

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
APRIL 17, 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 Lt. Johnathan Herzog, The Salvation Army, gave the invocation. **Stephanie Garcia**, Judicial Chief of Staff, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Knight (passed away 4/14/2024 – seat vacant)
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Utilities, Jeremy McCall
Various Department Heads or their representative
Assistant City Attorney, Emily Hart
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 (Morris/Morales): 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 Meeting Minutes	March 6, 2024
Regular council Worksession Minutes	March 19, 2024
Regular Council Meeting Minutes	March 20, 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. Authorize the award for Hot and Cold Mix (Asphaltic Concrete) to each of the responsive and responsible bidders a one-year contract with the option to renew for four additional one-year

periods, one period at a time, depending on the availability of funds and satisfactory performance for an estimated annual expenditure of \$236,810.00 with the primary vendor DPE Construction, Yuma, Arizona; and secondary vendor BLT Asphalt, LLC, Yuma, Arizona. (RFB-24-166) (Pub Wrks/Purch)

2. Authorize ratification of a change order for the redesign portion of phase 1 of East Mesa Community Park to J2 Engineering & Environmental, LLC Phoenix, Arizona in the amount of \$84,547.00 for total cost of \$1,027,981.90. (RFQ-21-179) (Pks & Rec/Eng/Purch)
3. Appoint Richard W. Files as City Attorney under the amended City Charter, Article III, section 3(c), and authorize an agreement with terms of employment.
4. Authorize the construction and operation of Bubba's 33 on Parcel B. (Admin)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2024-011

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 127, serving Riverview Terrace Subdivision, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Riverview Terrace Subdivision (provide a dedicated funding stream intended for long-term maintenance for subdivision landscaping) (Plng & Nbhd Svcs/Cmtty Plng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-012 – Wastewater Discharge Local Limits Update (Pursuant to the Environmental Protection Agency (EPA) Pretreatment Regulations 40 Code of Federal Regulations (CFR) 403, amend City Code § 191-02 General Sewer Use Requirements, to update the existing wastewater Local Limits in accordance with the findings of the Local Limits Figueroa Avenue Water Pollution Control Facility (WPCF) Report) (Utl/Admn)

Discussion

- Multiple outreach and required steps were completed through public meetings to ensure the proposed changes do not affect industrial users. There will be no cost or level of effort required for the City's municipal users. The modification to the limits that are associated with industrial discharges will not affect the estimated 19 permitted industrial users. The modification is a very slight increase to two parameters. The modification is needed due to a new discharge permit issued from the state to the City. (**Shelton/McCall**)

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

Bushong displayed the following title(s):

Ordinance O2024-012

An ordinance of the City Council of the City of Yuma, Arizona, amending Section 191-02 of the Yuma City Code, as amended, relating to local limits for industrial discharges to the publicly owned treatment works and ratifying the current formatting, lettering and numbering of Yuma City Code Chapter 191 (wastewater local limits need to be modified to reflect new State and Federal requirements, wastewater treatment plant changes, and local wastewater discharge permit requirements) (Utl/Admn)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-014

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 7 of the Yuma City Code adding regulation of short-term rentals (vacation rentals) in a manner consistent with Arizona Revised Statutes; providing penalties for violation thereof; and providing for severability (following State statutes and State of Arizona Department of Revenue regulations treats Short Term Rentals the same as other hotel/motel/transient lodging operations) (Fin/Atty)

V. UPDATE REGARDING COUNCILMEMBER KNIGHT

Simonton informed the public that arrangements of funeral services for Councilmember **Knight** are not yet finalized; once information is available it will be shared with the community.

VI. EXECUTIVE SESSION/ADJOURNMENT

Motion (Morales/Morris): To adjourn the meeting to Executive Session. Voice vote: **approved** 6-0. The meeting adjourned at 5:42 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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