

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 21, 2025
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Pastor Tom Renard, Zion Church, gave the invocation. **Madeleine Coil**, Grants Administrator, 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 Grants Administrator, Madeleine Coil Various Department Heads or their representative City Attorney, Richard W. Files Deputy City Clerk, Janet L. Pierson

PRESENTATIONS

Great American Defense Community Award

Coil introduced **Matt Borron**, Executive Director of the Association of Defense Communities (ADC). **Borron** stated that he was honored to name the City of Yuma the “51st Great American Defense Community” that ADC has recognized over the past 10 years. **Borron** noted that ADC receives nearly two dozen applicants each year from which only three are selected. **Mayor Nicholls** thanked ADC, and everyone associated with the recognition.

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 meeting(s):

Regular City Council Meeting Minutes

March 19, 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. Approve a Series #09: Liquor Store/Owner Transfer Liquor License application submitted by Allen Mikha, agent for El Fuego Market and Liquor located at 2200 W. 3rd Street. (LL25-07) (Admn/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for Sunkissed Coffeehouse located at 3860 W. 24th Street #109. (LL25-08) (Admn/Clk)
3. Authorize the purchase of concrete work for the Yuma Civic Center utilizing the Asphalt and Concrete Maintenance Services agreement at an expenditure of \$215,381.20 awarded to Gutierrez Canales Engineering, PC, Yuma, Arizona. (RFQ-22-089) (Eng/Purch)
4. Award a construction services contract for 28th Street Widening-45th Avenue to 33rd Drive, to the lowest responsive and responsible bidder in the amount of \$4,136,000.00 to DPE Construction, Yuma, AZ. (RFB-22-171) (Eng/Purch)
5. Award a construction services contract for the Edenwood Estates Pavement replacement to the lowest responsive and responsible bidder in the amount of \$2,073,500 to DPE Construction, Inc., Yuma, Arizona. (RFB-22-242) (Eng/Purch)
6. Award 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 for Environmental, Geotechnical and Materials Testing and Related Services with the following three firms: Geotechnical Testing Services, Inc., Yuma, Arizona, Nicklaus Engineering, Inc., Yuma, Arizona, Ninyo & Moore Geotechnical & Environmental Sciences Consultants, Phoenix, Arizona. (RFQ-25-225) (Eng/Purch)
7. Authorize settlement of the Torres Notice of Claim. (Atty)

II. RESOLUTION CONSENT AGENDA

Resolution R2025-048 - Intergovernmental Agreement: Arizona Department of Transportation – Comprehensive Safety Action Plan (authorize the City Administrator to execute an Intergovernmental Agreement with the Arizona Department of Transportation to develop a Comprehensive Safety Action Plan for the City of Yuma) (Eng)

Resolution R2025-050 – Intergovernmental Agreement Amendment: Arizona Department of Transportation – Pedestrian Hybrid Beacons (authorize the City Administrator to execute Amendment No. One to the Intergovernmental Agreement with the State of Arizona Department of Transportation (ADOT) dated October 20, 2023 reducing the scope of work due to funding issues from the original three pedestrian hybrid beacons (PHB) to two PHBs. This is a Highway Safety Improvement Program (HSIP) project and is 100% grant funded at a total amount of \$1,660,238.00) (Eng)

Mayor Nicholls declared a conflict of interest on Resolution R2025-048 and R2025-050, due to his firm's involvement in the projects, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

Motion (Morris/McClendon): To adopt the Resolution R2025-048 and R2025-050 as recommended.

Pierson displayed the following title(s):

Resolution R2025-048

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing an Intergovernmental Agreement with the Arizona Department of Transportation to develop a comprehensive safety action plan (identifying and prioritizing safety improvements that accommodate all modes of transportation and users) (Eng)

Resolution R2025-050

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 October 20, 2023, for the design and construction of Pedestrian Hybrid Beacons at 32nd Street and Michigan Avenue and Avenue C at Central Canal North of 22nd Lane (eliminates one pedestrian hybrid beacon location at Avenue C and Crane Street) (Eng)

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

Mayor Nicholls returned to the dais.

Motion (Morales/Smith) To adopt Resolution R2025-049 as recommended.

Pierson displayed the following title:

Resolution R2025-049

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Rod and Ella Seibel for Assessor Parcel Number 699-54-004 located at 9437 E. Stetson Street (allowing connection to City of Yuma services as the well servicing the residence is exceeding the recommended contaminant levels, according to the Arizona Department of Environmental Quality) (Plng & Nbhd Svcs/Cmty Plng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Pierson displayed the following title(s):

Ordinance O2025-013

An ordinance of the City Council of the City of Yuma, Arizona, granting a setback and parking easement to the abutting property owner (to acquire an easement within the 7th Street Right-of-Way to meet the minimum setback requirements) (Eng)

Ordinance O2025-014

An ordinance of the City Council of the City of Yuma, Arizona, vacating the real property hereafter described and authorizing execution of all necessary documents for transfer thereof (28th Street right-of-way; approximately 0.6039 acres) (Eng)

Ordinance O2025-015

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 Low Density Residential (R-1-6) District, and amending the zoning map to conform with the rezoning (near the southeast corner of 9E & 24th Street; site is currently undeveloped and is approximately 33.38 acres in size) (Plng & Nbhd Svcs/Cmty Plng)

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

IV. INTRODUCTION OF ORDINANCES

Pierson displayed the following title(s):

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 (area is part of the Estancia Development Area, which was planned as a mixed-use development comprised of 3,741.5 acres) (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 (text amendment provides greater opportunities for residents to keep and maintain domestic fowl) (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 (amendment will provide uniformity within the Zoning 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 (changes are designed to increase housing options, promote sustainable development, and provide greater opportunities for affordable living in Yuma) (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 (text amendment updates and clarifies aspects of the Planned Unit Development regulations) (Plng & Nbhd Svcs/Cmty Plng)

V. BUDGET AND RELATED ITEMS

MC 2025-076 – Public Hearing: Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Program (Conduct a public hearing for the proposed Fiscal Year 2026 – Fiscal Year 2030 City of Yuma Capital Improvement Program pursuant to Yuma City Charter, Article XIII, Section 11) (Eng)

Mayor Nicholls declared a conflict of interest on MC 2025-076, due to his firm's involvement in Capital Improvement Program projects, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

Deputy Mayor Smith opened the public hearing at 5:49p.m.

Morales requested a presentation at the first Worksession in June regarding the Space Port project. **Simonton** will be preparing the presentation for the June 17, 2025, Worksession.

Motion (Morales/Watts): To close the Public Hearing. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest. Public Hearing closed at 5:52 p.m.

Mayor Nicholls returned to the dais.

MC 2025-077 – Tentative Annual Budget for Fiscal Year 2026 (Adopt the Fiscal Year 2026 Tentative Annual Budget in the amount of \$547,121,059 which includes a Capital Improvement Plan budget of \$221,254,573; combined Maintenance Improvement Districts of \$636,884; and Operating Expenditure/Expense Budget of \$325,229,602 including Governmental and Enterprise operations) (Admn/Fin)

McClendon declared a conflict of interest on the Visit Yuma budget adoption, due to being employed by Visit Yuma, and left the dais.

Motion (Morris/Watts): To adopt the Fiscal Year 2026 Tentative Budget for Visit Yuma in an amount not to exceed \$890,000.

Voice vote: **adopted** 6-0-1, **McClendon** abstaining due to conflict of interest.

McClendon returned to the dais.

Mayor Nicholls declared a conflict of interest on the CIP budget adoption as his firm works on some of the CIP projects, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

Motion (Watts/Morales): To adopt and publish for the June 18th budget hearing, the Fiscal Year 2026 Tentative Budget for the Capital Improvement Program in the amount of \$221,254,573.

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

Mayor Nicholls returned to the dais.

Motion (Smith/Watts): To approve and publish for the June 18th budget hearing, the Fiscal Year 2026 Tentative Budget in the amount of \$324,976,486 which excludes Visit Yuma funding and the Capital Improvement Program, as approved through the prior motions.

Voice vote: **approved** 7-0.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (McClendon/Watts): To appoint Mark Rummel and Pamela Clark to the ADA Advisory Commission, with a term expiration of December 31, 2025. Voice vote: **approved** 7-0.

Announcements

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

- Visit Yuma Open House Celebrating National Travel and Tourism Week
- 48th Annual Peace Officer Memorial Service
- Sunset View Wildlife Area Ribbon Cutting Ceremony
- Kofa Student Council Meeting
- National Emergency Medical Services (EMS) Week Celebration and Award Ceremony
- Water Safety Workshop on behalf of the Greater Yuma Water Safety Alliance
- Western Arizona Council of Governments (WACOG) Executive Meeting
- Greater Yuma Economic Development Corporation (GYEDC) Luncheon
- Yuma Coalition to Attend Homelessness Meeting
- Yuma County Anti-Drug Coalition Meeting
- Arizona Attorney General Kris Mayes Town Hall Meeting
- Visit Yuma Monthly Board Meeting
- National Junior College Athletic Association (NJCAA) Softball Tournament hosted by Arizona Western College
- Back 2 Nature Learning Center - Nurturing Growth in Childcare Entrepreneurship
- Yuma Crossing National Heritage Area Monthly Board Meeting
- Yuma County Chamber of Commerce Monthly Meeting
- Kofa High School Marine Corp Junior Reserve Officer Training Corp (JROTC) Awards Night
- Investment Group & Wealth Management - Come Wine with Us Event
- Arizona League of Cities and Towns Executive Committee Meeting
- Yuma Sector Border Patrol Law Enforcement Memorial
- Republican Attorneys General Association Border Visit

Scheduling – No meetings scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following event(s):

- May 24th – Valley Aquatic Center open swim starts

Simonton notified the community that City Hall will be closed Monday, May 26, 2025, in observance of Memorial Day; the closure will affect the trash pick-up service schedule.

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Mayor Nicholls invited the community to the prayer service for baby Sonny, who was found in a trash bin outside a local business. The prayer service will be held May 22, 2025, at Saint Francis of Assisi Catholic Church at 2 p.m.

Deputy Mayor Smith asked for suggestion on how to remind the community about Safe Haven areas where newborns can safely be surrendered. **Simonton** proposed creating some public service announcements to inform the community about the Safe Haven sites around the City.

VIII. CALL TO THE PUBLIC

Henry Mak, City resident, spoke regarding the Joint Terrorism Task Force Memorandum of Understanding between the Federal Bureau of Investigation and the City of Yuma. **Mak**, who is also a teacher in the City, shared his concerns with the MOU and his students reactions and questions about the agreement.

Lauren Heitzman, City resident, spoke in opposition of placing a stop light at the corner of 10E and South Frontage Road, and suggested 40th Street as an alternative route to reduce congestion.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:20 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: _____