

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 1, 2011
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Paul Killingsworth, Pastor of First Assembly of God, gave the invocation. **Deputy Mayor Mendoza** 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
Director of Parks and Recreation, Becky Chavez
Management Analyst, Brant Hanson
Various Department Heads or their representative
City Attorney, Steven W. Moore
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

Mayor Krieger apologized to Sergeant Eric Egan and Chaplain David Wright, City of Yuma Police Department, for confusing them for Fire Department employees at the Law Enforcement Memorial.

I. CALL TO THE PUBLIC

Ann Harrison read a letter on behalf of Luis Vargas, Youth Services Manager – Yuma Main Library, inviting the City Council to participate in the summer reading program by reading their favorite books to the children. This year the program has been expanded to include adults and a Saturday story time, along with other activities for children throughout the day. She thanked the City Council for attending past events.

Shereen Kahn-Guinn, 560 E. Palo Verde, alleged a previous taped meeting of her speaking at Call to the Public was edited and minutes of the meetings inaccurately reflect what she stated, yet the City Council has approved them. Although she does not own a computer, she maintains that she received correspondence indicating the City has submitted false information to Google. The information is slanderous and advised the City Council to review the video online. She suggested the City Council

correct the minutes and correct the information submitted to Google. Both the Mayor and City Administrator have attempted to stop her from speaking at the Call to the Public upon her alleging the City Attorney made false statement. She stated that she has information from the other agencies stating that what the City Attorney has stated is untrue; she will be submitting the documents to the proper authorities, at which time the City will receive the same information.

Wilkinson stated the City has no affiliations with Google, nor does it have any control of what's on the internet.

Wayne Benesch, 230 W. Morrison, spoke in regards to the City's proposed reduction in funding to the Greater Yuma Economic Development Corporation (GYEDC). Funding of GYEDC provides the services of a professional team experienced in economic development in the Yuma area. Although some believe that GYEDC does not focus enough on the City of Yuma that is untrue because the majority of businesses that establish in Yuma create a tax base that Yuma benefits from. There will indisputably be consequences by not funding GYEDC, risking the break up of a team that the community desperately needs and urged the City Council to reconsider full funding of GYEDC.

II. MOTION CONSENT AGENDA

Motion (Brooks/Mendoza): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

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

Regular Council Meeting	March 16, 2011
Regular Worksession	April 5, 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 Carolyn J. Bennett, on behalf of the Yuma Fine Arts Association, Inc. for the Summer Beerfest. The fundraiser event will be held at the Yuma Art Center, 254 S. Main Street, on June 4, 2011 from 6:00 p.m. to 9:00 p.m. (SP11-25) (Admin/Clerk)
3. Approve a New Restaurant (#12) Liquor License application submitted by Scott Brian Wilson, agent for Yuma Southwest Refrigeration, Inc. dba Mad Greek Restaurant, 1725 S. 3rd Avenue, Yuma, Arizona. (LL11-07) (Admin/Clerk)
4. Accept donation of the World Trade Center salvaged artifact to be displayed at the main entrance of the City of Yuma Public Safety Training Facility. (Fire/Admin)

5. Authorize staff to execute a one-year contract for Ammunition and Firearms with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance to the following firms on an as-needed basis at an estimated annual cost of \$99,430.00 to the following vendors: Lawmen's and Shooters' Supply, Vero Beach, Florida; San Diego Police Equipment Co., San Diego, California; Sig Sauer Inc., Exeter, New Hampshire; and, Sprague's Sports Inc., Yuma, Arizona. (Bid #2011000349) (PD)
6. Approve an Amended Intergovernmental Agreement with Arizona Western College to facilitate a City of Yuma Police substation near Araby Road and 26th Street. (PD)

III. RESOLUTION CONSENT AGENDA

Motion (Beeson/Brooks): To approve the Resolution Consent Agenda as recommended.

Discussion

Mayor Krieger stated that the City is the largest contributing agency to Yuma Metropolitan Planning Organization's (YMPO) and currently the City has five votes. Adding additional members would eventually diminish the City's voting power. No other authorizing body of YMPO has passed a resolution supporting the addition or subtraction of membership; the City of Yuma would be making a mistake adding the Cocopah Indian Tribe.

Moore further added that each city and town, and Yuma County all approved an agreement delegating the voting strength of each entity. The committee cannot change the agreement the legislative bodies approved without the entities amending the original legislation, which the resolution provides.

McClendon asked if the resolution cleans up the paperwork. In reviewing the resolution, the City of Yuma still has five votes. **Mayor Krieger**: Not exactly, although the City of Yuma has five votes, each newly added member diminishes the strength of those votes and eventually the City of Yuma could be outvoted.

Johnson reminded the City Council that the original agreement forming YMPO calls for membership by Imperial County and the California Department of Transportation, who are currently ex-officio members; however, if they decide to attend a meeting, they would have two votes on the board.

Bushong displayed the following title:

Resolution R2011-12

A resolution of the City Council of the City of Yuma, Arizona, authorizing the Cocopah Indian Tribe as a member representative in the Yuma Metropolitan Planning Organization and authorizing the Cocopah Indian Tribe one vote on the YMPO Board
(Admin)

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

Beeson explained his aye vote is due to the fact that the Cocopah Indian Tribe has come to the City's aide and defense, and supported the City at the State level.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Stuart): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following title:

Ordinance O2011-20

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said city a portion of Section 34 of Township 8 South, Range 23 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Light Industrial District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto
(Annexation Area A2011-03: Barco) (DCD/Planning)

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

V. INTRODUCTION OF ORDINANCES

Regarding Ordinance O2011-21: Repeal Ordinances 1277 and O95-027, and form a single Parks, Arts, and Recreation Commission. **Johnson** asked why the City has decided to put an end to two different commissions. **Chavez** stated that the City had been discussing the option of combining the Arts and Culture Commission and the Parks and Recreation Commission for a few months because it is difficult to get volunteers to serve on the boards. Staff approached both boards regarding the merger and has since ran a test trial. The remaining members of both commissions expressed a desire to serve on the newly formed commission. **Johnson** asked about the responses from the related communities. **Chavez** stated there have been no responses.

Bushong displayed the following titles:

Ordinance O2011-21

An ordinance of the City Council of the City of Yuma, Arizona repealing Ordinance Number 1277 and Ordinance Number O95-027 which amend Section 170 and Section 50 of the City Code and creating a Parks, Arts and Recreation Commission, prescribing the terms and duties thereof, and providing for the appointment thereto
(Parks and Rec/Admin)

Ordinance O2011-22

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O97-49 to include the operation of a police substation among the purposes for acquisition of the real property
(Property located at Araby Road and 26th Street) (PD/Admin)

Ordinance O2011-23

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain parcels of real property, hereinafter described as Parcels B and D, surplus for use by the City and authorizing and directing that certain parcels of real property, hereinafter described as Parcels A and C, be acquired by the City of Yuma, Parcel C by purchase and Parcel A by exchange for City-owned Parcel B, for the reason that Parcels A and C are required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing the City-owned remnant Parcel D to be sold and authorizing payment of all costs necessary for the acquisition, exchange and sale thereof

(Properties located at 32nd Street and Avenue 8E; and, 16th Street and 6th Avenue) (Eng)

VI. PUBLIC HEARINGS - none

VII. TEN-YEAR CAPITAL IMPROVEMENT PROGRAM AND 2011-12 CITY OF YUMA BUDGET

A. Resolution R2011-11: 2012-2021 Ten-Year Capital Improvement Program Adopt the 2012-2021 Ten-Year Capital Improvement Program (CIP), pursuant to the Yuma City Charter, Article XIII, Sections 10 and 11. (Admin)

Motion (Mendoza/Mayor Krieger): To approve Resolution R2011-11 as recommended.

Discussion

Johnson stated he would be voting against the adoption of the Capital Improvement Program for several reasons. One of which is the City Council made a decision last year to live up to the promise made to the voters in 1993, when the half cent sales tax was passed, to reconstruct 32nd Street from Avenue A to Avenue B. The current CIP does not address the reconstruction, only pavement replacement which does not increase the roads strength. Millions of dollars were spent on 32nd Street to secure the right-of-way and design/build a bridge to nowhere, but it is being tossed to the side. There are other projects in the CIP that are not prudent expenditures of money in these economic times.

McClendon stated that funds have been moved to finish projects, but if the CIP is approved will the City Council still have the opportunity to reevaluate and reprioritize the projects? **Wilkinson**: Yes, projects can be reprioritized. The 32nd Street project is one example; it was moved from the back of the priority list to the front.

Mayor Krieger reminded the City Council that a drop in revenue can be contributed to the tough decisions staff and City Council has to make. The CIP can be modified, to some degree, but cautioned the City Council to not stray from their role in policy making to micromanagement. Although there may be elements of the program City Councilmembers aren't content with, the program has been presented for adoption; this does not preclude the City Council from making changes along the way. **Wilkinson** stated that staff has reviewed the commitments it has made and is trying to complete those projects; however, overtime the City Council's priorities have changed. The original road tax anticipated having the work on 32nd Street completed by 1998; that wasn't done. Staff has a plan to fix the roadway, implement traffic signals and turn lanes to make the roadway viable for many years to come. The

current traffic on 32nd Street does not warrant an expansion at this time; however, it may in the future. There are quite a few roads in Yuma that need to be fixed and staff is working diligently to spend the money wisely and effectively while spreading it over various roadways. Although the City has secured several grants, there is still a shortage of funding after this fiscal year which may lead to the City falling further behind on fixing the roads. Staff realizes the CIP does not address all of the issues around the City, but they have done the best they can with a limited amount of funding.

Bushong displayed the following title:

R2011-11

A resolution of the City Council of the City of Yuma, Arizona, adopting the ten-year Capital Improvement Program for Fiscal Years 2012-2021

(Admin)

Roll call vote: **adopted** 5-2; Johnson and Beeson voting nay.

Mendoza stated that although the City Council may not agree with 100% of the projects 100% of the time, it wouldn't be wise to vote no just because of one project. City Council should move the CIP forward and focus on reprioritization as time goes by.

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- B. Preliminary Budget** Adopt the City of Yuma Preliminary Budget for Fiscal Year 2011-2012 in the amount of \$242,766,617 which includes a Capital Improvement Program Budget of \$89,309,313 and an Operating Budget of \$153,457,304. (Fin)

Speakers

Julie Engel, Greater Yuma Economic Development Corporation (GYEDC), 899 E. Plaza Circle, thanked the City Council for their support over the years. She is optimistic that they City and GYEDC will be able to negotiate reasonable funding this fiscal year. **McClendon** expressed concern regarding comments made earlier. The City Council understands the tough economic times, but the City shouldn't bear the burden of covering cuts other entities have made to GYEDC. However, the City will work to find a middle ground and do what is best for everyone.

Shawn Smith, Humane Society of Yuma (HSOY), 285 N. Figueroa Avenue, explained that the City of Yuma has contributed up to \$495,000 in previous years. This year HSOY is requesting \$525,000 for animal control because the expenses for the Humane Society exceed what the City currently contributes. The contract specifically states that the Humane Society will apprehend dogs, provide traps for the citizens to trap cats and to pick up small dead animals on publicly owned property; cats were never a part of the contract. In 2009, the Humane Society began charging citizens \$20 per cat to offset the costs associated with kenneling and caring for cats. The Humane Society, however, is not allowed to charge for the intake of a dog due to statutory requirements, and a contract between the City and HSOY. The only issue is that the Humane Society would not be able to enforce the new "cat" laws as they were written. The only point of concern HSOY has is the cat traps and the ability to lease out the traps. The system isn't broken, and has never been a problem. The City intends changing the process by not accepting a deposit for the trap and placing the cost of the trap on the utility bill if it is not returned. This could become problematic for the Humane Society, therefore, HSOY offered to give the City a portion of the traps back leaving the issuing of traps up to the City. Also, the City has stated that HSOY

has not given them adequate time to consider an increased contribution of \$525,000. Past practice was the City contacted HSOY for their budget; however, that didn't happen. **Smith** further clarified the City doesn't pay for adoptions of animals, just the kenneling cost which are approximately \$20/day – a cut rate from the normal rate of \$42 per day with the average stay of 4.5 days. Once the 4.5 days have elapsed, HSOY takes ownership of the animals and bares all costs from that point. The costs can't be lowered, but they can be maintained. **Mayor Krieger** reminded Smith, the City Council is discussing the budget, not negotiating contracts. **Smith** explained that he was asked to come before City Council and clarify the position of HSOY.

Johnson stated that he has a hard time understanding how it costs him less to stay in a hotel than it does for the Humane Society to care for animals per day. **Smith** stated he can't justify the cost of hotels and reiterated the City doesn't pay the full cost per day for kenneling and care of the animals, but urged the City Councilmembers to go to the Humane Society and look at the numbers.

Discussion

Stuart asked the City Administrator to explain where the City is at with the Humane Society and how it got to that point.

Wilkinson explained that the community expressed concerns regarding cats, barking dogs and other animal control related issues. These issues led the City to create an ordinance that addresses the concerns in the community; the ordinance was subsequently adopted a few months ago. Within the adopted ordinance there were several methods attempting to mitigate the feral cat issue – particularly, trap-neuter-release (TNR). The City will be assisting the efforts of TNR by purchasing additional traps for organizations to utilize. Another targeted area is licensing. Currently, fees paid through HSOY for licensing go back into Yuma County funds for rabies control. Therefore, the City decided to implement licensing of animals to offset some of the animal control costs, which are expected to go into place around August 1, 2011. Currently, the City is in the process of implementing other aspects of the animal control ordinance; a committee of six people has been created to specifically address feral cats. Although a resolution to the issues in the community appear to have only started in October, discussions have been going on for more than 25 years

Johnson asked for the names of the committee members. **Hanson** stated the committee is comprised of one veterinarian, Dr. Cheryl Haugo; two citizens, Kerry Meister and Lenore Anaya; HSOY representative, Annette Lagunas; City staff, John Lekan and himself.

Beeson asked if there is still room to work with the Humane Society in the budget. **Wilkinson:** Yes, the money is still in the budget for animal control.

McClendon stated that she does not agree with the City taking over animal control because the system isn't broken, therefore, it doesn't need to be fixed. The City needs to review the contract with HSOY and work something reasonable out. The City doesn't have anything in place to begin taking over animal control and working to implement something will take several months, in which HSOY services will be needed, and the costs will add up and quickly exceed the budgeted dollars without a contract in place. Rushing through the process will provide opportunity for issues to fall through the cracks; animal control is not an issue the City needs to be in the business of. **Mayor Krieger** asked McClendon why she feels the City would exceed the budgeted dollars within six months. **McClendon** explained that if

the City doesn't have a contract, the charges would include actual kenneling, care and euthanization costs. The thought of the City taking over animal control is not realistic and the City can't expect to purchase a building for animal control under \$157,000. The City should continue to rely on the expertise of HSOY and not micromanage animal control.

Mayor Krieger stated the intent is for the City to seek professionals in animal control, not start from scratch and train people. There are City-owned facilities available, if needed. There have been 20 years worth of discussion on animal control; however, tonight's focus is the budget. The responsibility of the City is to sustain the finances. When HSOY takes public money, their donations decrease and when HSOY doesn't take public money, their donations increase, which can help lead them back to their true mission statement of being a humane organization. Currently, the City Police Department responds to dog bites because of state mandates. He stated that he doesn't foresee a negative impact on the City in attempting to also reduce the feral cat population. For a million dollars a year [City and County contributions], the problem of feral cats should have been resolved years ago. The City needs the opportunity to try something new, and not be held hostage by an organization due to their lack of funding. Also, if the City contracts with a for-profit business, there will be taxes paid to the City in return.

Beeson stated the ability to see the available facilities and understand the costs associated with properly outfitting those facilities would help make the decision of animal control more realistic. He requested Smith have the opportunity to respond to comments made, which may be relevant to the budget. **Mayor Krieger** declined; the discussion is on the budget, it's not a debate with HSOY. The money is still in the budget and there is still an opportunity to negotiate a contract with HSOY; the City Council has the opportunity to request contract discussions on a future agenda.

Motion (Mendoza/Mayor Krieger): To adopt the City of Yuma Preliminary Budget for Fiscal Year 2011-2012 as recommended.

Discussion

Brooks asked when the City Council would be allowed the opportunity to discuss outside agencies to renegotiate the funding. **Mayor Krieger** stated that the City Council could renegotiate the funding at regular meetings or worksessions, as long as the numbers do not exceed the budget. **Wilkinson** reminded the City Council that the item is the preliminary budget adoption, in two weeks the final budget will come before the City Council for adoption. Also, there are additional modifications to the GYEDC contract that are needed, per City Council direction.

Johnson stated that he does appreciate the input on the budget; however, there are items in the CIP that he still does not agree with; therefore, he would be voting no.

Mendoza stated the money for animal control is in the budget and still negotiable. There is still time to review the numbers for the outside agencies and reprioritize CIP projects; however, one item shouldn't halt the process. Although the CIP budget was presented in a timely matter, the draft budget was not and now he feels their backs are against the wall in regards to funding. HSOY is asking for \$525,000, which equals \$43,000 a month for animal control; the City currently pays \$38,000/month for animal control. The City Administrator still has time to negotiate a contract with HSOY, or come up with a plan for animal control and feral cats.

Mayor Krieger stated constituents have asked why City staff and the City Council doesn't relay how the City is doing financially to the community. The fact is, the City is in debt and projections to pay down the debt were made when the economy was good. However, the economic downturn has affected the City, just as it has other cities and town. Yes, the budget is balanced but there is still debt that needs to be paid, which will take time to pay off. Time can't be turned back, projects and growth can't be undone and staff has been forced to scale back and rethink immediate priorities. Understandably, there is concern about the expansion of City Hall, however, the building isn't going to get any bigger; it was designed to allow for some infill. The City has also made tough decisions, but the City Administrator and the Executive Team have done their best with what's available.

Stuart stated that he, too, was concerned with the delay in receiving the budget book; however, there weren't very many changes to sift through and was comfortable with the timeframe in which it was received.

Beeson declared a conflict of interest on the Communications portion of the budget because he is employed with a Radio Station that the City Communications Department runs a radio show on. **Moore** explained the City Council would have to break down the motion into two parts, one approving the budget for Communications only and the other approving the budget with the exception of the Communications budget, as done in the previous year. **Mayor Krieger** asked if separate motions had to be made for approval of the preliminary budget as well. Moore stated that he doesn't recall; however, it should be done at the final budget adoption. Councilmember Beeson is correct by declaring a conflict, if he would benefit financially, directly or indirectly.

Roll call vote: **adopted** 4-2-1; McClendon and Johnson voting nay, and Beeson declaring a conflict of interest.

VIII. ANNOUNCEMENTS AND SCHEDULING

Mayor Krieger reported attending: a ground breaking for the Arizona Western College's Solar Array; two Naturalization Ceremonies in which he delivered the welcoming address; Yuma Port Authority and YMPO meetings; 36th Army Band at the Historic Yuma Theatre; Change of Command Ceremony at the Yuma Proving Grounds; the Grand Opening of the Public Safety Training Facility and tour of the burn building; and, a meeting with the Director of the Arizona Department of Transportation (ADOT) to discuss funding for an all-weather road to YPG. Upcoming events include: travel to Phoenix for the Arizona/Mexico Commission Summer Session in Litchfield Park; a 4-H Awards Program to be held at the Yuma County Fairgrounds; and, different Memorial Day ceremonies. He stated the National League of Cities and Towns will be having their conference in Phoenix, which provides an opportunity for Arizona to showcase its cities.

Wilkinson commended everyone involved in the Public Safety Training Facility project. He stated the facility would not only provide training for City of Yuma Police Officers and Firefighters, but also to other agencies in the County. This will give our local public safety personnel hometown training versus having to travel out of town. The facilities are impressive.

Johnson reported on attending a Rural Transportation Advocate Council meeting in Flagstaff, meeting with the ADOT Director, and that he attended several local events.

Beeson stated that he requested to have a conversation with Wilkinson regarding Meet and Confer; however, he would like to add the discussion to a future Special Worksession/Roundtable agenda to allow opportunity for all councilmembers to participate in discussion. **Wilkinson** stated Meet and Confer has been scheduled for a June 15, 2011 Special Worksession/Roundtable.

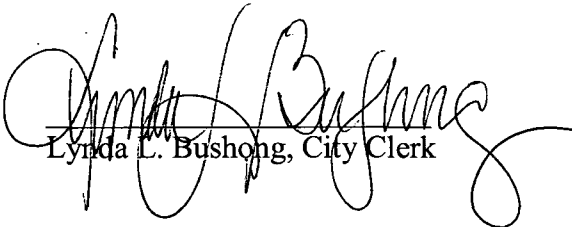
Beeson stated a product sold in liquor stores called "Bath Salt", a synthetic methamphetamine, is a growing concern nationwide. He would like Administration to work in conjunction with the Police Department to find a way to ban it from being sold in Yuma.

IX. SUMMARY OF CURRENT EVENTS

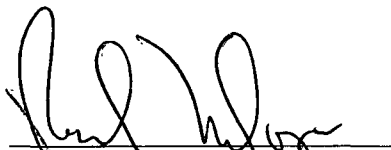
Wilkinson stated the candidate packets for City Council and Municipal Judge were due today, five packets were returned for City Council and three for Municipal Judge. June 10th, the Historic Yuma Theatre will be hosting the Summer Six Pac, presented by the City of Yuma Employees Association; and, June 11, the Civic Center will be hosting an indoor swap meet. Lastly, staff had a meeting with the downtown business owners a month few months ago regarding some concerns they had; another meeting is scheduled in approximately two weeks for follow up discussions.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 7:06 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
August 17, 2011
Deputy City Clerk: Janet Peron