

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 4, 2025
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:33 p.m.

INVOCATION/PLEDGE

Deacon Joel Olea, Immaculate Conception Church, gave the invocation. **Lieutenant Robert Wright**, Yuma Police Department, 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:	Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Chief of Police, Thomas Garrity Associate Planner, Meredith Rojas Senior Planner, Erika Peterson Director of Finance, Douglas Allen Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

I. MOTION CONSENT AGENDA

Motion (McClendon/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	April 15, 2025
Regular Council Meeting	April 16, 2025

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 a construction services contract for the Avenue 3E and 32nd Street Median Landscape to the lowest responsive and responsible bidder in the amount of \$1,432,599.40 to Gutierrez Canales Engineering, Yuma, Arizona. (RFB-25-299) (Eng)
2. Authorize a change order in the amount of \$431,889.43 to CORE Construction, Inc. of Phoenix, Arizona for preconstruction and post design services of the Hotel Del Sol Multi-Modal Transportation Center. (RFQ 2020-20000136) (Eng)
3. Approve a memorandum of understanding between Flock Safety Group Inc. and the City of Yuma to allow the Yuma Police Department access to their Automated License Plate Reader system and database. (YPD/Admin)

II. RESOLUTION CONSENT AGENDA

Mayor Nicholls declared a conflict of interest on Resolutions R2025-062, R2025-063, and R2025-064, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

Morris declared a conflict of interest on Resolutions R2025-063 and R2025-064 as his firm did some work within that subdivision and left the dais.

Resolution R2025-062 – Preannexation Development Agreement: Avenue 9E South of 32nd Street (allow connection to City services until the property can be included in a larger annexation) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-063 – Order Improvements: Municipal Improvement District No. 134 Butler Estates Unit No. 1 Subdivision (create a dedicated funding stream for the Landscape Improvements serving the neighborhood and provide neighborhood input for the implementation of those improvements) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-064 – Order Improvements: Municipal Improvement District No. 132 Butler Estates Unit No. 2 Subdivision (create a dedicated funding stream for the Landscape Improvements serving the neighborhood and provide neighborhood input for the implementation of those improvements) (Plng & Nbhd Svcs/Cmtty Plng)

Motion (Morales/Watts): To adopt Resolutions R2025-063 and R2025-064.

Bushong displayed the following titles:

Resolution R2025-063

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 134, serving Butler Estates Unit No. 1 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 Butler Estates Unit No. 1 Subdivision, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and

the cost of the landscape improvements assessed upon Municipal Improvement District No. 134; improvements shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2 (provide long-term maintenance for subdivision landscaping, resulting in an appealing environment for neighborhood residents) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2025-064

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 132, serving Butler Estates Unit No. 2 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 Butler Estates Unit No. 2 Subdivision, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements assessed upon Municipal Improvement District No. 132; improvements shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2 (provide long-term maintenance for subdivision landscaping, resulting in an appealing environment for neighborhood residents) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 5-0-2, **Mayor Nicholls** and **Morris** abstaining due to conflict of interest.

Morris returned to the dais.

Motion (Morales/Watts): To adopt Resolution R2025-062.

Bushong displayed the following title:

Resolution R2025-062

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with John Condon for Assessor Parcel Number 699-36-208 located on Avenue 9E, South of 32nd Street (allow connection to City services; the owner intends to develop the property with a tiny home development for veterans) (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.

Resolution R2025-051 – Memorandum of Understanding: Yuma Regional Mental Health Court (authorize the Yuma Police Department to participate in the Yuma Regional Mental Health Court) (YPD)

Discussion

- The Yuma Police Department has been participating in the Yuma Regional Mental Health Court, a diversion program for people suffering through mental illness, for over 15 years. **(Smith/Garrity)**

Motion (Morris/Smith): To adopt the Resolution Consent Agenda with the exception of Resolutions R2025-062, R2025-063, and R2025-064, which were adopted through a previous motion.

Bushong displayed the following titles:

Resolution R2025-051

A resolution of the City Council of the City of Yuma, Arizona, authorizing the participation of the Yuma Police Department in the Yuma Regional Mental Health Court through a Memorandum of Understanding (to offer justice-involved individuals with serious mental illness an alternative to traditional prosecution and incarceration) (YPD)

Resolution R2025-052

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an intergovernmental agreement with the City of San Luis on behalf of the San Luis Police Department for use of the City of Yuma Public Safety Training Facility (the intergovernmental agreement will further the cooperative working relationship between the entities) (YPD)

Resolution R2025-053

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving Amendment No. One to the Intergovernmental Agreement with Arizona Department of Transportation dated March 3, 2023, for the design and construction of pedestrian hybrid beacons at 24th Street and 6th Avenue and Giss Parkway between 1st Avenue and Madison Avenue (the amendment will reduce the scope of work from five beacons to two beacons due to funding and right-of-way acquisition issues) (Eng)

Resolution R2025-054

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Fourth Amendment to an Intergovernmental Agreement with Yuma County Intergovernmental Public Transportation Authority for the Yuma Multi-Modal Transportation Center (for final design and pre-construction costs associated with the rehabilitation of the Hotel del Sol as a multimodal transportation center) (Eng)

Resolution R2025-055

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma Development Fees and water and sanitary sewer capacity charges for Desert Sands Unit No. 4 Subdivision (deferral for a period of three years upon collection of a \$500.00 administrative fee) (Eng)

Resolution R2025-057

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Yuma Investment Partners, LLC for Assessor Parcel Numbers 632-58-128 and 632-58-129 located at 594 S. May Avenue (allow connection to City services; the owner intends to develop a new multi-family development) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-058

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Everardo J. Avendano for Assessor Parcel Number 699-54-007 located at 9381 E. Stetson Street (the well serving the Jones Co-op Water Association has exceeded recommended contaminant levels; the Arizona Department of Environmental Quality will cover the costs of water line extensions and connection fees for all affected residences) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-059

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Everardo Avendano for Assessor Parcel Number 699-54-008 located at 9365 E. Stetson Street (the well serving the Jones Co-op Water

JUNE 4, 2025

Association has exceeded recommended contaminant levels; the Arizona Department of Environmental Quality will cover the costs of water line extensions and connection fees for all affected residences) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-060

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Pedro and Raquel Gonzales for Assessor Parcel Number 699-54-003 located at 9453 E. Stetson Street (the well serving the Jones Co-op Water Association has exceeded recommended contaminant levels; the Arizona Department of Environmental Quality will cover the costs of water line extensions and connection fees for all affected residences) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-061

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Nohemy Echavarria and Sergio Echavarria for Assessor Parcel Number 631-56-159 located at 530 S. Avenue C (property owners have received Yuma County approval for a septic permit and now seek to connect to City water services for their planned single-family residence) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-065

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 133 serving Kahuna Estates, 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 Kahuna Estates as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements assessed upon Municipal Improvement District No. 133 shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (provide long-term maintenance for subdivision landscaping resulting in an appealing environment for neighborhood residents) (Plng & Nbhd Svcs/Cmtty Plng)

Resolution R2025-067

A resolution of the City Council of the City of Yuma, Arizona, supporting the Arizona Department of Environmental Quality proposal to identify a new water body in Arizona's surface water quality standards and assign appropriate designated uses to maintain the status quo for the discharge of treated effluent from Yuma's Figueroa Avenue Water Pollution Control Facility (the proposal aims to preserve an important mitigation wetland and allow the Figueroa Avenue facility to continue discharging treated effluent without the need for expensive upgrades to meet inappropriate standards) (Utl)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2025-019 – Text Amendment: Accessory Dwelling Units (update development regulations to expand the residential zoning districts which permit accessory dwelling units) (Plng & Nbhd Svcs/Cmtty Plng)

Discussion

- There is a small scrivener's error in the proposed ordinance; it does not constitute a material change, and the ordinance can be adopted without correction (**Mayor Nicholls/Morris/Files**)

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

Bushong displayed the following titles:

Ordinance O2025-016

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 Agriculture (AG) District to the Heavy Industrial (H-I) District, and amending the zoning map to conform with the rezoning (rezone approximately 160 acres located at the northeast corner of 96th Street and Avenue A) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2025-017

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 130 of the Yuma City Code, as amended, relating to animals and fowl, to comply with State statute (address the requirements of Arizona House Bill 2325, regulating domestic fowl numbers and enclosure standards for residential properties, and clarifies animal definitions and restrictions) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2025-018

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to the keeping of large animals (provide a uniform method for calculating the allowed number of large animals throughout the Yuma City Code) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2025-019

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the zoning code to amend development regulations and expand the permitted zoning districts for accessory dwelling units (support the development of new accessory dwellings by expanding the permitted zoning districts, while also relaxing associated development standards) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2025-020

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to development regulations within the Planned Unit Development Overlay (update development standards within the Planned Unit Development (PUD) Overlay, aimed at allowing increased densities within residential developments) (Plng & Nbhd Svcs/Cmty Plng)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2025-021

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 Low Density Residential/Infill Overlay (R-1-6/IO) District, and amending the zoning map to conform with the rezoning (rezone approximately 6,300 square feet of property located at 1720 S. Maple Avenue) (Plng & Nbhd Svcs/Cmty Plng)

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2025-066 – Minor General Plan Amendment: 3064 and 3116 S. Avenue B (change the land use designation from Commercial to High Density Residential for approximately 6.65 of property) (GP-43670-2025) (Plng & Nbhd Svcs/Cmty Plng)

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

Rojas presented the following information:

- Proposed change to the land use designation from Commercial to High Density Residential for approximately 6.65 acres located at 3064 and 3116 South Avenue B
- Existing structures include an office building and the Yuma Lumber Company
- Property owners within 660 feet were notified
- Neighborhood meeting held in March; one neighbor attended and was supportive
- No opposition from the public or external agencies
- Increase in dwelling units from zero to 86–200 units
- Expected population growth of between 163 and 380 people
- After amendment approval, the applicant plans to pursue rezoning to High Density Residential (R-3) to allow the development of multi-family units
- The Planning and Zoning Commission recommended approval at their meeting on May 12

Motion (Morales/Watts): To close the public hearing. Voice vote: **approved** 7-0. The public hearing closed at 5:52 p.m.

Motion (Smith/Morales): To adopt Resolution R2025-066.

Bushong displayed the following title:

Resolution R2025-066

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation of approximately 6.65 acres at 3064 and 3116 S. Avenue B from Commercial to High Density Residential (the applicant intends to pursue a rezoning of the site to allow for the development of multi-family units) (Plng & Nbhd Svcs/Cmty Plng)

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

MC 2025-082 – Annexation Area No. ANEX-43789-2025 Vision Assets (consider the annexation of approximately 4.46 acres of property located at the northeast corner of W. 27th Street and 21st Drive) (Dept/Div)

Mayor Nicholls opened the public hearing at 5:53 p.m.

Peterson presented the following information:

- Annexation request is for 4.46 acres of property located on the northeast corner of 27th Street and 21st Drive.

- Annexation area includes four parcels and the adjacent right-of-way (27th Street, 20th Drive, 20th Avenue, 21st Drive), and consists of two undeveloped parcels and two parcels with single-family homes or structures.
- Applicant intends to rezone the parcels and subdivide into a single-family home subdivision.
- Two parcels (ending in 003 and 004) are subject to Preannexation Development Agreements adopted in 2001 and 2006.
- The fourth parcel is being included for a seamless annexation boundary.
- The City of Yuma General Plan identifies the land use designation as Low Density Residential, and the County zoning is Manufactured Home Subdivision (MHS-20).
- Upon annexation to the City, the zoning will be Residential Manufactured Housing (R-MH-20).
- Future development will require connection to City utilities.
- Pending receipt of signed annexation agreements from property owners.
- Ordinance introduction is schedule for July 2 and will then be presented for adoption on July 16.

Motion (Smith/McClendon): To close the public hearing. Voice vote: **approved** 7-0. The public hearing closed at 5:56 p.m.

VI. BUDGET DISCUSSION

City Council discussed the proposed Fiscal Year 2026 Budget as follows:

- The property tax rate was initially posted at the maximum to allow the flexibility to lower the rate prior to adoption of the resolution at the next City Council Meeting. Even if City Council decides to keep the tax rate the same as last year, due to changes in assessed valuation and new construction the tax levy (the amount collected by the City) could increase. (**McClendon/Allen**)
- The preliminary budget sets a ceiling for tax rates but does not implement changes until the final budget is adopted. Although the City and County often take the same action on property tax, differences in how it is reported can create confusion. (**Mayor Nicholls**)
- Historically, the City has maintained the same tax rate for two consecutive years before making an adjustment. The last two years have held steady, while the two years prior saw lower rates. (**Morris/Allen**)
- **Morris, Smith, and Morales** voiced their desire to maintain the property tax rate the same as last year.

VII. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- White Coat Tour at Onvida Health
- Keynote speaker at Educational Opportunity Center Charter High School graduation
- Clean and Beautiful Commission Meeting
- Betteryuma.org meeting
- Yuma County Chamber of Commerce Chamber Mixer
- Yuma Metropolitan Planning Organization Meeting
- Investiture of Justice Maria Elena Cruz
- 9/11 Heroes Run Planning Meeting
- Letter of support for grant to remodel Carver Park

- 2025 Grad Night
- Junior College Women's Softball Championship Game
- Lunch with Governor Hobbs
- Upcoming Juneteenth Celebration at Carver Park
- Memorial service for Baby Sonny
- Upcoming Water Safety Day
- Arizona America250 Commission meeting
- Unveiling of the Welcome to Yuma sign
- Quechan and Sunset Vista Memorial Day celebrations
- Ocean-to-Ocean Bridge wreath-tossing ceremony
- Supreme Court oral arguments
- Upcoming U.S. Army 250th birthday celebration
- Tour of Downtown Yuma with El Centro Mayor, Councilmembers, and staff
- Memorial Day activities at Gateway Park and Desert Memorial Park
- Arizona Space Commission meeting
- Meeting and tour of Yuma with Phoenix Mayor Gallegos
- Elevate Southwest board meeting

Scheduling – No meetings were scheduled at this time.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- June 6th – Gallery exhibit opening reception at the Yuma Art Center
- June 7th – Water Safety Day at the Valley Aquatic Center
- June 9th – Beginning of closure of the Ocean-to-Ocean Bridge for installation of new letters and lighting

IX. CALL TO THE PUBLIC

Edna Mae Simon-Kidd, City resident, invited City Council to participate in the upcoming Juneteenth Celebration on behalf of the National Association for the Advancement of Colored People Chapter 1016. The event will take place on June 14, 2025, from 6:30-10:30 p.m. at Carver Park.

The following people expressed concern regarding the potential privacy and civil liberty risks of surveillance technology such as automated license plate readers:

- **Charlene Young**, City resident
- **Sofia Ramirez**, City resident
- **Cody Pease**, City resident
- **Priscilla Ruedas**, City resident

Anthony Felix, City resident, spoke regarding allegations of longstanding negligence, suppression of evidence, police misconduct, and financial injustices that have affected him since his youth.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:38 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

Approved at the City Council Meeting of:

City Clerk: _____