

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**AUGUST 7, 2024**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Deacon David Clark**, Immaculate Conception Church, gave the invocation. **Thomas Garrity**, Chief of Police, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Fire Chief, Dusty Fields  
Fire Marshal, Kayla Franklin  
Director of Planning and Neighborhood Services, Alyssa Linville  
Fire Battalion Chief, Alvin Luedtke  
Assistant Director of Planning, Jennifer Albers  
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 from members of the audience.

**PRESENTATIONS**

Recognition of Yuma Fire Department Executive Fire Officer's Certification

**Fields** recognized **Franklin** for completing the prestigious Executive Fire Officer Program at the National Fire Academy in Emmitsburg, Maryland. The two-year program included online and in-person courses covering leadership, strategic analysis, and organizational assessments.

Yuma Fire Department Update

**Fields** presented the Yuma Fire Department (YFD) Annual Report for calendar year 2023 as follows:

- Introduction
  - YFD exists to provide professional services, protecting the life and property of its citizens. We ensure the safety and security of those we serve by delivering emergency medical transport, fire prevention, fire suppression, and education to the community.
- Calls for Service
  - 17,968 calls for service – around 50 calls per day, or a little over two calls per hour
    - 13,785 emergency medical calls

- 326 fires
- 9,171 ambulance transports
  - Increased by 131, or 2.3 per week, from 2022
- Staffing – 142.5 personnel
  - Administration – 8
  - Professional Services Division – 3
  - Suppression Division – 124
    - Approved for three new firefighters for Fiscal Year (FY) 2024
    - Minimum staffing per day is 35
    - Three 24-hour shifts with 41 people assigned to each shift
      - Seven fire engines, one ladder truck, five ambulances, and an on-duty Battalion Chief
  - Emergency Medical Division – 2.5
  - Community Risk Reduction - 5
- Community Risk Reduction
  - 1,776 inspections – 2,817 staff hours
  - 36 fire investigations – 184 staff hours
  - 704 pre-fire plan reviews – 867 staff hours
  - 602 construction inspections – 831 staff hours
- Emergency Medical Division
  - Manages ambulance pre-billing reports
  - Works closely with the Medical Director
  - Manages ambulance supplies
  - Ensures department compliance with Arizona Department of Health Services (AZDHS) ambulance certification and transport regulations
  - Manages the quality assurance process
    - Works closely with the Professional Services Division and the Medical Director to ensure patient care meets standards and spot trends for training opportunities
- Professional Services Division
  - Conducted three firefighter recruitments
    - Promptly filling vacancies reduces overtime and prevents firefighter fatigue
  - Conducted 16 continuing education courses
  - Managed Fire Engineer, Fire Captain, and Battalion Chief promotion process
  - Conducted Engineer and Captain Academies
  - Handles reviews for complaints, and shares findings with leadership after investigations are complete
  - Department training – total of 26,227 hours
- Accomplishments
  - Achieved our fifth accredited by the Commission on Fire Accreditation International
    - YFD has been accredited since 2003
    - Only 320 accredited agencies internationally
  - Established independent medical direction from International Medical Direction and installed medication dispensers at each fire station
  - Coordinated an inaugural regional Fire Academy with Arizona Western College (AWC)
    - Protective gear purchased for each cadet through a grant from AWC, saving the City a total of \$62,000
    - 11 vacancies have been filled through the fire Academy

- Received three new ambulances and delivery of one fire engine
  - The lead time (period between purchase and delivery) for YFD apparatus is over three years
- Enhanced social media profile with Instagram and podcast
  - Has also continued with traditional media contributions to newspaper and television
- Restructured Community Risk Reduction Division
  - Eliminated a Plans Examiner position and replaced it with Senior Fire Inspector and Assistant Fire Marshal positions
- Thermal Imaging Camera Program
  - Replacement of existing bulky cameras, which were limited to one per apparatus, with newer hand-held cameras for each firefighter on an apparatus
- Opportunities for Growth
  - Comprehensive study for administration and operation staffing
    - Despite rapid growth over the past decade, administrative staffing levels have remained unchanged
  - Staffing for additional ambulance
    - An ambulance was purchased several years ago with American Rescue Plan Act (ARPA) funds but lacks staffing due to budget constraints
    - Would help address higher response times in Area 5 and Area 7, which jeopardize YFDs ability to meet mandated Certificate of Need response times
  - Safety Officer for each shift
    - YFD currently relies on an on-call Safety Officer to oversee crews during emergency situations
    - The on-call Safety Officer arrives on average 20.09 minutes after the start of dangerous operations, which is well after the critical safety oversight is needed
  - Recruitment
    - Three firefighter recruitment processes, resulting in 16 new hires
    - Despite innovative efforts to attract more applicants, YFD has struggled to generate sufficient interest in open positions
    - The regional Fire Academy is the most successful recruitment effort, but the process is lengthy, taking about 20 weeks; in comparison, recruitment of trained firefighters and Emergency Medical Technicians is an eight-week process
  - Rehab unit
    - Current rehab unit is a 1990 delivery van
    - Despite applying for several grants, YFD has not received funding for a new rehab unit
    - The current rehab unit is too small to accommodate all staff during large incidents, especially in the summer, and lacks restroom facilities
    - The estimated cost of a vehicle that would meet YFD's needs is around \$750,000
- Budget and Funding
  - FY 2024 Budget - \$21,905,976
    - 3% decrease from FY 2023 budget of \$22,628,221
- Fire Department funding is comprised of:
  - General Fund
    - Ambulance revenue goes to the General Fund
    - In the reporting period ending June 2023, ambulance services generated \$7.25 million in revenue, which is used to pay for salaries totaling \$4.1 million

- Public Safety Tax
  - Restricted to facilities and equipment
- Impact Fees
  - New facilities and equipment
- Equipment Replacement Fund
  - Fire trucks and ambulances
- Grants
  - YFD received \$212,000 in federal and state grants in 2023
    - \$70,000 from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant to purchase a breathing air compressor for Fire Station #2
    - \$40,000 from the Arizona Department of Forestry Management for a utility vehicle to respond to wildland fire calls
    - \$40,000 from the Arizona Governor's Office of Highway Safety for electric extrication equipment
    - \$62,000 for protective gear for all cadets in the AWC Fire Academy
- Community Outreach
  - Social media posts
    - 572 social media posts reached 328,000 people
  - Classes taught in the community
    - 43 classes, equal to 104 hours of staff time
    - Stop the Bleed, Compression Only CPR, and fire extinguisher classes
  - Public appearance requests
    - 141 public appearances including community events, block parties, and water spray downs at elementary schools
- Significant Events
  - Migrant transfer site at Public Safety Training Facility
    - Successfully processed and relocated over 100 migrants released from the local Border Patrol facility
  - Rabbit Fire in Riverside County
    - A crew of four joined fire departments from the Imperial Valley to form a strike team
    - Each strike team is lead by a strike team leader – a chief officer responsible for maintaining accountability and ensuring the safety of the team

**Fields** wrapped up his presentation by giving an update on the strike team deployed to Chico, California on July 26<sup>th</sup> for the Park Fire. The crew will return to Yuma on August 12<sup>th</sup>. The fire has consumed over 420,000 acres and is at 34% containment, with 6,627 personnel actively assigned to the event.

#### Discussion

- Since the opening of Fire Station #7, response times in Area 7 have dropped by one minute; on average, YFD is on-scene for approximately 20 minutes medical calls (**Mayor Nicholls/Fields**)
- Response times remain high in southeast Yuma because there is only one ambulance on that side of the city; if that ambulance has been deployed and dispatch receives another call for service, a ambulance would have to travel from a more distant area of the city, which might result in a response times as high as 15 minutes (**Smith/Fields**)

- Ideally the additional ambulance would be staffed 24/7 to back up Medic 5, but in the interim creative staffing during high-demand hours may help alleviate the long response times (**Smith/Fields**)
- Seven or eight employees would be needed to fully staff the ambulance; there are three two-person shifts, plus the need for coverage for time off (**Smith/Fields**)
- If response times fall below the requirements set by AZDHS, YFD would be required to submit a plan to correct the situation (**Smith/Fields**)
- With regard to YFD's accreditation, any failing areas must be identified and a plan established to correct the failure in order to remain accredited (**McClendon/Fields**)
- The contract for the staffing study has been finalized, and once it is signed the draft report should be complete within 180 days; the recommendations made in the report will most likely take multiple years to implement (**McClendon/Fields**)
- When staff is pulled from a fire station to do an inspection, a fire truck from another station will cover that area; it is possible they might be pulled away from the inspection to respond to a call during a busy period (**McClendon/Fields**)
- Additional staffing is needed in Administration; an Assistant Fire Chief position has been requested, but the staffing study might suggest a different strategy that would better serve the City (**McClendon/Fields**)
- If staffing could not be increased, non-critical programs such as accreditation might be discontinued (**Morales/Fields**)
- Last year ambulance revenues were sufficient to cover costs, and the remaining \$820 thousand went to the General Fund; in previous years, ambulance services was operating at a deficit (**Morales/Fields**)
- While YFD's budget decreased by 3% from FY 2023 to FY 2024, it increased 11% in FY 2025 (**Morales/Fields**)
- The staffing study will be very comprehensive and specific to the City of Yuma; in addition to analyzing YFD documents such as the Fire Services and Facilities Plan and the 2022-2027 Strategic Plan, the vendor will meet with YFD staff, City Council, the City Administrator, the Finance Director, the Human Resources Director, and anybody else YFD interacts with (**Morris/Fields**)
- In the winter an extra ambulance will be added to Fire Station #3 to make sure YFD is meeting all response times; otherwise, the ambulance is sitting empty (**Morris/Fields**)
- Only about 10% of fires in 2023 required an outside investigator from Administration because the cause of most fires is easily determined by the company officer that shows up on scene (**Morris/Fields**)

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#### Overview of the Outdoor Lighting Code Update

**Linville** presented the following overview of the proposed outdoor lighting code update:

- Current Code
  - The Zoning Code was initially adopted in 1952
  - Lighting provisions were added to the code in 1988
    - Identified low-pressure sodium as the preferred lighting source
    - Specified minimum shielding requirements
    - Identified lighting minimums in parking lots
    - Identified lighting requirements for off-site signs (billboards)
  - No updates have been made since 1988

- Challenges
  - Current code is outdated
  - Provides no guidance for the installation of modern lighting
    - Have been utilizing a policy to address modern lighting
  - Current code provides little flexibility in the way of LED lighting
  - Current code conflicts with other regulations
- Community Outreach
  - Conducted in-person round table discussions to review the current code and identify areas in need of updating
    - 15 active local stakeholders (contractors, engineers, and suppliers)
  - Provided stakeholders with a draft of the proposed changes based on their initial input
    - Solicited feedback and further discussion
- Proposed Amendment
  - Adds provision for LED lighting
    - Maximum color temperature of 3,000 kelvin
  - Establishes a process to allow deviations from the lighting standards
  - Updates the shielding requirements for lighting to address light trespass
    - Commercial and residential
  - Updates the lighting requirements for parking lots
- Next Steps
  - August 26<sup>th</sup> – Planning and Zoning Commission
  - October 2<sup>nd</sup> – City Council Introduction
  - October 16<sup>th</sup> – City Council Adoption
  - November 16<sup>th</sup> – Effective Date

### Discussion

- The stakeholder group recommended a 12-foot pole height within 25 feet of a residential property, which would require that poles be placed closer together to provide adequate lighting; developers could place retention areas adjacent to residential properties to create a buffer in order to avoid the 12-foot pole requirement (**Mayor Nicholls/Linville**)
- The current standard for lighting in parking lots is one candle maintained; the proposed update would reduce this requirement to 0.5 candle, with a minimum 0.2 candle in any given space (**Mayor Nicholls/Linville**)
- The issue of lighting in City parks is independent of the outdoor lighting update being presented today, which applies only to residential and commercial development (**Shelton/Mayor Nicholls/Simonton**)

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

Motion Consent Agenda Item C.10 – 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) (Plng & Nbhd Svcs/Cmty Plng)

Motion Consent Agenda Item C.11 – 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) (Plng & Nbhd Svcs/Cmty Plng)

Motion Consent Agenda Item C.12 – 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) (Plng & Nbhd Svcs/Cmty Plng)

**Morales** declared a conflict of interest on Motion Consent Agenda Items C.10, C.11, and C.12, and left the dais.

Discussion

- The applicant has agreed to all conditions of approval for this development (**Mayor Nicholls/Linville**)

**Motion** (McClendon/Morris): To approve Motion Consent Agenda Items C.10, C.11, and C.12 as recommended. Voice vote: **approved** 6-0-1, **Morales** abstaining due to conflict of interest.

**Morales** returned to the dais.

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Motion Consent Agenda Item C.6 – Cooperative Purchase Agreement: Emergency Preparedness and Safety Equipment (purchase of two fourier-transform infrared spectrometers at a cost of \$127,481.89) (CPA-25-020) (YFD)

Discussion

- This is a first-time purchase of equipment that helps to identify unknown substances to determine if they might be narcotics, explosives, or other potentially hazardous materials (**Smith/Luedtke**)
- There is not a firm lifespan established for this item, but equipment of this type tends to run for at least a decade; extended warranty coverage was included in the grant for the purchase of this item to help extend its lifespan (**Smith/Luedtke**)

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Motion Consent Agenda Item C.5 – Cooperative Purchase Agreement: Fire Service Apparatus (purchase of one Ward Apparatus 2024 Ford 450 at a cost of \$254,949.19) (CPA-25-015) (YFD)

Discussion

- This apparatus will be located at Fire Station #1 and will be dispatched on medical calls in place of the ladder truck; this will save wear and tear on the ladder truck to help extend its lifespan (**Morris/Fields**)

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**Motion** (Morales/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Items C.10, C.11, and C.12, which were approved through a separate vote. Voice vote: **approved** 7-0.

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

Special Council Meeting Minutes	May 14, 2024
Regular Council Meeting Minutes	June 26, 2024
Regular Council Worksession Minutes	July 16, 2024

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. Approve a Series #10: Beer and Wine Store Liquor License application submitted by Maria Lopez, agent for Estrellita Meat Market located at 2100 S. 4<sup>th</sup> Avenue #1. (LL24-09) (Admn/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Jose Rios, agent for Gozen located at 2355 S. 4<sup>th</sup> Avenue. (LL24-08) (Admn/Clk)
3. Approve a Series #09S: Liquor Store Sampling Privileges Liquor License application submitted by Delon Abahad, agent for Yuma Liquor located at 2411 S. 4<sup>th</sup> Avenue. (LL24-07) (Admn/Clk)
4. 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). (RFB-24-261) (Pks & Rec/Purch)
5. 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. (CPA-25-015) (YFD/Purch)
6. 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. (CPA-25-020) (YFD/Purch)
7. Authorize the Sole Source purchase of Technical Rescue Equipment, at a cost of \$315,922.38; to: Atlas Devices, Chelmsford, Massachusetts. (SS-25-019) (YFD/Purch)
8. Authorize the retirement and transfer of ownership of one Yuma Police Department canine to the assigned hander. (YPD)
9. Ratify settlement of the lawsuit *Francisca Solorio v. City of Yuma, et al.* Yuma County Superior Court Case No. S1400CV202300577. (Atty)
10. Pulled for separate consideration; see above.
11. Pulled for separate consideration; see above.
12. Pulled for separate consideration; see above.

## II. RESOLUTION CONSENT AGENDA

**Motion** (Smith/Morales): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title:

### **Resolution R2024-040**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Feliciano Lopez and Mallappa Neelappa for the real property located at 9759 S. Avenue 9E (the property is currently developed and features a single-family residence) (Plng & Nbhd Svcs/Cmty Plng)**

Roll call vote: **adopted** 7-0.

## III. INTRODUCTION OF ORDINANCES

Ordinance O2024-018 – Acceptance of Historic Properties (acquire ownership of the Sanguinetti House Museum and Gardens, Jack Mellon House, and the Molina Block from the Arizona Historical Society) (City Admn)

### Discussion

- The City will work with the Yuma County Historical Society to implement an operating agreement similar to those currently in place with the Yuma Crossing National Heritage Area for the Yuma Territorial Prison and the Colorado River State Historic Park (**McClendon/Simonton**)
- This year will serve as a test year, and the City may need to make adjustments going into next fiscal year; this will be addressed during budget discussions (**McClendon/Simonton**)

**Bushong** displayed the following titles:

### **Ordinance O2024-018**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of certain historic properties** (pursuant to Senate Bill 1441 approved by Governor Hobbs on March 25, 2024) (City Admn)

### **Ordinance O2024-027**

**An ordinance of the City Council of the City of Yuma, Arizona, amending the list of conditional uses within the General Commercial Zoning District in Chapter 154 of the Yuma City Code** (to include cemeteries on a minimum area of 15 acres) (Plng & Nbhd Svcs/Cmty Plng)

## IV. PUBLIC HEARING

**Mayor Nicholls** opened the public hearing at 6:52 p.m.

MC 2024-110 – Annexation Area No. ANEX-42924-2024: Irwin Trust (public hearing to consider the annexation of two properties and the adjacent 28<sup>th</sup> Street right-of-way) (Plng & Nbhd Svcs/Cmty Plng)

**Albers** presented the following information:

- The 29.4 acre annexation area is in the vicinity of E. 28<sup>th</sup> Street and S. Rebecca Drive
- The annexation area contains undeveloped properties respectively owned by Irwin Catherine H Trust 4-09-86 and Irwin Testamentary Trust
- Subject of Pre-Annexation Development Agreement – Resolution R2007-15 adopted March 16, 2007
- General Plan land use designation: Industrial
- County Zoning: Heavy Industrial (HI-1)
- Zoning upon Annexation: Heavy Industrial (HI)
- Infrastructure: Future connections to City utilities will be required
- Pending receipt of signed annexation petitions, an ordinance is anticipated to be presented to City Council on September 4<sup>th</sup> for introduction

**Motion** (Smith/McClendon): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:54 p.m.

Discussion

- The property is intended for industrial development, and there has been discussion about developing the property in the near future (**Mayor Nicholls/Albers**)

**V. VARIANCE APPEAL: 9616 E. 33RD LANE**

**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. City Council Recessed at 6:56 p.m.

Please see Variance Appeal Minutes, that cover the Variance Appeal, on the City of Yuma website

City Council Reconvenes at 7:46 p.m.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

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.

Announcements

**Morales, Smith, McClendon, Shelton, Morris, and Mayor Nicholls** reported on the following meetings attended/upcoming events:

- Greater Yuma Economic Development Corporation (GYEDC) Quarterly Investor Luncheon
- Yuma Metropolitan Planning Organization Board Meeting
- Summer Mural Ribbon Cutting at Joe Henry Optimist Center
- GYEDC Branding and Attraction Committee Meeting

- Interagency Soccer Tournament at Caballero Park
- Yuma Filming Industry Update
- Boys and Girls Club Back to School Shopping
- Back to School Rodeo
- Cocopah Tribal Council Swearing-In Ceremony
- Americans with Disabilities Act (ADA) Commission Meeting
- Ribbon Cutting for Home Goods at Yuma Palms Regional Center
- Attainable Housing Committee Meeting
- Briefing at Yuma Proving Ground (YPG) with Governor Katie Hobbs
- Recognition of Rick Ramirez at YPG for Assistance to Yuma Police Officer
- 4FrontED Board Meeting
- Relief and Appointment Ceremony at Marine Corps Air Station Yuma for Marine Aviation Weapons and Tactics Squadron One (MAWTS-1)
- Arizona League of Cities and Towns Executive Committee Board Meeting
- Donation of Fire Engine to the Town of Wellton
- Yuma County Chamber of Commerce Candidate Forum
- Elevate Southwest Board Meeting
- Canada Arizona Business Council Foreign Direct Investment (FDI) Discussion

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#### 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.

#### **VII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- September 7<sup>th</sup> – Father Daughter Ball at the Pivot Point Conference Center

**Simonton** and **Mayor Nicholls** recognized **Bushong** for receiving the Arizona Municipal Clerks Association Clerk of the Year award. **Bushong** expressed gratitude for her team and the City's leadership for their support.

#### **VIII. CALL TO THE PUBLIC**

**Cynthia Tovar**, City resident, spoke regarding changes to City park hours and expressed concern that the penalty for being in a park after hours is excessive.

**Charlene Young**, City resident, spoke regarding the recently adopted Call to the Public guidelines and requested that City Council reconsider allowing speakers to appear via Zoom.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Smith/Morris): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 8:09 p.m.

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

APPROVED:

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

DRAFT

Approved at the City Council Meeting of: _____ City Clerk: _____
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