

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 17, 2020
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Tom Sawyer, Grace Bible Fellowship, gave the invocation. **Jay Simonton**, Deputy City Administrator, 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 Assistant Director of DCD, Rhonda Lee-James Deputy City Administrator, Jay Simonton 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

Special CARES Act Funding Update

Lee-James provided an update on the Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security (CARES) Act funding as follows:

- 140 applications for rental assistance have been received; 95 applications have been processed and forwarded to Western Arizona Council of Governments (WACOG) for payment.
- 42 landlords have received either a cash payment or a guarantee, equaling \$78,279 in payments and a commitment of approximately \$200,000 of the \$370,000 budgeted for rental assistance.
- The average income of those requesting rental assistance is 58% of the Area Median Income (AMI), and the actual average rent is \$767 compared to the budgeted \$1,200 per family.
- Phase Two of the rental assistance program will target those who remain unemployed or who have returned to work, but have had their hours reduced.
- Because the rental assistance amounts have been less than anticipated, this will allow the program to extend to a third month and continue to serve those who are struggling to pay their rent.
- Of the six applications received from area nonprofits for COVID-19 response assistance, the City was able to fund five; the sixth application was not for an eligible activity.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.6 – Renewal of City’s Insurance Coverage for Fiscal Year 2021 (coverage through Willis Towers Watson Insurance Services West, Inc., for a total amount of \$1,013,660) (City Atty)

Discussion

- The City pays for the insurance for the Housing Authority for the City of Yuma (HACY) because the 165 rental units are owned by the City and managed by HACY (**Knight/Files**)

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

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

Budget Roundtable	May 14, 2020
Regular Council Meeting	May 20, 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. Authorize the City Administrator to enter into a one year contract with the option to renew an additional one-year period for Technology Solutions Products and Services utilizing The Interlocal Purchasing System (TIPS) contract for a first year cost of \$86,400 for subscription and implementation and a second year cost of \$69,900 for subscription to: Vertsoft, LLC, Leesburg, Virginia. (Bid #2020-20000094) (FIN)
3. Authorize the City Administrator to negotiate and execute 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 Professional Environmental, Geotechnical and Materials Testing and Other Related Services with the following firms:
 - 1) Geotechnical Testing Services, Inc – Yuma, Arizona
 - 2) Gutierrez Canales Engineering, PC – Yuma, Arizona
 - 3) Nicklaus Engineering, Inc – Yuma, Arizona
 - 4) Ninyo and Moore – Phoenix, Arizona
 - 5) Western Technologies – Tucson, Arizona(RFQ #2020-20000118) (ENG)
4. Approve the City of Yuma 2020 Community Development Block Grant (CDBG) and HOME Investment Partnership Program Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (DCD)

5. Authorize the City Administrator to execute five Community Development Block Grant (CDBG) subrecipient agreements totaling \$90,565 for public service response to COVID-19 (CV). (DCD)
6. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, and Auto Physical Damage coverage for Fiscal Year (FY) 2021 for the total amount of \$1,013,660.00 to: Willis Towers Watson Ins Services West Inc., Dallas, Texas. (RFP #2018-20000061) (City Atty)

II. ADOPTION OF ORDINANCES CONSENT AGENDA

Adoption of Ordinance O2020-013 – Rezoning of Property: 7600 E. 32nd Street (rezone approximately 3.25 acres from the Agricultural District to the General Commercial District) (DCD)

Mayor Nicholls declared a conflict of interest on the adoption of Ordinance O2020-013, turned the meeting over to Deputy Mayor Watts, and left the dais.

Motion (Knight/Shelton): To adopt Ordinance O2020-013 as recommended.

Bushong displayed the following title:

Ordinance O2020-013

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 Agricultural (AG) District to the General Commercial (B-2) District, and amending the zoning map to conform with the rezoning (rezone approximately 3.25 acres of property located at 7600 E. 32nd Street) (DCD)

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

Mayor Nicholls returned to the dais.

Adoption of Ordinance O2020-009 – Yuma City Code Text Amendment: Animals Disturbing the Peace (amend Title 13, Chapter 130, Article 5 of the Yuma City Code to define “excessively”, update the definition of “animal”, clarify that provocation exists as a defense, and modify the penalty to civil sanctions with a warning provision) (City Atty)

Discussion

- **McClendon** expressed her opposition to the ordinance and to fining or otherwise penalizing dog owners for barking, which is something that may not be in their control.
- **Shoop** also expressed opposition to the ordinance due to her concern that it would cause an increase in calls into YPD Dispatch.
- **Knight** voiced his support for the ordinance, stating that citizens do not deserve to have to put up with excessive noise and the possibility of a fine will encourage pet owners to do what they need to keep their animals from continuously barking.
- **Morris** stated that he is confident that officers will use their discretion and work with pet owners to get the situation under control, and he is more comfortable with the civil penalty for violations.

Motion (Knight/Watts): To adopt Ordinance O2020-009 as recommended.

Bushong displayed the following title:

Ordinance O2020-009

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 130, Article 005, of the Yuma City Code, as amended, relating to regulation of animals disturbing the peace (define “excessively”, update the definition of “animal”, clarify that provocation exists as a defense, and modify the penalty to civil sanctions with a warning provision) (City Atty)

Roll call vote: **adopted** 5-2, Shoop and McClendon voting nay.

Adoption of Ordinance O2020-012 – City of Yuma 2020 Special Election (call for a Special Election to be held November 3, 2020, to allow qualified electors to determine whether to amend the Yuma City Charter)

Speakers

- **Connie Whitener**, City resident, voiced her appreciation of Mayor Nicholls and his extraordinary leadership and her support of additional compensation for the position.

Mayor Nicholls thanked Whitener for her kind words and clarified that the proposed changes to the Charter do not include any increase to Mayor or City Council compensation.

Motion (Knight/McClendon): To adopt Ordinance O2020-012 as recommended.

Bushong displayed the following title:

Ordinance O2020-012

An ordinance of the City Council of the City of Yuma, Arizona, ordering a Special Election for the qualified electors of the City of Yuma, Arizona, for the purpose of determining whether to amend the Charter of the City of Yuma, Arizona, as follows: Article VI, Section 2; Article XI, Section 3, and Article IV Section 6 (Special Election to be held on November 3, 2020) (City Atty)

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

III. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2020-015 – Vacate Alleyway: 13th Street between 2nd and 3rd Avenue (vacate the unused alley to allow for the construction of the Thomas F. Allt Utilities Complex) (ENG)

Discussion

- The entire alley is not being vacated because there is a 90-degree turn and a portion of the alley is along three private properties and provides access to their backyards and serves as the sanitary sewer connection for those properties (**Knight/Simonton**)

Bushong displayed the following titles:

Ordinance O2020-015

An ordinance of the City Council of the City of Yuma, Arizona, declaring that certain alley north of 13th Street between 2nd and 3rd Avenues vacated (to allow for the construction of the Thomas F. Allt Utilities Complex) (ENG)

IV. PUBLIC HEARINGS AND RELATED ITEMS

Resolution R2020-024 – Public Hearing: Truth in Taxation and Final Budget Adoption for Fiscal Year 2021 (adopt an Annual Budget in the amount of \$249,330,796 which includes a Capital Improvement Program Budget of \$51,444,152; an Operating Budget of \$185,651,999; Interfund Transfers of \$12,041,577; and Wastewater Interfund Borrowing of \$193,068) (FIN)

Mayor Nicholls opened the public hearing at 6:05 p.m.

Rodriguez presented the following information:

- Transaction Privilege Tax (TPT) revenues were fairly decent in March because people were buying at a greater degree than normal; however, revenues for April and May provide a better picture of anticipated decreased revenues.
- While General, Road Tax, and Public Safety Tax were anticipated to decline by roughly 15%, revenues from April and May are encouraging.
- May was a difficult month for the Two-Percent tax, with a decrease of 58% from last year; the forecast over the next 12 months is a decrease of 28%, and an uptick is anticipated as the economy begins to recover.
- The proposed property tax rate of \$2.3185 per \$100 of assessed value remains exactly the same as the current year's rate; the Truth in Taxation hearing is required for any property tax rate that will increase property the tax levy, regardless of whether the tax rate will increase.
- The property tax levy will increase due to higher assessed property values, but the property tax rate applied will remain the same; the tax levy will increase by \$254,403 or 1.82%.

Speakers

- **Gary Wright**, City resident, expressed concern that collectable revenues show little or no growth. He opined that Yuma citizens' number one concern is fixing Yuma's streets and asked how much is budgeted for Yuma's streets and what will be spent on neighborhood or residential streets. **Rodriguez** replied that the budget for street preservation is being increased from \$1.4 million in FY 2020 to \$2.8 million in FY 2021. The budget has been primarily focused on arterial and collector streets, but the intent of the increase is to address the streets that are most in need of maintenance. **Wright** stated that drastic changes to police departments are being seen across the nation and pointed out issues with officer retention in Yuma, noting that the proposed salary increases are not scheduled to take effect until July 2021. **Rodriguez** clarified that City Council has been asked to consider deferring the market rate adjustments until January 2021 to allow time for the City to see what actual revenues are; however, the City still intends for those pay increases to take place for every employee, including public safety.

Motion (Knight/Watts): To close the Public Hearing. Voice vote: **approved** 7-0; Public Hearing closed at 6:21 p.m.

McClendon declared a conflict of interest with regard to the portion of the budget pertaining to Visit Yuma and left the dais.

Motion (Knight/Shoop): To approve the Fiscal Year 2021 Annual Budget for Visit Yuma in the amount of \$450,000, with an additional amount of up to \$22,024 to be shared with Visit Yuma contingent upon actual 2% fund revenues. Voice vote: **approved** 6-0-1, McClendon abstaining due to conflict of interest.

McClendon returned to the dais.

Mayor Nicholls declared a conflict of interest with regard to the portion of the budget pertaining to the Capital Improvement Program, turned the meeting over to Deputy Mayor Watts, and left the dais.

Motion (Shoop/McClendon): To approve the Fiscal Year 2021 Annual Budget for the Capital Improvement Program in the amount of \$51,444,152. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Knight/Morris): To approve the Fiscal Year 2021 Annual Budget for an amount of \$197,414,620 as show in Resolution R2020-024, which excludes Visit Yuma and the Capital Improvement Program approved through prior motions. Voice vote: **approved** 7-0.

Bushong displayed the following title:

Resolution R2020-024

A resolution of the City Council of the City of Yuma, Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year 2021 beginning July 1, 2020 and ending June 30, 2021; and declaring that such shall constitute the adopted budget of the City of Yuma for Fiscal Year 2021; and declaring necessity of Boards and Commissions (adopt an Annual Budget in the amount of \$249,330,796 which includes a Capital Improvement Program Budget of \$51,444,152; an Operating Budget of \$185,651,999; Interfund Transfers of \$12,041,577; and Wastewater Interfund Borrowing of \$193,068) (City Admin/FIN)

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

Introduction of Ordinance O2020-016 – Adopt the 2020-2021 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy (primary property tax levy is anticipated to raise \$14,215,783 based on a tax rate of \$2.3185 on each \$100.00 of assessed valuation) (City Admin/FIN)

Bushong displayed the following title:

Ordinance O2020-024

An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon

each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2021 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous fiscal year, providing a General Fund; and fixing, levying, and assessing upon property within the boundaries of the Main Street Mall and Offstreet Parking Maintenance No. 1 subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities in said district, all for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (primary property tax levy is anticipated to raise \$14,215,783 based on a tax rate of \$2.3185 on each \$100.00 of assessed valuation) (City Admin/FIN)

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.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments - There were no appointments scheduled at this time.

Announcements

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

Shelton requested an overview of future events at the Pacific Avenue Athletic Complex for FY 2020-2021 and a discussion of bio solids as a revenue source.

Deputy Mayor Watts requested more discussion from Yuma's public health specialists regarding COVID-19.

Scheduling - No future meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Rodriguez reported the following events and information:

- The 4th of July Fireworks Spectacular at the Pacific Avenue Athletic Complex will be a drive-up event.
- Airborne fireworks are illegal in Arizona and pose a tremendous risk to the safety of both humans and pets.
- The Household Hazardous Waste drop-off event scheduled for July 11, 2020, has been cancelled. Residents in need of hazardous waste disposal should contact the Public Works Department at 373-4504.

McClendon added that the USA Senior Softball Southern California State Championships will take place on June 19th through 21st at the Pacific Avenue Athletic Complex.

VII. CALL TO THE PUBLIC

Alison Daugherty, City resident, appeared electronically via Zoom and voiced support of City Council implementing a mask mandate for the City of Yuma to help reduce community spread of COVID-19.

VIII. EXECUTIVE SESSION/ADJOURNMENT

Motion (Knight/Morris): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:38 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor