

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JANUARY 20, 2021**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Tom Renard**, Imagine Nations Church, gave the invocation. **Jeff Kramer**, Director of Engineering, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Shelton, Morris, Watts, Knight, McClendon, and Mayor Nicholls
Councilmembers Absent:	Shoop
Staffmembers Present:	City Administrator, Philip A. Rodriguez Purchasing & Contracts Manager, Robin Wilson Director of Financial Services, Lisa Marlin Chief of Police, Susan Smith Deputy City Attorney, Rodney Short 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**

New Procurement Portal

**Wilson** provided the following overview of Bonfire, the City's new procurement portal:

- Benefits
  - Streamline the bid process through online bidding
  - Eliminate paper waste and redundancies, and reduce manual labor
  - 147 vendors have registered since January 7<sup>th</sup>
- Strategic Outcomes
  - Safe and Prosperous
    - Support prosperity through thriving businesses and multi-generational opportunities
  - Respected and Responsible
    - Staff is responsible to act as stewards of the City's resources and to provide premier services to the community
  - Connected and Engaged
    - Remain connected and engaged through active communication, forward-looking partnerships, and ongoing involvement and outreach

- Outreach
  - Yuma County Chamber of Commerce
  - Yuma Southwest Contractors Association
  - Current awarded vendors for multi-year contracts
  - Current registered vendors from AZPurchasing.org
  - Current Yuma Business License holders
  - Arizona Western College Small Business Development Center
  - Arizona Procurement Technical Assistance Center
  - City Website
  - Press Release – January 5, 2021
  - Social Media (Facebook & Twitter)
- Bonfire Strategic Sourcing Platform
  - Cloud-based software can be accessed from any desktop, laptop or tablet
  - Takes the procurement process from bid preparation through bid award, and can include performance reviews on the vendors
- Impacts on Citizens and the Community
  - Better prices for goods and services
  - Faster procurement equals faster results
  - Transparency
  - Cost savings
  - 100% compliance
- Vendor Benefits
  - Time and cost savings
  - Ease of submission and fail-proof delivery
  - Accessibility
  - Exceptional service and support
  - No fees
  - Centralized communications
  - Supplier information management
- Procurement Portal
  - Access through the City Bids button on the home page of the new City website
  - Bonfire has staff available to assist bidders
  - The software will not accept the bid if the vendor has not attached all of the required documents or completed all of the required areas
  - Secured bid submissions – date and time stamped of each vendor, their email address and confirmation code

#### Discussion

- Registered vendors will be notified by email of solicitations based on commodity codes selected during the registration process (**Morris/Wilson**)

#### Financial Briefing

**Rodriguez** thanked City Council for their support and all of the City departments including Financial Services, City Administration, and the City Attorney's Office for accomplishing the recent refinancing which will save current and future taxpayers about \$74 million.

Marlin presented the Fiscal Year 2021 6+6 Financial Report as follows:

- The City has increased revenues from the same quarter last year by \$5.8 million over several areas, including most notably a more than \$1.5 million increase in City Sales Tax revenue

**Revenues By Fund**  
Q1-Q2 (July-December) Year Over Year

Fund	FY 2021	FY 2020	Variance
General	\$ 41,459,735	39,307,550	2,152,185
HURF	4,298,811	4,655,267	(356,456)
Road Tax	6,572,229	6,275,666	296,563
Public Safety Tax	2,609,399	2,396,862	212,537
Two Percent Tax	3,202,425	3,297,880	(95,455)
Grants	1,301,667	1,355,425	(53,758)
Capital Projects	1,043,692	777,500	266,192
YRCS	1,662,324	1,663,856	(1,532)
Desert Hills Golf Course	315,060	450,343	(135,283)
Water	12,621,564	12,758,292	(136,728)
Wastewater	8,481,363	8,670,606	(189,243)
Solid Waste	2,324,795	2,212,750	112,045

**Major Revenue Sources**  
Q1-Q2 (July-December) Year Over Year

Revenue Source	Fund	FY 2021	FY 2020	Variance
City Sales Tax (1%)	General	\$ 13,028,683	11,477,257	1,551,426
Property Tax	General	8,266,760	7,914,628	352,132
State Sales Tax	General	5,410,667	4,964,545	446,122
State Revenue Sharing	General	7,023,150	6,330,461	692,689
Vehicle License Tax	General	2,551,478	2,063,953	487,524
Gasoline Tax	HURF	4,280,693	4,278,534	2,159
Road Tax (0.5%)	Road Tax	6,513,234	5,737,653	775,581
Public Safety Tax (0.2%)	Public Safety Tax	2,604,408	2,294,281	310,127
Two-Percent Tax	Two-Percent Tax	3,111,262	2,883,249	228,013
Water Usage Fees	Water	12,171,181	11,504,564	666,617
Wastewater Usage Fees	Wastewater	8,205,963	7,993,945	212,018
Solid Waste Fees	Solid Waste	2,254,757	2,144,740	110,017
<b>Total (Major Revenue Sources)</b>				<b>\$ 5,834,425</b>

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

- Overall increased revenues paired with lower budgeted expenditures has kept the City in a good place financially despite grave economic forecasts
  - In the General Fund alone, revenues were up by \$2.1 million and expenditures were down by \$630,000 for a total variance of \$2.7 million

**Estimated Q1-Q2 (July-December) Year Over Year**

**General Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 41,459,735	39,307,550	2,152,185
Total Expenditures	34,465,275	35,096,144	(630,869)
	6,994,460	4,211,406	2,783,054

**Highway User Revenue Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 4,298,811	4,655,267	(356,456)
Total Expenditures	4,168,012	2,897,653	1,270,359
	130,799	1,757,614	(1,626,815)

**Road Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 6,572,229	6,275,666	296,563
Total Expenditures	2,232,455	5,744,880	(3,512,425)
	4,339,774	530,786	3,808,988

**Public Safety Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 2,609,399	2,396,862	212,537
Total Expenditures	1,349,430	2,030,422	(680,992)
	1,259,969	366,440	893,529

*Both Revenues and Expenditures contain \$674,341 in leases*

**Two-Percent Tax Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 3,202,425	3,297,880	(95,455)
Total Expenditures	2,452,952	3,533,610	(1,080,658)
	749,473	(235,730)	985,203

**Capital Projects Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,043,692	777,500	266,192
Total Expenditures	97,334	1,683,192	(1,585,858)
	946,358	(905,692)	1,852,050

Note: Revenues are comprised of Development Fees

**Desert Hills Golf Course Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 315,060	450,343	(135,283)
Total Expenditures	719,688	848,769	(129,081)
	(404,628)	(398,426)	(6,202)

**Wastewater Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 8,481,363	8,670,606	(189,243)
Total Expenditures	5,135,784	6,271,659	(1,135,875)
	3,345,579	2,398,947	946,632

**Grants Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,301,667	1,355,425	(53,758)
Total Expenditures	2,087,516	1,645,877	441,639
	(785,849)	(290,425)	(495,397)

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

**Radio Communications Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 1,662,324	1,663,856	(1,532)
Total Expenditures	1,161,105	1,213,893	(52,788)
	501,219	449,963	51,256

Note: Radio-specific grant funds are included here

**Water Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 12,621,564	12,758,292	(136,728)
Total Expenditures	7,146,140	8,076,022	(929,882)
	5,475,424	4,682,270	793,154

**Solid Waste Fund**

	FY '21	FY '20	Variance
Total Revenues	\$ 2,324,795	2,212,750	112,045
Total Expenditures	1,960,770	1,866,527	94,243
	364,025	346,223	17,802

Discussion

- It would be helpful as budget season approaches to see information on where the City stands as far as budgeted versus actual revenues and expenditures (**Mayor Nicholls**)
- A mid-year budgeted versus actual comparison can be misleading, for example due to some debt payments that only happen twice a year which may skew the data (**Marlin**)
- The City is in an excellent position financially, and staff will reflect on how to maintain that going forward keeping in mind the uncertainty of the resolution of the COVID-19 pandemic (**Rodriguez**)

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item B.3 – Grant Award: Arizona Companion Animal Spay and Neuter Committee (Execute the necessary paperwork to disperse awarded grant funds to support community spay and neuter surgeries) (YPD)

Discussion

- This grant award is for all animals and is not specific to feral cats (**Watts/Smith**)
- The \$20,000 award amount is from two separate awards of \$10,000 each (**Morris/Smith**)
- The City receives this grant every year, and all of the funds are expended each year (**Morris/Smith**)

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

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

Special Council Worksession    October 26, 2020  
Regular Council Meeting        December 2, 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 purchase of First Aid and Medical Supplies, utilizing the City of Mesa's cooperative purchase agreement 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. The following firms provide the products on an as-needed basis, at an estimated annual total cost of \$390,000.00 to: Bound Tree Medical, Dublin, Ohio; Life-Assist Inc., Rancho Cordova, California. (Bid#2019-20000155) (YFD)
3. Authorize the City Administrator to execute the necessary paperwork with Arizona Companion Animal Spay and Neuter Committee (ACASNC) to disperse awarded grant funds to support community spay and neuter surgeries. (YPD)

II. RESOLUTION CONSENT AGENDA

Resolution R2021-001 – Order Improvements: Municipal Improvement District No. 114 (serving 2<sup>nd</sup> Avenue between 10<sup>th</sup> and 12<sup>th</sup> Streets) (ENG)

Discussion

- The cost of the improvements are assessed on the properties within the Municipal Improvement District (MID) each year (**Morris/Short**)
- If a property is sold, the assessment will be transferred to the new property owner; any prospective property owners will be made aware of the MID because it will be included in the title report (**Mayor Nicholls/Morris/Short**)
- Property owners within the MID have been notified of the cost through a notice on their door, or via mail for those who are not local, as well as through two public outreach events (**Shelton/Short**)
- The cost of the project ended up being much lower than expected, and the design was able to address additional issues brought up by the residents such as flooding (**Knight/Short**)

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

**Bushong** displayed the following title:

**Resolution R2021-001**

**A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 114 serving 2<sup>nd</sup> Avenue between 10<sup>th</sup> Street and 12<sup>th</sup> Street, to construct and install curb, gutter, sidewalk and streetlighting improvements on 2<sup>nd</sup> Avenue between 10<sup>th</sup> and 12<sup>th</sup> Streets as more particularly described in this resolution, and declaring the improvements to be of more than local or ordinary public benefit, and the cost of the improvements shall be assessed upon Municipal Improvement District No. 114; improvements shall be performed under Arizona Revised**

**Statutes (A.R.S.) Title 48, Chapter 4, Article 2** (to provide a dedicated funding stream and an opportunity for neighborhood input) (ENG)

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

### III. INTRODUCTION OF ORDINANCES

Introduction of Ordinance O2021-002 – Zoning Code Text Amendment: Recreational Marijuana Establishments (amend Title 15, Chapter 154, Article 22 of the Yuma City Code to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments) (DCD)

**Motion** (Knight/Shelton): To amend Ordinance O2021-002, Section 1, subsection §154-22.01 titled Purpose to add a revised version of the last strikethrough sentence so that the last sentence reads, “Furthermore, the City of Yuma does not condone the use of marijuana or violation of Federal law.” Voice vote: **approved** 6-0.

#### Speaker

- **Pele Fischer**, attorney with Peacock Legal, began by noting that Proposition 207 allows localities to enact reasonable zoning regulations; however, ordinances may not be more restrictive than a comparable ordinance that applies to medical marijuana dispensaries or make operation of a marijuana establishment unduly burdensome. **Fischer** opined that the proposed ordinance as presented would essentially prohibit a marijuana establishment that does not hold both non-profit medical and recreational licensing from operating in the City, but would not limit the number of marijuana-related businesses in the City as long as they hold the appropriate licenses. **Fischer** asked City Council to consider the consequences of closing the door on the time-restricted license allocation and missing out on potential Transaction Privilege Tax revenue and well-paying jobs with benefits for Yuma’s citizens.

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Introduction of Ordinance O2021-003 – Repeal Yuma City Code §§ 211-09 and 211-10: Traffic Rules (regarding the use of portable communication devices while driving) (City Atty)

#### Discussion

- State law changed to essentially mirror what the City already had in place, and that redundancy could lead to confusion; any enforcement of texting while driving will be under the state law rather than the City ordinance (**Watts/Files**)

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**Bushong** displayed the following titles:

#### **Ordinance O2021-002**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, providing for changes to the Zoning Code, Article 22, related to recreational marijuana establishments, and providing penalties for violation thereof** (requires recreational marijuana

establishments to co-locate with non-profit medical marijuana dispensaries in a single location within the same building) (DCD)

**Ordinance O2021-003**

**An ordinance of the City Council of the City of Yuma, Arizona, repealing Chapter 211 §§ 09 and 10 of the Yuma City Code relating to the operation of portable communications devices while driving (the use of portable wireless communication devices while driving is now regulated by state law) (City Atty)**

**Ordinance O2021-004**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development and Property Disposition Agreement with the owner of real property located at 414 South Vaughn Avenue and declaring certain right-of-way, hereafter described, surplus for City use and authorizing the dedication of the surplus right-of-way to Yuma County pursuant to the Preannexation Development and Property Disposition Agreement (approximately 4.26 acres of vacant property located outside of the corporate boundary of the City of Yuma) (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.

**IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Appointments

**Motion** (Knight/McClendon): To reappoint Lonna Brazeel and Robert Vigil to the Clean and Beautiful Commission with term expirations of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Watts/Morris): To reappoint Sandra Anthony to the Design and Historic Review Commission with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Morris/McClendon): To reappoint Sean Allen to the Merit System Board with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Shelton/McClendon): To reappoint Judith Phillips to the Parks, Arts and Recreation Commission with a term expiration of December 31, 2025. Voice vote: **approved** 6-0.

**Motion** (Watts/McClendon): To appoint Ray Face, Harry Hengl, Sara Aivazian, Stacy Gutierrez and Bill Craft to the Municipal Property Corporation with term expirations of December 31, 2025. Voice vote: **approved** 6-0.

Announcements

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

Scheduling

**Morris** requested a future discussion on the infill incentive plan and approved uses in the Infill Overlay District.

**V. SUMMARY OF CURRENT EVENTS**

**Rodriguez** reported the following events:

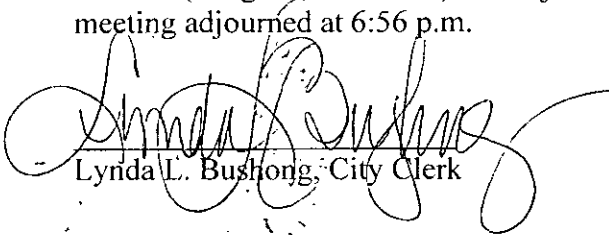
- January 23<sup>rd</sup> - Virtual Yuma Medjool Date Festival
- January 23<sup>rd</sup> - No-Contact Shred-A-Thon at the Yuma Civic Center
- January 25<sup>th</sup> - Neighborhood Cleanup begins
- January 27<sup>th</sup> - Virtual Concert with Obungus at the Yuma Art Center (Facebook and Instagram)

**VI. CALL TO THE PUBLIC**

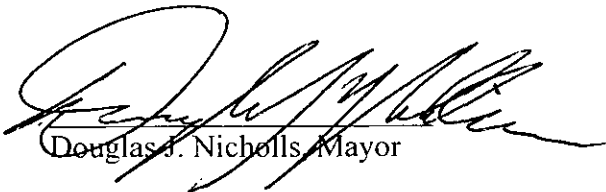
**Ann Stewart**, City resident, expressed concern regarding the amount of litter on Yuma's streets, both within the City limits and in the County, specifically along 32<sup>nd</sup> Street near County 16<sup>th</sup> Street. **Mayor Nicholls** thanked Ms. Stewart for assisting in picking up debris and stated City staff would get in contact with her.

**VII. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Knight/McClendon): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 6:56 p.m.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:  
February 3<sup>rd</sup> 2021  
City Clerk: 