

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**AUGUST 18, 2010**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Vince Harmon**, Pastor of Christ Lutheran Church, gave the invocation. **Johnson** led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Police Chief, Jerry Geier  
City Attorney, Steven W. Moore  
Various Department Heads or their representative  
City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Krieger** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

- **Police Chief Geier** introduced two new additions to the K-9 Unit:
  - Officer Morgan Patterson handler of K-9 Officer Grumphy
  - Officer Shawn Bledsoe handler of K-9 Officer Troy
- **Wilkinson** recognized City employee, Julie Pilkington, for completing 5 years service to the City.

**I. CALL TO THE PUBLIC**

**Manuel Jaramillo**, 1038 S. 2<sup>nd</sup> Avenue, expressed concern that City Code Enforcement gave permission to a resident in his neighborhood to conduct business that disturbs the peace and quiet of the neighborhood. He asked the City to put a stop to the business. **Wilkinson** asked for a contact number, saying staff would look into the issue.

**Shereen Khan-Guinn**, 560 E. Palo Verde, apologized for language she used at the past meeting. She stated prior statements made by City officials and staff are inaccurate. Furthermore, she stated documents have been created, are fraudulent and prove that no reports were taken in this case; she has requested a meeting with the Yuma Police Department Records Division. **Moore** stated that Guinn's allegations have been reviewed by various law enforcement agencies, including the Yuma Police Department (YPD). A list of documents in YPD files was provided to the Guinn's and the contents have been made available. The Guinn's have been provided everything they requested that is within the City's possession. Documents

from other law enforcement agencies will have to be obtained by the Guinn's from those agencies; the City Attorney's Office will not request the documentation.

**Wilkinson** stated the City has reviewed all the documentation provided to the Guinn's; no further action will be taken. He offered a copy of the letter, dated April 11, 1995, to the Guinn's indicating all of the documents were reviewed by the former City Administrator.

## II. MOTION CONSENT AGENDA

**Motion** (Johnson/McClendon): To withdraw Motion Consent Agenda Item B.4 (Infrastructure and Services Report for Annexation Area A2010-05 Castle View North) and the introduction of Ordinance O2010-44 (Annexation Area A2010-05 Castle View North) at the request of the applicant. Voice vote: **approved 7-0.**

**Motion** (McClendon/Beeson): To adopt the Motion Consent Agenda as recommended, with the exception of Item B.7 which was removed for separate discussion by Brooks-Gurrola. Voice vote: **approved 7-0.**

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

Regular Council Meeting	May 5, 2010
Special Worksession	May 25, 2010

### 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). (Atty)
2. Award to the lowest responsive/responsible bidder for Joe Henry Restroom Replacement and Parking Lot Improvements at a total cost of \$610,757.26 to Lococo Pilkington Construction, Yuma, Arizona. (Bid #2010000386) (Eng)
3. Authorize staff to purchase vehicles for use by the Police Department utilizing a cooperative purchase agreement originated by the State of Arizona at a total cost of \$73,281.86, utilizing City funds, and funds from a Selective Traffic Enforcement Program grant and a DUI Enforcement Program grant, with Midway Chevrolet, Phoenix, Arizona. (#2011000040) (PD/Fleet Services)
4. Withdrawn by applicant; see above.
5. Authorize execution of the contract with the Arizona Department of Corrections (ADOC) for inmate labor for the Public Works and Parks & Recreation Departments. (Bid #2011000099) (PW/Parks & Rec)
6. Authorize the City Administrator to enter into an agreement with the Governor's Office of Economic Recovery and the Yuma Police Department for reimbursement of funds expended for overtime and equipment in support of the Border Security Enhancement Program. (Police/Patrol)
7. Removed for separate consideration; see below.

**Motion Consent Agenda Item Removed for Separate Consideration**

- B.7.** Authorize the City Administrator to negotiate an agreement with the Yuma Metropolitan Planning Organization (YMPO) to assist with the continuation of YCAT. The agreement would provide the first quarter funding (3 months) in the amount of \$54,376.93. (Admin)

**Beeson** asked if the City Administrator's evaluation of the YMPO funding has changed. **Wilkinson** clarified that this item is a reconsideration of the original recommendation. Although there is reservation regarding the support of their funding, Wilkinson stated the key is 'fixing' YMPO.

**Stuart** asked whether a negotiated contract would come before the City Council for approval. **Mayor Krieger** stated City Council is only voting to reconsider the issue. This is the first step in reconsideration; if it fails the City Council will do nothing more.

**Speakers**

**Star Smith**, 910 E. 25<sup>th</sup> Place, stated she is a local teacher and has been riding to and from work on YCAT for 2 ½ years, it has given her the opportunity to see first hand the impact YCAT has in the community. With today's economy, people get jobs wherever employment can be found and not all families have a car; the bus enables those people to continue working. YCAT transports students to school, people to work and grandparents are able to spend time with their grandchildren without feeling like a burden. YCAT is a necessity for those who require medical care to make their appointments. The residents of Yuma are asking to keep their jobs, their schooling and their independence. YMPO should be evaluated but not eliminated.

**Chris Farrar**, no address provided, noted that at a recent meeting, the Mayor stated only 200 to 300 people in the City ride the YCAT. Taxpayers ride YCAT. Farrar distributed pictures showing buses almost full. He reminded the City Council if the YCAT is shut down, the City could be liable for additional costs. **Mayor Krieger** apologized for his misstatement; there are approximately 1,500 people who ride the bus in the City of Yuma.

**Gary Wright**, 2240 Elks Lane #27, stated he understands the jurisdiction of the City Council concerning YCAT; however, the City Council must think ahead and decide where it wants public transportation to be. The City must create workable plans and ideas that will lead into the future. The YMPO Executive Board allowed YCAT to operate without yearly audits, and failed to take action when conditions of weakness were reported. Why weren't internal accounting practices and controls implemented for YCAT? The bus routes are impractical, wasteful and without internal passenger tracking systems. Partnerships with the cities, towns, Yuma County and schools should be sought to lower operational costs. A Yuma Transportation Commission should be created with representatives from all the partnerships involved.

**Johnson** asked Wright for his email address to allow him to respond to his questions.

**Ellen McCluskey**, 685 S. 19<sup>th</sup> Avenue, stated the community needs a transportation system; however, the current system needs to be revised.

**Fernando Molina**, 4719 W. 4<sup>th</sup> Place, stated the residents of the City of Yuma are taxpayers and shutting down YCAT will slow economic recovery. Those who depend on YCAT to get to work will lose their jobs and become dependant on the State for medical care, food stamps and unemployment benefits. YCAT is not a luxury, but a necessity.

**Molly Kelly**, 3177 W. 26<sup>th</sup> Street, as the Principal of Aztec High School she reported there are 70 students who use the YCAT to get to school. Unused routes should be cut and operational hours shortened during the times of day when the buses are not in use. The City should be able to provide transportation to its citizens at a reasonable cost without completely shutting down YCAT. As long as the bus is available, Aztec High School will continue to put students on the bus. **Mayor Krieger** asked how the students were transported before YCAT. **Kelly** stated the school paid two bus drivers to operate school-owned buses. However, given the economy and cost of the service, that is no longer an option.

**Yira Hoffmann**, 14390 S. Avenue 2¼ E, stated that she has observed that on most buses traveling within the city limits there are no more than three riders. As a small business owner, she understands that when there is no money in your budget, you can't spend. She encouraged the City Council to come to an agreement that is in the best interests of the residents of the City of Yuma.

**Katelyn Braman**, no address provided, stated she is a full time student who utilizes YCAT. She asked if the money being used to tear up the roads could be redirected and used to support YCAT. I don't understand why the City wants to get rid of the transportation system. Without YCAT, many people will become homebound and obese - a problem already seen in today's society. **Johnson** answered Braman by stating the funds used for construction of the roads come from Highway User Revenue Funds (HURF); State and Federal laws specifically prohibit their use for transit.

#### Discussion

**Mayor Krieger** stated the City is facing the same predicament individuals are facing; the City has no money. The amount YMPO is currently requesting is above what the City has in the budget and the amount keeps increasing. The YCAT is looking at a \$3.2 million operation, which is quite expensive in comparison to the amount of riders.

**Brooks-Gurrola** inquired about the conflicting dollar amounts. **Charlene Fitzgerald**, YMPO Executive Director, stated the contractors' invoicing has been received, and the total amount of the City's portion is based on population. If the City does not participate in funding, YMPO will lose the City's portion of its in-kind match. The differing amounts reflect what the City would have to pay if they were going to continue funding and what is owed if they decide to pull out. **Brooks-Gurrola** stated the paperwork does not specifically mention charges if City funding is not provided. **Fitzgerald** stated beginning in April 2010, the YMPO Executive Board was presented various scenarios relating to continued funding, lack of funding and closing costs if YCAT were to be terminated. Each member was asked to take the numbers back to their respective entities. Continued funding would be needed even if YCAT shuts down because of the need to pay closing costs. YMPO has requested that each entity continue funding at prior year levels; an increase in funding has not been made in years. YMPO has been operating in a deficit for Federal in-kind match money; therefore, YMPO lowered the Federal amount and raised the local match. The rundown of costs will be presented to the YMPO Executive Board at their meeting tomorrow. Closing fees for just the City's portion will be discussed; there would also be costs to remove the bus shelters and placards. In addition to the City of Yuma's 1,600 citizens who ride the bus, 3,000 utilize Dial-a-Ride.

**Brooks-Gurrola** asked what the exact cost would be to the City if funding were not continued. **Fitzgerald** stated the City would be responsible for a portion of the closing costs, which are estimated to be over \$360,000. There are also FTA penalties, which is an additional cost. **Brooks-Gurrola** asked if there is a contract between YMPO and the City. **Fitzgerald** stated there are intergovernmental agreements between

YMPO and each entity forming YMPO. Yearly funding is delegated through resolutions. **Brooks-Gurrola** requested a copy of the agreement.

**Johnson** clarified that City Council's decision is to reconsider funding. Closure of YCAT is a decision for the YMPO Executive Board. A presentation at the last YMPO meeting indicating YCAT and Dial-a-Ride can continue to operate without funding from the City, but there will be reduced services and expenses. He asked Fitzgerald if the YMPO Board decided to continue the YCAT/Dial-a-Ride programs without services in the City – there would not be any shut down costs or penalties from the FTA. **Fitzgerald**: Correct; however, the City would still owe the portion that is due for the operations of July and August, 2010.

**Mayor Krieger** asked which agreement Fitzgerald is referring to. **Fitzgerald** stated agreements are through resolutions and intergovernmental agreements. The costs were discussed at the YMPO Board meetings. **Mayor Krieger** stated that YMPO is a metropolitan planning organization - that is its primary function and that is the service the City budgeted for. The money given to YMPO for the YCAT was pass-through money from the State given to the City and redirected to YMPO. **Fitzgerald** disagreed. The City allocated LTAF II funding in the amount of \$151,000 for YCAT and \$101,000 for YMPO. **Mayor Krieger**: The State has cut the LTAF II funds; if the City doesn't receive the money, it can't be given to YMPO. What are the terms of the contract? **Fitzgerald** stated she did not know offhand, however, she would forward a copy to the City Council.

**Johnson**: When was the agreement signed? **Fitzgerald** stated she didn't know the details of the agreement, but it has been in effect during her employment with Arizona Department of Transportation. YMPO has consistently requested resolutions be signed annually to continue funding. Each year the funding from the City remained at \$151,000 which is the reason YMPO requested that amount be continued.

**Beeson** asked the City Clerk to read some comments that had been turned in by members of the public. **Bushong** stated that the author's name is unknown. **Mayor Krieger** objected to reading anonymous comments. **Beeson** noted he knows who the author is. **Mayor Krieger** allowed the reading.

**Bushong** read the statement attached hereto as Attachment A and by this reference made a part hereof.

**Beeson** stated the YMPO agenda item calls for quarterly funding. If \$217,000 isn't sufficient, it should be evident within the next three months. At that time, would the City Council have the option to continue or cease funding? **Wilkinson**: Yes, if that were the desire of City Council. **Beeson** asked if the requested amount could be accommodated in the budget. **Wilkinson** stated his concern is with the budget authority. The Emergency Fund balance is \$400,000, funding YCAT would consume more than half the account and leave an alarmingly low balance.

**Johnson** stated he is unaware of an annual intergovernmental agreement or memorandum. The only agreement is the one establishing the YMPO in 1982. The transit system didn't start until 1998. He asked the City Attorney if he recalls an agreement providing funding for YCAT. **Moore** stated an annual resolution is adopted to pass through LTAF II monies, although there may have been other circumstances that required an IGA or an MOU, he is unaware of any.

**McClendon** asked if there was a separate line item in the budget specifically designating \$151,000 to YCAT. **Wilkinson**: No. YMPO requested the City to keep the same level of funding for YMPO, and the City did that by allocating \$151,000 of HURF funds to YMPO; however, HURF funds cannot be used for transit. To date, no City of Yuma General Fund dollars have gone to YMPO for transit services or YCAT.

**McClendon** asked if Contingency Fund money was used, how it would be replenished? **Wilkinson:** A certain amount of money is placed in the contingency fund annually for emergencies. If any amount is deducted from the fund, the City will be left with the remainder of the funding to cover costs to the end of the fiscal year. **McClendon** stated that \$54,000 will not be enough and the City Council will be facing the same situation in three months. If the City funds YCAT at \$217,000, where will the money come from next year? Will City employees have to be furloughed? **Wilkinson:** Each budget cycle starts fresh every year based upon projected revenues. When the State Legislature goes back into session, legislators may try to cut cities revenues to cover the State's shortages. The concern is getting through the current fiscal year if a catastrophe were to happen.

**Mayor Krieger** stated that when the \$217,000 is spent, it's gone. There is a percentage that will be allotted to the Contingency Fund out of the General Fund. That amount is based on what was used in past years. Storm damage and recovery can surpass \$100,000 quickly, which may or may not be recouped through Federal Emergency Management Agency funds. If \$217,000 is spent this year, it can't be replaced this year. This year's budget is bare bones and next year will be worse because the State Shared Revenue cycle runs two years in arrears. The City must watch every dollar just like everyone else.

**Johnson:** State law prohibits an increase in the budget once it's adopted. The Contingency Fund has \$400,000 for emergencies; taking \$217,000 would leave a balance of \$183,000. If an emergency were to occur and the cost amounted to more than what is in the contingency fund, would the employees have to be furloughed? If the City spends over the budget cap, it will be subjected to a stiff penalty from the Auditor General's Office. **Wilkinson:** The City will not spend over its budget authority because the penalties are too great; money would have to be cut from other accounts in various departments to obtain the additional funds needed. The situation would have to be handled as it happens.

**Stuart:** If an incident occurs that costs more than \$400,000 the City would find the money elsewhere in its budget as long as the budget cap was not exceeded. Several points that are germane to the issue are accountability, responsibility and obligation. Everyone in the City of Yuma is a taxpayer; the City has a fiduciary responsibility to be accountable to all the taxpayers. There has not been the accountability regarding the financial issues of YMPO. If the City Council reconsiders funding YCAT, staff needs to request performance standards from YMPO along with all the documents from the YMPO office. The City Council has an obligation to review the paperwork and ensure everyone is on the same page. The reconsideration should be revisited only upon City Council reviewing all the documents YMPO has. Three months is sufficient for YMPO to provide the requested documents and present the information to City Council for a final decision.

**Mayor Krieger** agreed; however, the YMPO Board should bear the responsibility. He would be willing to copy Stuart in his correspondence as well as work with him to get the answers.

**Mendoza** stated that no City contract with YMPO has been forthcoming. One month ago the City Council voted to terminate the funding for YCAT; however, the City Council is now looking to reconsider the previous action. Since the last meeting, feedback has been received from the public based upon the information the media has provided. The areas of concern are that LTAF II monies are no longer available, there are not enough riders, there are too many routes, and YCAT's financial mismanagement. In riding YCAT firsthand, he witnessed taxi cabs taking fares from the bus stops - taxi cabs based out of San Luis, Arizona but licensed to operate within the City of Yuma. He suggested the immediate replacement of the YMPO Executive Director with one who has experience in public transit. The YMPO Executive Board is too big; there should only be one elected official per entity and one citizen at large per municipality. An

immediate review of YMPO's business practices by an outside consultant should be conducted. Current and past YMPO Board members are responsible for the existing situation because they have been allowing YCAT's mismanagement to happen for years. He is considering whether to direct the City Administrator to draft a City ordinance prohibiting taxi cabs, or other vehicles for hire, from approaching and picking up persons waiting for publicly funded buses. He would like to see how much money fares contribute to the City. Advertising may help lower the amount of funding YCAT needs not only for the City of Yuma, but also for all the entities.

**Motion** (Mayor Krieger/Johnson): To not reconsider the YMPO agreement regarding YCAT.

**Johnson** stated that employees would have to be furloughed at least 3 days to make up \$217,000; he does not agree with requiring that.

Roll call vote: **adopted** 4-3; Stuart, Mendoza and Beeson voting nay.

### III. RESOLUTION CONSENT AGENDA

**Motion** (McClendon/Brooks-Gurrola): To withdraw Resolution R2010-45 (Declaration of Public Record of Yuma West Wetlands) due to necessary, minor agreement modifications. Voice vote: **approved** 7-0.

**Bushong** displayed the following titles:

#### **Resolution R2010-44**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development fees and Water and Sanitary Sewer Capacity fees for Cielo Verde Unit 2**

(Applicant: Cielo Verde Development Limited Partnership) (Eng)

**Motion** (McClendon/Johnson): To approve the Resolution R2010-44 as recommended. Roll call vote: **adopted** 7-0.

### IV. ADOPTION OF ORDINANCES CONSENT AGENDA

**Bushong** displayed the following titles:

#### **Ordinance O2010-37**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 112 of the Yuma City Code relating to graffiti and accessibility to graffiti implements, and providing a penalty for violations thereof**

(Police/Patrol)

#### **Ordinance O2010-38**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Low Density Residential (R-1-6) District to the General Commercial (B-2) District and amending the zoning map to conform thereto**

(Applicants: Adolfo and Irma Enriquez Garcia; property located: 1462 W. 8<sup>th</sup> Place aka 810 S. 14<sup>th</sup> Avenue) (DCD/Planning)

**Ordinance O2010-40**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the High Density Residential / Historic District Overlay (R-3/H) & General Commercial / Historic District Overlay (B-2/H) to the Medium Density Residential / Historic District Overlay (R-2/H) District and amending the zoning map to conform thereto**

(Property located: 780 – 792 S. 2<sup>nd</sup> Avenue) (DCD/Planning)

**Motion** (McClendon/Johnson): To adopt the Ordinance Consent Agenda as recommended. Roll call vote: **adopted 7-0.**

**V. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following titles:

**Ordinance O2010-41**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway, drainage and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcels of real property**

(Right-of-way acquisition: Avenue 7E) (Eng)

**Ordinance O2010-42**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the amendment of Ordinance No. O2008-16 to correct scrivener's errors contained therein**

(Correct scrivener's error for sanitary sewer easement descriptions) (Eng)

**Ordinance O2010-45**

**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 changes to the Zoning Code to create the Low Density Single Family Residential District (R-1-5), and providing penalties for violations thereof**

(Z2010-007) (DCD/Planning)

**Ordinance O2010-46**

**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 changes to the Zoning Code to create the Medium Density Single Family Residential (R-2-5) district, and providing penalties for violations thereof**

(Z2010-008) (DCD/Planning)

**Ordinance O2010-47**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, of the Yuma City Code, Chapter 133, Noise Control and providing penalties for the violations thereof.**

(Amendment reflects standards based on measurement of decibels levels of electronically amplified sound) (Attny)

**VI. PUBLIC HEARINGS - none**

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Mayor Krieger/McClendon): To suspend all future scheduled Special Worksession/Roundtables until further action of the City Council. Voice vote: **approved** 6-1; Mendoza voting nay.

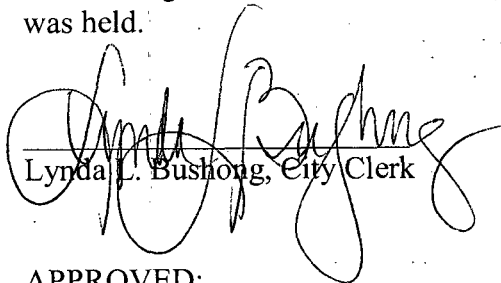
**VIII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** reminded the public of the following items:

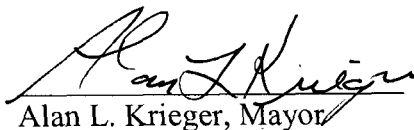
- Upcoming power outage at 32<sup>nd</sup> Street and Avenue 3E that will affect traffic lights. Arizona Department of Public Safety, Highway Patrol will provide traffic control and YPD will be on call to assist.
- August 23 through September 8, 2010 inline hockey session for children at the Civic Center from 6-7:30 p.m.
- Staff is in the process of revamping the City's website making it easier for customers to navigate. The redesign will take approximately six months to complete.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Krieger** adjourned the meeting at 7:34 p.m. No Executive Session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of:  
December 15, 2010  
City Clerk: Janet Pierson  
Deputy City Clerk

With the issue of YCA

In the last few months, we have seen articles about YCAT, how its losing money, and people wanting to end YCAT as we know it.

I know there is a lot involved with YCAT Grant money, what happens to the buses, do they just sit there and do nothing? Would we still have to pay insurance on them? Do we still have to maintain them?

So if I AM going to complain. I must come up with ideas or solutions.  
These are what I came up with:

Can Yuma Co, help with the cost of operation and maintaining of the buses?  
Haven't Somerton, SanLuis, and Wellton already agreed to help with funding?

Can we use the YCAT vehicles to help the overloaded school buses?

What is stopping us from advertising on the bodies of the YCAT buses and not just the windows?

Why can't we advertise on the benches and shades at the bus stops.

Why not stop or cut the routes that are cost prohibitive?

Print the routes of YCAT in the paper daily so people know which bus to take.

I don't know what bus to take from the Kofa High area to the Yuma Palms Mall or to go to old downtown.

This might get people to take the buses to and from places during the wintertime as well as our year round user

Maybe a survey of needed stops and times to run the route would help get cost effective routes. During summer months routes may need to adjust, as the number of riders go down.

In closing, I assure you, that there are people watching all the empty or almost empty buses going by.

We need to remember this about tax payers money, and we have to use it the best way we know how.

And in closing I like to thank you for your time

G. D. H.