

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**OCTOBER 7, 2020**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Gregory Greene**, Rose of Sharon Church of God in Christ, gave the invocation. **Steve Moore, former City Attorney**, 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  
Assistant Fire Chief, Dustin Fields  
Director of Utilities, Jeremy McCall  
Director of Financial Services, Lisa Marlin  
Assistant Director, Community Development, Rhonda Lee-James  
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**

Fire Awards Presentation

**Mayor Nicholls** began the presentation by reading a proclamation declaring October 4<sup>th</sup>-10<sup>th</sup>, 2020 as Fire Prevention Week.

**Chief Irr** thanked the firefighters and their families for their support. **Irr** also thanked all the responders for their hard work. **Irr** mentioned that recently two firefighter teams assisted the state of California fight wildfires, both teams returned safely. **Irr** stated that the awards presented tonight include the Life Saving Award for both a firefighter and a civilian who assisted in a rescue.

**Assistant Fire Chief Dustin Fields** assisted **Chief Irr** presented the following awards:

- Fire Officer of the Year: Fire Captain Anthony Jacobo
- Fire Engineer of the Year: Donald Walton
- Firefighter of the Year: Manuel Pelayo
- Support Person of the Year: Mike Erfert

- Lifesaving Award: Joshua Madrid (citizen) and YFD Firefighter Alan Ibarra
- Unit Citation: Yuma Engine 01 comprised of: Fire Captain John Dunbar, Fire Engineer John Anderson, Firefighter Levi Kester; Yuma Medic 01 comprised of: Firefighters Anthony Fernandez and Michael Lowry; Yuma Engine 04 comprised of: Fire Engineers Aaron Wonders and Terry Smith and Firefighter Trevor Smaltz

Financial briefing from City Administrator- Philip Rodriguez

**Rodriguez** presented a briefing on 1<sup>st</sup> Quarter report for Fiscal Year 2021 of Major Funds as follows:

### Fiscal Year-To-Date 2021 Snapshot Major Funds

October 7, 2020

(July, August, Part of September) Year over Year

REVENUE SOURCE	FUND	FYTD 2020	Q1 FY 2019	VARIANCE
City Sales Tax (1%)	General	\$6,142,145	\$ 5,478,533	\$ 663,613
Property Tax	General			
State Sales Tax	General	2,664,814	2,437,088	227,726
State Revenue Sharing	General	3,511,575	3,165,231	346,344
Vehicle License Tax *	General	923,127	1,059,131	(136,004)
Gasoline Tax	HURF	1,393,389	2,208,957	(813,569)
Road Tax (.5%)	Road Tax	3,070,552	2,738,801	331,751
Public Safety Tax (-2%)	Public Safety	1,227,803	1,095,148	132,655
Two Percent Tax	Two-Percent Tax	1,457,292	1,435,621	21,671
Water Usage Fees	Water	5,982,455	5,801,916	180,539
Wastewater Usage Fees	Wastewater	3,740,749	3,687,065	53,684
Solid Waste Fees	Solid Waste	980,032	999,064	(19,032)

\*September incomplete - awaiting payments from DOR. Q1 Financial Report pending.

All Figures Unaudited. Excludes Prior Year Carryforward Revenues.

- The Vehicle License Tax and Gasoline Tax are grayed out, as the State has not yet released that information.
- Most of the major revenue sources did well over the last year-to-date with the exception of Solid Waste Fees.
  - The Solid Waste Fees may not be doing so well possibly due to a delay in collections, as this area covers the water and sewer bills.
    - There is a variance of \$19,032 from the previous year's amount of \$980,032
- The Vehicle License Tax and Gasoline Tax revenues are below the previous fiscal year's revenues.

#### Discussion

- Revenues were compared against the approved budget from the previous Fiscal Year and the results were positive for the City. The budget trend is performing well. City Council and Administration are hoping for the positive trend to continue. **(Mayor Nicholls/Rodriguez)**

## I. MOTION CONSENT AGENDA

**Mayor Nicholls** recused himself due to a Conflict of Interest on Motion Consent Agenda Item B.3, as his firm is involved in the project. **Mayor Nicholls** turned the meeting over to Deputy Mayor Watts and left the dais.

Motion Consent Agenda Item B.3 – Bid Award: Thomas F. Allt Utilities Complex (execute a contract for construction services in the amount of \$5,096,166.28 to Pilkington Contracting Co., Inc. (Engineering / Bid#2021-20000025) (Eng)

### Discussion

- The new utilities building will house the following departments: Utilities Administration, Wastewater Collections, Distribution, Customer Service, Electrical and the Compliance Division. The APS building where some of these divisions were housed will be demolished. (**Knight/McCall**)

**Motion** (Knight/Morris): To approve Motion Consent Agenda Item B.3 as presented. Voice vote: **approved** 6-0 (Mayor Nicholls-COI)

**Mayor Nicholls** returned to the dais.

Motion Consent Agenda Item B.8 – Second Allocation: CDBG funds for COVID-19 Emergency Response (Authorize the use of CDBG funds from the CARES Act in an amount of \$775,575 to continue an Emergency Rental Assistance Program for households economically impacted by COVID-19-related job losses and continued unemployment ) (DCD)

### Discussion

- The first CARES Act fund allocations started in late March/early April of 2020 and were specifically allocated for the rental assistance program. A small portion was also allocated for small nonprofit organizations in the community that were suffering from additional expenses, such as protective equipment/supplies for their staff and clients, and to provide services that were on hold. (**Shelton/Lee-James**)
- Another distribution of CARES funding was specifically for states and territories that had not received any monies in the first distribution. The City did not receive any funding on this particular round of CARES Act funds. (**Shelton/Lee-James**)
- The Department of Community Development recommended that this final release of CARES Act funding be allocated to the Rental Assistance Program. Currently there are 79 families on the waitlist for assistance. In addition, funding to Crossroads Mission for equipment and supplies is also needed to maintain services for the community. (**Shelton/Lee-James**)
- \$300,000 will assist the 79 families currently on the waiting list and additional families in need of assistance. (**Knight/Lee-James**)
- Approximately \$1,200 in rental assistance was budgeted per family; however, the average funds requested is about \$700 per family. Given that average, assistance will be available for additional families on this final round of CARES Act funds. (**Knight/Lee-James**)

Motion Consent Agenda Item B.5 – Cooperative Purchasing Agreement: One Stop Payment Services (Authorize the purchase of One Stop Payment Services, with an estimated annual expenditure of \$356,884.08 to: Invoice Cloud, Inc. Braintree, Massachusetts (Finance – Bid #2021-20000053) (FIN)

Discussion

- The customer will pay a convenience fee of \$1.50 per transaction to Walmart, Fry's, and Del Sol each time a customer pays their utility bill at any of these locations using a credit/debit card. The City will pay its normal processing fee. **(Knight/ Marlin)**
- Upon City Council approval, the transition will be implemented immediately. The transition period is from three to four weeks, to allow the system to accurately pair up to the City's payment system. **(Knight/Marlin)**

**Motion** (Knight/Watts): To approve the Motion Consent Agenda as presented with the exception of Item B.3., that was voted on separately. Voice vote: **approved 7-0**

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

Regular Council Meeting	June 3, 2020
Regular Council Meeting	September 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. Authorize the City Administrator to execute a contract for Construction Services for the 3<sup>rd</sup> Avenue Waterline Replacement, between 4<sup>th</sup> and 5<sup>th</sup> Streets, to the lowest responsive and responsible bidder in the amount of \$134,969.65 to: Yuma Valley Contractors, Yuma, Arizona. (Bid #2020-20000162) (Eng)
3. Authorize the City Administrator to execute a contract for Construction Services for the Thomas F. Allt Utilities Complex to the lowest responsive and responsible bidder in the amount of \$5,096,166.28 to: Pilkington Contracting Co., Inc. dba Pilkington Construction Co., Yuma, Arizona. (Bid #2021-20000025) (Eng)
4. Authorize the City Administrator to execute a change order to the approved Design Services Contract with Nicklaus Engineering Inc, in the amount not to exceed \$172,485.00 for architectural services for the Thomas F. Allt Utilities Complex. (Eng)
5. Authorize the purchase of One Stop Payment Services initiated by a Cooperative Purchase Agreement through the City of Peoria, AZ for a period of three years with the option to renew for two one-year periods, depending on the appropriation of funds and satisfactory performance, with an estimated annual expenditure of \$356,884.08 to: Invoice Cloud, Inc. Braintree, Massachusetts (Bid #2021-20000053) (Fin)

6. Authorize the City Administrator to execute a 10-year contract with the option to renew for two additional five-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, with the following vendor: Allied Waste Transportation Inc., dba Republic Services of Yuma, Yuma, Arizona (RFP #2020-20000052) (PW)
7. Authorize the City Administrator to execute the grant award documents from the U.S. Department of Justice for the Edward Byrne Memorial Justice Grant Program (JAG): Local Solicitation (YPD)
8. Authorize the use of CDBG funds from the CARES Act in an amount of \$775,575 to continue an Emergency Rental Assistance Program for households economically impacted by COVID-19-related job losses and continued unemployment. Additionally, funds will be used for equipment and supplies needed to halt virus spread in the homeless population. (DCD)
9. Approve the final plat for Cielo Verde Unit 2B Subdivision. The property is located at the northeast corner of E. Paraiso Parkway and S. Cielo Verde Drive. The applicant is Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc. (SUBD-31315-2020) (DCD)
10. Approve the final plat for Cielo Verde Unit 4 (Phase 1) Subdivision. The property is located at the northeast corner of E. 34<sup>th</sup> Street and S. Eagle Drive. The applicant is Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc. (SUBD-31316-2020) (DCD)
11. Approve the final plat for Cielo Verde Unit 6 (Phase 1) Subdivision. The property is located at the northwest corner of E. 36<sup>th</sup> Lane and S. Eagle Drive. The applicant is Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc. (SUBD-31317-2020) (DCD)
12. Approve the final plat of the Saguaro Unit No. 4 Subdivision. The property is located at the northeast corner of S. Mississippi Avenue (Avenue 7 1/2E) and E. 44<sup>th</sup> Street. The applicant is Saguaro Desert Development LLC. (DCD)
13. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-30780-2020, identified as the Sunset Mobile Home Park Annexation, located at 3285 E. 32<sup>nd</sup> Street. (DCD)

## II. RESOLUTION CONSENT AGENDA

**Motion** (Knight/Watts): To adopt the Resolution Consent Agenda with the exception of Item 7 (Resolution R2020-047) Voice vote: **approved** 7-0

**Bushong** displayed the following titles:

### **Resolution R2020-039**

**A resolution of the City Council of the City of Yuma, Arizona, appointing the Election Board (poll workers) to serve at the Special Election to be held on November 3, 2020 and further approve voting centers as adopted by the Yuma County Board of Supervisors, pursuant to State Statute, and therefore an**

**election process of the current Intergovernmental Agreement** (approval of election consolidation, voting center locations and the election board) (Admin)

**Resolution R2020-041**

**A resolution of the City Council of the City of Yuma, Arizona, re-ordering improvements for Municipal Improvement District No. 104, serving Desert Sky Unit No. 1, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Desert Sky Unit No. 1, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 104; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (for the area generally located at 40<sup>th</sup> Street and Avenue 7½E) (DCD)**

**Resolution R2020-043**

**A resolution of the City Council of the City of Yuma, Arizona, re-ordering improvements for Municipal Improvement District No. 107, serving Saguaro Units 3 and 4, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Saguaro Units 3 and 4, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 107; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (for the area generally located at 44<sup>th</sup> Street and Avenue 8E) (DCD)**

**Resolution R2020-044**

**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 the southeast corner of Avenue C and 5th Street known as the Hueneme West Lot Split (for the area generally located at Avenue C and 5<sup>th</sup> Street) (City Atty)**

**Resolution R2020-045**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of right-of-way property, hereafter described, be acquired by the City pursuant to A.R.S. § 28-7209, for the improvement of the public roadway, drainage and other public purposes as may be related thereto (waiver and acceptance of Abandoned/Vacated State of Arizona Right-of-Way) (ENG)**

**Resolution R2020-046**

**A resolution of the City Council of the City of Yuma, Arizona, opposing the transfer of 4th Priority Colorado River Water from GSC Farms, LLC to the Town of Queen Creek (proposed transfer seeks to move 2,0831.1 acre-feet of water to the town of Queen Creek) (Admin)**

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

**Shoop** requested that Resolution R2020-047 be pulled for separate consideration. Being no questions, **Mayor Nicholls** called for a motion.

**Motion** (Knight/Watts): To adopt the Resolution R2020-047 Voice vote: **approved 7-0**

**Bushong** displayed the following title:

**Resolution R2020-047**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of a second amendment to an intergovernmental agreement with the Yuma County Intergovernmental Public Transportation Authority extending the date of the agreement (extend term of IGA to 12/31/2023 to allow the use of the grant funds to help support the rehabilitation of the Hotel Del Sol) (ENG)**

Roll call vote: **adopted 7-0.** (**Shoop** voted “present”)

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

**Bushong** displayed the following title:

**Ordinance O2020-020**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for the addition of regulations for the Planned Area Development (PAD) Overlay District within the City of Yuma thereof (overlay district which can be applied to both residential and nonresidential zoning designations to promote developments with innovative design) (DCD)**

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

**IV. INTRODUCTION OF ORDINANCES**

**Motion** (Knight/Shelton) to replace the title of the Request for City Council Action related to Ordinance O2020-021, to ‘Declare City Right-of-Way Surplus and Authorize Vacation of Right-of-Way. Voice vote: **approved 7-0**

**Bushong** displayed the following titles:

**Ordinance O2020-019**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 12 and a portion of Section 1 of Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Agriculture (AG) Zoning District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes as amended (property located at 3285 E. 32nd Street. (ANEX-30780-2020) (DCD)**

**Ordinance O2020-021**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain right-of-way, hereafter described, surplus for City use and authorizing the vacating of the surplus right-of-way by quitclaim deed to the adjacent property owner pursuant to A.R.S. § 28-7205 (Southeast corner of Avenue C and 5<sup>th</sup> Street) (DCD)**

**Ordinance O2020-022**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property as surplus and approving and authorizing the execution of a real property exchange and development agreement and authorizing and directing the execution of all necessary documents for transfer of title by warranty deed and quitclaim deed (Arizona West RV Park) (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.

**V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Appointments**

**Motion** (Watts/Knight): to appoint Peggy Pound-Wilson to the Building Advisory Board with a term expiration of December 31, 2022. Voice Vote: **approved 7-0**

**Motion** (Watts/McClendon): to appoint Sandra Anthony to the Design and Historic Review Commission with a term expiration of December 31, 2020. Voice Vote: **approved 7-0**

**Motion** (Shelton/Morris): to appoint Lonna Brazeel, Deidre MacDonald and Maria Ramirez to the Clean and Beautiful Commission with term expirations of December 31, 2020, December 31, 2022, and December 31, 2023, respectively. Voice Vote: **approved 7-0**

**Motion** (Knight/Watts): to appoint Michael Christensen, Margy Erskine and Pamela Gaspar to the Parks, Arts and Recreation Commission with term expirations of December 31, 2020, December 31, 2022, and December 31, 2022, respectively. Voice Vote: **approved 7-0**

**Motion** (Morris/Shelton): to appoint Billy Dohring to the Water and Sewer Commission with a term expiration of December 31, 2024. Voice Vote: **approved 7-0**

**Motion** (Watts/Knight): to appoint Jillian Attaway to the Yuma Public Safety Police Board with a term expiration of December 31, 2021. Voice Vote: **approved 7-0**

**Motion** (Morris/McClendon): to appoint Robert Valleni to the Yuma Public Safety Fire Board with a term expiration of December 31, 2021. Voice Vote: **approved 7-0**

**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.

**VI. SUMMARY OF CURRENT EVENTS**

Rodriguez reported on the following:

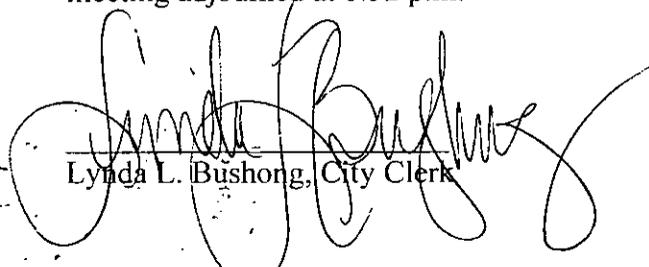
- October 9<sup>th</sup> – Tribute of the Muses: Under the Big Top virtual award ceremony
- October 14<sup>th</sup>-19<sup>th</sup> – Listening Tours will be held, three in-person and one online event
- October 17<sup>th</sup> – Desert Sun Stadium: ‘Yuma Rocks’ concert with social distance
- Early voting is underway here in Arizona, the public is encouraged to vote

**VII. CALL TO THE PUBLIC**

- **Clint Harrington**, City resident, thanked City Council for the award to Pilkington on the Thomas F. Allt Utilities Complex Project. Harrington congratulated the City of Yuma for the cost-savings of \$1,591,704 on this project. Harrington thanked Administration for meeting with him to discuss the competitive bid process and procurement laws. Harrington stated that he would like to be part of the solution in saving taxpayer’s money with City projects by providing education on procurements laws.
- **Jerry LoCoco**, City resident, spoke in opposition of the water transfer from the town of Cibola to Queen Creek. He expressed concerned with the decline in education and infrastructure in rural Arizona. LoCoco mentioned that the majority of growth is in Maricopa County. LoCoco is concerned that young talented individuals are leaving the community for other communities more attractive in wealth growth. He mentioned Arizona Revised Statute §34-603, relating to procurement of professional services and indicated that the community should be focusing on retaining wealth by being good stewards of the finances.
- **Jacob Miller**, City resident, stated that as a former City Councilmember he understands how diligent the City Council works in the best interest of the community. Miller commended City Administrator Rodriguez for his work with the contractors for the Thomas F. Allt Utilities Complex project and congratulated everyone for spending the taxpayers’ money wisely.

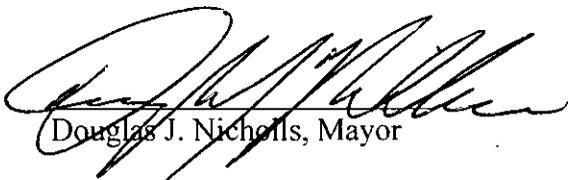
**VIII. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Knight/McClendon): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:52 p.m.



Lynda L. Bushong, City Clerk

APPROVED:



Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: November 4 <sup>th</sup> , 2020
City Clerk: 