one of the City of Yuma's oldest and most used parks.

The City of Yuma is currently redeveloping multiple sites within the Kennedy Community Park: the 32,000 square foot skate park, the inline hockey rink and ballfield lighting solutions for Keegan Ballpark. The monies being requested will further enhance these projects, and will contribute to the health and welfare of Yuma's youth in addition to making the projects financially feasible and in a position for completion upon receipt of grant funds.

By adopting this Resolution, the City Council authorizes the submission of an application under the Mayor's signature to the Arizona State Land and Water Conservation Fund (through the Land and Water Conservation Fund) for Kennedy Park renovations and improvements, the acceptance of the grant award, the payment of a 4.4% administrative fee, and the signing of any documents necessary for acceptance of the \$250,000 grant.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$250,000.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	FUND
TOTAL\$ 250,000.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

No matching funds are required for this funding opportunity. The City will pay the 4.4% administrative fee out of grant funds.

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date: 11/18/2022
Reviewed by City Attorney: Richard W. Files	Date: 11/17/2022



City Administration

One City Plaza
Yuma, Arizona 85364

(928) 373-5011
Fax (928) 373-5012
www.YumaAZ.gov

The Land and Water Conservation Fund
Attn: Mickey Rogers, Chief of Grants and Trails
c/o Arizona State Parks Board
23751 N. 23rd Avenue, Suite 190
Phoenix, AZ 85085

This is to certify that the City Council of the City of Yuma, Arizona authorizes the City Administrator to make application for the financial assistance under the provisions of the Land Water Conservation Fund Act, Public Law 88-758 for the development of Kennedy Park Improvements to include in-line hockey rink lighting.

This further certifies that the City Council of the City of Yuma, Arizona, is familiar with the terms and conditions of the Land and Water Conservation Fund Project and hereby authorizes the City Administrator to enter into said agreement between the City of Yuma and the State of Arizona upon federal approval of the above identified project.

This further certifies that the City of Yuma (a charter city of Arizona as of April 7, 1914, which follows the mayor-council government system) has been legally constituted and is responsible for planning and carrying out the municipal recreation program, and the continued operation and maintenance of this completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement.

Date

Signature

Douglas J. Nicholls, PE, RLS
Mayor

RESOLUTION NO. R 2022-047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ARIZONA STATE LAND AND WATER CONSERVATION FUND FOR KENNEDY PARK IMPROVEMENTS

WHEREAS, the Congress of the United States has authorized the Land and Water Conservation Fund Act of 1965 (LWCF) (Public Law 88-578) to provide matching grants to States, and through the States to local governments, for the acquisition and development of public outdoor recreation areas and facilities; and,

WHEREAS, the City of Yuma has been a(n) LWCF partner since 2001 with the development of Gateway Park, one of three Specialized Parks in the Riverfront Regional Park (Riverfront Park) system as well as prior improvements to Kennedy Park; and,

WHEREAS, the Arizona State Parks Board (Board) is responsible for the administration of the LWCF within the State of Arizona, setting up necessary rules and procedures governing application by eligible applicants under the program; and,

WHEREAS, the adopted Board application rules and procedures require the applicant to certify by resolution the approval of the application, signature authorization, the availability of local matching funds, the administrative surcharge, and authorization to execute a Project Agreement with the Board prior to submission of the application to the Board; and,

WHEREAS, the City is an eligible applicant and project sponsor, and the proposed grant project is consistent and compatible with the City of Yuma General Plan and the 2016 Parks and Recreation Master Plan; and,

WHEREAS, the proposed project site for the LWCF grant project is the Kennedy Park, located at 23rd Street and Kennedy Lane, in Census Tracts 7, and adjacent Census Tracts including, 1, 5, 6 and 8; and,

WHEREAS, between 50% and 75% of residents living in the census tracts in and adjacent to the Kennedy Park qualify as Low-to-Moderate Income (LMI) and Low Income households; and,

WHEREAS, the 25-year old, LWCF Park (Kennedy) is in need of upgrades and renovations; and,

WHEREAS, maintaining existing LWCF sites in a state of good repair and condition, improving recreation service to economically-disadvantaged neighborhoods, and encouraging economic development are core program goals of the LWCF; and,

WHEREAS, Kennedy Park is in need of major renovations and amenity improvements; and,

WHEREAS, the proposed Kennedy Park Renovations and Improvements Project is aligned with the key objectives of Arizona's Statewide Comprehensive Outdoor Recreation Plan (SCORP); and,

WHEREAS, the proposed Kennedy Park Renovations and Improvement Project furthers Arizona's SCORP 2018-2022 Priority Issues: accessibility and inclusion; preservation and conservation; engagement, marketing, communication and education opportunities; and collaboration and partnerships;

and,

WHEREAS, if awarded, the LWCF grant will cover the costs of: (i) ADA accessibility; (ii) Amenity additions; (iii) lighting solutions and improvements; and,

WHEREAS, if awarded, the City is committed to paying the grant's 4.4% administrative fee of eleven thousand dollars (\$11,000).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: An application to the Board for LWCF financial assistance through the 2023 grant funding cycle is approved.

SECTION 2: The grant application is consistent and compatible with the City's General Plan, the 2016 Parks and Recreation Master Plan, the updated 2017 West Wetlands Master Plan, and all other adopted plans and programs of the City for urban park development.

SECTION 3: The City certifies its compliance with all appropriate procedures, guidelines, and requirements established by the Board as a part of the application process.

SECTION 4: If awarded, the City will comply with any and all state and federal regulations, policies, procedures, guidelines, and requirements that relate to the LWCF grant application.

SECTION 5: The City certifies that, if awarded, the City will pay the eleven thousand dollar (\$11,000) administrative fee of 4.4%.

SECTION 6: The City Administrator and Mayor Nicholls are authorized to take all steps necessary to conduct negotiations and execute all documents, to include the application and Project Agreement, to carry out the purpose and intent of this Resolution.

Adopted this ____ day of _____, 2022.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney