

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
March 2, 2010
5:00 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger

Councilmembers Absent: none

Staffmembers Present: City Administrator, Mark Watson
Director of Community Development, Laurie Lineberry
Assistant City Attorney, Richard Files
Neighborhood Services Specialist, Nikki Hoogendoorn
Various department heads or their representatives
Brigitta M. Kuiper, City Clerk,

I. SUMMARY OF CURRENT EVENTS

Watson reported on the following items:

- Winter storm damage occurred in Yuma on January, 18 – 22, 2010; the State damage assessment team has reviewed the affected areas. The State may fund 75% of the estimated \$200,000 damage costs.
- Fire Chief, Jack McArthur, has completed the Executive Leader's Program at the Naval Post-Graduate School for Homeland Defense and Security.
- The City's Parks and Recreation Department has been recognized as a Tree City for the third consecutive year; the designation is awarded to municipalities that effectively use trees to enhance air quality and property values.

II. REGULAR CITY COUNCIL MEETING AGENDA OF MARCH 3, 2010

Motion Consent Agenda Item B7: Intergovernmental Agreement with Yuma County

Lineberry noted that this item involves an Intergovernmental Agreement (IGA) with Yuma County for the development of a new produce processing plant on land within Yuma County jurisdiction. The owner, 4E Investments, is seeking an expedited building schedule – to be operational on November 1, 2010 – and wants City personnel to perform all site review and building inspections, so the facility will be up to City standards at annexation. 4E Investments has initiated Yuma County rezoning of the property, also to facilitate annexation. Yuma County is willing to cooperate with the owner. The IGA addresses several issues that need to be clarified prior to moving forward, such as the lot split and rezoning in Yuma County, as well as specifying the City's inspection responsibilities. The 40-acre, industrial parcel is located south of 32nd Street, between Avenues 3½ E and 3¼ E. Construction of the project will employ 300; operations of the plant will employ 300 full-time individuals.

Motion Consent Agenda Item B8: Appointment of Acting City Administrator

Mayor Krieger: Current City Administrator, Mark Watson, will be leaving prior to the City hiring his successor; therefore, it is necessary to appoint an Acting City Administrator. Watson has submitted a list of potential appointees to the City Council. The list was ranked by Watson to indicate those individuals in terms of their overall knowledge of City operations; however, any of the individuals can be considered equally and the City Council may consider someone not listed.

Watson: An orderly succession is critical.

Ordinance O2010-20: Special Election regarding the Yuma City Charter, Article XII, Section 2, Local Preference

Johnson noted that the proposed Local Preference ballot language going to the voters is much broader and non-specific than the current City Charter language. The proposed language makes the authorization of local preference a command by the use of the word "shall"; no definition of the area covered by local preference is prescribed (current language states that a "Local Dealer" means any dealer, person, or firm within the city limits of the City of Yuma who has a valid City of Yuma business license); and, there is no limitation on the bid differential (the amount of the difference between bids) that would be eligible for local preference (current language limits the difference between the low bidder's total amount and a local bidder's total amount to no more than 5%). If the new language is approved by voters, it will undoubtedly result in a lawsuit that the City cannot win. Could changes be made at tomorrow's meeting?

Kuiper: The deadline to modify the ballot language for the May 18 election has passed; the publicity pamphlet is already being printed.

Watson: The measure could be removed from the ballot altogether; however, the process for doing so would need to be researched. When the ballot language was set, it was understood that the detailed language in the current City Charter would be replaced by more general regulations so that the details could be addressed in a Local Preference policy that would be developed as an offshoot of the measure by the City Council. **Johnson:** Pulling the question off the ballot and referring it to a later election would be the best thing to do. Could the proposition simply remain incorrectly numbered and, thus, become invalid? **Files** agreed to research the matter and provide information to the City Council prior to tomorrow's meeting.

Watson commented on the reasons for using more general language, noting that the State will not object to local preference if it abides by State law, which prohibits its use for construction projects and certain professional services, such as, engineering and architectural contracts. **Mayor Krieger:** The proposed language would mandate local preference without specifying the criteria for giving local preference; that criteria would be developed by the City Council later. **Watson:** Since the adoption of the current language in 1981, court cases have arisen that modify how local preference can be used. The *Editor's Note* included in this section of the City Charter addresses the State's concerns with regard to the City's adoption of local preference in 1981; the State limited the City's ability to implement the 1981 City Charter change.

Mayor Krieger: A more general mandate for local preference allows each new Council to change the specific criteria, as needed at that time. **Files:** The wording would require the development of guidelines so that it precludes arbitrary implementation, and, because the guidelines would be developed by the City Council, they would not require voter approval. An argument could be made that because the criteria was spelled out in previous language, a precedent has been set; however,

it's rebuttal is also valid – that the proposed language gives the City Council the authority to establish a local preference policy.

Johnson asked for a roll call vote on this item at tomorrow's meeting.

III. ARIZONA PUBLIC SERVICE (APS) YUMA LINE SITING

Andrea Beresnek, local government liaison for APS, stated that it is important to APS that it be an active contributing member of the community and take the community's desires into consideration in its planning.

Greg Bernosky, Senior Project Manager, APS Transmission and Facility Siting, described the details of the North Gila to TS8 [Line] Siting Project (NG-TS8).

- *APS is planning the installation of high voltage infrastructure in the Yuma area.*
 - North Gila Substation site: in the vicinity of County 6th Street and Avenue 8½ E
 - TS8 Substation site: in the vicinity of Avenue 4E and County 14th Street
 - Yucca Power Plant site: 8th Street and Somerton Avenue
- NG-TS8 was initiated in 2007; a number of public meetings took place and several possible routes were considered. However, it was put on hold in 2008 due to slowing regional growth and decreased demand. A delay in the completion of a large-capacity connecting line [Palo Verde to North Gila #2 500 kV (kilovolt) project] also played a part. NG-TS8 needs to be completed in the same timeframe as this other project.
- NG-TS8 has been re-initiated and APS has begun its extensive public outreach program which will culminate in its recommendation of the route of the new line.
 - Ultimately, the Arizona Corporation Commission will decide the route.
 - The project now includes an additional line segment not in the original NG-TS9 project from TS8 to the Yucca Power Plant.
- Project description:
 - Double-circuit capable 230 kV transmission line
 - Connections to North Gila and Yuma Substations
 - Construction of new 230/69kV substation at TS8 site
 - Steel monopole structures, typically 130-150 feet high
 - Sited in 100-foot, shared-use right-of-way areas
 - Possible co-location of existing and future APS 69kV facilities
- Project justification
 - Needed to supplement existing 68kV system when the Palo Verde – North Gila #2 500kV line is in service
 - Increases reliability and electric load serving capability in the area
 - Provides opportunities to integrate renewable generation resources into electric system, such as solar power generated locally

Bernosky discussed the facilities envisioned in APS' ten year plan. APS is in the initial stages of its public outreach program. Yuma County officials have been briefed, as well as Yuma Marine Corps Air Station officers. Newsletters will be sent to the existing and expanded list of stakeholders. The State Land Department will be briefed. Public open houses are scheduled and the project will have a dedicated telephone line and web page. Typically, a number of factors must

be balanced in deciding the location of a new line, including regulatory requirements, land acquisition, cost, engineering, environmental issues, and, not least, public acceptability. APS hopes to collect information/data and identify a preferred route this spring with the intention of submitting its Certificate of Environmental Compatibility (CEC) application to the Arizona Corporation Commission (ACC) this summer. This schedule would allow ACC Line Siting Hearings to take place this fall. Opportunities for comment will be occurring throughout the process.

In response to Watson, **Bernosky** noted that the siting of the lines along County 14th Street would not preclude its development as a major transportation loop. APS would seek to overlap and consolidate needed easements to mitigate the impact on nearby property owners. **Watson** urged APS to fully discuss those considerations with City staff.

In response to McClendon, **Bernosky** indicated that the public comments made and information gathered during the 2007 public outreach program will become a part of this project. **James Valenzuela, Sr.**, APS, Director of Southern Arizona Energy Delivery, stated that the former process has not been lost, but APS needs to take into consideration anything that might have changed in the interim.

In response to Mayor Krieger, **Watson** stated that City staff remains in constant contact with other agencies in the area to make sure others are aware of the City's planning and to keep the City informed of other's plans. **Valenzuela** underscored the need for open, transparent planning and effective communication.

IV. CENSUS 2010 COMPLETE COUNT COMMITTEE

Edward Thomas, Vice Chair of the Census 2010 Complete Count Committee, explained that the U.S. Constitution requires a national census every ten years to determine congressional representation. The count is also tied to state and federal funding and assists local governments in planning for the future. The information is also used in state redistricting. Therefore, a complete count is very important. The census is easy (10 simple questions) and safe (the information is protected). Yuma's Complete Count Committee consists of 18 volunteers who have been working in the community to make sure everyone fully participates. **Thomas** showed a public service video clip, *Yuma Is Counting on You*, being used locally. The video presentation included Mayor Krieger's proclamation of March, 2010 as Census Month.

Thomas noted that all Census representatives will have identification. A website is available for those who want more information.

In response to Mayor Krieger, **Thomas** noted that if census forms are incomplete or not returned, a Census representative will visit the address. **Watson**: A more detailed census form comes out later; the census form being delivered April 1, 2010 is a simple head count.

V. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Hoogendoorn reported to the City Council on the status of the development of the 2010 Community Development Block Grant (CDBG) Action Plan, for Fiscal Year 2010-2011, as follows:

- Purpose of CDBG – defined by the U.S. Department of Housing and Urban Development (HUD) as a program intended to benefit low to moderate income (LMI) families.
- Low to moderate income in 2010-2011 program year: \$35,750 or less for a family of four
- The 2010 CDBG Action Plan is the City’s plan for how it will spend HUD funding, in accordance with HUD guidelines, in the upcoming year; the Action Plan must be approved by the City Council prior to submission to HUD for its approval.
- Estimated 2010-2011 allocation: \$935,522
- Estimated 2010-2011 program income: \$31,655
- CDBG allocations peaked in 2003; currently, allocations are at 1994 levels.
- CDBG expenditures are restricted by CDBG program requirements resulting in the following estimates for next year:
 - \$183,435 for Planning and General Administration
 - \$145,407 for Public Service activities
 - \$541,619 must benefit LMI residents over a 3-year period
- Priorities for the 2010 Action Plan
 - Taken from the City’s Consolidated Plan; not all priorities listed in the Consolidate Plan are addressed in any given year; however, they all should be addressed within the three-year span of the plan.
 - Highest priority: Yuma High Neighborhood Revitalization
 - Improve housing conditions
 - Encourage affordable housing development
 - Provide new homeowner opportunities for LMI
 - Code enforcement/rental inspection
 - Neighborhood outreach
 - Develop/improve facilities where services are provided to special needs population
 - Neighborhood public facility improvements
 - Fair housing activities
 - Improve conditions for LMI households – citywide
 - Energy efficiency enhancements to increase long term affordability and/or improve sustainability
 - Public improvements to LMI areas.
 - Public services to LMI
 - Neighborhood outreach
 - Lifeskills and employment training
 - Financial literacy
 - Drug abuse prevention/counseling
 - Homeless services

Hoogendoorn identified the seven members on the 2010 CDBG Citizen Advisory Council and introduced Kenneth Ham, the Committee Chair, and outlined the criteria used by this ad hoc committee and staff in making its recommendations. She presented the Citizen Advisory Council recommendations and City staff’s recommendations, noting that they differ slightly. It was a difficult year for major projects, given the amount of funding. The Action Plan development process began with a public hearing in December, 2009, followed by mandatory technical assistance workshops for those interested. The deadline for receipt of an application was January 13, 2010; 17

proposals were submitted. Each applicant was required to present their request to the Citizen Advisory Council, prior to the committee and staff making their recommendations.

2010 CDBG Action Plan

Housing and Neighborhood Revitalization - total	\$601,299
▪ Home Accessibility Modification – SMILE	94,500
▪ Housing Rehabilitation – NS	200,000
▪ Code Enforcement/Rental Inspection – NS	75,304
▪ Affordable Housing Acquisition & Rehabilitation – YNDO	110,000
▪ IDA Homeownership Program - YNDO	46,495
▪ 1 st Street Housing Project – the Excel Group	75,000
Neighborhood Economic Development - total	37,036
▪ IDA Microenterprise Program – YDO	37,036
Neighborhood and Community Services - total	135,407
▪ MLK Center Operations – NS	66,407
▪ Fair Housing – NS	19,740
▪ Neighborhood Outreach – NS	23,000
▪ Financial Literacy Academy – NS	12,000
▪ Our Future, Our Children – Regional Center for Border Health	14,260
General Administration and Planning - total	193,435
Total Activities for 2010	967,177
Funds not programmed	0
Total Uses	967,177
2010 Entitlement	935,522
Estimated 2010 Program Income	31,655
Total Funds Available	\$967,177

YNDO = Yuma Neighborhood Development Organization
 NS = City of Yuma, Neighborhood Services Division

Final steps in the process include publication of the 2010 CDBG Action Plan in the Yuma Sun and Bajo el Sol (Spanish), which begins a 30-day public comment period. The comment period will be followed by a City Council Public Hearing prior to its adoption, which is anticipated to be on April 24, 2010. The approved Action Plan will be submitted to HUD by May 15, 2010, with grantee Subrecipient Agreements before the City Council for approval in June. Funding should be received from HUD and available to recipients by July 1, 2010.

Discussion

- The designation of a neighborhood as an official revitalization area doesn't expire, as such; revitalization ends when its goals have been accomplished. Staff anticipates that it will take approximately three years to complete the Yuma High Neighborhood Revitalization effort.
- Concerning two priorities identified in the Consolidated Plan – Drug Abuse Prevention and Counseling; and, Homeless Services – no individual or agency submitted a project directed toward these priorities.
 - Crossroads Mission did not submit an application; the deadline for the upcoming program has passed.

VI. CITY COUNCIL MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES

Kuiper briefed the City Council on proposed meeting procedures and public input guidelines, as follows:

- General provisions governing City Council meetings are set forth in Chapter 30 of the Yuma City Code.
 - Section 30-05 states that Robert's Rules of Order, newly revised, and its successors shall govern the proceedings, where applicable.
- The City's current policy in this regard was developed in 1999 and prescribes the following:
 - Use of Speaker Request Cards
 - Use of a timer
 - A prohibition on individuals speaking at both the introduction and adoption of an ordinance.
- In 2007, staff proposed a new policy; however, after considerable discussion, no specific guidelines or changes were adopted.
- This year, the City Clerk's Office is proposing a new policy
- Stipulations of the proposed policy:
 - Continued use of Speaker Request Cards, which can be filled out online, over the telephone or in person, prior to the City Council meeting in the Clerk's Office or at the rear of the City Council Chambers as early as 30 minutes prior to the start of the meeting.
 - Helps with the orderly procession of the meeting and provides the City Clerk's Office with accurate names.
 - Wording on the form has been revised to encourage speakers to address topics relevant to the City Council's responsibilities and asks the speaker if he/she has been in contact with any specific City employee about the issue, which is intended to help the City Clerk's Office help the speaker on a more personal level.
 - Eliminates the use of time limits as a general rule, with the caveat that the presiding officer may choose to use a timer based on the number of speakers and/or issues before the City Council at that meeting; a majority of the City Councilmembers can, by vote, institute the use of a timer during a meeting.
 - Public input would be allowed at several points in the meeting:
 - Call to the Public
 - Resolution Consent Agenda
 - Adoption of Ordinances Consent Agenda
 - Introduction of Ordinances
 - Public Hearings
 - The proposed policy would allow individuals to speak at both the introduction and adoption of an ordinance, without restriction.
 - No separate discussion would be provided for items on the Motion Consent Agenda unless the item is removed for separate consideration by a member of the City Council; City staff would need to be made aware of any Motion Consent Agenda items that City Councilmembers intend to pull for separate consideration prior to the meeting to facilitate taking Speaker Request Cards.
 - Call to the Public (CTP)
 - Not statutorily required; provided for in Yuma City Code
 - Intended to focus on items not on the meeting agenda
 - Encourages individuals to address programs, services and activities relevant to the City of Yuma

- At its conclusion, City Councilmembers cannot discuss, deliberate or decide on a matter brought up at the CTP because the matter has not received the required public notices. City Councilmembers may only:
 - Respond to criticism
 - Request the City Administrator to review the issue
 - Request that the issue be placed on a future City Council agenda
- Rules of Decorum
 - The presiding officer would have the responsibility of maintaining control of the meetings.
 - Comments are to be directed to the City Council – not to City staff or the public at large.
 - Good conduct and courtesy are required.
 - No personal attacks are allowed.
 - Speakers must refrain from abusive and/or slanderous remarks, disruptive outbursts, applause, stamping of the feet, et cetera.
 - Hand-held signs are prohibited for safety reasons and to allow all a clear view of the proceedings.
 - Large groups are encouraged to designate a spokesperson.
- Distribution of Materials to the City Council by the Public
 - The City Clerk's Office is asking that 12 copies (for all seven City Councilmembers, a public record copy, a copy of the Mayor and City Council Offices, the City Administrator and the City Attorney) of any materials be delivered to the Clerk 48 hours in advance.
 - Based on the complexity of the issue and/or the complexity of the information, getting written information prior to a meeting would allow City Councilmembers and staff to fully understand the issue.
 - Irregardless, documents for distribution will be accepted at a meeting.

Kuiper noted that the City Council will have this policy before it at its March 17, 2010 Regular City Council Meeting for approval.

Mayor Krieger stated that the best way to get information to the City Council is through the City Clerk's Office so it can be properly handled, affording all City Councilmembers the same information. On another front, the City's television audience has questioned the use of cell phones during a meeting. Therefore, he asked that cell phones be turned off during meetings.

VII. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION

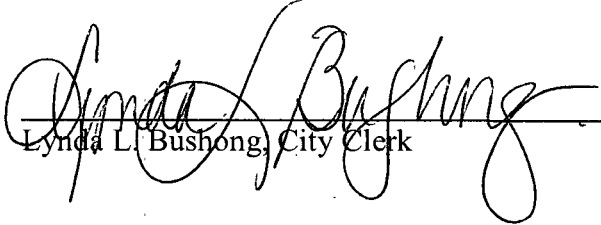
Beeson asked that the proceedings of the Roundtable/Special Worksession be a future agenda discussion item.

Johnson reported on a meeting of the State Rural Transportation Advocate Council meeting last week. The main topic was the allocation of Federal stimulus funds to rural Arizona areas.

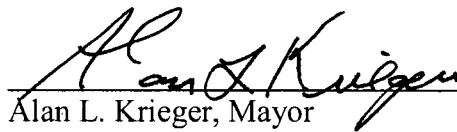
Mayor Krieger reported on a recent meeting of the Wellton Mohawk Irrigation and Drainage District. The main topic was the releases of water from the Painted Rock dam that will affect the quantity of water flowing through the Gila River.

VIII. ADJOURNMENT/EXECUTIVE SESSION

Motion (Johnson/Beeson): To adjourn to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:31 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
July 7-2010
Deputy
City Clerk: 