

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**July 5, 2011**  
**5:00 p.m.**

**CALL TO ORDER**

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

Councilmembers Present: Stuart, Mendoza, Beeson, Brooks, Johnson and Mayor Krieger  
Councilmembers Absent: McClendon  
Staffmembers Present: City Administrator, Greg Wilkinson  
Finance Director, Pat Wicks  
Police Chief, Jerry Geier  
Police Sergeant, Clinton Norred  
Various department heads or their representatives  
City Clerk, Lynda Bushong

**I. REGULAR CITY COUNCIL MEETING AGENDA OF JULY 6, 2011**

**Motion Consent Agenda Item B8: Outside Agency Agreement: Greater Yuma Economic Development Corporation**

**Brooks** stated that the contract being proposed to Greater Yuma Economic Development Corporation (GYEDC) in the amount of \$200,000, in her opinion, should remain at the same funding level as last fiscal year. During these tough economic times everyone is attempting to cut back in all possible areas, but marketing is not an area that should be targeted; instead, the City needs to work harder to advertise and promote Yuma. **Mayor Krieger** asked if GYEDC understands the funding needs to be relative to the City's need to reduce funding. **Wilkinson** informed City Council that some meetings have taken place with GYEDC to discuss the City's position. During GYEDC's meeting in August, they will discuss future funding and how to move forward.

**Johnson** requested confirmation of the City of San Luis' funding to GYEDC. **Wilkinson** informed City Council that two years ago San Luis contributed \$85,000, last year they decreased that amount to \$40,000, and this upcoming fiscal year they approved \$5,000.

**Stuart** asked if one of the changes to the contract is for GYEDC to focus more of their efforts on marketing the City. **Wilkinson** confirmed that a requirement was added for GYEDC to market the City more aggressively.

**Mendoza** agreed with Councilmember Brooks in regards to marketing, but asked if there would be an Executive Session to discuss the issue further. **Wilkinson** stated that GYEDC's contract is on the Executive Session for discussion, and legal advice can be provided.

**Beeson** stated that on the City's website there is a current job opening for an Economic Development Program Manager at \$88,000 a year. Could the City form a partnership with GYEDC, where GYEDC

provides an employee who would work closely with the City and, in return, the City could allocate the funds for the Economic Development Program Manager towards GYEDC? **Wilkinson** stated that currently he interfaces with GYEDC a lot, and the purpose for the Economic Development Program Manager will be to take on those duties and work with GYEDC to help them work more fluidly with the City. The Economic Development Program Manager will be the point of contact for existing businesses and function as a business advocate. The City is looking at the possibility of some redevelopment and working on some infill projects through partnerships with business owners and/or the construction industry. Having an Economic Development Program Manager focus on these projects will help accomplish the City's goals; however, the position is not intended to take over economic development. **Brooks** stated that the City should continue to allow GYEDC to provide these services instead of hiring an Economic Development Program Manager.

**Mayor Krieger** stated that despite the City's contribution, GYEDC would continue to provide services by either modifying their budget or using their contingency fund or reserves. GYEDC is subject to the budgets of the contributing entities. However, due to the current economic climate several of GYEDC's private sector contributors have shifted from being at the higher contribution level to the mid or lower levels. The City's proposal is appropriate relative to the approach of other governmental entities. The City should not be expected to continually cover funding that is reduced by other entities. This situation provides GYEDC an opportunity to assess who their contributing entities are, who the largest contributors are, and where their focus should be. The position of the Economic Development Program Manager will allow for some of the City Administrator's responsibilities to be shifted; that person will have the ability to focus more time and energy on working with GYEDC. The City is simply making adjustments based on the current budget and should also explore new opportunities. **Brooks** stated she understands the City's position, but reducing GYEDC's funding will reduce their services and marketing efforts during a time when Yuma needs to create more job opportunities.

**Motion Consent Agenda Item B9: Outside Agency Agreement: Humane Society of Yuma, Inc.**

**Mendoza** asked if the Humane Society of Yuma (HSOY) could change their reporting to include the type of animal, the date, and the location it was picked up. **Mayor Krieger** stated that this information could assist in documenting where colonies and large problems exist in the City. Further, city facilities can be cleaned up to ensure the City is in compliance with the Animal Control ordinance. **Wilkinson** informed City Council that in the proposed contract there is a section that will allow the City to request additional information from HSOY.

**Beeson** asked if the information he previously requested regarding an estimate of the cost for the City to get into animal control would be available by tomorrow. **Wilkinson** responded that it will be difficult to compile all the information by tomorrow; however, the business plan for the entire implementation is almost complete. **Beeson**: Will the business plan be available before City Council votes? **Wilkinson** replied that the business plan is not dependent upon the HSOY contract; therefore, if City Council votes to contract with the HSOY for six months of kenneling services, then the business plan will only include the hiring of animal control personnel and the possible purchase of two vehicles, at a cost of approximately \$50,000 each. **Beeson** asked if this information could be provided on paper. **Wilkinson** stated that he would attempt to have the information available by tomorrow's Regular City Council Meeting.

**Stuart** commented on the response requirement outlined in the HSOY contract which states HSOY will respond within 9 hours to 50% of calls regarding stray animals roaming at large. A stray dog

usually doesn't sit and wait to be picked up, and without getting into micromanagement, setting these types of performance standards is ineffective. **Mayor Krieger** agreed and stated that unless the criteria used in the contract is to respond to each call immediately, it will be challenging to set an effective standard. The response time requirement is probably based on some other ordinance or criteria that animal control officers generally follow to have some level of accountability. **Wilkinson** stated that this section is a carry over from the previous HSOY contract; however, response time appears to be one of the main issues County wide. Attempting to address it in the contract might not be feasible. Once the City has its own animal control officers, the issue will be easier to address. **Mayor Krieger** asked if this is the criteria being followed by the HSOY animal control officers. **Wilkinson:** I believe so.

**Resolution Consent Agenda Item B: Resolution R2011-19 Development Agreement: Harvest Power Community Development Group, Inc.**

**Mendoza** clarified that the contract is only for the lease of the building and will not give them sole use of the park. **Wilkinson:** Correct.

**II. YUMA FINE ARTS ASSOCIATION**

**Carolyn Bennett**, Executive Director, Yuma Fine Arts Association (YFA), presented the following:

- YFA was started in 1950 when ten artists got together to support each other and to nurture the arts in Yuma.
- In the first half of 2011, YFA opened ten exhibits featuring a total of 97 artists.
  - Southwestern Invitational 29 – 29 being the number of years, since the depot burned and held this exhibition.
  - Interaction with Spirit, by P.D. Allen, a local artist
  - The West in Bronze and Through the Lens, by Donald Strong, a Montana sculptor, and John Hoskin, a Western photographer
  - Yuma Symposium 32, which included an auction of pins made by the artists.
  - Yuma Lettuce Days, which is in conjunction with the Visitors Bureau's Agriculture Summit.
    - The artwork displayed was agriculture related and provided by local artists.
  - Four exhibits were for Artwalk on Main Street, which attracted 650 people to the Art Center.
    - Skyscapes for the Soul Paintings, by painter Jeni Bate
    - Interplay of Art, by artist Sarah Kriehn
    - Christina Lange's Salton Sea Project
    - Clay Legacy, by local art educators Rebecca Taylor, Walt Ashenfelter, Morgan Evans, Alma Angelina Aispuro, Holly Hedrick-Jones, and David Beezley
  - Los Que Se Quedan (Those Who Remain), sponsored by the Mexican Consulate
- Two fundraisers: *A Taste of Fine Art* and *Summer Beerfest*
- In 2010, YFA was able to open several exhibits using funds from a grant received from the City:
  - Café Cubano, Miami's Cuban collection from ten featured artists
  - Yuma Symposium 31
  - Celebrating Yuma: attendance of 250.
  - Exhibition by Reverend David Seacord was YFA's largest single solo show with 206 paintings
  - Exhibition by Khalid Alkaaby a wonderful, young Iraqi artist who escaped a repressive regime after his studio was blown up by extremists
  - Art War, presented by Leah Littlewood in support of the Yuma Young Artist Association
  - North End Co-op

- Yuma Artist Annual, 54 local artists presented their artwork
- Yuma Loves Emil Eger, more than 500 people attended the opening.
  - Emil Eger celebrated his 92<sup>nd</sup> birthday at the exhibit.
- In 1993 the depot fire destroyed much of YFA's permanent collection but some of the artwork was saved for future generations.
- Music is being incorporated into YFA through rehearsals from the Yuma Orchestra and the donation of a grand piano.
- The Children Festival of the Arts will be displayed in all four galleries this year.

**Mayor Krieger** asked if the upgrades to the main lobby would continue throughout the rest of the center. **Bennett** stated that there have not been any changes to the architecture other than some minor work along the walls, which has helped the acoustics tremendously.

**Stuart** stated that YFA is one of the City's local treasures that is being recognized nationally. It is an economic development feature when you consider the number of states and countries that come to look at the exhibits.

### III. LOCAL PREFERENCE ORDINANCE REVIEW

**Wilkinson** reported on the draft ordinance for local preference:

- The plan is to get comments from City Council, incorporate them into the draft, and submit it to the State for approval.
- The Purchasing department maintains a database of the different businesses in which the City contracts; Purchasing would then begin to track whether or not a business is local.
  - A local business is defined as a business that operates within the City of Yuma for 12 consecutive months, pays all their taxes, has a valid city business license, and has headquarters located within City limits.
- Purchases under \$50,000 are not typically presented to City Council for approval but purchases over \$50,000 are presented to City Council for approval, unless there is an existing contract.
  - In either case, staff would be able to apply the 5% local preference to public bids on improvements, materials, equipment, construction, professional services, or supplies; that do not exceed \$100,000.
- In cases where a business subcontracts some of its services, there is a clause which would require 50% of the subcontractors to be local businesses.
- This preference shall not be used where state statute or any applicable federal statute or regulation prohibits the granting of such preference.
- In no case, under either state statute or Yuma City Code, shall any bidder receive more than 5% total preference.

**Mayor Krieger** asked if the database would be based on active business licenses. **Wilkinson** indicated that the Purchasing department already has a list of pre-qualified vendors. To apply the local preference, staff would cross reference against both the existing database and business licenses to determine if a business is eligible.

**Mayor Krieger** inquired if the City will determine if a business has paid all its required taxes. Does the draft ordinance define what the required taxes are? **Wilkinson** replied that the City receives reports from the State that staff can use to verify if a business has paid taxes from previous years. **Mayor Krieger** stated that given the current economic climate, there is a rising trend of people not

paying taxes. Will the City verify if a company pays employees with cash? **Wilkinson** stated that currently, the City does not have staff that validates business licenses, receipts, or ensures that people pay taxes; staff relies on the State for this information but concludes the reports received are probably not an exhaustive check.

**Mayor Krieger** asked what will happen to businesses if they stop paying their taxes after a contract has been awarded to them. **Wilkinson** stated that there has been discussion about getting into this type of enforcement. However, due to limited resources it has not been implemented into the current procedures.

**Mayor Krieger** asked if language could be added to require businesses receiving a local preference to show proof of paying taxes; or, have a method in place for checks and balances that will put the burden on the business and not the City. Will the subcontractors have to be qualified and meet the same criteria as the original local business? **Wilkinson** stated that he will need to follow up with staff to know exactly what information can be verified.

**Johnson** stated that the language being proposed indicates that the business must have paid all their taxes, which includes unemployment taxes, social security taxes, and Medicare taxes; the City will not have access to verify all this information. Could the language be changed to only reference City taxes? **Mayor Krieger** agreed, and stated that some problems might arise if it is later discovered that all of the required taxes have not been paid by a business that was awarded a contract. However, he would prefer to reference all required taxes to ensure there is a check and balance between municipal, state, and federal agencies. **Johnson** fears that by implying all taxes the City will be creating a bureaucratic problem; the City does not receive funds from the federal government to collect taxes. **Mayor Krieger** stated that the ordinance does not propose that the City collect taxes, but only establish whether they have been paid. **Wicks** informed City Council that the City does not have the ability to look into any federal or state taxes; however, for some state collected taxes, such as the City sales tax, a database that provides this information is available. The City can also verify payment of property tax through the County's website and any city collected tax, but federal unemployment taxes or income taxes are not accessible because it is considered private information.

**Mayor Krieger** asked if the City will check on whether a business owner that is awarded a contract has unpaid child support payments. **Wicks**: No.

**Wilkinson** stated that he would defer to Mayor and Council on how they prefer the ordinance to read. **Stuart** suggested that having the contractor in question sign a statement that the business is current on all obligations would help address this issue. **Mayor Krieger** agreed with Stuart and added that if the statement is proven to not be factual then the 5% local preference should be taken away. **Johnson** stated that a self-certification indicating that a business is complying with the tax laws is an open invitation for people to submit fraudulent documents. If there is going to be a compliance mechanism it should be more than simply signing a piece of paper stating the business has complied. **Wilkinson** said that having the contractor sign a written statement that the business is current on all taxes is a good suggestion because it takes care of some liability.

**Mayor Krieger** asked if there had been any discussion related to the type of response local businesses might receive from other communities because of the local preference. **Wilkinson** replied that it appears that the City is in line with other cities and counties that have adopted a local preference; but, there is no telling how other communities might react.

**Stuart** noted that this has been an ongoing discussion for City Council and it looks as though this ordinance will work. This is an attempt by City Council to keep the taxpayers' dollars within the community; Wilkinson and Moore have done a great job putting this together.

**Beeson** asked if businesses could be required to submit a copy of their tax returns to show proof that the business is current with all taxes. **Wilkinson** stated that a business in financial jeopardy, may not want to reveal that information. Tax returns filed with the City become a public record. **Beeson:** Wouldn't it be public record anyway? **Wilkinson** replied that the City does not require private companies to disclose their tax records.

**Mendoza** agreed with the suggestion about the contractor signing a waiver form. The waiver could include language such as: the City of Yuma reserves the right to follow-up with an investigation.

**Mayor Krieger** requested that all contracts, particularly those that involve the 5% local preference, are well written with no ambiguity to ensure that there is a clear proposal, contract, and acceptance to avoid dealing with issues that should be addressed during the initial process.

**Wilkinson** noted the City can incorporate a requirement within the ordinance to have contractors submit a signed statement indicating that they have paid their taxes.

#### IV. YUMA POLICE DEPARTMENT PROGRAMS

**Geier** stated that the Yuma Police Department (YPD) has several community policing programs in place. Sergeant Clint Norred, the supervisor of the Public Affairs Unit, will provide City Council with an overview and update of these community policing programs:

**Norred** presented the following:

- Crime Free Multi-Housing
  - A crime prevention program designed to reduce crime through a partnership between law enforcement and multi-housing properties.
  - The City of Yuma currently has 22 certified crime free multi-housing properties.
  - Property managers and their properties can become certified after successful completion of all three required phases.
    - Phase One: A one-day seminar that provides owners and managers the basic training necessary to effectively run a crime free program on their property.
    - Phase Two: A security evaluation of the rental property, in which YPD will survey the rental community to ensure it meets minimum safety/security standards.
    - Phase Three: The apartment community will host a community event to promote the Crime Free Multi-Housing Program called a Safety Social.
  - Once a property is certified, the manager can post a Crime Free Multi-Housing sign and learn about a crime free lease addendum that they get to use, which helps evict problem occupants.
- Neighborhood Watch
  - The program begins with an organized meeting in the home of a neighborhood sponsor; the Public Affairs Officer provides crime prevention information, target hardening tips and discusses the current state of the neighborhood. The officer will also discuss when and how to call YPD, and how to build a sense of community.
  - The City of Yuma currently has 42 Neighborhood Watch Groups.

**Mayor Krieger** asked what kind of activity should be reported as suspicious. **Norred** suggested reporting unknown cars coming through neighborhoods at slow speeds or suspicious people that generally are not in that neighborhood. The Public Affairs officer will go over the benefits of motion sensors, lights, and keeping shrubbery trimmed. **Mayor Krieger** asked if there is a different response time to a Neighborhood Watch neighborhood. **Norred** stated that there is no difference in the response time to a neighborhood with or without a Neighborhood Watch group.

Continuing, **Norred** presented the following:

- The Anti-Graffiti Strategy (T.A.G.S.)
  - The program is a comprehensive package of measures to curtail graffiti in the City of Yuma.
  - The initiative by Mayor Krieger and Police Chief Geier includes stepped up enforcement, greater education and awareness, and enhanced partnerships between the City and the community.
  - Important numbers to remember:
    - To report vandalism in progress call 911.
    - To provide general information about taggers, or crimes that have been committed call YPD (928) 373-4700, or to remain anonymous (928) 78-CRIME.
    - When you see graffiti, report it to “Graffiti Busters” for clean up at (928) 329-2828.
      - If you clean graffiti up yourself, please report it online to YPD.

**Mayor Krieger:** What is the attainment level of getting all businesses to have their paint cans locked up? **Norred** stated upon YPD’s inspections, all businesses were in compliance.

- The Hispanic Community Liaison Officer
  - In 2010, YPD Chief Geier sought to expand community involvement, interaction, and education with the Hispanic community by creating the position of Hispanic Community Liaison Officer which is currently held by Master Police Officer (MPO) Cruz Vidal.
  - MPO Vidal is directly involved with the citizen police academies, a number of public presentations, and is the reserve public information officer and the primary contact for the Hispanic media.
- Citizen Police Academy
  - The eight week course is designed to educate the citizens of Yuma about the daily operations of YPD. Participants meet once a week to learn about education and awareness taught by different officers. The topics include criminal law, gangs, and drugs.
  - YPD has hosted the Citizen Police Academy for several years. However, this was the first year it was offered in Spanish.
  - YPD plans to offer two Citizen Police Academies annually; one in English and one in Spanish.
- Gang Resistance and Education Training (G.R.E.A.T.)
  - Two YPD Officers are assigned to the G.R.E.A.T. program, which begun in 2010 at local middle schools.
  - The program is scheduled to begin at local elementary schools this semester.
  - G.R.E.A.T. is a national gang resistance and life skills program instructed in both elementary and middle schools. Some of the objectives are:
    - Lower levels of crimes and victimization
    - More negative views about gangs
    - More favorable attitudes about law enforcement
    - Reduction in risk-seeking behaviors

- G.R.E.A.T. has planned summer-time activities and projects that target improvements in community school.
- G.R.E.A.T. students and parents have participated in graffiti clean-up including a clean-up project at the Yuma Cemetery just before Memorial Day to ensure the gravesites were clean for visiting family members.
- Auto Theft Awareness
  - Auto theft is on the decline nationally; however, it still accounts for millions of dollars in loss every year.
  - YPD participates in the Arizona Auto Theft Prevention & Awareness Day, which is usually held in March.
  - YPD holds a free VIN etching event to provide general tips and information.
  - The 'Watch Your Car Program' is instituted by the Arizona Auto Theft Authority, which issues a decal for your vehicle that allows law enforcement personnel across the State to stop your vehicle if it is being operated between 1:00 a.m. 5:00 a.m., or anytime within a mile of the international border if there is suspicion the vehicle is being illegally operated.
    - The program is only available for Arizona registered vehicles.

**Mayor Krieger** asked if the VIN etching is only available to Arizona registered vehicles. **Norred** stated that any vehicle brought in to an event would be etched.

**Johnson:** Why is the 'Watch Your Car Program' restricted only to Arizona registered vehicles? **Norred** stated that many states offer similar programs to combat auto theft, but since the funding, tracking, and data is stored via the Arizona Auto Theft Authority, it is limited to only Arizona registered vehicles. **Johnson** added that it would be a good program to offer winter visitors.

Continuing, **Norred** presented the following:

- Bait Vehicle Program
  - A vehicle equipped with a Global Positioning System (GPS) and internal video that activates when the vehicle is tampered with and/or stolen, which alerts dispatch to track and disable the vehicle upon request of the responding patrol unit.
  - The City has seen significant declines in auto theft over the past 5 years.
  - YPD encourages local businesses to join in supporting the Bait Vehicle Program by purchasing a sign through YPD and displaying it on their property to deter auto thieves, and to encourage public awareness and education.
- Prescription Drug Collection Program
  - The program offers the public a means to anonymously deposit expired, unused, or unwanted prescription drugs in a collection box located in the lobby of the YPD.
  - To remain anonymous, participants are encouraged to remove or black out their personal information from the prescription label.
  - Participants may dispose of medication in its original container or by depositing it directly into the disposal box.
  - All medication collected through this program is destroyed by incineration.
  - Since January YPD has collected over 250 pounds of medication.
  - Acceptable items include: all expired, unused or unwanted controlled, non-controlled and over the counter medications, liquid products should remain sealed in their original container.
  - Unacceptable items include: syringes, intra-venous solutions, injectables, illegal substances such as marijuana or methamphetamines, personal/business mail and general trash items.
- Residential Security Survey

- This program offers citizens the opportunity to increase the overall security of their property, thereby decreasing the likelihood of being victimized by crime.
- A Public Affairs Officer will go to the citizen's home and conduct a Security Survey and Analysis.
- At the end of the survey the officer will explain the areas that were checked and make suggestions on how to improve the areas that need attention.
- Ride-A-Long Program
  - This program allows citizens the opportunity to ride with an officer to observe the law enforcement profession.
  - The program is available to anyone at least 16 years of age and meets the following conditions:
    - Sign a waiver
    - Limited to two ride-a-longs in a twelve month period
    - Never have been convicted of a felony or have felony charges pending
    - Must not have been convicted of a misdemeanor within the past twelve months, have misdemeanor charges pending, or be on probation
  - There are some exceptions for City employees and dignitaries
- Volunteer Personnel
  - YPD offers three ways to volunteer: Reserve Officer, Volunteers in Policing, and Explorers.
    - Each of these categories offers the opportunity to work alongside police officers and staff
    - All volunteers receive training specific to their duties.
  - In 2010 volunteer personnel logged over 1,800 hours of volunteer time.
- YPD on the Web
  - Crime reporting online allows the community to report minor crimes that occur in the City, such as bicycle theft, vandalism, lost property, and some minor burglary and thefts.
  - Most accident/collision reports are available online about 10 days after the reported date, with the exception of serious injury or fatality reports.
  - Uniformed crime statistics are available online from years past up to 2010 covering serious crimes and general information about calls for service, collisions, and arrest.
  - YPD's site provides links for parents and children to education and awareness websites.
- Community Involvement
  - YPD is very active in support of the Law Enforcement Torch Run (LETR) for Special Olympics.
    - YPD hosted several fundraisers for LETR such as: the Scary & Safe Halloween at the Yuma Territorial Prison, the Polar Plunge, and two Tip-A-Cop events.
    - Over \$18,000 has been collected to benefit Special Olympics in Arizona.
  - Continuous participation in the Relay for Life through fundraising and an YPD team and support for United Way.
- Additional program information is available on the YPD's website at yumaaz.gov under Services & Programs.
- Other activities YPD is involved with are: National Night Out, Getting Arizona Involved with Neighborhoods (GAIN), YPD open house & tours, job fairs, K-9 demonstrations, displays and presentations at public events, public service announcements, and adopt Christmas families.

**Mayor Krieger** thanked YPD for their continuous support of the Torch Run which is appreciated by the Special Olympics and athletes. What do citizens need to do to bring back block parties? **Norred** stated that YPD encourages block parties and all the organizer has to do is acquire certain permits. **Brooks** added that YPD is working with the Southgate Mall for the possibility of offering women's self defense classes. **Mendoza** commended YPD for everything they do.

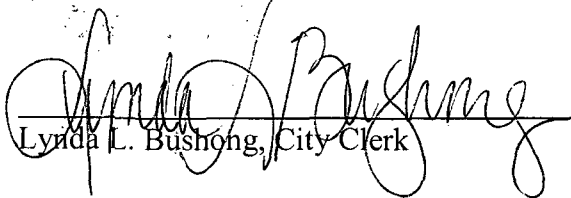
**V. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION**

**Mayor Krieger** noted the following events he attended:

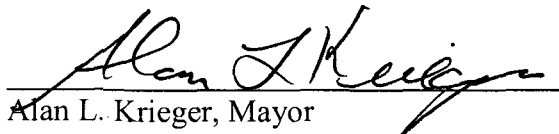
- The Flag Raising Ceremony at the Armed Forces Park
- The Engler Estates Independence Day Parade
- The Groundbreaking Ceremony of the John M. Roll U.S. Federal Courthouse
- The Groundbreaking Ceremony of new hangars, an administration building, and a flight simulator building at the Marine Corp Air Station – Yuma
- AmeriSchools
- The Adult Literacy Graduation

**VI. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Mendoza/Brooks): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0.  
The meeting adjourned at 6:25 p.m.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of:  
October 19, 2011  
City Clerk: 