

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 5, 2020
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Deacon David Clark, Immaculate Conception Church, gave the invocation. **Rhonda Lee-James**, Assistant Director of DCD/Neighborhood Services, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Shelton, Morris, Watts, Knight, McClendon, Shoop, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: City Administrator, Philip A. Rodriguez
Fire Chief, Steve Irr
Heavy Equipment Operator, Jason Brown
Director of Finance, Lisa Marlin
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

Life Saving Award Recognition

Irr recognized City employee **Jason Brown**, who during his recycling collection route encountered an unresponsive 79-year-old man. **Irr** explained that Brown called 911 and administered compression-only CPR until paramedics arrived. Thanks to Brown's actions, the man survived and is now back home. **Irr** presented Brown with the Life Saving Award from the Yuma Fire Department as well as the Chief's Coin and Fire Department Coin.

Yuma County Public Health Services District Update

Diana Gomez, Yuma County Public Health Services District (Health Department) Chief Health Officer, provided the following update regarding COVID-19 in Yuma:

- Yuma's Numbers To Date
 - 54,650 total tests
 - 11,319 cases
 - 275 deaths

- Current COVID-19 Hospitalizations
 - 58 total hospitalized at Yuma Regional Medical Center
 - 18 patients in the Intensive Care Unit
 - The majority of those infected with COVID-19 will have mild to moderate symptoms; when the percentage of people that require hospitalization decreases, it is a sign that the mitigation strategies such as face coverings and social distancing are working
- Personal Protective Equipment (PPE) Distribution
 - The Health Department is the largest provider of PPE for clinical healthcare providers and those who are conducting testing
 - PPE can be requested from the Health Department via a Resource Request Form; the supply chain has so far allowed for those requests to be filled in a timely fashion
- COVID-19 Testing
 - The Regional Center for Border Health and Sunset Community Health Center both offer daily drive-through testing during flexible hours
 - There have been delays in some cases of up to 14 days for test results
 - Quest Laboratories announced yesterday that they have cleared their backlog
- Contact Tracing
 - The Health Department has entered into an agreement with the University of Arizona to increase contact tracing efforts by utilizing medical and public health students
 - Getting test results back within the two to three day reporting cycle is critical for effective contact tracing given the recommended 10-day isolation period
- Back to School
 - The Arizona Department of Health Services (ADHS) will release a set of standards tomorrow that schools can use to determine if and when they can reopen safely
 - The Health Department will support schools by reviewing their preparedness and communication plans and providing kits including non-contact thermometers, face masks, and sanitation equipment

Discussion

- If a person is tested multiple times, each test is counted toward the cumulative total number of tests taken; if that person has multiple positive test results, those results are consolidated and only counted as one positive (**Knight/Gomez**)
- Statistics regarding recovered patients are not reported because recovery can look different for each patient; some taking weeks or months to fully recover, so there is no way to accurately capture that information (**Knight/Gomez**)
- Communities that are reporting the number of recovered patients are generally applying the 10-14 day metric to any patients who have not passed away, which does not necessarily reflect the actual number of patients who have fully recovered (**Mayor Nicholls/Gomez**)
- Public health and medical students are bound by the Health Insurance Portability and Accountability Act (HIPAA), so those that will be serving as a contact tracer for the Health Department are required to adhere to HIPAA requirements (**Knight/Gomez**)
- First responders, along with other healthcare providers, can now access information regarding COVID-19 patients pursuant to an Executive Order issued by Governor Ducey (**Knight/Gomez**)
- While doctors throughout the country may be providing a variety of opinions on COVID-19, the Health Department works closely with ADHS and follows the guidance of the Centers for Disease Control and Prevention (CDC) (**Shoop/Gomez**)

- ADHS has established a workgroup that meets weekly to discuss statewide guidelines for school reopening; because the situation in each county may differ, the approach to reopening will be tailored to each specific county and school district (**Shoop/Gomez**)
- The Health Department works with local law enforcement to ensure they have PPE and asks that anyone participating in protests wear face coverings and adhere to the guidelines set forth by the CDC (**Shoop/Gomez**)
- Test accuracy varies by testing mechanism, with the standard PCR (Polymerase Chain Reaction) test being the most accurate; testing turnaround time should begin to decrease now that the backlog issue with Quest Diagnostics has been resolved (**Watts/Gomez**)
- Family gatherings and other large get-togethers have been a major source of the spreading of COVID-19, based on information gathered by contact tracers (**Watts/Gomez**)
- Understanding of symptoms and long-term health impacts is still developing as COVID-19 is a novel virus; this along with the prevalence of asymptomatic patients makes it especially important to follow the suggested mitigation efforts such as face coverings and social distancing (**Watts/Gomez**)
- The positive cases reported by the Health Department are only those that have been lab-confirmed by an antibody or PCR test, not presumptive cases based on symptoms alone (**Morris/Gomez**)
- While there is always the possibility of an occasional case slipping through, duplicate positive results are merged by the system used to track testing; the Health Department provides a second review to detect any that the system may have missed (**Morris/Gomez**)
- Cause of death is determined by the treating physician and/or the medical examiner; the Health Department does not make the determination of cause of death (**Morris/Gomez**)

Fiscal Year 2020 Financial Briefing

Rodriguez presented the Fiscal Year (FY) 2020 Financial Briefing as follows:

- The fourth quarter (Q4) saw a three-month revenue decline of at least \$1.4 million across major revenue sources due to COVID-19 and related economic volatility
- The first three months of FY 2020 saw better than projected revenues which allowed FY 2020 to end stronger than had been projected

FY 2020 Q4 Revenues – Major Funds

Revenue Source	Fund	Apr-Jun 2020*	Apr-Jun 2019	Variance
City Sales Tax (1%)	General	\$ 6,180,307	5,595,029	585,278
Property Tax	General	4,985,085	4,668,565	316,520
State Sales Tax	General	2,426,440	2,587,226	(160,786)
State Revenue Sharing	General	3,165,231	2,891,339	273,892
Vehicle License Tax	General	1,108,442	1,120,799	(12,357)
Gasoline Tax	HURF	1,833,023	2,165,940	(332,917)
Road Tax (0.5%)	Road Tax	3,089,628	2,997,005	92,623
Public Safety Tax (0.2%)	Road Tax	1,235,431	1,198,394	97,037
Two-Percent Tax	Two-Percent Tax	1,286,768	1,637,232	(350,464)
Water Usage Fees	Water	5,894,128	7,064,853	(1,170,725)
Wastewater Usage Fees	Wastewater	3,826,117	4,464,970	(638,853)
Solid Waste Fees	Solid Waste	1,196,388	1,191,264	5,124
Total Variance:				(1,355,628)

* NOT FINAL - all numbers are preliminary as year-end closing is ongoing.

- The revenues in State and Local Sales Tax, Gasoline Tax, Two-Percent Tax, and Water and Wastewater Usage Fees, which are all largely consumption-based revenues, will need to be watched closely in FY 2021

General Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 76,524,777	74,545,406	1,979,371
Total Expenditures	74,507,606	74,627,739	(120,133)
	2,017,171	(82,333)	2,099,504

Road Tax Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 12,526,680	11,929,741	596,939
Total Expenditures	13,470,088	18,242,256	(4,772,177)
	(943,408)	(6,312,524)	5,369,116

Two-Percent Tax Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 6,492,253	6,985,624	(493,371)
Total Expenditures	7,460,725	7,937,677	(476,952)
	(968,472)	(952,053)	(16,419)

Capital Projects Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 1,542,586	1,616,644	(74,058)
Total Expenditures	3,051,398	6,779,525	(3,728,127)
	(1,508,812)	(5,162,881)	3,654,069

Note: Revenues are comprised of Development Fees

Desert Hills Golf Course Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 1,273,316	1,422,678	(149,362)
Total Expenditures	1,733,471	1,728,818	4,653
	(460,155)	(306,140)	(154,015)

Water Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 27,768,041	28,998,889	(1,230,848)
Total Expenditures	24,072,301	22,783,423	1,288,878
	3,695,740	6,215,466	(2,519,726)

Highway User Revenue Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 8,695,125	8,543,934	151,191
Total Expenditures	9,931,725	8,017,461	1,914,264
	(1,236,600)	526,473	(1,763,073)

Public Safety Tax Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 4,913,742	5,338,591	(424,849)
Total Expenditures	5,744,948	4,828,561	916,387
	(831,206)	510,030	(1,341,236)

Both Revenues and Expenditures contain \$674,341 in leases

Grants Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 2,400,652	3,937,518	(1,536,866)
Total Expenditures	2,987,319	4,101,225	(1,113,906)
	(586,667)	(163,707)	(422,960)

Note: Revenues are often behind expenditures as grants are reimbursable in nature

Radio Communications Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 2,741,880	1,994,091	747,789
Total Expenditures	2,272,217	1,727,328	544,889
	469,663	266,763	202,900

Note: Radio-specific grant funds are included here

Solid Waste Fund

	FY '20*	FY '19	Variance
Total Revenues	4,678,006	4,275,711	402,295
Total Expenditures	4,314,598	3,901,638	412,960
	363,408	374,073	(10,665)

Wastewater Fund

	FY '20*	FY '19	Variance
Total Revenues	\$ 20,954,159	21,495,678	(541,519)
Total Expenditures	16,972,360	19,507,398	(2,535,038)
	3,981,799	1,988,280	1,993,519

**NOT FINAL - all numbers preliminary as year-end closing is ongoing.*

Discussion

- Everything is in and final with respect to the City's receipt of state and local sales tax; the City had a very strong quarter which led to the local sales tax revenues being very healthy compared to state sales tax revenues (**Mayor Nicholls/Marlin**)
- City staff will look into whether the state sales tax revenue is typical for Q4 or if it is an anomaly based upon COVID-19's impact on the economy (**Mayor Nicholls/Marlin**)
- Most of the funds reporting greater expenditures than revenues have either built up a fund balance in anticipation of a project or are capital projects paid for by prior bond sales (**Shoop/Marlin**)
- Some of the Capital Improvement Program (CIP) projects are dependent on grant funding that has not been awarded at this time, so those projects will not begin unless and until the funding is received (**Shoop/Rodriguez**)

- Employee pay increases are still included in the budget; the Frontline Focus Group will begin meeting next week to review revenues and expenditures to provide a recommendation as to when those increases should take place (**Shoop/Rodriguez**)
- There have been concerns that the ongoing pandemic may reduce the number of winter visitors coming to Yuma in the fall; while the impact to the City's revenues remains to be seen, Yuma's public health data has started to take a turn for the better which is encouraging (**Shelton/Rodriguez**)
- There have been discussions at the state level on implementing a program to get the message out to winter visitors regarding Arizona's improving public health data in order to help the state as a whole (**Mayor Nicholls**)
- A potential loss had been built into the budget for Q4 across almost every fund; fortunately the actual revenues were better than projected, with some funds actually coming in positive where losses had been expected (**Morris/Rodriguez**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.5 – City of Yuma Small Business Relief Grants – Additional Allocation of Funds (increase the original funding by \$230,000 for a total allocation of \$550,000) (Admin)

Rodriguez explained that the City has partnered with the Arizona Community Foundation of Yuma to receive and process the applications for the small business relief grants as well as to award the funds. As of this morning, almost the entire initial funded amount of \$320,000 has been awarded to local businesses and more than 30 applications remain pending. The additional allocation of \$230,000 would allow the program to continue to help as many small businesses as possible. **Knight** noted that the City is paying a very reasonable fee of 1.9% to the Arizona Community foundation to administer the program and disburse the grant funds and suggested that it would be appropriate to increase the allocation of funds by an additional \$10,450 to cover the third-party administration fee.

Motion (Knight/McClendon): To increase the allocation of funds to the City of Yuma Small Business Relief Grants by an additional \$10,450 for a total additional allocation of \$240,450, so that the entire \$550,000 is available for local eligible businesses. Voice vote: **approved** 7-0.

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

A. Approval of minutes of the following City Council meeting:

Regular City Council Meeting July 15, 2020

B. Approval of Staff Recommendations:

1. 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)

2. Approve a new Series #12 Restaurant Liquor License application submitted by Kevin Arnold Kramber, agent for Pizza Hut #036975, located at 580 E. 32nd Street (LL20-07) (Admin/Clerk)
3. Authorize the purchase of various types of grass seed for an estimated expenditure of \$105,005.00 with the following firms: Mirimar Hardware LLC, Tucson, Arizona - \$110.00; Nutrien Ag Solutions Inc., Yuma, Arizona - \$104,895.00. (Parks & Rec)
4. Authorize the City Administrator to execute five CDBG subrecipient agreements totaling \$268,062 and one HOME Agreement for \$270,000 in accordance with the 2020 Annual Action Plan. (DCD)
5. Increase funding in the amount up to \$230,000 for City of Yuma COVID-19 related small business relief grant program utilizing a portion of the federal CARES Act allocation to the City of Yuma. (Admin) [See motion above.]

II. RESOLUTION CONSENT AGENDA

Resolution R2020-026 – Lease Agreement: Amberly’s Place, Inc. (renew a 12-month lease agreement with Amberly’s Place, Inc., for the City-owned property located at 812 S. Avenue A) (City Atty)

Deputy Mayor Watts declared a potential conflict of interest with regard to the adoption of Resolution R2020-026 as she works with Amberly’s Place as an independent contractor and left the dais.

Motion (Knight/Shelton): To adopt Resolution R2020-026 as presented.

Bushong displayed the following title:

Resolution R2020-026

A resolution of the City Council of the City of Yuma, Arizona, authorizing a lease agreement between the City of Yuma and Amberly’s Place for the City-owned property located at 812 South Avenue A for a family advocacy/retail use and authorizing the City Administrator to execute the lease agreement (renewal of a 12-month lease in support of Amberly’s Place mission to provide for the needs of abuse victims in Yuma County) (City Atty)

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

Deputy Mayor Watts returned to the dais.

Motion (Knight/McClendon): To adopt Resolution R2020-025 as presented.

Bushong displayed the following title:

Resolution R2020-025

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 1038 South Pagent Avenue (undeveloped property located outside of the corporate boundary of the City of Yuma; the owners intend to construct a new single-family home on the property) (DCD)

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

III. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2020-017

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain easement parcel of real property, hereinafter described, be acquired by the City of Yuma by gift, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto (acquire parcels 2 through 5 of the Patagonia Land Division plat extending east from Avenue 9E for a waterline extension) (ENG)

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. APPOINTMENTS AND ANNOUNCEMENTS

Appointments

Motion (Shoop/Watts): To appoint Sonia M. Ramirez Sardinias as Hearing Officer for the City of Yuma.

Mayor Nicholls asked if there was a term expiration date for the appointment. **Files** replied that the Hearing Officer appointments remain until the appointee resigns or City Council removes them from the position.

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

Announcements

McClendon, Knight, Shelton, Shoop, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

V. SUMMARY OF CURRENT EVENTS

Rodriguez reported the following:

- August 7 – Submission deadline for 2020 Battle of the Bands
- August 11-15 – COVID-19 testing from 6:30 a.m. to 12:30 p.m. at the Civic Center
- YPD has seen a significant rise in ‘smash and grab’ vehicle burglaries. Residents are encouraged to remove or hide valuables when leaving their vehicles.
- Household Hazardous Waste drop-off is available by appointment on the second Friday of each month from 6:00 a.m. to 8:00 a.m. Residents can contact Public Works to schedule an appointment.

VI. CALL TO THE PUBLIC

Aaron Bellisle, City resident, expressed concern regarding the large feral cat colony in his neighborhood and the lack of response from Animal Control and the Humane Society to calls for assistance with the cats.

Gary Wright, City resident, spoke in opposition of the proposed Yuma City Charter (Charter) amendment that would change the City's elections to even-numbered years. **Files** interjected that there is a prohibition on using City resources to advocate for the support or opposition of any ballot measure. **Mayor Nicholls** explained that Call to the Public cannot be used as a forum to argue for or against the Charter amendment now that it is on the ballot for the upcoming General Election.

VII. EXECUTIVE SESSION/ADJOURNMENT

Motion (Knight/Morris): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 7:22 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT