

**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 17, 2023**  
**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 McConkey**, Liberty Baptist Church, gave the invocation. **Jason Smith**, Assistant IT Director, 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: Deputy City Administrator, Jennifer Reichelt  
Director of Public Works, Joel Olea  
Senior Planner, Amelia Domy  
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.

**PRESENTATIONS**

Amberly's Place Update – Rescheduled to a future City Council Meeting.

Clean and Beautiful Commission Annual Report

**Olea** introduced **Greg LaVann**, Chair of the Clean and Beautiful Commission, to present the Annual Report as follows:

- Purpose
  - To educate, assist and involve the community in achieving visible improvements in the way our city's environment is preserved, protected, beautified and maintained
- Existing Projects and Programs
  - Beautification Awards
  - Adopt-A-Street
  - Household Hazardous Waste
  - Welcome to Yuma signs
- New Projects and Programs
  - Clean and Beautiful website page update
  - Yuma Click & Fix community education

- Identify new Yuma County Area Transit (YCAT) bus stop locations
- Empty lot beautification
- East Main Canal beautification
- Downtown Yuma Merchants Association (DYMA) palm tree planting
- Goals
  - Increase Adopt-A-Street participants
  - Continue to promote and educate the community on Yuma Click & Fix
  - DYMA palm tree planting
  - Phase I of the East Main Canal project (May 2024)
  - Empty lot beautification
  - YCAT bus stop expansion areas
  - Identify new Welcome to Yuma sign areas

## I. MOTION CONSENT AGENDA

**Motion** (Knight/Morales): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

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

Regular Council Worksession	September 19, 2023
Regular Council Meeting	October 4, 2023

### 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 Yuma Mesa Irrigation & Drainage District (YMIDD) to execute a construction services contract for the “A” Canal - 7E and 40<sup>th</sup> Street project, in the amount of \$2,839,213.05 to the lowest responsive and responsible bidder: Gutierrez Canales Engineering, PC. Authorize payment to YMIDD to provide construction administration and inspection for construction of the “A” Canal - 7E and 40<sup>th</sup> Street project, in accordance with the executed intergovernmental agreement (IGA), in the amount of \$270,283.76. (Eng)
2. Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for media and marketing services with Highnoon Ventures LLC, Phoenix, AZ for an estimated annual expense of \$89,950, with the option to renew for three additional one-year periods pending budget appropriation and satisfactory performance. (CPA-23-132) (City Admin)
3. Authorize a sole source purchase for water filter membrane replacements for the Agua Viva Water Treatment Plant (AVWTP) in the amount of \$1,515,185.00 to: Zenon Environmental Corporation dba Veolia Water Technologies, Richmond, CA. (SS-24-095) (Utl)

4. Award a five-year Sole Source contract for Hydrogen Peroxide at an estimated annual expenditure of \$450,000 to US Peroxide LLC dba USP Technologies, Atlanta, GA (SS-24-061) (Utl)
5. Approve a Mutual Aid and Assistance Agreement between the U.S. Army Garrison, Yuma Proving Ground AZ and the City of Yuma Fire Department for mutual aid in fire prevention, the protection of life and property from fire, and firefighting to include emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions. (Fire/Admin)

## II. RESOLUTION CONSENT AGENDA

**Motion** (Morris/Knight): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title:

### **Resolution R2023-047**

**A resolution of the City Council of the City of Yuma, Arizona, appointing the Election Board to serve at the 2023 all-mail ballot Special Election to be held on November 7, 2023** (pursuant to Arizona Revised Statutes §9-825 and the City of Yuma Charter, Article IX, Section 1(a)) (City Admn/Clk)

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

## III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

**Bushong** displayed the following titles:

### **Ordinance O2023-032**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2013-64 and the December 20, 2013, Tesla Ground Lease** (to allow the charging of third-party electric vehicles, which is restricted by the current lease) (Admin/Atty)

### **Ordinance O2023-033**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property and rights-of-way, hereafter described, surplus for City use and authorizing the vacating of rights-of-way and transfer of the surplus property pursuant to the terms of a development agreement with the Arizona Housing Development Corporation** (for the construction of six two-bedroom two-bathroom affordable housing units) (Plng & Nbhd Svcs)

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

## 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.

#### IV. PUBLIC HEARING

Ordinance O2023-034 – Statutory Compliance Hearing/Amendment: Ordinance O2019-037 (for property located at the southeast corner of Avenue 3E and the 38<sup>th</sup> Street Alignment) (Plng & Nbhd Svcs/Cmty Plng)

**Mayor Nicholls** opened the public hearing at 5:49 p.m.

**Domby** presented the following information:

- Conditional zoning to Light Industrial (L-I) District was approved based upon the completion of seven conditions of approval within two years
- The L-I District zoning expired because the parcel owner had not completed the conditions of approval
- Arizona Revised Statutes (A.R.S.) §9-462.01(E) requires the City to notify the owner when the time for completion of a condition has expired, and the City can then schedule a public hearing; take administrative action to extend, remove, or determine compliance; or take legislative action to cause the property to revert to its former zoning classification
- The property owner will satisfy the remaining conditions required to validate the zoning through the Subdivision process

**Motion** (Knight/Smith): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:51 p.m.

#### Discussion

- The developer has completed the roads and other improvements; the only remaining requirement is to dedicate the plat (**Mayor Nicholls/Domby**)

**Bushong** displayed the following title:

#### **Ordinance O2023-034**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2019-037 to extend the time for compliance with conditions for the rezoning of certain property from the Agriculture (AG) District to the Light Industrial (L-I) District and amending the zoning map to conform thereto** (extend the deadline for compliance from two years to five years) (Plng & Nbhd Svcs/Cmty Plng)

#### V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

#### Appointments

**Motion** (Morales/Knight): To appoint David Nickle and Craig Colvin to an initial two-year term expiring December 31, 2025; Jason Giard and Bill Mowczko to an initial four-year term expiring December 31, 2027; and Leslie McClendon and Alexis Liggett to an initial five-year term expiring December 31, 2028, on the Americans with Disabilities Act (ADA) Advisory Commission. Voice vote: **approved** 7-0.

Announcements

**Smith, Morales, Shelton, 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.

**VI. SUMMARY OF CURRENT EVENTS**

**Reichelt** reported the following events:

- October 21<sup>st</sup> – 7<sup>th</sup> Annual Mayor’s International Bike Ride starting at the Yuma Civic Center
- October 24<sup>th</sup> – Business Conversations with Mayor Nicholls at Yuma City Hall
- The Parks, Arts, Recreation and Trails (PART) Master Plan online survey will be available on the City’s website through December 10<sup>th</sup>
- October 25<sup>th</sup> – PART Public Engagement in the Yuma High School Cafeteria
- October 26<sup>th</sup> – PART Public Engagement in the Arizona Western College 3C Building
- October 27<sup>th</sup>-28<sup>th</sup> – 9/11 Never Forget Mobile Exhibit in Historic Downtown Yuma
- October 31<sup>st</sup> – Scary & Safe Trick or Treat at the Yuma County Fairgrounds

**VII. CALL TO THE PUBLIC**

**Eleanor Sayles**, City resident, invited City Council and the public to participate in Red Ribbon Week, October 23-31, to take a stand against drugs. Red Ribbon Week was established in memory of Drug Enforcement Administration Agent Enrique “Kiki” Camarena and his battle against illegal drugs.

**VIII. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Knight/Shoop): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:07 p.m.

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

APPROVED:

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Douglas J. Nicholls, Mayor

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