

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
APRIL 20, 2011
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Gregory Woodard, Marine Corps Air Station – Yuma, Chaplain, gave the invocation. **Jay Simonton**, Utilities Director, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Stuart (left at 6:21 p.m.), Mendoza, Beeson, McClendon (left at 5:46 p.m.), Brooks, Johnson and Mayor Krieger

Councilmembers Absent: none

Staffmembers Present: City Administrator, Gregory K. Wilkinson
City Attorney, Steven W. Moore
Director of Parks and Recreation, Becky Chavez
Arts Specialist, Bert Ijams
Recreation Program Supervisor, Marilyn Lammel
Master Police Officer, Cruz Vidal
Neighborhood Services Specialist, Nikki Hoogendoorn
Principal Planner, Jennifer Albers
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.

Mayor Krieger recognized the members of two Boy Scout Troops attending in pursuit of their Citizenship in the Community Merit Badge.

PRESENTATIONS

- **Wilkinson** presented Yuma resident Bobby Kammann with an award for his years of service to the community.
- **Wilkinson** recognized the Employees of the Quarter – Traci Frazer and Richard Nichols
- **Chavez** presented to the City Council the Gabe Zimmerman Emerging Champions Award given to the City's Parks & Recreation Grow Smart Summer Camp. **Bert Ijams** and **Marilyn Lammel** gave a brief overview of the Grow Smart Summer Camp.
- **Officer Cruz Vidal**, Master Police Officer and Hispanic Community Liaison, announced the upcoming first Hispanic Community Citizen's Academy and the National Drug Enforcement Administration Take Back Day on Saturday, April 30, 2011, from 10 a.m. to 2 p.m. The Yuma

Police Department will be collecting potentially dangerous, expired, unused, and unwanted prescription drugs for destruction.

I. CALL TO THE PUBLIC

John Roff, 9474 E. Ranch Drive, stated zoning ordinance O2011-06 is unreasonable because current expressway restrictions, the current zoning doesn't provide for dispensaries in the greater Yuma area and that marijuana in all forms is illegal under federal law.

Harvey Campbell, 4155 E. County 13½ Street, announced that the Arizona State Legislature passed Senate Bill 1525, which mandates a review of development fees every five years. The bill also requires substantial changes to development fees. He urged the City Council to give serious consideration to Ordinance O2011-11 to avoid the violation of State Law.

Moore corrected Campbell stating the City will not be in violation of state law because the bill has not yet been signed by the Governor. Once it is signed, it doesn't go into effect until January 2012. The current state law mandates a review every five years whereas the City mandates a review every three years.

II. MOTION CONSENT AGENDA

Motion (Mendoza/Beeson): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 6-0.**

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

Regular City Council Meeting	February 2, 2011
Regular City Council Meeting	February 16, 2011

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 Pedro P. Berumen, on behalf of the Yuma County Hispanic Chamber of Commerce, for the Mother's Day Fiesta event. The event will be held at 1335 S. Pacific Avenue, on Saturday, May 7, 2011 from 10:00 a.m. to 11:00 p.m. (SP11-23) (Admin/Clerk)
3. Award to the lowest responsive/responsible bidder the recoating of 16th Street Storage Tank No. 2 at a total cost of \$257,290.00 to Southwest Tank & Steel, Inc., Cottonwood, Arizona. (Bid #2011000292) (Utilities)
4. Authorize the purchase of a John Deere 1600 Turbo Wide-Area Mower through the Capital Improvement Program, by utilizing the cooperative purchase agreement initiated by Houston

Galveston Area Council, at a total cost of \$56,372.41 to RDO Equipment Co., Yuma, Arizona. (Bid #2011000360) (PW)

5. Authorize an Intergovernmental Agreement between the Phoenix Division of the Federal Bureau of Investigation and the City of Yuma for the use of the City of Yuma Public Safety Training Facility. (PD/Admin)

III. RESOLUTION CONSENT AGENDA - none

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Johnson/Brooks): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2011-10

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 to grant authority to the Hearing Officer to hear and decide applications for time extensions of Conditional Use Permits and providing penalties for violations thereof
(DCD/Planning)

Ordinance O2011-11

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 157 of the Yuma City Code, Section 005(B) to make the three year update permissive rather than mandatory
(Amendment: Citywide Development Fees) (Eng)

Ordinance O2011-12

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels 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 construction, expansion, operation and maintenance of City of Yuma facilities
(Easement to APS for power supply to Joe Henry Park facilities; CIP 2.0301) (Eng)

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

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2011-13

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain easement parcel of real property, hereinafter described, be acquired by the City of Yuma by gift, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto
(Waterline Easement: 2750 Augusta Drive) (Eng)

Ordinance O2011-14

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain easement parcel of real property, hereinafter described, be acquired by the City of Yuma by gift, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto
(Waterline Easement: 2220 Pacific Avenue) (Eng)

Ordinance O2011-15

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 Agriculture (AG) district to the General Commercial (B-2) District and amending the zoning map to conform thereto
(Property: Southeast Corner of Avenue 8½ E and 32nd Street; applicant: City of Yuma on behalf of the Johnson Trust; Z2010-016) (DCD/Planning)

Ordinance O2011-16

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, to add a new administrative approval item to the minor maintenance modifications for Historic District properties
(Zoning Code Text Amendment: Design and Historic Review Commission; Z2011-001) (DCD/Planning)

VI. PUBLIC HEARINGS

- A. 2011-2015 City of Yuma Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2011 CDBG Action Plan:** Public Hearing for and approval of the City of Yuma 2011-2015 Consolidated Plan, 2011-2015 Analysis of Impediments to Fair Housing Choice and the 2011 Community Development Block Grant (CDBG) Action Plan authorizing the City Administrator to execute an application for funding to the Department of Housing and Urban Development (HUD). This reservation of funds is subject to the satisfactory completion of National Environmental Protection Act. (NEPA)/Part 58 environmental review. (Admin/EcDev)

Mayor Krieger opened the public hearing at 5:57 p.m.

Kathy Kugel, BBC Research and Consulting Associate, presented the following:

The Purpose of the Consolidated Plan:

- Required by the HUD in order to receive funds for federal housing and community development.
- To identify a jurisdiction's housing and community development needs, priorities, goals and strategies.
- To stipulate how CDBG funds will be allocated to housing and community development needs in the community.

Other HUD documents accompanying the Consolidated Plan:

- Annual Action Plans
- Consolidated Annual Performance and Evaluation Report (CAPER)
- Analysis of Impediments to Fair Housing Choice (AI)

About the CDBG

- Program created in 1974
- Funded activities must meet a national objective:
 - Benefit low and moderate income persons
 - Prevent or eliminate slums or blight
 - Meet other urgent community development needs
- Can meet objectives by benefiting low to moderate income households (\$35,750 in Yuma County for a family of 4) directly or by providing funds to low to moderate income areas.
- Administered by the City of Yuma Neighborhood Services Division
- Received an average of \$956,400 annually over the last 4 years
- FY2010 allocation: \$1,013,563
- Past activities:
 - Home accessibility modifications
 - Housing rehabilitation
 - Code Enforcement/Rental Inspection Program
 - Affordable housing acquisition and rehabilitation
 - Fair housing activities
 - Individual Development Accounts for homeownership and micro-business
 - Neighborhood outreach
 - Financial Literacy Academy
 - Teen activities
 - Neighborhood infrastructure improvements

CDBG Funding Levels

- The City of Yuma estimates receiving \$760,172 for Fiscal Year 2011/2012; however, HUD has not announced allocations yet, but indicated funding will decrease.

CDBG Requirements

- Funded activity must be eligible
- *(Examples: Acquisition, Rehab, Public Services, Infrastructure, Fair Housing, Homeownership Activities, Code Enforcement, Neighborhood Facilities)*
- Minimum 70% of entitlement plus estimated 2011 program income (less administration) over a three-year period must benefit low and moderate income residents (\$422,197 estimated for 11/12).
- Maximum of 20% of entitlement plus estimated 2011 program income can be used for Planning & General Administration (\$157,034 estimated for 11/12).
- Maximum of 15% of entitlement (\$760,172) plus prior year program income (estimate \$150,000) for Public Service Activities (estimate \$126,526 for 11/12).

Consolidated Plan Research Process

- Citizen Participation Plan: public meeting; stakeholder meetings; key person interviews; resident survey; followed by the draft plan and comment period – documents available on the City of Yuma website and in various locations throughout the City for public review.
- Demographic and socioeconomic analysis
- Housing market analysis
- Analysis of special needs populations
- Five-year strategic plan
- 2011 Action Plan

- Analysis of Impediments to Fair Housing Choice

Yuma's Demographics

- In 2010, Yuma's population was 93,064 compared to 77,515 in 2000
- In 2010, 69% of Yuma's population was white, 20% some other race and 3% African American, with 55% being Hispanic and 45% non-Hispanic.
- Since 2000, the population has aged into Baby Boomer and Senior populations
- In 2009, the median household income was \$41,019, which is lower than both the State and the County.
 - 17% of Yuma's residents live in poverty; children, 17 years and younger, have the highest poverty rates.
 - Unemployment rate are at 23%

Housing Characteristics:

- 56% of Yuma residents own their home while 44% rent
 - Median gross rent of \$776 (2009)
 - Residents would need to earn \$31,040 to afford median rent, which is affordable to 48% of renter households.
 - There is a shortage of affordable rental units (2,633) for renters earning less than \$20,000 in Yuma
 - Renters looking to own must earn \$35,000/year.
 - The median sale price of homes is down from a few years ago

Analysis of Impediments

- In 2000-2010, the most common HUD fair housing complaints related to "reasonable accommodations" for persons with disabilities
 - 25% of survey respondents with a disabled member in their household indicated their home did not meet their disabled household member's needs
 - Stakeholder comments were there is a lack of accessibility in commercial and residential buildings; and, discrimination by landlords and/or property managers towards disabled persons.

Housing Issues

- In 2009, 21% of home loans requests in Yuma were denied – loans for new homes, refinancing or home improvements
 - Not enough collateral or funds
 - Insufficient Credit Score
 - Recent lending regulations became stricter
- Development costs for single family residences are similar to surrounding communities.
 - The City of Yuma has programs in place to help citizens with development costs
 - Development fees are slightly less than the City of Tucson and other cities in the region.

Five Year Priority Needs

- High priority needs:
 - A proactive Code Enforcement program in low income targeted areas
 - Acquisition and rehabilitation of housing
 - Activities targeted to residents living in poverty

- Home accessibility modifications
- Home emergency repairs
- Homeless and those who are at-risk of homelessness
- Homeownership activities
- Housing rehabilitation
- Life skills education and counseling
- Starting businesses
- Foreclosure assistance
- Improve the quality of rental housing
- Medium priority needs:
 - An inventory of available parcels for affordable housing
 - Public services for Yuma residents, especially special needs populations, including but not limited to youth, victims of domestic violence, persons with disabilities and low income elderly
 - Transitional housing
- Low priority needs:
 - None specified

Kugel outlined the strategies needed to implement the following goals:

- Encourage the provision of safe, decent, energy-efficient and affordable housing for low and moderate income and special needs populations.
- Improve the quality of life and economic opportunities for low and moderate income persons and distressed neighborhoods.
- Create suitable living environments for low and moderate income persons, special needs populations and distressed low and moderate income neighborhoods.
- Affirmatively further fair housing choice
- Continue program planning and administration, encouraging collective community ownership through dialogue and partnerships with citizens, businesses and community stakeholders.

Next Steps:

1. Consolidated Plan, AI & 2011 Action Plan 30-day public comment March 11 – April 11, 2011
2. Public hearing/Council adoption of Consolidated Plan, AI & 2011 Action Plan – April 20, 2011
3. Submit Plan to HUD – May 15, 2011
4. Subrecipient Agreement approvals – June 2011
5. 2011 CDBG funds available – July 1, 2011

Discussion

Mayor Krieger asked how there is such a lack in accessibility in commercial and residential buildings. Are the buildings not in compliance with the Americans with Disabilities Act (ADA)? **Kugel** stated that BBC Research didn't conduct a specific test regarding ADA compliance. The claims received by clients are anecdotal and, therefore, may not be accurate. However, some buildings do not need to comply with ADA such as single-family residential units.

Johnson stated that housing construction jumped from 300 to 1,100 per year in a recent housing boom because banks were not enforcing standards that could have prevented the sub-prime loans crisis. The

country is in a recession; down payments are being required of people with perfect credit scores. **Kugel** agreed; however, recent denial rates have only risen slightly.

In regards to the five year priority needs, **Mayor Krieger** asked if CDBG money would be sought to replace aging housing. **Kugel** stated that the CDBG program typically targets neighborhoods such as Carver Park and Yuma High; homes in those areas would be acquired, and rehabilitated, using CDBG funding. **Mayor Krieger** stated that there is a greater number of houses need rehabilitation than just those two target neighborhoods. It will take more than five years to address everything on the five year priority list. He suggested that the next review reassess the City's target areas and limit the priorities to be more focused. **Nikki Hoogendoorn**, Neighborhood Services Specialist, stated that the Yuma Neighborhood Development Organization is proposing to acquire two homes, rehabilitate them and sell them. Neighborhood Services is hoping to create a revolving loan fund so when the homes sell, the money will be put back in the fund to keep the program running. Such a program would be citywide; however, the funding is limited. If a project is in the low priority category, it can't be funded; however, if it is in the high priority category, it can be funded. The priority listing gives staff an idea of where the money can be spent within the five years; at the end of the five years, the plan is reassessed. **Mayor Krieger** suggested identifying pockets within neighborhoods that are due for rehabilitation and focus there. **Hoogendoorn** stated the target areas are in areas where 51% of residences are low to moderate income, which is generally in older neighborhoods.

Johnson stated that development fees are not assessed on construction for existing homes unless there is a need for sewer or water hook-ups. **Hoogendoorn** stated that Neighborhood Services staff is aware that there are no development fees on existing homes; however, during the research of affordable housing, development fees were included.

Johnson asked if the surveys filled out during the public input process by the Crossroads Mission were from people living there. **Hoogendoorn**: Yes. Surveys were sent to a list of non-profit agencies via email and regular mail. Online surveys and hard copy surveys were available. **Johnson** stated that Crossroads Missions does a lot of great work, but many of their clients are transients or drug addicts who don't have families or homes. Wouldn't those surveys skew the results? **Kugel** stated the surveys were separated and then compared; they were not included in the general response. **Mendoza** stated that many of the people that are at Crossroads Mission are there because they have lost their homes to foreclosure; their survey should be just as important as anyone else's.

Mayor Krieger questioned whether implementing a proactive code enforcement effort on low income target areas would be counter productive. Who is going to pay for the upgrades if violations are identified? **Kugel** stated that the City has used CDBG dollars to fund code enforcement in the targeted areas to provide safe living conditions. In addition, the City Code Enforcement officers direct the residents to rehabilitation programs offered in the City or elsewhere.

There being no further discussion, **Mayor Krieger** closed the public hearing at 6:33 p.m.

Motion (Johnson/Mendoza): To adopt the 2011-2015 City of Yuma Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2011 CDBG Action Plan. Roll call vote: **adopted** 5-0.

B. Annexation Area No. A2011-03: Barco This is a public hearing to consider the annexation of a property located at 2220 S. Pacific Avenue (Avenue 2E). (A2011-003) (DCD/Planning)

Mayor Krieger opened the public hearing at 6:33 p.m.

Albers presented the following information relative to the property:

- Subject of a previous City of Yuma Preannexation Development Agreement, under Barco Metal Stamping Project.
- Approximately 6.7 acres
- Introduction of annexation ordinance is anticipated on May 18, 2011.
- The site has been improved for the future use of an industrial warehousing facility.
- Intent of property owners is to build a battery repackaging plant for Johnson Controls.
- Surrounding land uses:
 - North – railroad/California Portland Cement
 - South – Sunrise Mobile Home Park
 - East – railroad/distribution facilities
 - West – citrus packing & distribution

Discussion

Mayor Krieger asked if the current building meets City of Yuma standards. **Albers** stated that because the property is currently in Yuma County, it was improved via Yuma County's permitting process; however, the property owners have met the requirements of the City's preannexation agreement.

There being no further discussion, **Mayor Krieger** closed the Public Hearing at 6:35 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Brooks/Mendoza): To re-appoint Jeannie Wilson to the Community Tree Board with a term to expire on December 31, 2015. Voice vote: **approved 5-0.**

Motion (Brooks/Mendoza): To re-appoint Stacey Bealmeare to the Community Tree Board with a term to expire on December 31, 2015. Voice vote: **approved 5-0.**

Announcements

Mayor Krieger thanked Deputy Mayor Mendoza for conducting the April 6, 2011, Regular Council meeting while he was in Washington on behalf of the City.

Mendoza reported on attending the Yuma Housing Festival, Taco Festival, the Mail Carriers State Convention and the Teacher of the Year Awards Banquet this month.

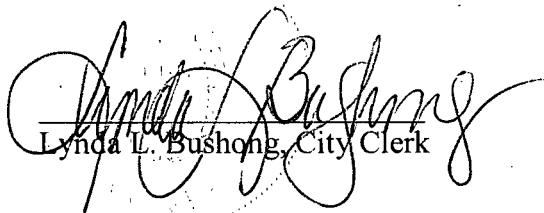
VIII. SUMMARY OF CURRENT EVENTS

Wilkinson reported on the following:

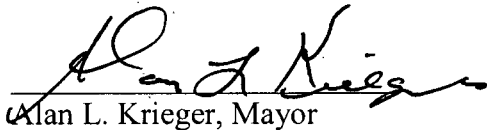
- July 2, 2011 – Caballeros de Yuma River Float Down
 - A water release has been secured by the Caballeros to raise the river's water level two feet for the event.
- First meeting with Arizona Western College and the Caballeros de Yuma has secured a National Junior Collegiate Athletic Association Football Bowl Game on December 3, 2011.
- **Wilkinson** thanked the City of Yuma Fire Department for responding to a mutual aid call in Winterhaven for a fire.
- **Wilkinson** announced the City of Yuma Police Department has the "Pizza Bandit" in custody.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Johnson/Mendoza): To adjourn to Executive Session. Voice vote: **approved 5-0**. The meeting adjourned at 6:41 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of: <u>June 15, 2011</u>
City Clerk: 