

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JANUARY 6, 2021**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Father Timothy Imbya**, Immaculate Conception Church, gave the invocation. **Jenn Reichelt**, Deputy City Administrator, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Shelton, Morris, Watts, Knight, McClendon, and Mayor Nicholls
Councilmembers Absent:	Shoop
Staffmembers Present:	City Administrator, Philip A. Rodriguez Deputy City Attorney, Rodney Short Fire Marshal, Kayla Franklin Director of Parks & Recreation, Jason Nau 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**

U.S. Census Bureau Presentation

**Luis Cardenas Camacho**, Partnership Specialist assigned to Arizona Government presented as follows:

2020 Census: Measuring Response Rates

- National Self-Response Rate: 67%
- Projected Self-Response Rate: 65.6%
- Response Rate in 2010: 66.5%

First Nationwide Census Available Online

- No down time
- No data breaches
- Average Response Time: 9 minutes

How did people respond?

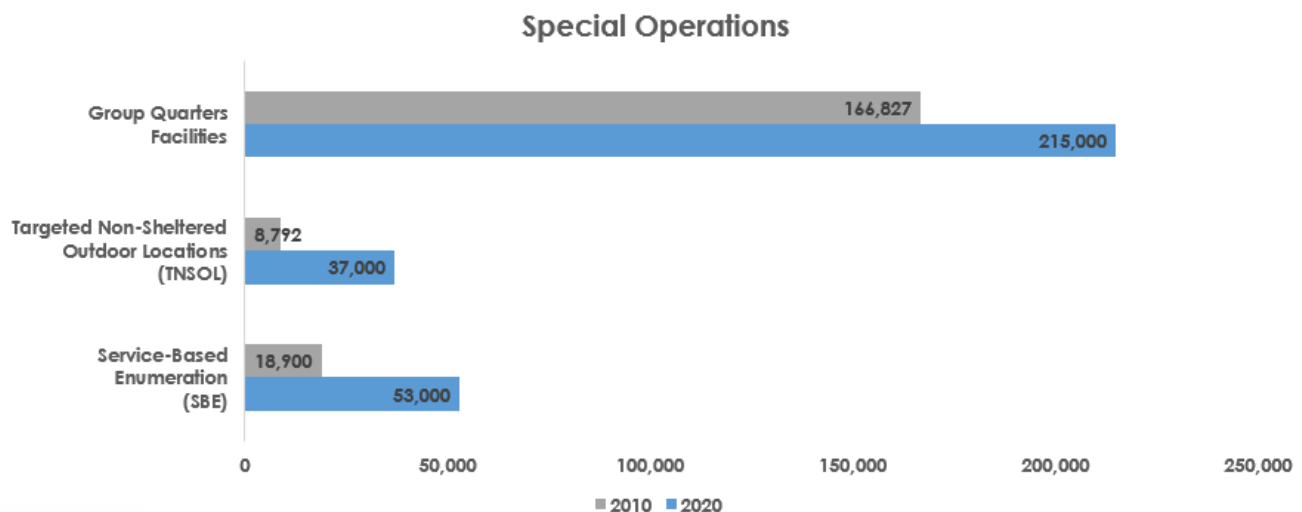
- Internet (easiest and preferred): 79.86%
- Mail: 18.3%
- Phone: 1.85%

#### Nonresponse Follow-up (NRFU)

- NRFU Workload: 33% of U.S. Households
- 2020: 64 million addresses counted in a 68-day period
- 2010: 47.2 million addresses counted in a 69-day period
- As of October 16, 24.1% Proxy (23.8% in 2010)
- Use of Administrative Records: 13.9% (22.5% projected)

**Cardenas Camacho** stated a percentage of the Census information was also gathered through IRS and Social Security records; as well as neighbors corroborating for those who did not participate in filling out the Census form.

#### 2020 Census National Recap



#### 2020 Census Recap - Denver Region/Dallas RCC

##### Partnership Specialists: 313

- Includes Tribal and Media (pivoted from in-person to virtual)

##### Enumerators: 48,439

- Technology enabled higher productivity

##### Area Census Offices (ACOs): 50

- Adapted to wildfires, social unrest, hurricanes, and a pandemic
- PPE ordered and distributed

##### Partners: 67,619

##### Complete Count Committees (CCCs): 1,261

- Includes 11 State CCCs

### State Self-Response Rates

State	Response Rate	U.S. Ranking
Nebraska	71.9%	4
Utah	71.0%	10
Colorado	70.0%	14
Kansas	69.8%	15
South Dakota	67.5%	23
North Dakota	65.2%	29
Arizona	64.1%	32
Texas	62.8%	39
Wyoming	61.1%	40
Oklahoma	61.0%	41
Montana	60.4%	45
New Mexico	58.7%	48
National	67%	

### What's Next in 2021

#### State Populations Counts

- Projected release: December 31, 2020 (as close to the statutory dates as possible)

#### Redistricting Counts

- Available 2021 (TBD)

#### Post Enumeration Survey (PES)

- Measures the quality of the 2020 Census and produces the undercount and over count
- End of data collection October 2021
- Projected release (TBD)

#### Ongoing Monthly Surveys

- American Community Survey (ACS) release: December 10, 2020
- Field Representative/Interviewer positions region-wide

### Household Surveys

#### Top Five Household Surveys

- Household Pulse Survey
- American Community Survey (ACS)
- Current Population Survey (CPS)
- National Crime Victimization Survey (NCVS)
- National Health Interview Survey (NHIS)

**Data Services - Data Dissemination Program**

- The Census Bureau's Data Dissemination Specialists are a core team of data experts and trainers who work directly with our customers, training them on how to access their data and learning more about their needs.
- To request training, please email: [census.askdata@census.gov](mailto:census.askdata@census.gov)

**Cardenas Camacho** presented the City of Yuma with an appreciation certificate for their participation in the 2020 Census.

There being no discussion, **Mayor Nicholls** thanked Cardenas Camacho for the presentation.

Fireworks in Arizona

**Deputy City Attorney Rodney Short** and **Fire Marshall Kayla Franklin** presented as follows:

## Fireworks

- Fireworks are a state law under Arizona Revised Statutes A.R.S. § 36-1601 et seq.
- Pursuant to state statutes, the use of consumer fireworks are permissible during the Cinco de Mayo, Independence Day, Christmas and New Year holidays in Arizona
- Any fireworks that leave the ground or explode are illegal to use or sell

## Permissible Locations for Consumer Fireworks

- Only allowed on private property (i.e. your front or back yard) and the firework display cannot extend from your front or backyard to sidewalks, roads, or neighboring properties.
- Consumer fireworks are not allowed on any public property: this includes sidewalks, streets, schools, parking lots, etc.
- It is against the law to use illegal fireworks in any location – public or private

## Enforcement

- The state limits local authority's enforcement
- Depending on facts and evidence, civil charges or criminal charges may be imposed with fines or penalties
- Law imposes financial responsibility for users who cause property damage or physical injury and financial responsibility for all costs of fire suppression
- Existing law also sets up 'private causes of action' which is a lesser standard of proof, evidence, and remedies could include offenders homeowner's insurance
- Need to engage State Legislators, often relays by local city officials do not have the same urgency at the state Capitol
- Statewide issue with Arizona Office of Courts for penalties, but Yuma has found local solution
  - Local authority could adopt additional restrictions around the use in or around areas surrounding a municipal or county preserve, desert park, regional park, designated conservation area, national forest or wilderness area (still have enforcement preemption)

## What can be done to help?

- If you see fireworks being used illegally, please call the Yuma Police Department at (928) 783-4421 (non-emergency number) and in the case of emergency (including fires and injuries) call 911.
  - Local calls are a simply a first step – citizens need to contact the state legislators
- The City of Yuma encourages residents to be good neighbors
  - Be considerate of the times you are using permissible consumer fireworks
  - Cease using illegal fireworks.

**Franklin** presented statistics on fireworks incidents as follows:

- There are over 19,000 fires and over 9000 injuries resulting from the use of fireworks annually in the country.
- Fire Departments do not advocate for permissible consumer fireworks, as they are also dangerous, especially when given to children to hold.
- Because the state allows certain fireworks, it certainly does not mean that they are safe.
- Fireworks such as sky rockets or missile type rockets that have some sort of explosive do require a federal permit and also a background clearance and certification to transport and operate that type of firework.

**Short** added the following:

- In the year 2020, Yuma Police Department responded to 132 fireworks calls during Independence Day, 112 fireworks calls during Christmas and 108 fireworks calls during New Years.
- Yuma Police Department and the Yuma Fire Department work diligently to keep the community safe by attending to the emergency calls related to fireworks.
- When a report from a citizen comes in, it is very difficult to determine who launched the firework, thus making it hard on the investigative party to start a criminal process and catch the perpetrator.
- The law favors civil tickets; however, depending on the facts of evidence there can be criminal charges.
  - Legislature has taken away most of the criminal penalties
- The law heard the third party's personal liability and invoked actually strict liability for any fires or any damages caused by fireworks.
- Contact your State Legislators if you would like to see any changes to the law regarding fireworks.

#### Discussion

- Concern was expressed over the fireworks that went off during the New Year's holiday. Stating that the loud bangs not only affect people who deal with Post Traumatic Stress Disorder, but also pets and neighboring homes. **(Shelton)**
- Although there are dates specific to the use of consumer fireworks, there is no set hours when fireworks may be used. **(Knight/Short)**
- The Yuma Fire Department issues permits for the sale or storage of permissible consumer fireworks within City of Yuma's jurisdiction, for only \$10. Permit holders provide YFD their bill of sale on the products, as a measure to match the types of fireworks, permitted for sale within the City of Yuma's jurisdiction. **(Franklin)**
- Enforcement is a big issue and bringing forth criminal charges is difficult; illegal firework use is a statewide issue. **(Short/Knight)**
- Residents are encouraged to contact their State Legislators to get the ball rolling for tougher laws. **(McClendon / Short)**

#### **I. MOTION CONSENT AGENDA**

**Motion** (Knight/McClendon): To approve the Motion Consent Agenda as presented. Voice vote: **approved**  
6-0

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

Special Council Meeting      December 7, 2020  
Regular Council Meeting      December 16, 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 amendments to the 2018, 2019 and 2020 Annual Action Plans to reallocate \$680,146 in HOME Funds for the Tenant-Based Rental Assistance program and authorize an agreement with the Housing Authority of the City of Yuma to administer the program. (DCD)

**II. ADOPTION OF ORDINANCES CONSENT AGENDA**

Adoption of Ordinance O2021-001 – Budget Amendment (Amend the Fiscal Year 2021 Annual Budget to authorize a transfer of appropriations in certain Funds with a corresponding increase in revenue and expenditure capacity in certain other Funds and declaring an emergency without exceeding the overall Fiscal Year 2021 Annual Budget.) (City Admin)

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

**Bushong** displayed the following title:

**Ordinance O2021-001**

**An ordinance of the City Council of the City of Yuma, Arizona, approving a transfer of appropriations within the Fiscal Year 2021 Budget; and declaring an emergency (City Admin)**

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

**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.

**III. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Council appointed positions/committees

**Motion** (Watts/Knight): To nominate Leslie McClendon to serve as the Deputy Mayor for the year 2021. Voice vote: **approved** 6-0.

**Motion** (Knight/McClendon): To appoint Mayor Nicholls to the Greater Yuma Economic Development Corporation, Executive Board. Voice vote: **approved** 6-0.

**Motion** (Shelton/Watts): To appoint Chris Morris to the Greater Yuma Economic Development Corporation, Board of Directors. Voice vote: **approved** 6-0.

**Motion** (Watts/McClendon): To appoint Gary Knight to the Greater Yuma Port Authority. Voice vote: **approved** 6-0.

**Motion** (Watts/McClendon): To appoint Michael Shelton to the Western Arizona Council of Governments, Executive Board and Council on Aging. Voice vote: **approved** 6-0.

**Motion** (Shelton/Watts): To appoint Ema Lea Shoop to the Western Arizona Council of Governments, Yuma County Advisory Board. Voice vote: **approved** 6-0.

**Motion** (Knight/Watts): To appoint Gary Knight, Karen Watts and Leslie McClendon as members to the Yuma Metropolitan Planning Organization, Executive Board. Voice vote: **approved** 6-0.

**Motion** (Morris/McClendon): To appoint Michael Shelton to the Yuma Fire Public Safety Board and the Yuma Public Safety Police Board. Voice vote: **approved** 6-0.

#### Board and Commission appointments

**Motion** (Knight/Watts): To reappoint Juan Leal Rubio to the Design and Historic Review Commission with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Morris/Watts): To reappoint Sharon Kramer to the Merit System Board with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Shelton/Watts): To reappoint Liz Laster, J. Glendon Moss and James Allen to the Housing Authority of the City of Yuma(HACY) with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Watts/McClendon): To reappoint Sandra Anthony to the Building Advisory Board with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Knight/McClendon): To reappoint Michael Christensen to the Parks, Arts and Recreation Commission (PARC) with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Morris/Watts): To reappoint Sharon Merz and Sandra Nevels to the Residential Advisory and Appeals Board with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

#### Announcements

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

Scheduling- None

#### IV. SUMMARY OF CURRENT EVENTS

**Rodriguez** reported the following:

- January 9 - 5K New Year's Resolution Run/Walk at the West Wetlands Park
- January 13 - City of Yuma is hosting an event for prospective vendors to learn more about the City's procurement portal
- January 13-14 - Yuma Civic Center hosting a Blood Drive for Yuma Regional Medical Center

**Rodriguez** introduced the City's new Parks and Recreation Director, Jason Nau. Jason owned and operated a highly popular private tour company in Honolulu, Hawaii. As an entrepreneur, he worked closely with local and state governments on tourism reform. Prior to running his own business, Jason served as the Assistant to the City Manager in West Valley City, Utah. Jason also worked as a Management Analyst with the International City County Management Association or ICMA. Jason received his Bachelor of Science in Recreation Management and Youth Leadership and has a Master's of Public Administration, both from Brigham Young University in Utah.

**Rodriguez** thanked Jay Simonton for all of his hard work in making sure that the Parks and Recreation Department not only maintained but also made some advancements over the last year even during a very difficult pandemic environment for the City of Yuma.

#### V. CALL TO THE PUBLIC

**Dennis Franklin**, City resident, spoke about the lack of progress on Yuma's Riverfront Development despite many projects and hundreds of thousands of dollars spent on studies. **Franklin** mentioned various cities who have been successful in their Riverfront Development progress and encouraged City Council to take into consideration the goals set by those cities so that the City of Yuma can be proactive in a successful Riverfront Development Strategic Plan.

#### VI. EXECUTIVE SESSION/ADJOURNMENT

**Motion** (Morris/Knight): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 7:09 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor