

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 2, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:30 p.m.

INVOCATION/PLEDGE

Pastor Efrain Zavala, First United Methodist Church, gave the invocation. **Del Miller**, Municipal Court Administrator, 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
Director of Planning and Neighborhood Services, Alyssa Linville
Director of Building Safety, Randall Crist
Director of Engineering, David Wostenberg
Chief of Police, Thomas Garrity
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.

Domestic Violence Awareness Month Proclamation

Mayor Nicholls read a proclamation declaring October 2024 Domestic Violence Awareness Month and urged all citizens to actively participate in the scheduled activities and programs designed to raise awareness and reduce domestic violence in the community.

Tory Bourguignon thanked the Mayor and City Council for the Proclamation and took a moment to share that in 2023 Amberly's Place served a total of 3,209 victims. Over 2,000 of those victims were domestic violence victims. It makes no difference what race, creed, ethnicity, or neighborhood you live in; domestic violence affects everyone and that is why it is important for citizens to collaborate and work together to make our community a safer place.

Mayor Nicholls thanked **Bourguignon** and Amberly's Place for their support and collaboration with the Yuma Police Department when answering difficult calls.

Downtown Yuma Merchants Association Update

Mayor Nicholls stated this presentation has been moved to the October 16, 2024, City Council Meeting, per the Downtown Yuma Merchants Associations request.

Planning and Neighborhood Services Update

- 2023-2024 – Quick Statistics
 - 124 Planning applications were processed for annexations, general plan amendments, rezones, and subdivisions to name a few
 - Over 2,000 area residents were notified regarding projects taking place within their respective areas
 - Hosted 371 pre-development meetings, averaging 7 meetings a week
 - Assisted 690 residents utilizing City programs and services such as Community Development Block Grants (CDBG) and HOME Plans; 80 of those residents were waiting for rehabilitation assistance
 - Generally, a minimum of 80 residents are waiting for rehabilitation assistance, the number fluctuates due to the rising costs and construction
 - About six residents are helped each year, making the waiting list go on for a number of years
- Accessory Structures (Current)
 - These are typically smaller structures within people’s rear yard: sheds, pergolas, detached shades
 - Setback is determined by square footage and height; the smaller the structure, the smaller the setback and vice versa
 - 0-120 square feet
 - 121-200 square feet
 - Over 200 square feet
 - Must be located behind the midpoint of the principal dwelling
 - To ensure the structures do not have a negative impact on the character of the home
 - No larger the 50% of the principal dwelling
- Accessory Structures (Proposed)
 - A proposed update to the code will be taken before the Planning and Zoning Commission within the next month to mirror much of what Building Safety requires for fire separation purposes
 - Structures which are 8’ or less in height, and 200 square feet or less in size
 - 0’ setback from side and rear property lines
 - No overhang into neighbor’s yard
 - Structures which are taller than 8’ or larger than 200 square feet
 - Open on all four sides will require a 3’ setback from the side and rear property lines
 - Not open on all sides will require a 5’ setback from the side and rear property lines
 - An RV shade is an example of a shade structure currently being used in homes, the proposed amendment will make it possible to install these shades on homeowner properties
 - Structures that are designed to match the residence may be built to meet the 20’ front yard setback
 - For example, a detached garage
 - Structures that do not match the primary residence will need a 10’ setback behind residence

- Industrial Zoning Update
 - Driven by the desire of City Council to see expanded permitted uses within the zoning districts to bring additional industrial operation to the City of Yuma
 - Expand permitted uses to:
 - Food Processing Facilities
 - Packing Facilities
 - Redefine Conditional Use Permit (CUP) requirements for extraction operations and uses which require a state or federal permit
 - Add provisions for recycling
 - Light Industrial: Non-hazardous
 - Heavy Industrial: Hazardous
- PRICE Grant Update
 - The PRICE Grant is a Housing and Urban Development (HUD) opportunity intended to support the replacement and rehabilitation of owner-occupied manufactured housing
 - Through a quick windshield survey, there were approximately 10,000 manufactured homes identified in the City of Yuma
 - At least 200 manufactured homes were identified to be in some type of disrepair
 - With nearly 220 units targeted, the project proposes to replace 55 units, and rehabilitate 20 units
 - The HUD funding opportunity is over \$200 million with a minimum award amount of \$5 million
 - City has requested \$10.9 million
 - The average cost to repair a manufactured home is about \$80,000
 - The average cost to replace a manufactured home is about \$170,000
 - Award expected in the fall of 2024
- Upcoming Projects
 - Carports
 - Experiencing significant code enforcement activity related to carports located within the front setback
 - The Planning & Neighborhood Services team is exploring possibilities to allow such structures
 - Presentation coming to City Council in November
 - The presentation is anticipated to address safety concerns, recommendations, and history of carports
 - Explore what type of structures will be allowed in the future
 - ✓ Metal shade with cloth top
 - ✓ Metal frame structure
 - ✓ Canopy shade
- Attainable Housing Committee
 - Initiated by Deputy Mayor Morris
 - Made up of local residents, local design professionals and developers
 - Committee focuses on identifying opportunities to increase access to housing through process improvements and Yuma City Code amendments
 - Meet monthly to review codes and design standards
 - Plan to present findings to City Council in January 2025

- 2025 Housing Action Plan
 - The Planning & Neighborhood Services department was awarded a grant to complete a housing study. The study will:
 - Estimate needs for housing through 2030, for sale and rent
 - To include affordable housing and market rate housing
 - Determine need for multi-family versus single-family
 - Update the City's existing Housing Market Assessment
 - Identify initiatives for affordable housing
 - The recommendation that comes out of the Attainable Housing Committee will be made part of this study
 - Project completion July 2025
- 2025 Joint Land Use Plan Update
 - The project was adopted in 1996
 - To create a comprehensive compatibility plan that addressed development within the City of Yuma and Yuma County to assure that the City's development was compatible with MCAS
 - Partnering with the City of Somerton as well as Yuma County
 - Intended to address MCAS's 2019 Air Installations Compatible Use Zones (AICUZ) study
 - Research and recommendations by working group and steering committee
 - Project completion Summer 2025

Discussion

- 371 Pre-development meetings is a whole lot of time, and that is not counting the time it takes to prepare for the meeting before the applicant arrives to their appointment. It is a great service the City offers at no cost to the community to be certain that a project is possible, and what kind of obstacles, if any, might come up. **(Morris)**
- Accessory structures include a detached garage, game room, utility rooms, workshops; it does not include dwelling units. **(Morris/Linville)**
- There is no requirement for separation from an accessory structure to a residence, with the exception of a garage, as long it does not impede with an emergency egress window or doorway, even in combustible material. **(Morris/Crist)**
- There is a concern with wood framed shade covers that are built out to the property line; if the neighbor does the same thing, there will be combustible material from resident to resident. However, the Building Code recognizes that they are accessory structures under 200 square feet, and no fire separation is required. Once they are larger than 200 square feet, there are fire separation requirements. **(Morris/Crist)**
- Kudos to Alyssa Linville, and the staff and departments that have put in work at the Attainable Housing Committee meetings. Every department involved has brought ideas and concepts to the meetings on how adjustments and regulations could be made to meet the standards and requirements of the City and still be able to work towards the ultimate goal of making homes attainable and affordable. **(Morris)**
- Once grant funding is in place, the Planning & Neighborhood Services department would reach out to the owner of the occupied manufactured home for approval of replacement or rehabilitation of their home. **(Smith/Linville)**

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.7 - Sole Source: Advances Traffic Management System (Authorize the purchase of an Advanced Traffic Management System (ATMS) web-based software and communication equipment (System) from Econolite, Anaheim, California, for an initial expenditure of \$321,942 and an annual expenditure of \$35,820 for years two through five. (SS-25-117) (Eng/Purch)

Motion Consent Agenda Item C.8 – Cooperative Purchase Agreement: Intelligent Transportation System/Traffic Signal Equipment (Authorize the purchase and delivery of traffic signal equipment needed for a functioning Intelligent Transportation System on four roadway corridors: 16th Street Corridor (from Pacific Ave to Avenue C), 4th Ave Corridor (from 1st Street to 32nd Street), Avenue B Corridor (from 8th Street to 32nd Street), and 24th Street Corridor (from Arizona Avenue to Avenue B) to Econolite – Anaheim, California utilizing Maricopa County Contract (200125-C) for an expenditure of \$501,670.64. (Eng)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Items C.7 and C.8, turned the meeting over to Deputy Mayor Morris, and left the dais.

Discussion:

- The new software will show how long each traffic light stays lit. It will also recommend optimum timing of the signals on these corridors. (**McClendon/Wostenberg**)
- The standard time for an all-red interval is one second, some areas are being looked at to do a two second all-red interval because people are going through the red lights causing accidents with serious injuries and fatalities. (**McClendon/Wostenberg**)

Motion (Morales/Smith): To approve Motion Consent Agenda Items C.7 and C.8 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Morris/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Item C.7 and C.8, which were approved through a separate vote. Voice vote: **approved** 7-0.

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

Regular Council Meeting	August 21, 2024
Regular Council Meeting	September 4, 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. Award to the lowest responsive and responsible bidders, a one-year contract for Fertilizers and Chemicals for Grounds Maintenance, with the option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance at an estimated annual expenditure of \$150,000.00 to: Heritage Landscape Supply Group, Inc., McKinney, Texas, SiteOne Landscape Supply, Cleveland, Ohio, and Wilbur Ellis Co. LLC, Tempe, Arizona. (RFB-25-050) (Pks/Purch)
2. Authorize an award to purchase brass fittings and miscellaneous supportive items for an estimated annual expenditure of \$68,000 to Yuma Winnelson, Yuma, AZ. (RFB-25-018) (Utl/Purch)
3. Pursuant to Yuma City Code § 36-36, reject all bids received for the Avenue 3E and 32nd Street Median Landscape project due to the bid exceeding the allocated amount for the project. (RFB-24-265) (Eng/Purch)
4. Authorize a 6-month rental/lease contract for specialized recycling sewer cleaning truck with a budgeted expenditure of \$126,000.00 to Kaiser Premier, Ft Morgan, CO. (CA-25-115) (Utl/Purch)
5. Pursuant to Yuma City Code § 36-36, staff recommends rejection of the responses received for the JOC for Utility Infrastructure Services. (RFQ-24-291) (Eng/Utl/Purch)
6. Ratify and approve a Purchase Order issued to Gutierrez Canales Engineering, P.C., Yuma, Arizona in the amount of \$1,278,785.91 for the emergency repair of a damaged section of the storm sewer system and failing roadway on 28th Drive in the Las Casitas subdivision. (EM-24-194) (Eng/Pub Wrks/Purch)
7. Pulled for separate consideration; see above.
8. Pulled for separate consideration; see above.
9. Approve the final plat for the Saguaro Unit No. 6 Subdivision, located at the southeast corner of Avenue 7E and 44th Street. (SUBD-43168-2024) (Cmty Plng)
10. Authorize settlement of the Aguilera Notice of Claim. (Atty)

II. RESOLUTION CONSENT AGENDA

Resolution R2024-053 – Resolution: Amend City of Yuma American Rescue Plan Act Project List (Adopt a resolution authorizing project budget amendments to obligate and expend the City’s Coronavirus State and Local Fiscal Recovery Funds allocation of \$23,071,661 before the grant expires) (Admn/Fin)

Mayor Nicholls declared a conflict of interest on Resolution R2024-053 due to his firm potentially working on the projects, turned the meeting over to Deputy Mayor Morris, and left the dais.

Motion (Smith/Morales): To adopt Resolution R2024-053 as recommended.

Bushong displayed the following title(s):

Resolution R2024-053

A resolution of the City Council of the City of Yuma, Arizona, amending project budgets to obligate and expend the City's allocation of Coronavirus State and Local Fiscal Recovery Funds in accordance with federal law and guidance, to meet current critical needs and priorities as identified in the City of Yuma's American Rescue Plan Act Project list of intended uses. (to allocate State and Local Recovery Funds and residual savings to other compliant project in accordance with Federal Law and guidance) (Admn/Fin)

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

Mayor Nicholls returned to the dais.

Resolution R2024-052 – Ratification of Intergovernmental Agreement: Crane School District – School Resource Officer (Ratify execution of a three-year Intergovernmental Agreement (IGA) with the Crane School District for School Resource Officer (SRO) services) (YPD)

Discussion:

- The Resolution is a renewal of the previous Intergovernmental Agreement with Crane School District for an SRO. (**Shelton/Garrity**)

Motion (McClendon/Morales): To adopt Resolution Consent Agenda as recommended, with the exception of Resolution R2024-053 which was adopted through a previous vote.

Bushong displayed the following title(s):

Resolution R2024-051

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing an Intergovernmental Agreement with the City of San Luis, Arizona, regarding a specialized ladder and rescue equipment procured by the City of Yuma through a Department of Emergency and Military Affairs Grant and designated for use by the City of San Luis Fire Department (for indefinite use of specialized border fencing emergency access and rescue equipment) (YFD)

Resolution R2024-052

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the Intergovernmental Agreement between the City of Yuma and Crane Elementary School District No. 13, providing a school resource officer on school grounds to contribute to a safe school environment conducive to teaching and learning (to provide a uniformed officer presence on school campuses to enhance security and provide resources to deter and investigate criminal activity) (YPD)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-032 – Amendment: Ordinance O2022-032 (Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for Rezoning Ordinance O2022-032, and introduce an ordinance to amend O2022-032 to extend the time to comply with the rezoning conditions. (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls declared a conflict of interest on Ordinance O2022-032 due to his firm representing the client, turned the meeting over to Deputy Mayor Morris and left the dais.

Motion (Morales/McClendon): To adopt Ordinance O2024-032 as recommended.

Bushong displayed the following title(s):

Ordinance O2024-032

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2022-032 to extend the time for compliance with conditions for the rezoning of certain property from the Low Density Residential (R-1-40) District to the Medium Density Residential (R-2-5) District and amending the Zoning Map to conform thereto (extending the deadline for compliance from two years to four years) (Plng & Nbd Svcs/Cmty Plng)

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

Mayor Nicholls returned to the dais.

Motion (Morales/McClendon): To adopt Ordinance Consent Agenda as recommended, with the exception of Ordinance O2024-032 which was adopted through a previous vote.

Bushong displayed the following title(s):

Ordinance O2024-029

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 Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District, and amending the Zoning Map to conform with the rezoning (approximately .17 acres located at 2050 South 10th Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2024-030

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real property, hereafter described, surplus for City use and authorizing the sale of the surplus property through a competitive process (located at 2495 South Sierra Vista Avenue) (Atty)

Ordinance O2024-031

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 Limited Commercial (B-1) District to the General Commercial (B-2) District, and amending the Zoning Map to conform with the rezoning (approximately 19,166 square foot lot located at 1651 South Arizona Avenue) (Plng & Nbhd Svcs/Cmty Plng)

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

IV. INTRODUCTION OF ORDINANCES

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 & Nbd Svcs/Cmty 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 onto neighboring properties) (Plng & Nbd Svcs/Cmty Plng)

V. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- Lab Expansion Tour at Yuma Regional Medical Center
- Third-Annual Legislative Town Hall at Arizona Western College
- Coffee with a Cop hosted by Sunkissed Coffeehouse
- School Safety Forum at Yuma City Hall
- “See You at The Pole” Annual Prayer at Yuma Christian Academy
- Student Career Development Conversations at Yuma Private Industry Council
- Betteryuma.org Monthly Meeting
- Yuma’s 11th Annual National Day of Remembrance
- Yuma County Chamber of Commerce Mixer
- Visit Yuma video shoot
- Greater Yuma Economic Development Corp. Reception Dinner
- Arizona Capitol Times Honor
- Elevate Southwest Board Meeting

Scheduling – No meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- October 5 – Tacos and Tunes 2024
- October 5 & 6 – YumaCon 2024
- October 5 – New Archery Range Ribbon Cutting Ceremony

VII. CALL TO THE PUBLIC

Sharleen Kusnierz, City resident and President of Yuma Animal Protection & Reporting Inc., asked the Mayor and City Council if there is property available within the City of Yuma for a cat sanctuary to hold sick or aging cats. The sanctuary would also help the Humane Society of Yuma with overcrowding.

Ruben Soto, City resident, spoke in opposition of a future City project planned on Avenue A and 16th Street.

Maria Zamorano, City resident, spoke regarding her homeowner's insurance being cancelled due to her neighbors unkept and neglected property. **Zamorano** asked for help from the City to remedy the situation.

Nicole Burns, City resident, spoke in opposition of a future City project planned on Avenue A and 16th Street.

Anthony Felix, City resident, was seeking help from City Council with a matter pertaining to what he believes is Yuma Police Department officer misconduct.

VIII. 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: _____
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