

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**FEBRUARY 7, 2023**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:32p.m.

**INVOCATION/PLEDGE**

**Deacon Joel Olea**, Immaculate Conception Church, gave the invocation. **Jeremy McCall**, Director of Utilities, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Director of Engineering, David Wostenberg  
Assistant City Attorney, John LeSueur  
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.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item C.2 – Bid Award: Sand, Gravel, and Decorative Rock (award a one-year contract for sand, gravel, and decorative rock to each of the three lowest responsive and responsible bidders with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to: BLT Companies, LLP, Yuma, Arizona; IMAC Rock and Landscape, LLC, Yuma, Arizona; and Yuma Nursey, LLC, Yuma, Arizona, at an estimated annual expenditure of \$30,000.00) (RFB-23-303) (Fin/Purch)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item C.2, turned the meeting over to Deputy Mayor Morris, and left the dais.

**Motion** (Knight/Morales): To approve Motion Consent Agenda Item C.2 as recommended. Voice vote: **approved 6-0-1**, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

Motion Consent Agenda Item C.4 – Request for Qualifications Award: Integrated Multimodal Transportation Master Plan (authorize the City Administrator to execute a contract to provide planning for the Integrated Multimodal Transportation Master Plan to Kimley-Horn Associates, Mesa, Arizona, in the amount of \$421,430.68) (RFQ-24-100) (Eng/Fin)

Discussion:

- \$300,000 was set aside for the Transportation Master Plan from the Road Tax Fund; the amount was based off the cost of the 2014 Transportation Master Plan, which was between \$250,000 and \$275,000. The cost is higher for the 2024 plan due to the implementation of a bike plan and a transit system, as well as addressing some climate and equity issues for the City to be prepared to apply for grants. \$120,000 came from the Avenue 3 ½ E project that was finished early and under budget. To comply with regulations, the City updates the Transportation Master Plan every 10 years, and the last upgrade was done in 2014. **(Shoop/Wostenberg)**
- Road needs, additional infrastructure, and capacity improvements will be looked at when updating the Transportation Master Plan. **(Shelton/Wostenberg)**

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Motion Consent Agenda Item C.3 – Bid Award: Uniform Rental and Laundry Services (award uniform rental and laundry services to the lowest responsive and responsible bidder through a one-year contract, with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to Unifirst Corporation, San Diego, California, at an estimated annual expenditure of \$90,000.00) (RFB-24-170) (Fin/Purch)

Discussion:

- Local vendors received all pertinent information for submitting a bid for the contract. There was an oversight on behalf of one local vendor and they failed to submit their bid on time. **(Knight/Simonton)**

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**Motion** (Morales/Knight): To approve the Motion Consent Agenda as recommended, with the exception of Item C.2 which was adopted through a previous vote. Voice vote: **approved** 7-0.

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

Regular City Council Meeting Minutes	January 3, 2024
Regular Council Worksession Minutes	January 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 #12: Restaurant Liquor application submitted by Juanita Esparza, agent for La Fonda De Mr. Burros Mexican Food located at 1095 S. 3<sup>rd</sup> Avenue. (LL24-01) (Admn/Clk)

2. Pulled for separate consideration; see above.
3. Award uniform rental and laundry services to the lowest responsive and responsible bidder through a one-year contract, with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to Unifirst Corporation, San Diego, California, at an estimated annual expenditure of \$90,000.00. (RFB-24-170) (Fin/Purch)
4. Authorize the City Administrator to execute a contract to provide planning for the Integrated Multimodal Transportation Master Plan to Kimley-Horn Associates, Mesa, Arizona, in the amount of \$421,430.68. (RFQ-24-100) (Eng/Fin)
5. Authorize the purchase of narcotics (controlled substances) for a five-year period from the City's Medical Director, International Medical Direction, LLC, Phoenix, Arizona for emergency medical aid at an estimated annual expenditure of \$80,000.00. (Fire/EMS 24-201) (YFD/Fin)
6. Approve the final plat for Desert Sands Unit No. 4 Subdivision. The property is located at the northwest corner of 48th Street and Avenue 8E. (Plng & Nbhd Svcs/Cmty Plng)

## II. RESOLUTION CONSENT AGENDA

Resolution R2024-001 – Preannexation Development Agreement: NAT-95 Group, LLC (authorize a Preannexation Development Agreement with NAT-95 Group, LLC for a portion of the property located at 10206 S. Avenue 4E) (Plng & Nbhd Svcs/ Cmty Plng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2024-001, turned the meeting over to Deputy Mayor Morris, and left the dais.

**Motion** (Knight/Smith): To adopt Resolution R2024-001 as recommended.

**Bushong** displayed the following title(s):

### **Resolution R2024-001**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a preannexation development agreement with NAT-95 Group, LLC, for a portion of the real property located at 10206 S. Avenue 4E** (owner intends to establish a business in the existing building located on the northeast corner of the parcel for the inspection of trucks manufactured in Mexico) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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**Motion** (Morales/Morris): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2024-001 which was adopted through a previous vote.

**Bushong** displayed the following title(s):

**Resolution R2024-004**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City Administrator to execute certain access agreements on behalf of the City of Yuma** (standardizing and streamlining the approval process for entering into access agreements such as licenses, encroachment permits and right of use agreements) (Admin/Eng)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

**Bushong** displayed the following title(s):

**Ordinance O2024-006**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay ((R-2/IO) District, and amending the zoning map to conform with the rezoning** (1010 and 1012 S. 2<sup>nd</sup> Avenue; approximately 14,000 sqft.) (Plng & Nbhd Svcs/Cmty Plng)

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

**IV. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following title(s):

**Ordinance O2024-007**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to Cielo Verde Specific Plan to update the list of uses within the Cielo Verde Residential District** (request to allow a religious institution at the southeast corner of 36<sup>th</sup> Street and Avenue 8E) (Plng & Nbhd Svcs/Cmty Plng)

**Ordinance O2024-008**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, and amending the zoning map to conform with the rezoning** (approximately 1.17 acres located at 430 and 440 S. Magnolia Avenue) (Plng & Nbhd Svcs/Cmty Plng)

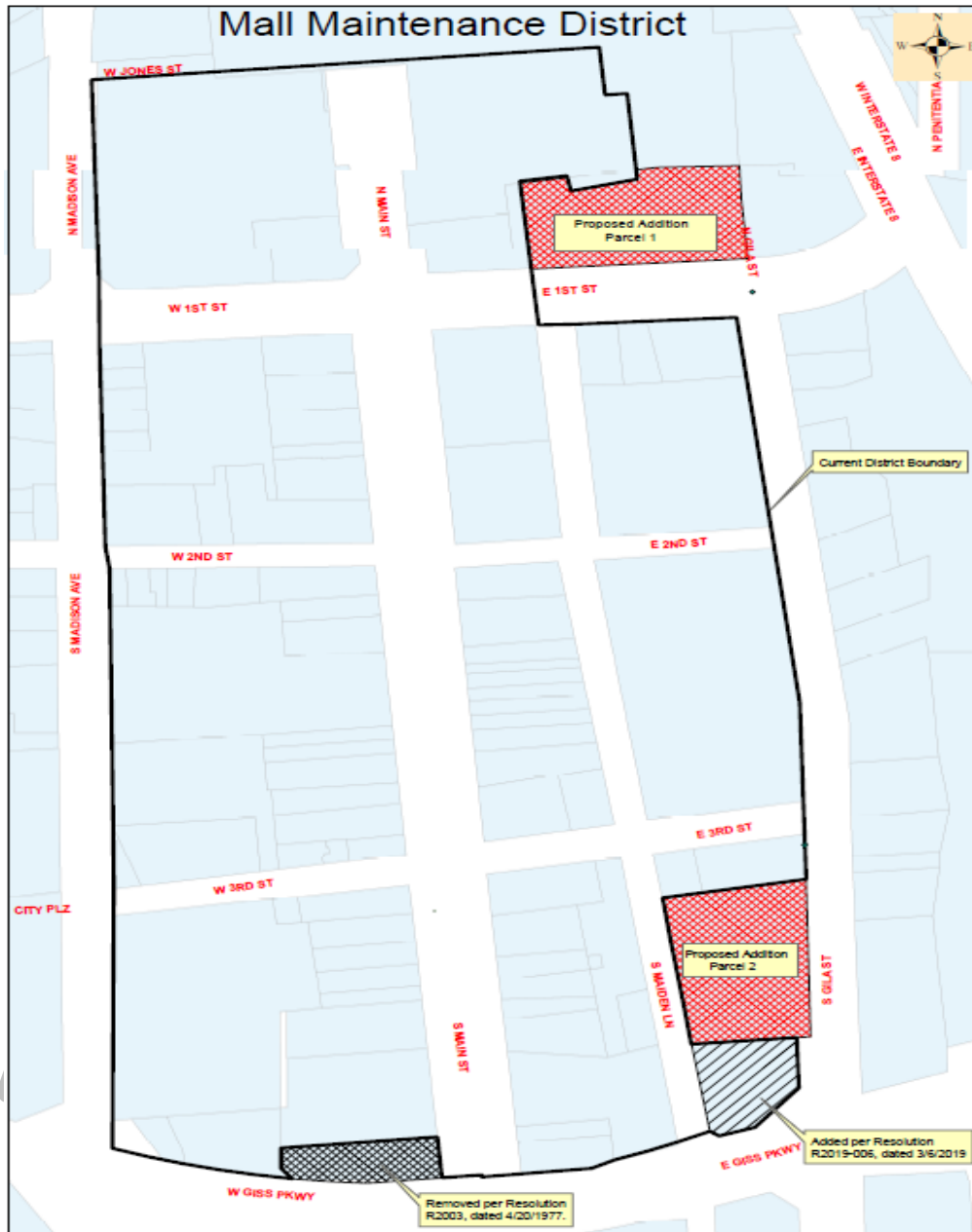
**FINAL CALL**

**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.

**V. PUBLIC HEARING**

**Mayor Nicholls** opened the public hearing at 5:50 p.m.

Resolution R2024-002 – Expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1 (following a public hearing, approve the expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1 to include parcels owned by the City of Yuma) (Atty)



**John LeSueur** presented the following information:

- This is a statutorily required Public Hearing to consider expanding the Main Street Mall and Off Street Parking Maintenance District No. 1 to include two parcels owned by the City
- The Mall Maintenance District No. 1 (MMD) was created in 1969 by City Council
- The purpose of the MDD is to operate, maintain, repair and improve the pedestrian mall, off street parking facilities, and parkways within the Historic Downtown region of the City of Yuma
- The City’s creation and governance of the MMD is governed by A.R.S § 48-574 (J)

- City Council adjusted the boundaries of the MMD in 1977 and 2019
  - In 1977 the City Council removed the Historic Lee Hotel
  - In 2019 City Council added a parcel in the southeast corner of the district at the landowner's request
- City staff is recommending the addition of two parcels to the MDD
  - Parcel 1, the Adult Center parcel; located on 1<sup>st</sup> Street
  - Parcel 2 is located in the area south of Hotel Del Sol, and north of the parcel added in 2019
- Under A.R.S § 48-574 (J) City Council has the authority to expand the MDD if the following three conditions are met:
  - Hold a Public Hearing
    - Public Hearing held on February 7, 2024
  - Provide proper notice of the Public Hearing
    - Notice was published in the Yuma Daily Sun Newspaper from January 29, 2024 to February 1, 2024
    - Public Notices were sent on January 24, 2024 via first class mail to approximately 80 property owners within the MDD as listed in the Yuma County Assessor's Office database
  - Conclude how the district would benefit by including the parcels to the MDD
    - These parcels will fill in existing gaps, rounding out the boundaries of the district and simplifying them
    - If City Council decides to develop these two parcels in the future, inclusion of the parcels within the MDD will ensure that as the parcels are developed; developers are participating with other property owners in the area in maintaining the off street parking and pedestrian mall facilities

**Motion** (Knight/Morales): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:57 p.m.

#### Discussion

- Parcel 2 is currently fenced in. Inclusion of these parcels does not mean they need to be accessible for parking on-site (**Knight/LeSueur/Simonton**)
- Inclusion of the two parcels to the MDD will allow developers to use the benefit of off-street parking to the same extent as other landowners. Developers will also pay an assessment on their property tax bill to help maintain the facilities once the area is developed (**Knight/LeSueur**)
- Adopting the Resolution will not impose any changes to the Yuma North End Community Center (**Shelton/LeSueur/Simonton**)

**Mayor Nicholls** called for a motion to adopt Resolution R2024-002.

**Motion** (Knight/Smith): To adopt Resolution R2024-002 as presented.

**Bushong** displayed the following title:

#### **Resolution R2024-002**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the inclusion of new parcels within the Main Street Mall and Off Street Parking Maintenance District No. 1** (addition of two City owned parcels to the Mall Maintenance District) (Atty)

Voice vote: **approved** 7-0.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments

**Motion** (Shelton/Shoop): To appoint **Danielle Ross** to the Americans with Disabilities Act (ADA) Advisory Commission with a term expiration of December 31, 2025. Voice vote: **approved** 7-0.

Announcements

**Knight, Shelton, Morales, Smith, 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:

- City’s Annual Neighborhood Clean Up starts January 29 – Information can be found on the City of Yuma website
- February 13<sup>th</sup> to February 15<sup>th</sup> - Camp Inferno – A program providing young ladies with hands-on experience into the duties of a firefighter
- February 24 – Spring Archery Tournament at the Pacific Avenue Athletic Complex (PAAC)

**Mayor Nicholls** declared a need for an Executive Session prior to Call to The Public and called for a motion.

**Motion** (Knight/Morris): To recess to Executive Session. Voice vote: **approved** 7-0. The meeting recessed at 6:14 p.m. City Council left the dais to convene Executive Session in the conference room.

**Mayor Nicholls** reconvened the City Council meeting at 7:15 p.m.

**VIII. CALL TO THE PUBLIC**

**Bruce Luna**, City resident, spoke regarding an incident involving a minor that took place at a public event at the Yuma County Fair Grounds. Yuma Police officers were dispatched to the incident; no action was taken by the police. **Luna** thanked **Simonton** for looking into the matter. **Luna** also spoke about House Bill 2310 relating to grooming, and the fact that a representative from District 23, representing the Yuma community, did not vote on the Bill.

The following speakers requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza:

- **Charlene Young**, City resident
- **Sherri Levek**, City resident
- **Holly Danielle**, City resident
- **Jennifer Reger**, City resident

- **Sinai Lopez**, City resident
- **Karla Sanchez**, City resident
- **Layla Hassin**, City resident

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:41 p.m. No additional Executive Session was held.

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

APPROVED:

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Douglas J. Nicholls, Mayor

DRAFT

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