

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 20, 2020
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Richard Files, City Attorney, gave the invocation. **Eric Egan**, Police Sergeant, 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 Director of Engineering, Jeff Kramer 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

Recognition of:

- National Police Week – May 10-16, 2020
- National Peace Officer Memorial Day – May 15, 2020
- National Emergency Medical Services (EMS) Week – May 17-23, 2020
- National Public Works Week – May 17-23, 2020

I. MOTION CONSENT AGENDA

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:

Regular Council Worksession	July 16, 2019
Regular Council Worksession	November 5, 2019
Special Worksession/Roundtable	February 25, 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)

II. RESOLUTION CONSENT AGENDA

Motion (Knight/McClendon): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2020-021

A resolution of the City Council of the City of Yuma, Arizona, supporting the application for a “Better Utilizing Investments to Leverage Development” (BUILD) Transportation Grant to complete the development of a Multi-Modal Transportation Center in Downtown Yuma (to be constructed in the existing historic Hotel Del Sol) (City Admin)

Resolution R2020-022

A resolution of the City Council of the City of Yuma, Arizona, granting an extension of time to exercise the rights under a permit or other authorization issued pursuant to Title 15 of the Yuma City Code with certain exceptions (180-day extension of time due to the Declaration of Public Health Emergency issued by Arizona Governor Doug Ducey) (City Admin)

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

III. INTRODUCTION OF ORDINANCES

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

Discussion

- Regarding the recommendation that the City Attorney serve at the pleasure of City Council instead of the City Administrator, **Shelton** opined that the process of justice and management are better served by keeping the City Attorney role as it is currently.
- **Mayor Nicholls** pointed out that the Yuma City Charter states that City Council has direction over legal matters, so it makes sense to have the City Attorney answer to City Council.
- **Knight** spoke in support of letting the City voters decide what they think is best.

Speakers

- **Gary Wright**, Yuma resident, expressed concern regarding the potential increase in the salaries for Mayor and City Council and taking the decision for any salary increases away from Yuma’s citizens by tying the salaries, and any increase, to those of the County Board of Supervisors, [Clerk Note: whose salaries are set by the State Legislature].

- **Phil Clark**, non-resident, spoke in support of the City Attorney serving at the pleasure of City Council and in opposition of taking away the power of citizens of Yuma to vote on salary increases for Mayor and City Council.

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: amend Article IV, Sections 4 and 6; Article VI, Sections 2, 3c, and 14a; Article VIII, Section 2; and Article XI, Section 3 (to be held November 3, 2020) (City Atty)

IV. PUBLIC HEARINGS AND RELATED ITEMS

Resolution R2020-023 - Capital Improvement Program Fiscal Years 2021 through 2025 (pursuant to Yuma City Charter, Article XIII, Section 11) (City Admin)

Mayor Nicholls declared a conflict of interest regarding the Capital Improvement Program (CIP) Fiscal Years 2021 through 2025 due to his firm having interest in some of the projects, turned the meeting over to Deputy Mayor Watts, and left the dais.

Deputy Mayor Watts opened the public hearing at 6:06 p.m.

Kramer presented the following information:

- Capital Improvements are new constructions, modifications or improvements to existing assets, or the purchase of equipment, generally with a minimum value of \$25,000
- Program development takes place year round:
 - January-April – Funding projection, fund allocation, and capital program review
 - May-June – Proposed CIP presented to City Council for review, public hearing, and adoption
 - July-December – Capital project status review, priority setting, and department coordination
- The FY 2021 CIP schedule is as follows:
 - April 30 – Proposed 5-year CIP delivered to City Council
 - May 1 – Proposed CIP made available to the public
 - May 20 – Public hearing
- Framework for FY 2021-2025
 - Represents City Council's legislative policy and direction for FY 2021, with an expanded view to forecast FY 2022-2025
 - The City's needs greatly exceed the available resources, especially during the global COVID-19 pandemic
 - Estimates are subject to market changes and are provided as a basis for City Council's decision-making and planning for the City's future
- CIP Allocation
 - This year's CIP allocation is a little over \$51 million
 - While this appears to be an increase over the past few years, 45% or almost \$24 million of that is made up of proposed grant funding

- FY 2021 CIP Funding Sources
 - Bond
 - 2015 Excise Tax – 1.10%
 - 2007 Series B – 0.07%
 - 2007 Series D – 0.34%
 - Fees
 - Waste Water Utility – 15.93%
 - Water Utility – 19.92%
 - Impact & Development Fees – 0.68%
 - Other
 - Grants/Other – 44.81%
 - Includes development agreements, reimbursements, and public-private partnerships
 - Taxes
 - City Road Tax – 13.00%
 - Two-Percent Tax – 0.15%
 - HURF – 2.53%
 - Public Safety – 1.46%
 - General Fund – 0.11%
- FY 2021 Project Summary by Program Area

Department	Project Count	Budget
Facilities Maintenance	3	\$ 751,000
General Government	4	300,000
Parks and Recreation (52.2% Grants)	7	2,075,000
Public Safety	1	350,000
Transportation (2.3% Grants)	13	8,379,364
Wastewater Utility	11	5,695,000
Water Utility	12	13,527,500
Yuma Crossing National Heritage Area (88.2% Grants)	3	20,366,288
Total	54	\$ 51,444,152

Discussion

- Funding for streets usually comes from City Road Tax or HURF; very few roadway grants are available to the City, with most being very large federal programs that are freeway or transit oriented and require large amounts of matching funds (**Shoop/Kramer**)
- Smaller transportation grants are available but are usually oriented towards bicycle and pedestrian projects and would not necessarily help the City with its neighborhood or arterial streets (**Shoop/Kramer**)
- Some grants, such as those often awarded to Parks and Recreation, allow for in-kind contributions toward matching funds; grants such as the Better Utilizing Investments to Leverage Development (BUILD) Grant require a financial match (**Watts/Kramer**)
- The Avenue 3E and 32nd Street median landscaping project is to restore the existing landscaping in that area and does not include any additional changes (**Shelton/Kramer**)
- The purpose of the 16th Street widening project between 3rd Avenue and Maple Avenue is to increase the road width from four to six lanes so that segment of road matches the rest of 16th Street from Fourth Avenue to Interstate 8 (**Shelton/Kramer**)

- The driveway to the underground parking garage at the Police Department is very steep; moving the roadway any closer to that facility would make the driveway unusable, so the width equivalent of two lanes will be added to the south side of 16th Street (**Shelton/Kramer**)
- The City has already negotiated with all businesses from 1st Avenue to Maple Avenue that will be impacted by the 16th Street widening, and the remaining businesses will be communicated and collaborated with as the project progresses (**Shelton/Kramer**)
- The adjustment of traffic signal timing along 16th Street could also help to alleviate the traffic bottleneck that takes place in the area of 4th Avenue, especially during work traffic (**Morris**)
- Traffic signals timing slips over time, with the leading cause being cycle disruption due to emergency response vehicles; currently traffic signals are retimed manually every few years, but there is a future project in the CIP that would automate that process (**Kramer**)

Motion (Knight/Morris): To close the Public Hearing. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest. The Public Hearing closed at 6:36 p.m.

Motion (Shoop/Knight): To amend the proposed Capital Improvement Program Fiscal Years 2020-2025 to incorporate the delivery method clarifications provided as a supplemental document. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Motion (Shelton/Morris): To replace the second sentence of the project justification related to Avenue 3E and 32nd Street Median Landscape project, noted as project #0021-ROAD4, in the FY 2021-2025 Proposed Capital Improvement Program to read: *“The landscaping has fallen into disrepair and needs to be restored to its original intended condition for the purpose of attracting business investors in our community.”*

Voice vote: **failed** 2-4-1; Deputy Mayor Watts, Knight, McClendon, and Shoop voting nay and Mayor Nicholls abstaining due to conflict of interest.

Motion (Shelton): To replace the last sentence of the project description related to the 16th Street Widening, 3rd Avenue to Maple Avenue project, noted as #0030-ROAD4, in the FY 2021-2025 Proposed Capital Improvement Program to read: *“Right of way impacts will be negotiated with affected property owners and business owners.”*

The motion **failed** for lack of a second.

Motion (Knight/Shoop): To adopt Resolution R2020-023 as amended.

Bushong displayed the following title:

Resolution R2020-023

A resolution of the City Council of the City of Yuma, Arizona, adopting the Capital Improvement Program Fiscal Years 2021 through 2025 (pursuant to Yuma City Charter, Article XII, Section 11) (City Admin)

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

Mayor Nicholls returned to the dais.

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. ANNOUNCEMENTS

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

VI. SUMMARY OF CURRENT EVENTS

Rodriguez reported the following events:

- 2020 Census
- Drive-In Movie Night at Desert Sun Stadium

VII. CALL TO THE PUBLIC

Dennis Franklin, City resident, spoke regarding economic development in Yuma and provided City Council with a donation of several copies of *Strong Towns* by Charles L. Marohn, Jr.

Ken Rosevear, City resident, expressed concern regarding the difficulties that small, local businesses have in competing with larger and often out-of-state businesses in the City bid process. He referred to the recent award of the Galls Custom Managed Inventory System agreement that was awarded by a cooperative purchase agreement through the City of Frisco.

VIII. EXECUTIVE SESSION/ADJOURNMENT

Motion (Knight/Watts): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 7:23 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor