

**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 21, 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 Rick Pollard**, Grace Bible Fellowship Church, gave the invocation. **Fire Chief Steve Irr** led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Shelton, Morris, Watts, Knight, Shoop, and Mayor Nicholls
Councilmembers Absent:	McClendon
Staffmembers Present:	City Administrator, Philip A. Rodriguez City Engineer/Director of Engineering, Jeffrey Kramer Director of Financial Services, Lisa Marlin Assistant Director/Zoning Administrator DCD, Alyssa Linville 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 Cities & Towns Week

**Mayor Nicholls** read a proclamation declaring October 18-24, 2020, Arizona Cities and Towns Week.

Financial Briefing

**Rodriguez** presented the 1<sup>st</sup> quarter (July-September) Fiscal Year 2021 3+9 Financial Report as follows:

- Major Revenue Sources
  - Most of the major revenue sources are performing better this year than during the same time period last year
    - Online retailers are now paying point of sale tax to local municipalities
    - The community is spending more of their dollars locally
  - Gasoline Tax/Highway User Revenue Fund revenues are down from last year due to people driving less and spending less on gasoline as a result of COVID-19

**Major Revenue Sources**  
Q1 (July-September) Year Over Year

Revenue Source	Fund	Jul-Sep 2020	Jul-Sep 2019	Variance
City Sales Tax (1%)	General	\$ 6,247,670	\$ 5,478,533	\$ 769,137
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
Gasoline Tax	HURF	2,116,421	2,206,957	(90,537)
Road Tax (.5%)	Road Tax	3,123,304	2,738,801	384,503
Public Safety Tax (.2%)	Public Safety Tax	1,248,897	1,095,148	153,749
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	1,039,923	988,725	51,198
		<b>Total - \$2,411,299</b>		

*All figures unaudited. Excludes prior year carryforward revenues.*

• **Major Funds**

- Revenues are ahead of where they were at this point last year
- Expenditures are down in almost every category, which is a reflection of staff taking our current environment seriously and being good stewards of City resources
- While the Two-Percent Tax Fund is underperforming by about \$166,000 from this time last year, revenues are still exceeding expectations
- The Capital Project Fund expenditures are well below last fiscal year, although many of the projects have just begun and expenditures will have caught up by the 6+6 2<sup>nd</sup> Quarter Report

**Major Funds**

Estimated Q1 (July-September) Year Over Year

**General Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 15,980,435	14,970,290	1,010,145
Total Expenditures	15,985,255	16,445,445	(460,190)
	(4,820)	(1,475,155)	1,470,335

**Highway User Revenue Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 2,129,420	2,236,870	(107,450)
Total Expenditures	1,264,285	1,313,940	(49,655)
	865,135	922,930	(57,795)

**Road Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 3,160,525	2,818,230	342,295
Total Expenditures	527,690	1,353,275	(825,585)
	2,632,835	1,464,955	1,167,880

**Public Safety Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,255,890	1,115,980	139,910
Total Expenditures	362,510	475,765	(113,255)
	893,380	640,215	253,165

**Two-Percent Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,463,230	1,629,635	(166,405)
Total Expenditures	889,625	1,286,130	(396,505)
	573,605	343,505	230,100

**Grants Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 673,945	513,290	160,655
Total Expenditures	1,078,230	669,650	408,580
	(404,285)	(156,360)	(247,925)

*Note: Revenues are often behind expenditures as grants are reimbursable in nature*

**Capital Projects Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 575,560	432,530	143,030
Total Expenditures	28,795	531,180	(502,385)
	546,765	(98,650)	645,415

*Note: Revenues are comprised of Development Fees*

**Radio Communications Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,108,210	1,283,080	(174,870)
Total Expenditures	676,790	670,475	6,315
	431,420	612,605	(81,185)

*Note: Radio-specific grant funds are included here*

**Desert Hills Golf Course Fund**

	<b>FY '21</b>	<b>FY '20</b>	<b>Variance</b>
Total Revenues	\$ 92,505	116,270	(23,765)
Total Expenditures	223,120	392,415	(169,295)
	(130,615)	(276,145)	145,530

**Wastewater Fund**

	<b>FY '21</b>	<b>FY '20</b>	<b>Variance</b>
Total Revenues	\$ 3,924,780	4,122,655	(197,875)
Total Expenditures	1,846,425	2,987,255	1,140,830
	2,078,355	1,135,400	942,955

**Water Fund**

	<b>FY '21</b>	<b>FY '20</b>	<b>Variance</b>
Total Revenues	\$ 6,222,430	6,386,349	(163,919)
Total Expenditures	2,043,135	2,699,475	(656,340)
	4,179,295	3,686,874	492,421

**Solid Waste Fund**

	<b>FY '21</b>	<b>FY '20</b>	<b>Variance</b>
Total Revenues	\$ 1,079,560	1,024,195	55,365
Total Expenditures	730,820	875,860	(145,040)
	348,740	148,335	200,405

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.9 – Authorization to implement programmatic changes (approve enhancements to Utilities Assistance Program (Yuma Cares), implement the next phase of employee market adjustment, and add funding for pavement preservation) (Admin/Finance)

Discussion

- There are currently 1,438 delinquent utilities accounts owing a total of approximately \$680,000, with the average delinquent account owing about \$475 (**Knight/Rodriguez**)
- The suspension of water shut-offs are projected to continue until January 2021, allowing customers to set up a payment plan or seek assistance through the Yuma Cares program (**Knight/Rodriguez**)

Motion Consent Agenda Item B.3 – Bid Award: Figueroa Wastewater Treatment Plant HVAC Replacement (execute a contract in the amount of \$456,189.00 to Pilkington Contracting Co., Inc. dba Pilkington Construction Co.) (Bid #2020-20000166) (Engineering)

Discussion

- Bidders are not required by law to complete a project themselves; a general contractor can be awarded a project and subcontract 100% of the work to a qualified trade contractor (**Morris/Kramer**)
- City projects are promoted through a bidding service, and anyone who subscribes to the service gets notification when a new bid opportunity is listed (**Morris/Kramer**)
- The purchase of a new bidding software is in the works which will allow the City to do its own procurement process online rather than going through azpurchasing.gov (**Morris/Marlin**)
- Outreach efforts have also been taking place, including webinars to help those interested in doing business with the City understand the basic process (**Morris/Marlin**)
- A specific City procurement process may help reach those who are truly interested in engaging in the Yuma community rather than those who will bid on a project just because it comes up on a list (**Mayor Nicholls**)

**Motion** (Knight/Watts): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

There are no minutes for approval at this time.

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. Approve a Temporary Extension of Premises/Patio Permit application submitted by Amy Marie Biallas, agent for The Pint House located at 265 S. Main Street. (EP20-02) (Admin/Clerk)
3. Authorize the City Administrator to execute a contract for construction services for the Figueroa Wastewater Treatment Plant HVAC Replacement project to the lowest responsive and responsible bidder in the amount of \$456,189.00 to: Pilkington Contracting Co., Inc. dba Pilkington Construction Co., Yuma, Arizona. (Bid #2020-20000166) (Eng)
4. Authorize the City Administrator to execute a cooperative purchase agreement with Motorola Solutions for Lifecycle Sustainment Services that includes up to five system upgrades with maintenance support for a total expenditure of \$6,372,015.89 (not including taxes) for a 10-year period utilizing Arizona State MSA Contract CTR046830. (ITS/YRCS)
5. Authorize the purchase of Public Communications Equipment and Services through a Cooperative Purchase Agreement initiated by the State of Arizona for a total cost of \$206,651.70 to: Motorola Solutions, Inc., Tempe, Arizona. (Bid #2021-20000001) (ITS)
6. Authorize the City Administrator to execute a five-year Intergovernmental Agreement (IGA) with the Arizona Department of Housing (ADOH), permitting the City to conduct installation inspections for manufactured homes, factory-built buildings and mobile homes on behalf of the State of Arizona. (DCD)
7. Authorize the City Administrator to execute the required Memorandum of Understanding (MOU) documents for the Edward Byrne Memorial Justice Assistance Grant Program awards to ratify the acceptance of: Fiscal Year 2018 award in the amount of \$47,883; Fiscal Year 2019 Award in the amount of \$43,325; and, Fiscal Year 2019 Award in the amount of \$199,975; as well as accept Fiscal Year 2020 award in the amount of \$31,218. (YPD)
8. Authorize the City Administrator to ratify the approved five-year Cooperative Purchase Agreement (OMNIA Contract No. 151089) for the purchase of seven Axon in-car camera systems in the amount of \$84,074.54, an increase of \$3,677.89 (including taxes). This ratification of the additional amount is needed to pay for the wireless offload costs. (Bid #2021-20000048) (YPD)
9. Approve enhancements to current programs: Utilities Assistance Program additional funding (Yuma Cares) in the amount of \$500,000, implementation of the next phase of the employee

market adjustment in the amount of \$300,000, and additional funding for Pavement Preservation in the amount of \$600,000) (Admin/Fin)

## **II. RESOLUTION CONSENT AGENDA**

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

**Bushong** displayed the following titles:

### **Resolution R2020-040**

**A resolution of the City Council of the City of Yuma, Arizona, re-ordering improvements for Municipal Improvement District No. 108, serving Driftwood Ranch Units No. 1 and 2, to operate, maintain and repair landscaping improvements including 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 No. 1 and 2, 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. 108; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (located at the intersection of 44<sup>th</sup> Street and Avenue 6E) (DCD)**

### **Resolution R2020-042**

**A resolution of the City Council of the City of Yuma, Arizona, re-ordering improvements for Municipal Improvement District No. 100, serving Park West Units 4 and 5, to operate, maintain and repair landscaping improvements including 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, 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. 100; improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2 (located at the intersection of 24<sup>th</sup> Street and Avenue C) (DCD)**

### **Resolution R2020-048**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 117, serving Desert Sands Unit No. 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 Desert Sands Unit No. 2 (located at the intersection of 44<sup>th</sup> Street and Avenue 7E) (DCD)**

### **Resolution R2020-049**

**A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 115, serving La Estancia Subdivision, 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 La Estancia Subdivision, 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. 115; improvements shall**

be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2 (located at the intersection of 40<sup>th</sup> Street and Avenue 8½E) (DCD)

**Resolution R2020-050**

**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 Desert Sands Unit No. 1 Subdivision (deferral for a period of three years from the date of execution and upon payment of a \$500.00 administrative fee) (Engineering)**

Roll call vote: **adopted** 6-0.

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

Adoption of Ordinance O2020-022 – Declare Surplus and Real Property Exchange and Development Agreement: Arizona West RV Park (one parcel of 32<sup>nd</sup> Street right-of-way and one parcel of Avenue 7E right-of-way) (Engineering)

**Mayor Nicholls** declared a potential conflict of interest with regard to Ordinance O2020-022 due to his firm representing the applicant, turned the meeting over to Deputy Mayor Watts, and left the dais.

**Motion** (Knight/Shelton): To adopt the Ordinance O2020-022 as recommended.

**Bushong** displayed the following title:

**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 (located at the southwest corner of 32<sup>nd</sup> Street and Avenue 7E ) (Engineering)**

Roll call vote: **adopted** 5-0-1, Mayor Nicholls abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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**Motion** (Knight/Watts): To adopt the Ordinances Consent Agenda as recommended, with the exception of Ordinance O2020-022.

**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** (approximately 11.56 acres of property located at 3285 E. 32<sup>nd</sup> Street) (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** (located at the southeast corner of 5<sup>th</sup> Street and Avenue C) (City Atty)

Roll call vote: **adopted** 6-0.

**IV. INTRODUCTION OF ORDINANCES**

Introduction of Ordinance O2020-024 – Zoning Code Text Amendment: Accessory Structures (amend the Yuma City Code to update the height limitations and area permitted for accessory structures) (DCD)

Discussion

- Accessory structures are storage sheds, garages and similar structures and do not include livable space (**Shoop/Linville**)
- The intent of the Zoning Code is to allow accessory structures on residential property; language can be added to clarify that this applies to residential property only (**Mayor Nicholls/Linville**)
- Accessory structures over a certain size must be located behind the midpoint of the main dwelling and are not permitted in the front yard setback (**Shelton/Linville**)
- If an accessory structure is converted into a livable space it would be considered an accessory dwelling unit and a different Zoning Code would apply (**Shoop/Linville**)

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**Bushong** displayed the following titles:

**Ordinance O2020-023**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a portion of a certain easement, hereafter described, surplus for City use and authorizing the vacating of the surplus easement to the property owner and directing the execution of all necessary documents for transfer thereof** (South 249.74 feet of the existing sanitary sewer easement) (Engineering)

**Ordinance O2020-024**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to changes to the zoning code to modify accessory structure regulations** (to update height limitations and area permitted for accessory structures) (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. ANNOUNCEMENTS AND SCHEDULING

### Announcements

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

### Scheduling

No future meetings were scheduled at this time.

## VI. SUMMARY OF CURRENT EVENTS

**Rodriguez** thanked the City Council for trusting staff recommendations to implement the employee market adjustments as well as for their continued support of the community through the approval of funding for programs such as Yuma Cares and the Small Business Relief Grants.

**Rodriguez** reported on the following:

- Fall slurry seal and oil seal programs
- New City website
- November 14<sup>th</sup> – 2020 Turkey Trot starting at Gateway Park
- Listening Tour Series
- Housing and Economic Opportunity Survey
- October 31<sup>st</sup> – The Adams Family and Rocky Horror Picture Show at Desert Sun Stadium

## VII. CALL TO THE PUBLIC

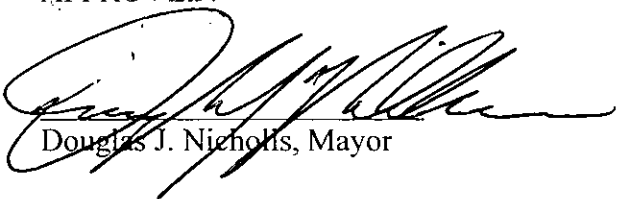
**Gary Wright**, City resident, commended **Rodriguez** for a great job putting together the Listening Tour, noting that the questions asked of the citizens were excellent. **Wright** stated that he hoped the citizens gave good insight as to their priorities and expressed excitement for the future of Yuma.

## VIII. EXECUTIVE SESSION/ADJOURNMENT

**Motion** (Knight/Watts): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 6:34 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: 