

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**DECEMBER 6, 2023**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:34 p.m.

**INVOCATION/PLEDGE**

**Pastor Tom Renard**, Zion Church, gave the invocation. **Christina Shelton**, Executive Assistant, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: Morales  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Fire Chief, Dusty Fields  
Administrative Support Supervisor, Ruth Gloria  
Director of Engineering, Dave Wostenberg  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

Employee Recognition

**Fields** recognized **Gloria** for her 50-year career with the City of Yuma, which started off in 1973 as a Clerk Typist in Building Safety and has also included various roles in City Administration and Public Works. **Ruth** expressed thanks for the opportunity to be a member of the City of Yuma team, stating that it has been a wonderful career that has allowed her to move from department to department and learn so much about the City.

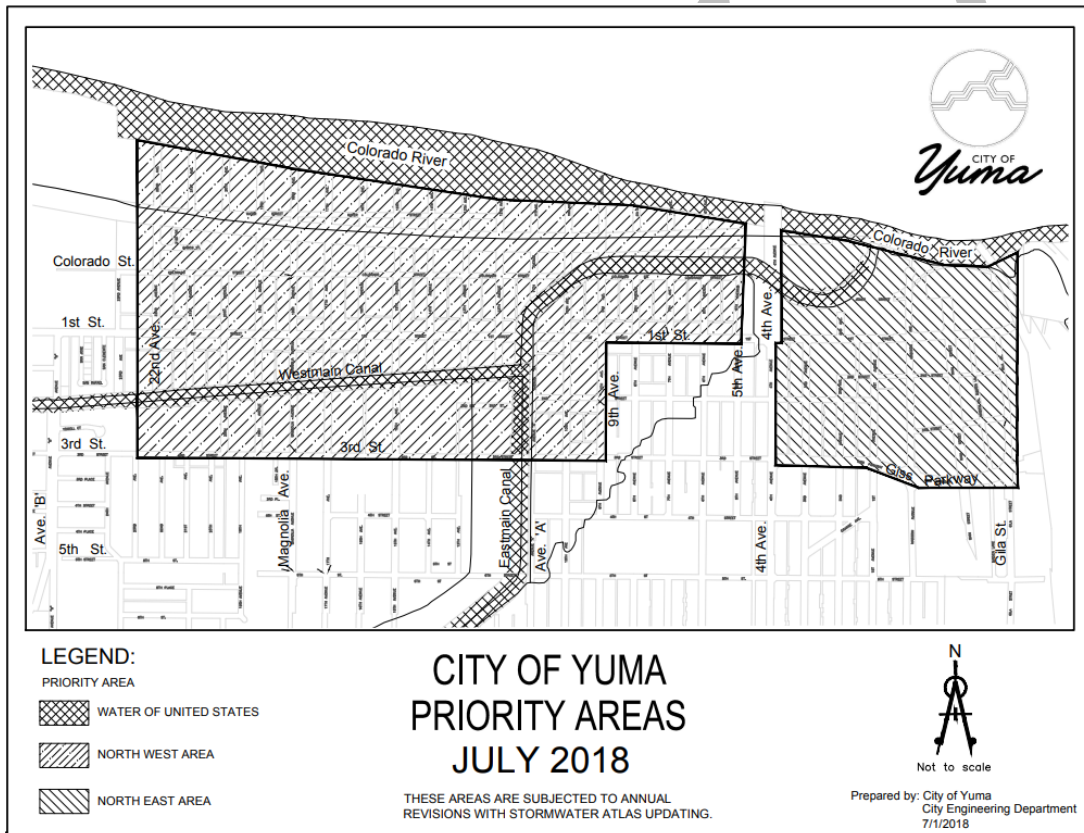
Annual Stormwater Report

**Wostenberg** presented the Annual Stormwater Report as follows:

- Regulatory Overview
  - Clean Water Act of 1972, Water Quality Act of 1987, and Clean Water Rules of 2015
  - Federal – Environmental Protection Agency (EPA)
    - National Pollutant Discharge Elimination System (NPDES)
  - State – Arizona Department of Environmental Quality (ADEQ)
    - Arizona Pollutant Discharge Elimination System (AZPDES)
  - Applies to surface waters only, not groundwater
  - Yuma has been regulated as a “small municipality” since March 2003

- Yuma operates under an AZPDES Municipal Separate Storm Sewer System (MS4) permit
  - Current five-year permit began on 09/29/2021
- Ultimate goal of permit is protection of Waters of the U.S. from polluted stormwater runoff
- Waters of the U.S. are any surface waters – lakes, rivers, streams, canals, oceans, etc. – which have any connection to interstate or foreign commerce
- City Stormwater Regulations
  - Ordinance O2005-15
    - Regulates illicit discharges and illegal dumping into drainage system
  - Ordinance O2006-38
    - Regulates stormwater runoff from construction sites of one or more acres in size
    - Regulates City water and sewer line construction projects that disturb ½ acre or more
  - Ordinance O2007-78
    - Regulates post-construction stormwater runoff for sites with connection to the Colorado River
- Compliance by the City
  - Yuma has developed and implemented a Stormwater Management Program (SWMP)
  - Minimum compliance specified by ADEQ
    - SWMP includes six Minimum Control Measures (MCMs):
      1. Public education and outreach
      2. Public involvement and participation
      3. Illicit discharge detection and elimination
      4. Construction site runoff control
      5. Post-construction site runoff control
      6. Good housekeeping for municipal operations/facilities
  - MS4 permit requires annual reporting to ADEQ
- Construction Runoff
  - At construction sites of one acre or more, Yuma requires the owner to implement a Stormwater Pollution Prevention Plan (SWPPP)
    - Develop plans preventing stormwater pollution from leaving the site
    - File for a permit with ADEQ
    - Implement stormwater pollution prevention measures onsite
    - Perform and document inspections and enforcement
- Colorado River Impacts
  - ADEQ listed the Colorado River (River) as impaired from the Yuma Main Canal crossing to the Mexico border in 2016
    - Currently regulated for high selenium levels
  - Impact on MS4 Permit
    - Required implementation of measures to prevent exceedance of listed pollutants
    - One Additional Control Measure was added to our permit and our SWMP was revised accordingly
- Additional Control Measure (ACM)
  - Yuma's ACM is Specific Best Management Practices (BMPs) for Reducing the Discharge of 303(d)-Listed Pollutants
  - It includes five BMPs:
    1. Delineate drainage area and inventory system elements with discharge potential to the River
    2. Reduce/prevent discharge of pollutants from construction sites into the River

3. Reduce/prevent discharge of pollutants from post-construction sites into the River
  4. Education about reducing discharges
  5. Introduce a surface water monitoring program
- ACM Compliance Efforts
    - Steps Yuma took to meet the ACM
      - Delineated a priority area (potential discharge to the River)
      - Incorporated plan review, site inspection and education for activities within the priority area
      - Initiated visual monitoring in both wet and dry weather at stormwater outfalls to the impaired surface water segment
      - Initiated testing of stormwater outfalls to the impaired surface water segment
        - One-time testing of stormwater outfalls for 74 additional elements came back with all elements under the allowable levels
  - Priority Area



- Annual System Cleaning
  - A vacuum truck is used to clean dirt and debris out of the catch basins, which has helped to reduce total sediments as well as selenium concentrations
- Selenium Reduction Efforts
  - Continued monitoring and improvement at outfalls, such as addition of filtering (grass, riprap, etc.) before stormwater discharges into the river



- Ongoing Efforts
  - Stormwater documents and ordinances are reviewed annually and revised as warranted
  - Training is conducted for Council, staff and industry partners
  - Department website was updated to provide a detailed stormwater page
  - Additional public awareness/education efforts
    - New educational postcards
    - Drains to the River marked on affected inlets
- Public Awareness/Education
  - Postcards

**To Keep the Stormwater Leaving Your Home or Workplace Clean, Follow These Simple Guidelines:**

- ☛ Use pesticides and fertilizers sparingly.
- ☛ Repair auto leaks.
- ☛ Clean up after your pet.
- ☛ Use a commercial car wash or wash your car on a lawn or other unpaved surface.
- ☛ Sweep up yard debris rather than hosing down areas. Compost or recycle yard waste when possible.
- ☛ Sweep up and properly dispose of construction debris like concrete and mortar.
- ☛ Dispose of household hazardous waste, used auto fluids (antifreeze, oil, etc.), and batteries at designated collection or recycling locations.
- ☛ Clean paint brushes in a sink, not outdoors. Properly dispose of excess paints through a household hazardous waste collection program.

[www.yumaaz.gov/streets-solid-waste/garbage-recycling/household-hazardous-waste.html](http://www.yumaaz.gov/streets-solid-waste/garbage-recycling/household-hazardous-waste.html)  
[www.yumaaz.gov/city-engineering/stormwater-management-program.html](http://www.yumaaz.gov/city-engineering/stormwater-management-program.html)

**For questions please contact: City of Yuma MS4  
Phone: 928-373-4250 - E-mail: storm@yumaaz.gov**

The diagram illustrates the path of stormwater runoff from a house. It shows runoff from the roof, lawn, and gutter, which then flows into a street. From the street, the runoff goes into a storm drain and eventually into a local water body like a stream, creek, river, or lake. The text at the bottom of the diagram states: "STORMWATER RUNOFF ENDS UP IN LOCAL STREAMS, CREEKS, RIVERS AND LAKES."

- Drain markers



- Violation Reporting
  - Anyone can report a stormwater violation or concern in two convenient ways
    - Call 373-4520
    - Email storm@yumaaz.gov

#### Discussion

- Stormwater violations or concerns can also be reported via Yuma Click & Fix, available as an app or on the City's website (**Mayor Nicholls/Wostenberg**)
- Staff will get back to Council with the level of selenium that is allowed from outfalls (**Shelton/Wostenberg**)
- Currently Waters of the U.S. are defined as any navigable waterways; previously any bodies of water that drained into those waterways were also included (**Shelton/Wostenberg**)

#### **I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item C.3 – RFQ Award: Desert Dunes Water Reclamation Facility Capacity Increase (execute a contract with Construction Manager at Risk (CMAR) contractor PCL Construction, Inc., not to exceed \$94,069,589.00) (RFQ-21-178) (Eng)

#### Discussion

- Construction is scheduled to begin in September 2024, and it is estimated that it will take about 24 months to complete the project (**Knight/Wostenberg**)

**Motion** (Morris/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

A. Approval of minutes of the following City Council meetings:

Regular Council Meeting  
Regular Council Worksession

November 1, 2023  
November 14, 2023

B. Executive Session

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 Atty)

C. Approval of Staff Recommendations

1. Authorize the purchase of a HVAC unit to the lowest responsive and responsible bidder Polar Cooling, Yuma, Arizona for a total cost of \$153,634.00. (RFB-24-119) (Bldg Sfty)
2. Authorize settlement of the Calder and Calder-Phillips Claims. (City Atty)
3. Authorize the City Administrator to execute a contract for the construction of the Desert Dunes Water Reclamation Facility (WRF) Capacity Increase Project to the Construction Manager at Risk (CMAR) contractor PCL Construction, Inc., Tempe, Arizona in the amount not to exceed, \$94,069,589.00. (RFQ-21-178) (Eng)

II. RESOLUTION CONSENT AGENDA

Resolution R2023-050 – Acceptance of Greater Yuma Port Authority (GYPA) Distribution (accept GYPA’s proposed distribution of \$155,000.00 to each member agency) (City Admin)

**Knight** noted that he is the City’s representative on the GYPA Board of Directors, and shared that at the last meeting the opinion of the GYPA legal advisors was that the distribution of funds cannot happen in the way that this resolution puts forward.

**Motion** (Knight/Morris): To table Resolution R2023-050 indefinitely. Voice vote: **approved** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

**Motion** (Knight/Smith): To adopt the Ordinances Consent Agenda as recommended.

**Bushong** displayed the following title:

**Ordinance O2023-038**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real properties, hereafter described, surplus for City use and authorizing the sale of each of the surplus properties through separate or collective competitive processes such as requests for proposals (for properties located at 150 N. Madison Avenue and 120 N. Main Street) (Econ Dev)**

Roll call vote: **adopted** 6-0.

**IV. INTRODUCTION OF ORDINANCES**

Ordinance O2023-040 – Text Amendment: Off-Street Parking (amend the Yuma City Code to update provisions related to off-street parking) (Plng & Nbhd Svcs/Cmty Plng)

**Mayor Nicholls** stated that he would like to meet with staff on Ordinance O2023-040 to make a few changes and have the ordinance introduced at the next City Council Meeting.

**Motion** (Mayor Nicholls/Morris) to continue Ordinance O2023-040 to the next City Council Meeting. Voice vote: **approved** 6-0.

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Ordinance O2023-039 – Text Amendment: Home Occupations (amend the Yuma City Code to update the permitted Home Occupations) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- The phrase “as determined by Zoning Administrator” is somewhat concerning as Zoning Administrators may change and this language is vague and open to arbitrary application; staff will be consulted to see if clearer language or more guidance can be included in the future (**Mayor Nicholls/Simonton**)

**Bushong** displayed the following title:

**Ordinance O2023-039**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, updating zoning regulations relating to permitted home occupations within residential zoning districts** (to expand permitted home occupations and increase employment opportunities within residential districts) (Plng & Nbhd Svcs/Cmty Plng)

**V. INDUSTRIAL DEVELOPMENT AUTHORITY HOSPITAL REVENUE BONDS SERIES 2023A**

Resolution R2023-054 – Industrial Development Authority Hospital Revenue Bonds Series 2023A (approve the issuance of Hospital Revenue Bonds, Series 2023A (Yuma Regional Medical Center) and declare an emergency) (City Atty)

**Smith** declared a potential conflict of interest on Resolution R2023-054 as she is an employee of Yuma Regional Medical Center and left the dais.

**Motion** (Knight/Shelton): To adopt Resolution R2023-054 as presented.

**Bushong** displayed the following title:

**Resolution R2023-054**

**A resolution of the City Council of the City of Yuma, Arizona, approving the issuance of Hospital Revenue Bonds (Yuma Regional Medical Center), Series 2023A, of the Industrial Development Authority of the City of Yuma, Arizona; and declaring an emergency** (approve a bond issue not to exceed \$105,000,000.00 to refinance hospital expansion/improvements, refunding all or a portion of existing Series 2014B and 2014C variable rate bonds) (City Atty)

Roll call vote: **adopted** 5-0-1, **Smith** abstaining due to potential conflict of interest.

**Smith** returned to the dais.

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments

**Motion** (Knight/Smith): To appoint Russ Jones to the Greater Yuma Port Authority as a citizen appointee. Voice vote: **approved** 6-0.

Announcements

**Knight, Smith, Shelton, Morris,** and **Mayor Nicholls** reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Scheduling – No meetings were scheduled at this time.

**VII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- 2024 Neighborhood Leadership Academy will begin on January 11<sup>th</sup>; a few spots remain open, and interested applicants can find more information on the City’s website
- Many holiday performances, such as the Nutcracker, will be taking place at the Yuma Art Center in the coming weeks; information and tickets are available on the City’s website

**VIII. CALL TO THE PUBLIC** - There were no speakers at this time.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:19 p.m. No Executive Session was held.

APPROVED:

\_\_\_\_\_  
Lynda L. Bushong, City Clerk

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: \_\_\_\_\_