

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 16, 2020
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:35 p.m.

INVOCATION/PLEDGE

Pastor Tyrone Jones, Church for the City, gave the invocation. **Police Chief Susan Smith** 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 Public Works, Joel Olea Deputy City Administrator, Jay Simonton Director of Engineering, Jeff Kramer Police Chief, Susan Smith 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

Arizona Education Progress Meter Proclamation

Mayor Nicholls read the Arizona Education Progress Meter Proclamation supporting the statewide goal of 60% of adults possessing a degree, certificate or industry credentials by 2030.

Solid Waste and Recycling Services Contract

Olea presented an update on the status of the City's solid waste and recycling contract as follows:

- Background Information
 - Solid Waste is an Enterprise Fund
 - The City is required to collect enough funds to maintain operations
 - 2017 Rate Study
 - 10-year financial plan identified a gradual rate adjustment through the annual budget process of a projected 3% (around 40-50 cents per year) starting in 2022

- Impacts to Municipal Recycling
 - Many Arizona municipalities began reporting that they were downsizing or eliminating their programs
- Change in Recycling Contamination Acceptance
 - China's rate of acceptable contamination decreased from 3% to 0.5%, resulting in additional costs to the vendors who process the materials
- Proposed Contract
 - Transfer station will remain at Avenue 3½E and 32nd Street
 - 10 year contract with option to renew for two additional five-year periods
 - Trash disposal - \$28 per ton
 - Copper Mountain Landfill in Wellton, Arizona
 - Recycling processing - \$28 per ton
 - Annual rate increase of 3%
- Vendor Agreements
 - Hire three additional staff members solely to process recycling
 - Expand existing transfer station by 5,000 square feet
 - Process recyclables locally for the next 10 years
 - Revenue Sharing
 - Vendor will receive 80% and the City 20% for the first
 - After the revenues hit \$125,000, the City will receive 80% and the Vendor 20%
- Transitional Period
 - Recyclables, which are currently processed in Imperial Valley, California, will be processed locally no later than July 1, 2021
 - Collection will remain the same for green and blue bins
 - Recyclables will be landfilled for a period of 8 months
 - Drop-off recycling will be available during the transition period
- Recycling Drop-Off Program
 - November 2020 through June 2021
 - Cost not to exceed \$31,500
 - Up to five locations managed by vendor
 - Avenue A and 4th Street
 - Avenue A and 36th Street
 - 24th Street and 33rd Avenue
 - 24th Street and Avenue 7½E
 - 40th Street and Avenue 8E

Discussion

- From November 2020 to June 2021 recyclables that are collected from residents' curbside bins will be taken to the landfill; those that are collected at the drop-off sites will be recycled (**Knight/Olea**)
- Recyclables have never been processed locally so it is difficult to estimate when revenues will reach \$125,000 (**Knight/Olea**)
- The trash disposal fee is being reduced by the vendor from \$30.70 to \$28.00 for a two-year period, and then in 2023 the 3% annual increase will go into effect (**Knight/Olea**)
- Two qualified vendors responded to the Request for Proposal, and the proposed contract reflects the negotiations with the selected vendor (**Shoop/Olea**)

- Residents are encouraged to continue using the blue bin for recycling and the green bin for trash throughout the transition period so there will be no confusion (**Watts/Olea**)
- The eight-month transition period is the maximum amount of time the vendor has to construct and begin operations at the local recycling facility (**Watts/Olea**)
- The existing solid waste contract does not include a fee for recycling, however the vendor receives 90% of revenues in part because the vendor provided the blue recycling bins (**Morris/Olea**)
- Recyclables were a commodity that were generally being shipped overseas; the domestic market is developing, which will hopefully help raise prices (**Morris/Peter Sternberg – Republic Services**)
- The recycling processing center will add three positions. They will also allow nearby municipalities such as Somerton and San Luis to utilize the facility (**Morris/Olea**)
- It is not anticipated that the volume of recyclable material will exceed capacity because the processing center will only handle what is generated locally (**Morris/Sternberg**)
- The \$28.00 recycling processing fee covers processing, transportation, and sale of the processed materials (**Mayor Nicholls/Sternberg**)

Future Scheduling of City Facilities

Deputy City Administrator, **Simonton**, began by addressing a concern recently expressed on social media regarding the condition of a City facility. He stated an independent review will be conducted of all Parks & Recreation facilities to ensure that needed maintenance and repairs take place in a timely manner. **Simonton** continued by providing the following overview of Parks & Recreation activities:

- The 2020/2021 Fall and Winter Activities Guide is completely digital and available online
 - Current circumstances have made it difficult to determine from month to month what activities can be offered
 - Registration begins on Monday, September 21st
- Arts & Culture Activities
 - Youth painting, drawing, and sculpture
 - Adult open pottery, private art lessons, and plein air (outdoor) painting
 - First sessions start in October
- Youth Sports Co-Sponsored
 - Starting Fall Season (October)
 - Yuma Boys Baseball League (YBBL)
 - Yuma Fast Pitch & T-Ball League (YFTL)
 - Yuma Youth In-Line Hockey League
 - Advantage Youth Tennis
 - Planning Spring Seasons (March-June)
 - Yuma Youth Soccer Association (YYSA)
 - Catch & Go Flag Football & Cheer
 - YBBL
 - YFTL

- Youth Sports Programming & Outdoor Recreation
 - October
 - Archery
 - November-March
 - Stargazing
 - Canoe and kayak trips
 - To be determined
 - Basketball & volleyball programming
 - Indoor activity with close contact
 - Repairs are needed to the gym floor
- Adult Activities & Sports
 - September
 - Herb gardening
 - Wreath making
 - Adult softball leagues
 - October
 - Family Fun Runs 5K/10K Series start
 - November
 - Tennis
 - To be determined
 - Drop-in basketball and volleyball
 - All outdoor courts have been opened
- Senior Sports & Activities
 - November-March
 - Woodcarving
 - Scrapbooking
 - Quilting
 - Silversmithing
 - Knitting & Crocheting
 - Pickle Ball
 - January 2021
 - Senior Games
- Aquatic Programming
 - All Fall/Winter programming will occur at the Valley Aquatic Center
 - Swim for Fitness
 - Water Aerobics
 - Competitive Youth Swim Clubs
- Desert Hills Golf Course
 - Tournaments
 - Senior Sunbelt Tournament
 - Women's City Championship
 - Birdies & Beer
 - Clinics
 - Tee it Yuma
 - Get Golf Ready
 - Family Golf Clinic
 - Junior Golf Clinic

- Special Events
 - 33rd Annual Catfish Rodeo
 - Medjool Date Festival
 - BBQ & Brews Festival
 - German Fest
 - Music on Main
 - Tunes & Tacos
 - Tribute of the Muses (virtual)
 - Outdoor Music Services (social distancing)
- Moving Forward
 - Dance classes
 - Tiny Tots programming
 - Adaptive recreation programming
 - Additional swim lessons
- Pacific Avenue Athletic Complex (PAAC)
 - COVID Impacts
 - Organizations are now much more interested in utilizing the PAAC for tournaments
 - Operational changes
 - No bag checks
 - City staff will not operate the concession stand; will work with local festival food vendors who have had to shut down due to COVID
 - Scheduled tournaments
 - First tournament is September 18-20
 - 35 out of the remaining 42 weekends are currently booked

Discussion

- Anyone in the community who has a concern regarding a facility can call (928) 373-5018 to report the issue; a phone call will enable a much quicker response than a post on social media (**Mayor Nicholls/Simonton**)
- Local sports groups utilize the PAAC almost every single night of the week in addition to the scheduled tournaments (**Shoop/Simonton**)
- People are now allowed to bring their own food and beverages into the PAAC; beer permits are also available for purchase through the Parks & Recreation Department (**Shoop/Simonton**)
- Tournaments are currently being limited to 75 teams, but organizations are interested in scheduling tournaments with 100 or more teams (**McClendon**)
- Outdoor sports and activity opportunities will be the top factor that will bring tourism to Yuma as the weather changes and will be promoted by Parks & Recreation (**McClendon/Simonton**)
- Winter visitors are taking recreational opportunities into consideration when deciding whether to come back to Yuma in the fall and winter (**McClendon**)
- To ensure that Centers for Disease Control and Prevention guidelines are being followed to keep participants healthy, capacity at the PAAC will be cut from six fields to three fields and about 50 spectators per team (**Shelton/Simonton**)
- Drive-in movies have been discontinued now that theaters are allowed to be open at reduced capacity, although there may be some special engagements coming up (**Shelton/Simonton**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item B.3 – Bid Award: Downtown Raised Crosswalk and Spot Drainage Improvements (execute a contract for construction services in the amount of \$75,891.42 with Gutierrez Canales Engineering, PC, Yuma, Arizona) (Bid #2021-20000018) (Eng)

Discussion

- The lowest bidder was considered non-responsive because they did not turn in all of the required documentation to make their bid complete (**Knight/Simonton**)
- The raised sidewalk will be very similar to those that can be found between Second Street and Third Street, although they will not be quite as wide (**Knight/Simonton**)

Motion Consent Agenda Item B.8 – Change Order: Police Storage Facility (execute a change order in the amount of \$370,205 for design services by Architekton, Inc.) (Contract #2020-20000004) (Eng)

Discussion

- The first phase of the storage facility will be used for impounded and/or damaged vehicles, though long-term it will be used for all forms of property (**Knight/Kramer**)
- Overflow evidence will also be stored at the facility in the future as YPD is outgrowing the current evidence storage facility (**Knight/Smith**)

Motion Consent Agenda Item B.2 – Bid Award: Catalina Drive & Palo Verde Street Pavement Replacement (execute a contract for Construction Services in the amount of \$893,551.95 with Gutierrez Canales Engineering, PC, Yuma, Arizona) (Bid #2020-20000163) (Eng)

Discussion

- It is difficult to determine the exact cause of a price difference between bids because there are many possible factors (**Watts/Kramer**)
- Construction costs are steadily increasing, particularly materials costs, and labor costs are beginning to increase after staying relatively flat for several months (**Mayor Nicholls/Kramer**)

Motion Consent Agenda Item B.7 – Contract Award: Hotel Del Sol Multi-Modal Transportation Center (execute a contract for design-build services in the amount of \$1,015,000 with CORE Construction, Inc., Phoenix, Arizona) (Bid #2020-20000136) (Eng)

Discussion

- The multi-modal center is intended as more than just a place to purchase tickets; it would also serve as a hub where travelers can change between modes of transportation (**Mayor Nicholls/Shoop**)
- This contract is only for the design elements of the project, including a structural analysis which will identify the historic building's specific construction needs (**Shoop/Simonton**)
- This project was designated a Multi-Modal Transportation Center in part to qualify for transportation-specific grants. However, since the transportation grants were not awarded to the City, other uses for the building and types of funding can be explored (**Knight**)

- The City can apply for grants to convert the Hotel Del Sol into affordable housing, which may be a better return on its investment (**Shoop**)
- The building in its current condition either needs to be restored or demolished, and the design element is necessary in order to know what is possible (**Shelton**)
- The design phase must take place regardless of the intended use of the building; if this design contract is not approved, the grant funding will be lost (**Morris**)
- As it is, the building is a blight on the Downtown area; this is an opportunity to restore it to its former glory and increase Yuma's economic development (**Watts**)

Motion (Knight/Watts): To approve Motion Consent Agenda Item B.7. Voice vote: **approved** 6-1, Shoop voting nay.

Motion (Knight/Morris): To approve the Motion Consent Agenda as recommended with the exception of Item B.7. Voice vote: **approved** 7-0.

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

Regular Council Meeting	August 5, 2020
Regular Council Meeting	August 19, 2020
Special Council Meeting	September 1, 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 Catalina Drive & Palo Verde Street Pavement Replacement to the lowest responsive and responsible bidder in the amount of \$893,551.95. Gutierrez Canales Engineering, PC, Yuma, Arizona. (Bid #2020-20000163) (Eng)
3. Authorize the City Administrator to execute a contract for Construction Services for the Downtown Raised Crosswalk and Spot Drainage Improvements to the lowest responsive and responsible bidder in the amount of \$75,891.42. Gutierrez Canales Engineering, PC, Yuma, Arizona. (Bid #2020-20000018) (Eng)
4. Authorize the City Administrator to execute an agreement with Century Link for citywide telephone circuit services for a total of \$95,634 (excluding taxes) for a three-year period utilizing the cooperative purchase agreement originated by the State of Arizona. (Bid #2021-2000001) (ITS)
5. Authorize the City Administrator to execute a cooperative purchase agreement in the amount of \$212,723.60 for the purchase of electronic control devices through Axon. (OMNIA Contract No. 151089 – Bid #2021-20000047) (YPD)

6. Authorize the purchase of Janitorial and Sanitation Supplies, Equipment & Related Services initiated by Mohave Educational Services Cooperative (Mohave) through a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, with an estimated annual expenditure of \$220,000.00 to: Waxie Sanitary Supply San Diego, California. (Bid #2021-20000035) (Facilities Maint)
7. Pulled for separate consideration; see above.
8. Authorize the City Administrator to execute a change order in the amount of \$370,205 to the contract with Architekton, Inc., for design services for the Police Storage Facility Project. (Contract #2020-20000004) (Eng)
9. Approve a template Uniform Video Services License Agreement, Application and Licensee Affidavit for video service within the municipal boundaries and authorize the City Administrator to execute such Uniform Video License Agreements on behalf of the City. (City Atty)
10. Authorize the City Administrator to execute a five-year cooperative purchase agreement (OMNIA Contract No. 151089) for the purchase of seven Axon in-car camera systems in the amount of \$80,396.65. Of this amount \$31,000 was provided to the Yuma Police Department from the Arizona Attorney General's Office through a multistate settlement. (Bid #2021-20000048) (YPD)
11. Authorize the City Administrator to execute an intergovernmental agreement with Yuma Elementary School District No. 1 for the School Safety Program for a three-year period. (YPD)
12. Authorize the City Administrator to accept the awarded grant funds for the construction of a sewer line project in the Yuma Commerce Center area and utilize the grant matching funds provided in the City's Fiscal Year 2021 Capital Improvement Program Budget. (Admin)
13. Authorize the City Administrator to execute two grant agreements with the Arizona Governor's Office of Highway Safety for roadway safety programs in accordance with Arizona's Federal Fiscal Year 2020-2021 Highway Safety Plan. (YDP)
14. Authorize the City Administrator to execute the Award Agreement between the Arizona Attorney General's Office and the City of Yuma for the Victim Rights Program in the amount of \$7,000.00 for Fiscal Year 2021. (City Atty)
15. Approve the final plat of the Desert Sands Subdivision Unit 2. The property is located at the southwest corner of E. 44th Street and S. Avenue 7½E, Yuma, AZ. (DCD)

II. RESOLUTION CONSENT AGENDA

Resolution R2020-035 – Amend Resolution R2016-037: Wastewater Capacity Fees (set all wastewater capacity fee charges according to water meter size) (Utilities)

Motion (Knight/Watts): To correct Resolution R2020-035 by changing the number noted above the title from R2016-035 to R2020-035. Voice vote: **approved** 7-0.

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

Bushong displayed the following titles:

Resolution R2020-028

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to recreate Municipal Improvement District No. 100, serving Park West Units 4 and 5, 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 Park West Units 4 and 5 (rescind and reauthorize the MID for the area generally located at 28th Street between S. 45th Avenue and Avenue C) (DCD)

Resolution R2020-029

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to recreate Municipal Improvement District No. 104, serving Desert Sky Unit 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 1 (rescind and reauthorize the MID for the area generally located at 40th Street and Avenue 7½E) (DCD)

Resolution R2020-030

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to recreate 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 (rescind and reauthorize the MID for the area generally located at 44th Street and Avenue 8E) (DCD)

Resolution R2020-031

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to recreate Municipal Improvement District No. 108, serving Driftwood Ranch Units 1 and 2, 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 Driftwood Ranch Units 1 and 2 (rescind and reauthorize the MID for the area generally located at 44th Street between Avenues 5½E and 6E) (DCD)

Resolution R2020-032

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma Development Fees and water and sanitary sewer capacity charges for Cielo Verde Unit 5 Subdivision (deferral for a period of up to three years until prior to issuance of a certificate of occupancy) (Eng)

Resolution R2020-033

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 2946 S. Avenue B (owner intends to lease the building for medical offices and has requested City water services to install fire sprinklers) (DCD)

Resolution R2020-034

A resolution of the City Council of the City of Yuma, Arizona, renewing prior slum and blight designations for all properties within the Central Business District of the City of Yuma (renews the prior designation for a period of 10 years) (City Atty)

Resolution R2020-035

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2016-37, Section II and Article II, Section 2.7 of the City of Yuma Utility Regulations prescribing wastewater capacity charges (set all wastewater capacity fee charges according to water meter size) (Utilities)

Resolution R2020-036

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a development agreement with the owner of real property located at 4550 and 4560 E. 32nd Street (owner desires to utilize approximately 10 acres of property for the storage of a portable generation system for a utility company) (DCD)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title:

Ordinance O2020-018

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain real property located in the Agriculture (AG) District to the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District and amending the zoning map to conform with the rezoning (approximately 18.34 acres located at the southwest corner of S. Avenue 7½E and E. 36th Street) (DCD)

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

IV. INTRODUCTION OF ORDINANCES

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)

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

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 9th – Tribute of the Muses: Under the Big Top virtual award ceremony
- September 17th – Census Parade at the Mesa Heights Neighborhood Resource Center
- Residents are encouraged to complete the Census if they have not already; information can be submitted online at <https://2020census.gov/>
- Firefighters from YFD are currently providing mutual aid to help fight the wildfires in California; the City wishes them safety, a successful conclusion to their mission, and a speedy return

VII. CALL TO THE PUBLIC

- **Miguel Miranda**, City resident, expressed opposition to spending any more taxpayer money on the Hotel Del Sol when there are other areas such as roads that are more in need of funding.
- **Gary Wright**, City resident, spoke in opposition of spending tax revenues on the Hotel Del Sol, stating that the funds are better spent on public safety and roads.
- **Bob Cuckler**, non-resident, posed several questions including how much the Hotel Del Sol project will actually cost the City, how it will be funded once the design phase is completed, and what is the best use of the property.
- **J.P. Mahan**, City resident, spoke in support of bringing a bike park to Yuma, noting that such facilities are popular across the country. He asked for guidance in how to move forward and how to partner with the City to accomplish this goal. **Mayor Nicholls** directed **Rodriguez** to provide **Mahan** with information on the process.

- **Gary Wright**, City resident, suggested that the City consider outsourcing trash and recycling collection as it may result in a cost savings.

VIII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:42 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT