



City of Yuma City Council Meeting Summary

Wednesday, June 17, 2020

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

Consistent with the March 13, 2020 Arizona Attorney General opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the June 17, 2020 Regular City Council meeting will be conducted remotely through technological means along with limited public, in-person access, consistent with social distancing requirements.

City Council Chambers will be open with limited public access in addition to participation through Zoom.

Those wishing to speak at the Public Hearing or on any agenda item that will be participating via Zoom must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website:
<https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

The Worksession and Citizen's Forum previously scheduled for June 16, 2020 are cancelled.

CALL TO ORDER

5:32 P.M.

INVOCATION

PASTOR TOM SAWYER, GRACE BIBLE FELLOWSHIP

PLEDGE OF ALLEGIANCE

DEPUTY CITY ADMINISTRATOR, JAY SIMONTON

ROLL CALL

Present: 7 - Mayor Douglas J. Nicholls, Deputy Mayor Karen Watts, Councilmember Gary Knight, Councilmember Leslie L. McClendon, Councilmember Chris Morris, Councilmember Michael Shelton and Councilmember Ema Lea Shoop

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

PRESENTATION MADE

- Special Cares Act Funding Update

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

A. Approval of minutes of the following City Council meeting(s):

Approval of the Consent Agenda

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, to APPROVE the Motion Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

1. [MC 2020-123](#) **Budget Roundtable Draft Minutes May 14, 2020**

Attachments: [2020 05 14 SWS Minutes](#)

APPROVED

2. [MC 2020-124](#) **Regular Council Meeting Draft Minutes May 20, 2020**

Attachments: [2020 05 20 RCM Minutes](#)

APPROVED

B. Approval of staff recommendations:

1. [MC 2015-000](#) **Executive Sessions**

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 Attorney)

APPROVED

2. [MC 2020-116](#) **Cooperative Purchase Agreement: Technology Solutions Products and Services**

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: Vertosoft, LLC, Leesburg, Virginia. (Finance - Bid #2020-20000094) (Lisa Marlin)

Attachments:

- [1. RFCCA CPA: Technology Solutions Products and Services](#)
- [2. QUOTE CPA: Technology Solutions Products and Services](#)
- [3. AGMT CPA: Technology Solutions Products and Services](#)
- [4. STMT OF WORK CPA: Technology Solutions Products and Services](#)

APPROVED

3. [MC 2020-117](#) **Request for Qualifications (RFQ): Professional Environmental, Geotechnical and Materials Testing and Other Related Services**

Authorize 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

(Engineering - RFQ #2020-20000118) (Jeff Kramer/Robin R. Wilson)

Attachments: [1. RFCCA Professional Environmental, Geotechnical and Materials Testing](#)
[2. SPRDSHEET Professional Environmental, Geotechnical and Materials Testing](#)

APPROVED

4. [MC 2020-118](#) **2020 Annual Action Plan - Community Development Block Grant and HOME Investment Partnership Funds**

Approve the City of Yuma 2020 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Community Development/ Neighborhood Services) (Rhonda Lee-James)

Attachments: [1. RFCCA 2020 Annual Action Plan CDBG and HOME](#)
[2. SUPP 2020 Annual Action Plan CDBG and HOME](#)
[3. PLAN 2020 Annual Action Plan CDBG and HOME](#)

APPROVED

5. [MC 2020-119](#) **Subrecipient Agreements: Community Development Block Grant - CARES Act COVID-19**

Authorize the City Administrator to execute five Community Development Block Grant (CDBG) subrecipient agreements totaling \$90,565 for public service responses to COVID-19 (CV). (Community Development/Neighborhood Services) (Rhonda Lee-James)

Attachments: [1. RFCCA CBDG-CARE Subrecipient Agreements](#)
[2. AGR CDBG Subrecipient AHDC](#)
[3. AGR CDBG Subrecipient CPLC](#)
[4. AGR CDBG Subrecipient Right Turn](#)
[5. AGR CDBG Subrecipient Crossroads](#)
[6. AGR CDBG Subrecipient Healing Journey](#)

APPROVED

6. [MC 2020-122](#) Renewal of City's Insurance Coverage for Fiscal Year 2021

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 (City Attorney - RFP #2018-20000061) (Richard Files/Robin R. Wilson)

Attachments: [1. RFCCA FY21 City Insurance](#)

APPROVED

II. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2020-009](#) Yuma City Code Text Amendment: Animals Disturbing the Peace

Amend Title 13, Chapter 130, Article 5 (Yuma City Code § 130-005) 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 Attorneys Office) (Richard Files)

Attachments: [1. RFCCA Animals and Fowl Code Text Amendment](#)
[2. ORD Animals and Fowl Code Text Amendment](#)

A motion was made by Councilmember Knight, seconded by Deputy Mayor Watts, that this ordinance be ADOPTED. The motion carried by the following vote:

Aye: 5 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember Morris, and Councilmember Shelton

Nay: 2 - Councilmember McClendon, and Councilmember Shoop

2. [O2020-012](#) City of Yuma 2020 Special Election

Call for a Special Election to be held November 3, 2020, for the purpose of allowing the qualified electors to determine whether to amend the Yuma City Charter Article IV (Sections 4 and 6), Article

VI (Section 2) and Article XI (Section 3). (City Attorney) (Richard Files)

Attachments: [1. RFCCA 2020 Special Election - Charter Amendments](#)
[2. ORD 2020 Special Election - Charter Amendments](#)

A motion was made by Councilmember Knight, seconded by Councilmember McClendon, that this ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

3. [O2020-013](#) Rezoning of Property: 7600 E. 32nd Street

Rezone approximately 3.25 acres from the Agriculture (AG) District to the General Commercial (B-2) District. (Community Development/Community Planning) (Randall Crist)

Attachments: [1. RFCCA Rezoning of Property: 7600 E. 32nd Street](#)
[2. P&Z RPT Rezoning of Property: 7600 E. 32nd Street](#)
[3. ORD Rezoning of Property: 7600 E. 32nd Street](#)

A motion was made by Councilmember Knight, seconded by Councilmember Shelton, that this ordinance be ADOPTED. The motion carried by the following vote:

Aye: 6 - Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

COI: 1 - Mayor Nicholls

III. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2020-015](#) Vacate Alleyway: 13th Street between 2nd and 3rd Avenues

Authorize the vacating of the unused alley located north of 13th Street between 2nd and 3rd avenues to allow for the construction of the Thomas F. Alt Utilities Complex. (Engineering) (Jeffrey Kramer)

Attachments: [1. RFCCA Vacate Alleyway - 13th Street](#)
[2. MAP Vacate Alleyway - 13th Street](#)
[3. ORD Vacate Alleyway - 13th Street](#)

INTRODUCED

IV. PUBLIC HEARING FOR 2020-2021 BUDGET AND RELATED ITEMS

The following public hearing may result in the adoption of Resolution R2020-024

1. [R2020-024](#) **Public Hearing: Truth in Taxation and Final Budget Adoption for Fiscal Year 2021**

Conduct a combined public hearing on Truth in Taxation and the proposed expenditures for Fiscal Year 2021, and adopt the City of Yuma Fiscal Year 2021 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. (Administration/Finance) (Philip Rodriguez/Lisa Marlin)

Attachments:

- [1. RFCCA PH Truth in Taxation and Final Budget Adoption](#)
- [2. RES PH Truth in Taxation and Final Budget Adoption](#)
- [3. Schedules A-G](#)
- [4. Schedule H](#)

PUBLIC HEARING HELD

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: 6-0-1 (McClendon COI)

Motion (Shoop/McClendon): to APPROVE the Fiscal Year 2021 Annual Budget for the Capital Improvement Program in the amount of \$51,444,152.00. Voice vote: 6-0-1 (Mayor Nicholls COI)

Motion (Knight/Shoop): to approve the Fiscal Year 2021 Annual Budget for an amount of \$197,414,620 which excludes the Visit Yuma and Capital Improvement Program, approved through the prior motions. Voice vote: 7-0.

The following discussion may result in the introduction of Ordinance O2020-016

2. [O2020-016](#) **Adopt the 2020-2021 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy**

Adopt the 2020-2021 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy (Administration/Finance) (Philip Rodriguez/Lisa Marlin)

- Attachments:**
- [1. RFCCA FY20-21 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy](#)
 - [2. ORD FY20-21 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy](#)

INTRODUCED

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

There are no appointments scheduled at this time.

2. Announcements:

REPORTED

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of June 4, 2020 through June 17, 2020. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

3. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VI. SUMMARY OF CURRENT EVENTS

REPORTED

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

VII. CALL TO THE PUBLIC

NO LEGAL ACTION PERMITTED

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

VIII. EXECUTIVE SESSION

A motion was made by Councilmember Knight, seconded by Councilmember McClendon, to ADJOURN to EXECUTIVE SESSION. The motion carried by the following vote:

Aye: 7 - Mayor Nicholls, Deputy Mayor Watts, Councilmember Knight, Councilmember McClendon, Councilmember Morris, Councilmember Shelton, and Councilmember Shoop

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

- A. Discussion, consultation with and/or instruction to legal counsel regarding a proposed contract. (A.R.S § 38-431.03 A3, A4 & A7)
- B. Discussion, consultation with and/or instruction to legal counsel regarding a contract matter. (A.R.S § 38-431.03 A3 & A4)

ADJOURNMENT

6:38 P.M.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.