

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
OCTOBER 16, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Pastor Tom Burks, Stone Ridge Church, gave the invocation. **Isaiah Kirk**, Chief Information Officer, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

| | |
|-------------------------|---|
| Councilmembers Present: | Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls |
| Councilmembers Absent: | Morales |
| Staffmembers Present: | Acting City Administrator, John D. Simonton Principal Planner, Amelia Domby Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong |

I. PRESENTATIONS

Chris Wheeler, president of Downtown Yuma Merchants Association, presented the following:

Downtown Yuma Merchants Association

- The Downtown Yuma Merchants Association (DYMA) is a 501(c)(3) nonprofit organization
- DYMA was formed by replicating the existing organizations in some cities around the Phoenix Metropolitan area who have made progress in redevelopment
- DYMA's mission is to maintain the historical integrity of the Yuma Downtown Historic District while promoting a family-friendly environment for locals and those visiting Yuma
- In exchange for DYMA taking over the alcohol sales at City events, the organization is provided with a continuous source of revenue during event season from the City
- DYMA is comprised of representatives from local bars, restaurants, retail, and agriculture businesses
- Ex-officio positions are available for the Chamber of Commerce, Visit Yuma, and the Yuma Crossing National Heritage Area

Board of Directors

- The Board of Directors is made up of Downtown Yuma retailers, merchants and business owners
- The membership is specifically designed to give equal representation to the owners and operators downtown
 - If an owner operates more than one business, they will still have only one vote; the idea being that it is representative of the entire merchant organization and no one voice outweighs another
- The organization's bylaws were replicated from the Downtown City of Chandler Merchants Association which were successful in transforming the downtown Chandler area over the last 20 years.
- The City of Chandler, Arizona replicated their bylaws from the City of Tempe Downtown Merchants Association
- These types of organizations grow slowly over time. In the short term you will see small projects. The realization of when the organization is deemed successful is when the organization has the ability to fund major projects, apply for grants, or receive revenue and put it forward to do good things for the downtown area.

Digital Footprint



- The organization has worked together with Visit Yuma to establish a digital footprint and promote what is going on in Downtown Yuma, within the City and beyond
- MGM Design has been contracted to design the DYMA website, mobile application, and to update the kiosks in the downtown area
- DYMA's social media presence is excellent; there is frequent traffic on the website and with almost 150,000 views on Instagram, videos are reaching people beyond the City
- Because of DYMA's social media presence, there has been an increase in business and foot traffic in the downtown area, which translates to revenue and revenue translates to tax dollars

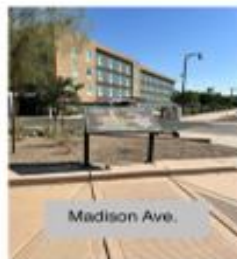
- Year to date, there have been 49,000 views to the website
- There are more than 1,200 listings of businesses and points of interests on the website

Partnership with the City of Yuma

- One of the big visual impacts to date in downtown Yuma are the Date Palms on the Gowan Company block, which were inspired by the Yuma City Hall building; with the help of Gowan Company, date palms were placed down the entire block of Main Street to be indicative of what the City does so well
- As landscaping needs to be replaced in downtown Yuma, DYMA would like to install more date palms for a uniform look; DYMA will share the cost of electricity with the City and will also be responsible for the maintenance cost of upkeeping the date palms, and any damages the date palms may cause in the event of a fire; the revenue from the events and liquor sales gives DYMA the ability to take on that responsibility



And here...



Madison Ave.



S. 1st Ave



S. 1st Ave



Gowan parking lot



Madison Ave



E. 1st St



E. 3rd St and Maiden st

- There are updated kiosks around the downtown area with a scannable Quick-Response (QR) Code that will open up to the DYMA website where every business in the downtown area is listed; clicking on the business name will show the business location, what type of business it is, and a small description about the business
- The kiosks can be updated within 24 hours to reflect changes in existing businesses, if a new business is opening up, or if a business is closing
- The website also links to information about recreation, the Yuma Territorial Prison, the Quartermaster Depot, where to find available scooters for rent, where you can charge a Tesla while shopping, and many other amenities
- DYMA plans to replace the kiosks when they become obsolete or start to look bad; it will help the City look marketable and appealing when selling downtown

What's Next?

- Continue to develop an organizational structure for DYMA:
 - Membership
 - Membership is limited to the overlay of the entertainment district downtown, which means that it extends beyond Main Street
 - DYMA intends to be inclusive of who represents the downtown and the historic area
 - Strategic Advertising Plan
 - Strategic Advertising for the businesses, targeted to a specific demographic and pushing out the services
 - Collaboration and business-to-business networking opportunities within the downtown business area
 - Asking merchants to participate in the “First Friday” events and incur the expense of opening for long operating hours, and convincing them that joining in on the event is a worthwhile endeavor
 - It is believed that merchants will participate in the First Friday events once they see it up and running

Discussion

- In the last 20 years the downtown area has been transformed and revitalized with new businesses opening; with DYMA, the transformation is headed in the right direction (**Mayor Nicholls**)
- Not all people know how to use a QR code, adding a map to the kiosks on the next update might be appropriate. (**Mayor Nicholls**)
- The mobile application is currently being beta tested; once complete, the application will have a map of what the City defines as the Entertainment District, which runs from First Street to Giss Parkway and Gila Street to 4th Avenue. (**Morris/Wheeler**)
- Being that The Yuma Crossing National Heritage Area is the organization that manages the East Wetlands and the Yuma Territorial Prison; they have been added to the website and to links to visit the National Parks and Gateway Park; although, that is not a direct focus on the river, the idea is to be inclusive. DYMA's mission is engagement by bringing people to Yuma, and the organization is receptive to the possibility of tourism and activities focusing on the river. (**Shoop/Wheeler**)
- The redevelopment is a tremendous leap forward for the City; kudos to the leadership, merchants, and the businesses for putting this together, you are up to great things. (**Shelton**)
- At this time there is no definitive answer as to when the next First Friday event will be held. (**Smith/Wheeler**)
- If anyone in the community is interested in participating in the First Friday events, please have them send an email to info@downtownyumamerchants.com. (**McClendon/Wheeler**)

- Kudos to the social media footprint; in a short amount of time, it has become top notch. (**Mayor Nicholls/Wheeler**)

II. MOTION CONSENT AGENDA

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

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

Regular Council Worksession Minutes

September 17, 2024

Regular Council Worksession Minutes

October 1, 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 License application submitted by James Owens, agent for Angry Italian located at 2680 S. 4th Ave. (LL24-13) (Admn/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Jesus Ortiz Paez, agent for Mariscos El Navegante 2 located at 1651 S. 4th Avenue. (LL24-15) (Admn/Clk)
3. Award to the most responsive and responsible bidder a one-year contract for backflow assembly testing, inspections, and repair services with an option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for an estimated \$22,000.00 annually to Metro Fire Equipment, Inc., Gilbert, Arizona. (RFB-25-014) (Bldg Sfty/Purch)
4. Authorize award of bid to replace a manufactured home under the Neighborhood Services Housing Rehabilitation Program to the lowest responsive and responsible bidder in the amount of \$110,398.00 to Easy Living Lifestyles, LLC. (Plng & Nbhd Svcs)
5. Pursuant to the City Code § 36-36, reject all bids received for the Mesa Heights Neighborhood Visual Improvement Program – Metro Mobile Project due to incomplete bid submittals. (Plng & Nbhd Svcs/Nbhd Svcs)
6. Authorize the City Administrator to execute a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, with the following qualified vendors: Alexander Ford Lincoln, Yuma, Arizona; Chapman Chevrolet Buick GMC, Yuma, Arizona, Lamb Chevrolet, Prescott, Arizona and Sanderson Ford of Glendale, Arizona. (RFQ-24-245) (Pub Wrks/Fleet Svcs)

7. Authorize the use of a cooperative purchase agreement initiated by the Yuma Educational Materials Management Consortium to obtain painting services for City Hall and the Public Works building at an estimated cost of \$155,100.00 to MC Custom Painting LLC, Yuma, Arizona. (CPA-23-251) (Facilities Mgmt/Purch)
8. Authorize the purchase of various Ground and Turf Maintenance Equipment from: RDO Equipment, Yuma, Arizona; Stotz Equipment, Avondale, Arizona; Felling Trailers, Sauk Centre, Minnesota; Simpson Norton, Goodyear, Arizona utilizing Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated expenditure of \$403,245.28. (CPA-25-133) (Pks & Rec/Purch)
9. Authorize the purchase of one Skeeter Emergency Vehicle 2025 Ford F-550 Type 5 Rescue Vehicle, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$374,330.79 to: Hughes Fire Equipment, Inc., Springfield, Oregon. (CPA-25-138) (YFD/Purch)
10. Authorize additional modules of Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, California, for a one-year estimated expenditure of \$210,000. (SS-25-002) (IT/HR/Purch)
11. Authorize the City Administrator and City staff to begin negotiating the term of a development agreement with Kalthia Group Hotels from San Diego, California, for the redevelopment of the Hotel del Sol and former AlSCO properties. (RFQ-24-200) (Eng/Purch)
12. Approve the final plat for the Santana Unit 1 Subdivision, located at the northwest corner of 34th Street and Avenue 7^{3/4} E Alignment. (SUBD-043214-2024) (Plng & Nbrhd Svcs/Cmty Plng)
13. Adopt the updated 2024 - 2029 City of Yuma Strategic Plan. (Admn)

III. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2024-055

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the joint use of facilities (to provide access to additional facilities for City and school-based recreational programs) (Pks & Rec)

Resolution R2024-056

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the maintenance and use of the Cibola High School Complex (to allow the community access to the Cibola Softball Complex during non-school hours) (Pks & Rec)

Resolution R2024-057

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the maintenance and use of the Sunrise Optimist Park (to provide the community with access to facilities for recreational programing and parks) (Pks & Rec)

Resolution R2024-058

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Jose A. Contreras for Assessor Parcel Number 631-56-157 located on 5th Street, West of Avenue C (to facilitate the connection of City services for the undeveloped site) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2024-059

A resolution of the City Council of the City of Yuma, Arizona, authorizing execution of a license agreement with Cactus State Utility Operating Company, LLC (to permit Cactus State to continue sanitary sewer service in their franchise area) (Admn)

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

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title(s):

Ordinance O2024-033

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 Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District, and amending the Zoning Map to conform with the rezoning (approximately 48,207 square feet located at 733 S. Clifford Way) (Plng & Nbhd Svcs/Cmtty Plng)

Ordinance O2024-034

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, providing for changes to the Zoning Code to amend certain sections relating to outdoor lighting (to provide adequate lighting while limiting excessive, unnecessary light trespass onto neighboring properties) (Plng & Nbhd Svcs/Cmtty Plng)

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

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-035

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of real property and related property interests by transfer from Yuma County (3rd Street from east of 27th Drive to Avenue B) (Eng)

Ordinance O2024-036

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of Shaw Field (located at the northeast corner of 1st Street and Avenue B) (Admn/Atty)

Ordinance O2024-037

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of certain parcels of real property and temporary construction easements, hereafter described, by donation, purchase, or by the power of eminent domain for the pedestrian hybrid beacons, Capital Improvement Project (0032-ROAD8), traffic signals and ADA sidewalk ramps, and authorizing payment therefor, together with costs necessary for the acquisition (to install five Pedestrian Hybrid Beacon Signals to improve pedestrian safety) (Eng)

Ordinance O2024-038

An ordinance of the City Council of the City of Yuma, Arizona, (1) approving a tender offer with respect to the purchase of certain obligations of the City; (2) approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents related to such tender offer and purchase; (3) delegating authority to the City Administrator and the Finance Director of the City to determine certain matters and terms with respect to the forgoing; (4) approving a transfer of appropriations within the fiscal year 2025 budget; and (5) authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance (to approve a tender offer with respect to the purchase of certain obligations of the City) (Admn/Fin)

VI. PUBLIC HEARING AND RELATED ITEMS

Resolution R2024-054 – Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use and Low Density Residential to High Density Residential, for the property located at the southeast corner of Avenue A and 16th Street. (GP-42762-2024) (Plng & Nbhd Svcs/Cmtty Plng)

Mayor Nicholls opened the public hearing at 5:58 p.m.

Amelia Domby presented the following information relating to a minor general plan amendment request. The property is located at the Southeast corner of Avenue A and 16th Street.

Case Summary

- Proposed change from Mixed Use and Low Density Residential to High Density Residential
- The area is approximately 1.3 acres in size
- Surrounding Land Uses:
 - North – Residential
 - South – Residential
 - East – Office/Residential
 - West – Office/Residential
- Development potential:
 - Dwelling Units – Potential development 39 dwelling units
 - Population – Potential increase of 62 persons
 - Proposed Project – allow a future property owner the opportunity to rezone to High Density Residential (R-3) for the future development of multi-family units

History

- The subject property was purchased to expand the intersection at 16th Street and Avenue A
- In 2013, the subject property was rezoned to the Limited Commercial (B-1) District
- Several Pre-Development meetings held to discuss commercial development on this property
 - Gas station with a convenience store

- Dry cleaners
- Bank
- Multi-tenant commercial building
- Developers interested in commercial development have site development and access concerns
 - This is an irregularly shaped property and is adjacent to residential development, which requires an increased setback depending on the square footage of the commercial building

Public Outreach

- Property owners within 660 feet of the subject property were notified of this request
- Letters mailed on June 18, 2024, August 12, 2024 and additional post card mailed with new City Council date on September 23, 2024
- Neighborhood meeting held on-site on July 11, 2024
 - 14 neighbors in attendance
 - Primary concern is traffic

Daily Traffic Estimates

- Staff discussed multi-family and commercial development traffic impacts with the engineering department based on feedback received during the neighborhood meeting and the public hearing of the Planning & Zoning meeting
 - Gas station (no convenience market):
 - 1,200 vehicle trips per 1,000 square feet of service (canopy) area
 - Multi-Family Residential (40 units)
 - 293 vehicle trips
 - Approximately 7 daily trips per unit
 - Traffic estimates change based on use and peak hours

Request for Proposal (RFP) Process

- Intent is to market the property for either commercial or residential development
- As part of the RFP process, concepts will need to be submitted
 - Site plan identifying access and traffic flow to the property
 - Elevations
 - Design requirements
- If the RFP is awarded to a multi-family project, a residential rezone request would be required; the rezone request is another public hearing process where the neighbors are notified, and another public hearing is held
 - the multi-family project will also need to meet the development standards outlined in the High-Density R-3 District:
 - Landscaping
 - Minimum parking requirements
 - Setback requirements
 - Private and open space
 - Other stipulations can be included for example fencing the entire property or any other design requirements
- The housing element of the approved general plan encourages a variety of housing types
- The minor general plan amendment request is to provide a housing choice other than Low-Density single-family homes, which is the predominant housing option in the City.

Speakers

Ruben Soto, City resident, spoke on behalf of a group of residents, including himself, from the proposed project area on the southeast corner of Avenue A and 16th Street. **Soto** spoke in opposition of the amendment to the land use designation and stated that the neighborhood children's safety is the main concern. **Soto** believes the change would not benefit the neighborhood in any way, and instead would cause more problems than they already deal with regarding traffic. **Soto** also stated that residents on 11th Avenue will lose their privacy if a two-story building is built in the proposed area as the building will look into their backyard. **Soto** requested City Council to review the proposed changes and take into consideration the concerns of the long-time residents.

Christopher Ochoa, City resident, spoke against the change in land use designation of the area on the southeast corner of Avenue A and 16th Street. **Ochoa** is concerned about the traffic flow and the proposed access through an alleyway that is currently used to drop off and pick up children at Alice Byrne Elementary School. **Ochoa** is also concerned about the increase in noise pollution as residents are currently dealing with the loud noise from passing vehicles.

Motion (Smith/Morris): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:10 p.m.

Discussion

- There is a need for multi-housing in the community but there has to be a suitable location for that to occur; building 40 units of multi-housing in the proposed area will not work, but five units might work for a developer to put that housing in place. (**Morris**)
- After several pre-development meetings for commercial projects, it was determined that area would not work for commercial development due to restrictions of the predominantly residential area. (**Morris**)
- The concern is that by postponing this resolution to a later meeting it is sending a message out; the message should not convey that offers from developers and investors do not want to be heard. However, if the resolution is voted on tonight, that does not mean residential low density or high density will be placed there, it means that those offers will be heard and looked at to see which will be a good fit and not end up with a vacant dirt lot in that corner of the intersection. (**Morris**)
- The stance is to proceed with the decision tonight. (**Mayor Nicholls/Morris**)
- Postponing the decision tonight sends a message to the community that City Council listens to its residents and neighbors, and also that there is concern in maintaining the integrity of the neighborhoods. Pausing the motion is preferred. (**Shelton**)
- There is extreme concern with High Density housing being built in the area. Families will occupy the housing and there is a safety concern with the heavy traffic flow on the corner of Avenue A and 16th Street. Some type of retention area will need to be built for kids to play in, and even if the retention area is fenced, there is an opportunity for balls to go over the fence into traffic. A pause on voting on this resolution tonight is supported, and looking into a commercial building for the area is encouraged. (**McClendon**)
- Although high residential is needed in the community, it is not fair to vote in favor of High Density being built in this area at this time, more information regarding the change in density needs to be shared and postponing the voting is favorable. (**Smith**)
- Thank you to the staff for going through this process, it has brought some concerns to the City Council from neighbors that will not be ignored. The City Engineering department is looking into

some traffic concerns that have been brought up, and because the action will go away does not mean the traffic concerns will also go away. (**Mayor Nicholls**)

- Something to think about is the longer the lot is empty, the longer it will remain off of the tax roll, which means there is no revenue from that lot, and as a City, the more property revenue coming in, the lower the City can keep the property taxes, and for that reason it is important to get the property back into private hands. (**Mayor Nicholls**)
- This request for proposal is not a typical process where the property would be granted to the lowest bidder and the lowest bidder decides what to do with the property. Bidders have to propose what the land will be used for and then City Council and staff evaluate the proposal to make sure the project is a good fit in the area. (**Mayor Nicholls**)

Motion (McClendon/Shelton): To continue this General Plan amendment pending City acceptance of a Request for Proposal response for the property. Voice vote: **approved 6-0**.

Mayor Nicholls clarified that property owners within 660 feet of the subject property will be notified of any rezoning to the property.

VII. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- Meeting with Exceptional Health Community Hospital
- Yuma Fire Department Fire Prevention Week Celebration & Employee Recognition Ceremony
- Yuma Water Safety Alliance Presentation to the Foundation of Yuma Regional Medical Center
- First Lady of the United States, Jill Biden, Visits the Yuma Arts Center
- Prison to Prison Beer Run
- G.A.I.N Event
- Arizona Western College School House Soiree
- Onvida Hall of Fame Award Ceremony
- Yuma County Library Open House
- City of Yuma Residential Advisory Board Meeting
- Visit Yuma Board Meeting
- Yuma County Anti-Drug Coalition at Gila Ridge High School
- Kennedy Skate Park Job Site
- Local Tea Party Meeting
- 4H Regional Leaders Meeting
- Weapons and Tactics Instructor Course (WTI)
- GYEDC Attraction Subcommittee Meeting
- Harvest Prep Hispanic Heritage Assembly
- Yuma Crossing National Heritage Area Board Meeting

Scheduling – No meetings scheduled at this time.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- October 19 – Glow Up October Fun Run
- October 26 – Annual “Rocky Horror” Event
- October 26 – 8th Annual Mayor’s International Bike Ride
- October 31 – Yuma Police Department Scary and Safe Trick or Treat

IX. CALL TO THE PUBLIC

There were no speakers at this time.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:37 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____