

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 2, 2011
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Phil Courtney, Pastor of First Presbyterian Church, gave the invocation. **Jack McArthur**, Fire Chief led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
City Attorney, Steven W. Moore
Director of Engineering, Paul E. Brooberg
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 - none

I. CALL TO THE PUBLIC

John Pugliese, 10412 S. Avendia La Primera, General Manager of Foxworth Galbraith, expressed his concern with the lack of job growth in the City of Yuma and in Yuma County. He, like many employers, has drastically reduced his manpower over the last three years. A discussion on impact fees could provide hope for job growth in Yuma.

Brandon Kinsey, 7874 E. 26th Street, a partner in the Law Firm of Garcia, Hengl, Kinsey, Farrar and Villareal, stated he has been practicing law in Yuma for five years. One of his first projects was revising the Impact Fee ordinance. Four years ago there was a significant amount of work related to development but since the economic downturn those cases have become non-existent. The Impact Fees are a deciding factor for development to come into Yuma. He suggested the City review how the Impact Fees were established four years ago, determine if the methodology is appropriate today, and consider lowering the fees. He requested the City Council add Impact Fees as a point of discussion to a future agenda.

Liddy Causey, 2110 S. Roadrunner Avenue, stated that at the last City Council meeting, those people who spoke in support of trap-neuter-release (TNR) were given the third degree whereas those who were against TNR were not; people are very nervous speaking to the City Council so grilling them on personal opinions was inappropriate. Causey expressed her concern of the innuendo that she disregarded human life; she stated she is

a nurse who values life very much. It is her opinion that the City Council would allow open season on feral cats if they could.

Mary Ann Easterday, 3359 S. 15th Avenue, stated that although the State of Arizona voted yes on Medical Marijuana - Proposition 203, Yuma County did not. A similar situation occurred in Douglas County, Colorado, and they chose not to allow sales in that county. She suggested the City Council review that option for the City of Yuma. Also, an article was published in the *Yuma Daily Sun* regarding high school students taking prescription medication at school without knowing what it was. Unused, unwanted or expired medication can be dropped in a collection box located in the lobby of the Yuma Police Department. She urged people to take advantage of that service to keep medication out of children's hands.

Paul Muthart, 3576 W. 12th Lane, asked the City Council to revise the Impact Fees. The ordinance calls for a review every three years and that should have occurred in 2010, but it didn't. He urged City Council to review the methodology used to determine the fees and evaluate the reasons why the fees are collected.

Page Misenhimer, 3069 W. 12th Lane, President of Misenhimer, Aivazian and Tennant - Certified Public Accountants, stated that the firm doesn't represent developers; however, they do represent other businesses that have been affected by the economy. The concern related to Impact Fees is that the City has the potential to damage their reputation nationally by being known as an expensive city to do business. The City's cost through the fees is approximately \$10- \$12 per foot while other communities are \$1 per foot. If the City ruins its reputation nationally, it will not be looked at for future development. The City needs to find ways to stimulate growth, recover the thousands of jobs that were lost and prove that it's taking the steps necessary to be business friendly. He requested the issue of Impact Fees be placed on a future agenda.

Wilkinson stated the three-year review of the Impact Fees is due in December 2011. He has committed to review the Impact Fees and see what can be done. There is a valid reason for fees and through the review we will see if they can be modified.

II. MOTION CONSENT AGENDA

Motion (Stuart/McClendon): To adjourn to Executive Session, per A.R.S. §38-431.03 A (4), to discuss Item B.9. **Mayor Krieger** adjourned the meeting to Executive Session at 5:47 p.m. and reconvened at 6:06 p.m.

Motion (McClendon/Brooks): To adopt the Motion Consent Agenda, with the exception of Item B.9, which was pulled for separate consideration by McClendon. Voice vote: **approved 7-0.**

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

Regular Worksession	September 28, 2010
Special City Council Worksession/Retreat	October 26, 2010
Regular Worksession	November 30, 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). (Attny)

2. Approve a Special Event Liquor License application submitted by Kristan D. Sheppard, on behalf of the Yuma Visitors Bureau, for the Harvest Dinner and the 2011 Yuma Lettuce Days event. The event will be held at the Yuma Quartermaster Depot State Historic Park located at 201 N. 4th Avenue, on March 10, 2011 from 6:00 p.m. to 10:00 p.m.; March 11, 2011 from 12:00 p.m. to 5:00 p.m.; March 12, 2011 from 10:00 a.m. to 5:00 p.m.; and March 13, 2011 from 10:00 a.m. to 3:00 p.m. (SP11-18) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Carolyn Bennett, on behalf of the Yuma Fine Arts Association, Inc. for "A Taste of Fine Art." The fundraiser event will be held at the Yuma Art Center, 254 S. Main Street, on March 18, 2011 from 6:00 p.m. to 9:00 p.m. (SP11-19) (Admin/Clerk)
4. Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Service Vehicles. Approximately twenty (20) vehicles (Impalas) will be purchased during the first year of the contract at an estimated cost of \$425,019.00 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with the following firms Fisher Chevrolet, Yuma, Arizona 2) Camelback Ford, Phoenix, Arizona. (Bid #2011000256) (Fleet Svcs)
5. Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Motorcycles / Traffic Units. Approximately eight (8) motorcycles (Harleys) will be purchased during the first year of the contract at an estimated cost of \$223,377.21 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with Bobby's Territorial Harley-Davidson, Yuma, Arizona and Victory Police Motorcycles, LLC, Tucson, Arizona. (Bid #2011000280) (Police Department)
6. Award to the lowest responsive/responsible bidder for the Police Evidence Storage Facility, at a total cost of \$257,767.40, to LoCoco-Pilkington Construction dba LPC Yuma, Arizona. (Bid #2011000132) (Eng)
7. Authorize staff to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for Professional Engineering and Related Services on a Delivery Order Basis on City Of Yuma Projects Requiring Arizona Department of Transportation/ Federal Highway Administration Project Experience and Miscellaneous Grant Services with Principle Engineering Group, Inc., Yuma, Arizona; HDR Engineering, Inc., Phoenix, Arizona; and, Dibble Engineering, Phoenix, Arizona. (Bid # 2011000207) (Eng)
8. Approve an Infrastructure and Services Report for Annexation Area No. A2010-07, identified as the Johnson Trust Annexation, located at the southeast corner of Avenue 8½E and 32nd Street. (DCD/Planning)
9. Removed for separate consideration; see below.

Motion Consent Agenda Item Removed for Separate Consideration

B.9 Approval to reconsider the construction start date of the new 12" Watermain and Pavement Replacement Project on 5th Avenue, from 8th Street to 16th Street that was awarded to DPE Construction, Inc. (Admin)

Speaker

Katherine Martin, on behalf of Hector Hurtado, Business owner, 1426 S. 5th Avenue, stated that Mr. Hurtado is opposed to the current start date of construction on 5th Avenue because it will have a severe impact on his businesses, especially the accounting office. Mr. Hurtado is requesting the City Council leave the project start date as it was originally indicated but change the starting location to the north end of 5th Avenue.

Discussion

Beeson stated the issue regarding this project first came up in September when the business owners on 5th Avenue expressed their concerns because the construction project was slated to begin just before the winter visitor season, which would have been detrimental to their businesses. In response to those concerns, the start date was pushed back to April. The City received a new request to move the start date up 30 days, in order to save jobs in Yuma. While Beeson walked the affected area, he noted only a few business owners would be impacted; there are several vacant lots between 14th Street to 16th Street and several of the businesses are destination businesses. Most of the business owners stated that they were in agreement with getting the project started and over with. The City Council now has the opportunity to keep people working.

McClendon disagreed. She stated that her business thrives on winter trade; it has suffered through construction because people do detour automatically to avoid construction. The project can wait three weeks to allow the businesses to prosper while the winter visitors are still in the area. Besides, the winter visitors are starting to leave.

Stuart agreed with Councilmember McClendon, the project date should not be moved forward. The City Council pushed back the original start date with respect to the business owners wishes. Three weeks doesn't seem like much, but it is when it's your business. Yuma businesses survive through the summer on the business they do through the winter months. The City needs a policy on street construction, specifically to minimize the impact on businesses and residences in the community.

Mendoza stated he appreciates that the project is local, unlike the 16th Street project, which was an Arizona Department of Transportation project and they did not work with the business owners. No matter when a project begins, whether it is in the winter or the summer, you will not be able to make everyone happy. He stated that he has no problem with moving the project date up.

Mayor Krieger reminded City Council the reconsideration is for the start date of the project. Right now, it is 31 days until the project is slated to begin. Before the construction starts, the City Engineering Department will have a preconstruction meeting, then issue the Notice to Proceed. He stated the reconsideration date should start as soon as reasonably possibly. Once the Notice to Proceed is issued the contractor must begin work within 10 calendar days.

Johnson asked if a motion is made and passes to reconsider the start date, will the City Council vote on the date tonight or will it be voted on at the next meeting? **Moore** clarified that if the reconsideration is approved, the City Council may direct staff tonight to proceed with the contract immediately; it does not have to wait for the

next meeting. **Johnson** stated he understands the difficulties that road construction has on those local businesses that depend on winter commerce to get them through the summer months. However, these businesses are destination businesses; people do not get the urge to just stop by, they have intention to see an accountant or an engineer regardless of whether the street is under construction or not. If the City Council sets a policy to delay construction whenever it impacts a business, then essentially we are setting precedence that future construction projects may be restricted to five or six months during the year; or the projects may have to be broken up into smaller projects which would be costly and may result in many unfinished jobs.

Motion (Johnson/Beeson): To reconsider the construction start date on the 12" watermain and pavement replacement project on 5th Avenue from 8th Street to 16th Street that was awarded to DPE Construction.

Beeson reminded the City Council that the portion affected would be a block or two from 14th Street to 16th Street.

Mendoza stated that 5th Avenue between 16th Street and 14th Street is a two lane road and north of 14th Street is four lanes. The engineer can clarify where the waterline is located. There should still be three lanes open to keep the traffic flowing. **Broberg** stated the primary construction would be east of the centerline on the roadway, specifically between the centerline and the curb. There will be room for one lane of traffic in each direction on the west side while the contractor works on the east side.

Beeson asked how wide 14th Street is. **Broberg** stated it is 62-65 feet wide north of 14th Street and approximately 35 feet wide to the south of 14th Street.

Johnson stated construction projects are always inconvenient to locals, will there be efforts made to minimize the number of driveways closed during construction? **Broberg** stated the contractor is allowed to keep a minimal amount of open trench at one time and each driveway will be accessible from the roadway. The access will be required during the day as much as reasonably possible.

Johnson asked if the contractor is considering using steel plates to cover the trenches. **Broberg** stated that plating the roadway is not necessary because there is no extraordinary depth or width of the trench expected. The trench can be backfilled in the evening and reopened in the morning.

Voice vote: **approved** 5-2; McClendon and Stuart voting nay.

Mendoza asked how long the process is for issuing the Notice to Proceed. **Broberg** stated it depends on the start date that is negotiated between the City and the contractor. Construction could be underway in ten days if the contractor has all the documentation and material available for the project. A public meeting would be held beforehand, to introduce the residents and business owners to the contractor and determine which individual properties would be affected. Engineering would give the residents and business owners a four-day notice of the hearing and the construction could be anticipated to begin a day or two thereafter.

Beeson asked if a date has to be included in the motion. **Mayor Krieger** stated the motion can be date specific or it can direct staff to proceed immediately. **Beeson** stated that he would like to give staff the flexibility but if staff prefers a set date he could accommodate that. **Moore** stated by virtue of the previous vote, staff understands that City Council is giving direction to proceed along the normal lines that Engineering would, as immediate as possible. **Mayor Krieger** clarified that if staff were directed to issue the Notice to Proceed as soon as possible the project could begin in the next ten days; however, if the motion is date specific there would be additional lag time before the project could start.

Motion (Beeson/Mendoza): To direct staff to issue the Notice to Proceed as soon as possible. Roll call vote: **approved** 6-1; McClendon voting nay.

Wilkinson pointed out four of the motion consent agenda items included local vendors. He thanked the Purchasing Department for their efforts.

Mayor Krieger recognized Boy Scout Troop #8015 who is working on their citizenship in the community merit badge.

III. RESOLUTION CONSENT AGENDA - none

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

- A. Ordinance O2011-03 Animal Control Regulations Amend the Yuma City Code, Chapter 130, Section 001-999 pertaining to animal control regulations within City Limits. (Admin)

Speakers

Helen Mallernee, 1127 S. 20th Avenue, stated she is a winter visitor who owns her home in Yuma. Cats affect people's quality of life and safety; the sounds and smells are appalling. She asked for relief.

Bob Johnson, 1439 S. 35th Avenue, expressed his support of the feeding ban and the adoption of the Animal Control Regulations. There are areas that still need to be addressed, particularly related to TNR and feral cat colonies. He offered a list of suggestions for the City Council to consider.

McClendon: The City Council has stated several times they are looking for solutions to the problem; she commended Mr. Johnson for providing a list. She extended an invitation to Mr. Johnson to be a part of the committee once it is established to assist with solutions.

P.A. Birdick, P.O. Box 333, asked City Council if they considered what problems may occur if the feral cat population is drastically reduced. For example, at one time the coyote population was too high and once their population was reduced the rabbit populations increased; the rabbits then began destroying the bottoms of Saguaro cactus. Anything that is done will have advantages and disadvantages. Also, no other city in the State of Arizona requires cats to be licensed; however, this ordinance may set a precedent for other cities to starting doing so. This is a complicated issue and the decision should wait.

Kathleen Neeb, 2651 S. 8th Avenue, urged the City Council not to pass an ordinance that bans the feeding of stray cats. It is not the government's responsibility to restrict an act of human compassion. She stated that she read a copy of the ordinance, but is unaware if it was the most current version. Some of the issues that she has are as follows:

- Harnesses for cats - Cats climb by nature and could get caught up in trees, which is why most cats don't have collars.
- 24 hour check for traps -
 - Cats left in traps for a 24-hour period are subjected to the summer sun, which may result in the death of the cat.

- It would be more reasonable to require the person stay and monitor the trap the entire time to ensure the animals safety.
- The Humane Society stated they are receiving less kittens now than before, which means the efforts of TNR are starting to work.
- Making it illegal to post signs on the public thoroughfares for free kittens or puppies is unnecessary.

Cary Meister, 840 W. 19th Place, encouraged the City Council to keep the prohibition of feeding feral and stray cats unless they meet the conditions that are laid out in the ordinance. If a person cares enough to feed a cat then they should get it vaccinated, neutered and take it into their home or to the animal shelter. Feeding cats can also be hazardous to one's health because scratches and bites can transmit cat scratch fever and rabies. He prefers to have more proof that the TNR program will work in the Yuma area.

Thomas Smith, 1031 S. Brahma Lane, summarized an email he sent to City Councilmembers:

- The committee should be made up of voting and non-voting members consisting of residents, businesses, Yuma County Health Department, public agencies and agriculture.
- The residents have a hard time removing cats from their property because of the high cost of the traps and fees to the Humane Society.
 - Typically, it is more than one cat that needs to be removed.
 - The fee should be addressed in the next contract with the Humane Society.
- Cat license – People should license their cats but the price shouldn't be exuberant.
- He is opposed to TNR and cat colonies in residential areas.
 - Although immediate neighbors may be okay with feeding feral cats, the ones within the roaming range may not be.
- The Student Councilmember at last week's meeting reminded the community that there is greater accountability for pet ownership on the Marine Base
- There will always be cats in Yuma, but colonies are a different problem because they affect property owners.
 - Property owners should be afforded a way to alleviate the problem of feral cats.

Stuart noted there has been a minimum of twelve public meetings between City Council, City staff and the public regarding the Animal Control Regulations.

Motion (Stuart/Mendoza): To adopt Ordinance O2011-03, as recommended.

Discussion

Johnson stated that he received some unverified information showing that approximately 80 percent of the people in the United States that had to receive treatment for the prevention of rabies was a result of cat bites. It is a good idea to require vaccinations for feral cats. The ordinance is imperfect but it can change as the City learns what works and what doesn't. People can become attached to animals and it can be emotional when talking about issues like this. Other cities have feral cat ordinances relating to the treatment of animals that are far more stringent than what the City of Yuma is proposing. Yuma is a community of law abiders; therefore, enforcement will be the exception rather than a rule. He thanked the people who spoke for being civil.

Stuart compared the feeding ban with the jaywalking ordinance, although it exists and allows for high fines and imprisonment, it is not enforced. The City does not have the manpower to monitor who is feeding cats. People who are feeding cats probably won't get in trouble unless their neighbor complains.

McClendon asked the City Council and City staff to stay proactive in getting the committee put together to review the ordinance and work together to improve it. **B. Johnson** made a good point about including businesses and restaurants. The City needs to remind people to close their trash bins.

Mendoza stated the ordinance does not prohibit TNR, as a matter of fact Section 130-092 states TNR programs may be conducted with the organizations own funds. The City Council is compassionate, but all sides have to be weighed. Dozens of emails and personal contacts were received regarding this issue. The Police Department does not have the manpower to enforce the ordinance, and like many laws it may not be enforced unless it is reported.

Brooks stated she received emails from cat owners expressing their concern of putting collars on their cats; however, the amendment does exempt cats if they are implanted with a microchip by a veterinarian or a person working under the supervision of a veterinarian.

Bushong displayed the following titles:

Ordinance O2011-03

An ordinance of the City Council of the City of Yuma, Arizona, establishing Animal Control Regulations within the City limits by amending the Yuma City Code, Chapter 130, Sections 001-999 and all previous animal control ordinances

(Admin)

Roll call vote: **adopted** 6-1; McClendon voting nay.

B. Ordinance O2011-06 Zoning Code Text Amendment: Medical Marijuana Amend the City of Yuma Zoning Code adding Article 22, Non-profit Medical Marijuana, Marijuana Dispensaries, as a result of State Proposition 203 in the November 2010 General Election. (DCD/Planning)

Speaker

Vern Gammon, no address provided, cautioned the City to expect shortfalls with Proposition 203 in place. He stated that doctors will write prescriptions without good reason and the dispensaries will charge too much and possibly get their supplies from un-reputable people. The neighbors and the police officers will not be happy. He alleged that dispensaries typically have a lot of cash, guns and security; their customers are questionable. He also claimed that taxation on dispensaries is prohibited under federal law and may lead to charges such as aiding and abetting. **Mayor Krieger** notified the speaker the ordinance is regarding the zoning of such establishments.

Wilkinson stated the reason this ordinance is going forward is so the City has some sort of regulation regarding where the dispensaries are located. Without proper zoning in place, medical marijuana could be grown anywhere in the City and the City won't be able to monitor it effectively.

Mayor Krieger asked what would happen if the motion fails. **Moore** stated the zoning regulation establishes where the medical marijuana dispensaries can be located in City limits. If the ordinance doesn't pass then there will be no zoning regulations, so dispensaries will not be able to obtain a license because the appropriate zoning wouldn't exist; therefore, people would be able to grow their own marijuana. The City would rather be able to regulate where the dispensaries are rather than having it grown sporadically throughout the City.

Motion (Mendoza/Brooks): To adopt Ordinance O2011-06, as recommended.

Johnson stated that he couldn't vote for the ordinance in good conscience. The Pure Food and Drug Act administered by the Food and Drug Administration states that before a drug can be marketed, it must be proven to be safe and effective. Although there have been dozens of research projects on medical marijuana, none of them has shown that marijuana is always effective.

McClendon stated she never would have imagined she would be voting on something of this nature, and is surprised the state would put it on the ballot. Today the issue is zoning; the City Council is voting to amend the Zoning Code to ensure the City is able to monitor what is going on. The concern of the City Council is to ensure our Police Department knows exactly where the dispensaries are located.

Mendoza: Being retired from law enforcement, he too, never would have imagined he would be voting on what he used to put people in jail for. According to studies, terminally ill patients could benefit from medical marijuana; however, the City Council is just passing a zoning code amendment regulating where the dispensaries could be located.

Stuart stated the bottom line is regardless of personal feelings, the City Council must choose a bad choice or a worse choice. It is a zoning code text amendment, but it does enable law enforcement to participate.

Mayor Krieger stated the regulations for medical marijuana would be no different from what City Council is allowed to decide in regards to liquor license applications; the dispensary can't be located within a certain distance of school property, churches, and daycares.

Beeson stated that if the City Council doesn't approve this zoning code amendment it would lose its ability to regulate where the dispensaries are located. The City Council must do what is best for the City.

Bushong displayed the following title:

Ordinance O2011-06

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 by adding Article 22, Medical Marijuana Dispensaries, and providing penalties for violations thereof (DCD/Planning)

Roll call vote: **adopted** 6-1; Johnson voting nay.

C. Ordinance O2011-07 Conveyance of Easement: Arizona Public Service Company Authorize the conveyance of an easement to Arizona Public Service Company for a powerline along 1st Avenue. (Eng)

Motion (Johnson/Mendoza): To adopt Ordinance O2011-07, as recommended.

Bushong displayed the following title:

Ordinance O2011-07

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 conveyed by easement to Arizona Public Service Company by the City of Yuma, for the reason that such easement is required for the relocation, reconstruction, operation and maintenance of Arizona Public Service Company powerline utility infrastructure

(Conveyance of Easement: 1st Avenue, between 14th Street and 13th Street) (Eng)

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

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2011-08

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 11 of Township 9 South, Range 22 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona and pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto

(A2010-007: Johnson Trust) (DCD/ Planning)

VI. PUBLIC HEARINGS

- A. Draft 2011-2015 City of Yuma Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2011 CDBG Action Plan** Public hearing for the Draft Yuma 2011-2015 Consolidated Plan, the Draft 2011-2015 Analysis of Impediments to Fair Housing Choice (AI) and the Draft 2011 Community Development Block Grant (CDBG) Action Plan. This is a conditional reservation of funds subject to the satisfactory completion of National Environmental Protection Act (NEPA)/Part 58 environmental review. (Admin/EcDev)

Mayor Krieger opened the public hearing at 7:24 p.m.

Discussion

Johnson stated information received from the National League of Cities showed that Congress has cut the funding for the CDBG program by 63%; therefore, he wouldn't count on the full amount expected.

With no further discussion, **Mayor Krieger** closed the Public Hearing at 7:25 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Mayor Krieger/McClendon): To allow Councilmember Beeson to participate in the Regular City Council Meeting on March 16, 2011, through telephonic communication.

Johnson stated that he and the Mayor would also be out of town; therefore, he suggested adding the word “absent” and deleting “Beeson” from the motion to read as follows: “I move to allow absent councilmembers to participate in the Regular City Council Meeting on March 16, 2011.”

Mayor Krieger stated that would allow the entire City Council to call in for a City Council meeting, and that wouldn’t work. **Wilkinson** stated the policy limits telephonic communication to three people.

Voice vote: **approved** 7-0.

Motion (Johnson/Mayor Krieger): To allow Councilmember Johnson to participate in the Regular City Council Meeting on March 16, 2011, through telephonic communication, if practical. Voice vote: **approved** 7-0.

Motion (Beeson/Brooks): To allow Mayor Krieger to participate in the Regular City Council Meeting on March 16, 2011, through telephonic communication. Voice vote: **approved** 7-0.

Moore informed the City Council, and the public, that telephonic communication does not happen very often. As the City Administrator stated, the City Council adopted policies that allow up to three City Councilmembers to call in but they have to be out of the county or out for medical reasons.

Motion (Beeson/Johnson): To re-appoint Bobby L. Brooks to the Yuma Crossing National Heritage Area Corporation with an expiration of March 20, 2014. Voice vote: **approved** 6-0-1; Brooks declaring a conflict of interest.

Motion (McClendon/Johnson): To appoint Bruce Gwynn to the Yuma Crossing National Heritage Area Corporation with an expiration of March 20, 2014. Voice vote: **approved** 7-0.

Motion (Brooks/Johnson): To appoint Sharon Gardner to the Merit System Board with an expiration of December 31, 2015. Voice vote: **approved** 7-0.

Beeson requested placing Impact Fees on a future worksession agenda due to several community members would like to discuss it. **Wilkinson** stated it will be tentatively added to the first worksession agenda in April; however, there is a Senate Bill (SB1525) that could significantly impact the City processes if it passes. **Mayor Krieger** stated regardless of the outcome, the City Administrator could provide an update on the Senate Bill and present the City Council with their options.

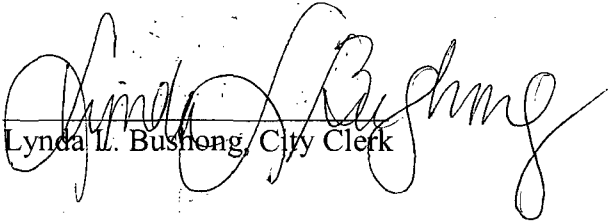
Mayor Krieger reported that he and Councilmember Johnson would be in Washington, D.C., meeting with the lobbyist and attending the National League of Cities meeting.

VIII. SUMMARY OF CURRENT EVENTS

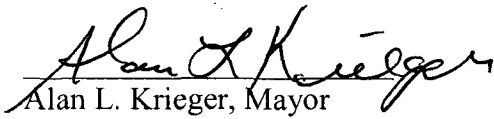
Wilkinson stated that the City of Yuma airplane project that will be located in the lobby is moving forward. Also, there was a meeting on the 32nd Street project, between Avenue A and Avenue B, which resulted in a tentative final design. However, it will be a few months to finalize those plans in order to move forward. This weekend’s events are Midnight at the Oasis and a concert with Men in Black, who are a Johnny Cash Tribute Band, on March 4, 2011 at the Historic Yuma Theatre at 7:00 p.m.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 7:35 p.m. An Executive Session was held during the meeting.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
May 18, 2011
City Clerk: 