

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JULY 6, 2011
5:30 p.m.

CALL TO ORDER

Deputy Mayor Mendoza called the City Council meeting to order.

INVOCATION/PLEDGE

Tom Reynard, Pastor of Mount Zion Church, gave the invocation. **Brooks** led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, Brooks, and Johnson
Councilmembers Absent: McClendon and Mayor Krieger
Staffmembers Present: City Administrator, Gregory K. Wilkinson
City Attorney, Steven W. Moore
Senior Planner, Noah Cullis
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS - none

I. CALL TO THE PUBLIC

Gary Wright, 2240 Elks Lane #27, read a statement he prepared, and distributed to City Council, stating that there is approximately 16,470 square feet, on the east side of the third floor, within City Hall that has never been occupied by City employees. It cost \$27 million to build and furnish City Hall through the sale of bonds by the Municipal Property Corporation at a rate of 4.5%. The total cost to build City Hall, including principal and interest, will be approximately \$64 million. He suggested the City Council perform an audit of its vacant property and use it to generate revenue, make higher payments and reduce the interest paid on the building. The City Council can't change the mistakes of past elected officials, but they can investigate past actions, affairs, departments and agencies. Will the City Council hold the developer accountable to complete the third floor building? What legal right did the developer have to not complete the third floor? Was the decision approved by City Council? Or, was the decision an administrative action? Why weren't there competitive bids if the project was funded through the sale of bonds? Yuma has the highest unemployment rate in the nation and the most expensive City Hall. He asked the City Council to place the issue on an agenda, and investigate the problem.

Shereen Khan-Guinn, 560 E. Palo Verde, stated that she requested the documents Wilkinson spoke of regarding the findings of investigations conducted by the Yuma Police Department (YPD), Yuma County Sheriff's Office, and the Attorney General's Office via the Request for Public Records process. However,

the City Clerk stated the list of documents were previously provided by YPD, but she clarified it was the Mayor who provided the list of documents. The City Council has two members with law enforcement backgrounds who know that the statements Wilkinson made do not abide by law enforcement regulations. She stated that Mendoza worked with her husband in law enforcement and knows the Guinn's socially, although he denies it. When documents are subpoenaed to the Police Department for a criminal investigation, the documents should remain at the Police Department. She stated that Wilkinson directed her to retrieve the documents from the Sheriff's Office, as the City does not have them. They are determined to get their lives back after 20 years of allegedly being abused by law enforcement. In order to do so, they were asked to get all of the documents and information of her allegations. She stated that although the City Attorney has instructed YPD staff not to meet or speak with her, she will be going to YPD to request the documents or she will go through internal affairs.

II. MOTION CONSENT AGENDA

Motion (Beeson/Brooks): To adopt the Motion Consent Agenda as recommended, with the exception of Items B8 and B9, which were removed by Brooks and Johnson, respectively. Voice vote: **approved** 5-0.

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

Regular City Council Meeting	April 6, 2011
Special Joint Worksession/Roundtable	April 12, 2011
Special Joint Worksession/Roundtable	April 26, 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 New Bar, #6, Liquor License application submitted by Mark Jeffrey Seward, agent for Tropicana Night Club, Inc dba Tropicana Night Club, located at 185 S. Main Street, Yuma, Arizona. (LL11-09) (Admin/Clerk)
3. Authorize a sole source contract in accordance with the Yuma City Code, Section 36-39, Sole Source Procurement for Relocating Telecommunications Facilities, in an amount estimated at \$62,707.00, to Qwest Communications Company, LLC, Littleton, Colorado. (Fin)
4. Authorize the purchase of two (2) Chevrolet Tahoe 2011 vehicles by utilizing a cooperative agreement originated by the State of Arizona at a total cost of \$97,773.50, utilizing Development Impact Fees with Midway Chevrolet, Phoenix, Arizona. (Bid #2011000448) (YPD) (Fleet Svcs)
5. Authorize City Administrator to sign the required Arizona Department of Transportation exemption approval on behalf of the Yuma City Council. (YPD/Admin)
6. Authorize a Special Use Permit between Colorado River Tubing Adventures and the City of Yuma for use of City property to operate a commercial water tubing concession. (Parks & Rec)

7. Authorize the execution of an agreement between Yuma Fine Arts Association and the City of Yuma providing for fiscal year 2011-2012 funding by the City of Yuma in the amount of \$31,500.00 and setting performance standards for Yuma Fine Arts Association. (Parks & Rec/Arts & Culture)
8. Removed for separate consideration; see below.
9. Removed for separate consideration; see below.
10. Authorize the City Administrator to execute subrecipient agreements in the amount of \$249,500.00 in accordance with the 2011 CDBG Action Plan. (Admin/EcDev)

Motion Consent Agenda Items Removed for Separate Consideration

- B.8 Authorize the execution of an agreement between Greater Yuma Economic Development Corporation and the City of Yuma providing for Fiscal Year 2011-2012 funding by the City of Yuma in the amount of \$200,000.00 and setting performance standards. (Admin)

Speakers

Sharon Gardner, 3366 W. 12th Lane, GYEDC Board Member and employee of Yuma Regional Medical Center, stated she attended several worksessions where GYEDC funding was discussed. Arizona is ranked second in economic decline and lost over 296,000 jobs in 2009; resulting in Arizona and Yuma County to be well above the national unemployment average. GYEDC has done an outstanding job in competing for grants and bringing new businesses to Yuma. Yuma is an attractive destination and has an opportunity for growth. GYEDC not only specifically promotes Yuma, but it also promotes the County. The investorship by private businesses increased this year, but GYEDCs' contingency funds are very low and should not be used for everyday operations, they are reserved for emergencies. GYEDC had a California strategy in its goals this year; however, additional visits to California will require more money and GYEDC is looking at reduced funding. She urged the City Council to reconsider restoring GYEDCs' full funding.

Doug Nicholls, 200 E. 16th Street #150, GYEDC Board Chairman, thanked Wilkinson and all of the GYEDC board members for their assistance in reviewing funding issues. Business retention is important in economic development and is something GYEDC does as part of its planning. GYEDC would welcome the City adding a staff member to work with them on economic development, but would like to maintain their organization without a decrease in potential or capabilities. GYEDC desires the funding to remain at the same level as last fiscal year.

Stuart asked how much money is in the contingency fund. **Nicholls** stated there is approximately three to six months of operating funds in case of an emergency. **Stuart** asked if GYEDCs' annual budget was approximately \$1 million. **Nicholls** stated that the budget is around \$600,000/year. **Stuart** declared there would be approximately \$200,000 in GYEDCs' contingency fund.

Johnson inquired about the City of San Luis' contributions over the last few years, which has been reduced approximately 90%. What is GYEDC doing to convince the City of San Luis to restore previous funding levels? **Nicholls** stated there was a meeting last week with all of the local agencies and the City of San Luis to discuss the issue. However, there are some relationship issues that need to be worked out with the City of San Luis, which they are addressing. GYEDC needs to find some equality among the communities, and get

everyone back to where there is semblance of what is fair and acceptable. With the collaboration of the communities, there can be a mutual understanding of what is equitable; however, as it is a complex issue, there will not be a quick resolution.

Johnson stated that the City of Yuma is not receiving any additional benefits from GYEDCs' efforts, yet they have always been the largest contributing government agency, paying for more than 50% of the contributions. If there's going to be a development organization, it needs to be on a regional basis and the communities should contribute based on population. There is perception that the City of Yuma has a bottomless pot because whenever an organization gets their budget cut from another entity they immediately come to the City to restore funding, even when the City is facing financial difficulties. **Nicholls** stated he agrees to some degree, but the tax returns do create a positive return for the City. If GYEDC is looking at budget cuts, they will feel the impact and in order to be a functioning organization there's a minimum level of funding required. GYEDC is focusing on the communities in Yuma County to determine what an equitable share amongst the communities is. Also, there is a substantial focus on increasing private investorship in response to community adjustments and additional increased costs of doing business. There are year round efforts to increase funding, not just once a year pleadings to City Council.

Motion (Brooks/Beeson): To amend the outside agency agreement with the Greater Yuma Economic Development Corporation to increase the funding to \$247,000 for the fiscal year, more specifically to amend the outside agency agreement at section 3, subsection b.1, to delete the word "\$200,000" and insert in it's place the word "\$247,000". Roll call vote: **approved** 5-0.

Stuart explained that he has seen the ups and down of economic development over the years and feels GYEDC has great potential and understands the need for a contingency fund.

Motion (Brooks/Beeson): To approve Motion Consent Item B.8, the Greater Yuma Economic Development Corporation agreement as amended and pursuant to instructions previously provided. Roll call vote: **approved** 5-0.

B.9. Authorize the execution of an agreement with the Humane Society of Yuma, Inc., which provides for Fiscal Year 2011-2012 funding by the City of Yuma and sets forth performance standards in exchange for the Humane Society of Yuma, Inc. serving as a City enforcement agent for animal control. (Admin)

Johnson stated there were questions about a business plan at last night's worksession, and feels it would be appropriate to have more discussion before taking action. Also, City Council may consider continuing this item, as Mayor Krieger and McClendon are absent. **Deputy Mayor Mendoza** asked if there were any issues on the contract, or is the continuation to allow the Mayor and McClendon's feedback and vote.

Johnson stated that Mayor Krieger and McClendon both should have the opportunity to review the figures. There were questions raised regarding a business plan; however, it is premature to vote on something that doesn't have a business plan or firm figures. **Deputy Mayor Mendoza** stated the City Council has the numbers, although, they may not be completely related to the contract on hand, but if Johnson desires to make a motion to move the agreement to the next council meeting, he can do that but Mayor Krieger has been informed of the numbers.

Brooks stated she understands the contract is only through December. **Wilkinson** explained the contract provides full services for the first six months, then starting January 1, 2012, there is an option for the City to

continue kenneling with HSOY. **Stuart** stated the contract indicates the City will save \$100,000 over the first year. **Wilkinson** explained that there would be revenues from licensing and reimbursements from boarding. **Stuart** asked if the Mayor was aware of and supported the figures. **Wilkinson**: Yes.

Motion (Johnson/Beeson): To continue the consideration of the Outside Agency Agreement for the Humane Society of Yuma, Inc., to the next regularly scheduled meeting of July 20, 2011. Roll call vote: **failed** 2-3; Stuart, Brooks and Deputy Mayor Mendoza voting nay.

Motion (Stuart/Brooks): To approve Motion Consent Agenda Item B9, as presented.

Discussion

Beeson stated the numbers provided in association with the first year's plans were vague and it is troubling to vote on something where there isn't a clear picture of the direction the City Council is going. There needs to be a solid plan in place before developing a new division.

Johnson concurred; a single sheet of paper with a few numbers on it doesn't suffice, a decision shouldn't be made involving that much with little information.

Roll call vote: **approved** 3-2; Beeson and Johnson voting nay.

III. RESOLUTION CONSENT AGENDA

Motion (Brooks/Stuart): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2011-18

A resolution of the City Council of the City of Yuma, Arizona, appointing the Election Board Officers (Poll Workers) to serve as a Board of Election at the City Primary and General/Special Elections to be held on August 30, 2011 and November 8, 2011, respectively
(Admin/Clerk)

Resolution R2011-19

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a development agreement with Harvest Power Community Development Group, Inc. concerning a lease of City owned property located at 1793 South First Avenue
(Parks & Rec)

Roll call vote: **adopted** 5-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Beeson/Brooks): To amend Ordinance O2011-27 by deleting amendment item number 2, Article VI, Section 3(c), City Attorney.

Bushong repeated the motion for clarification: "To delete the amendment of Article VI, Section 3 (c) in Ordinance O2011-27." **Moore** asked Beeson to confirm. **Beeson** affirmed the motion.

Moore stated that he needed to check with the City Clerk on the timing of the election and the impact the amendment may have because amending the ordinance reverts it back to first reading tonight, pushing the adoption to the July 20, 2011, Regular City Council meeting, which is the proper and legal procedure the City Council must take. **Bushong** indicated there would be sufficient time to process the amended ordinance and ready in time for the election. **Deputy Mayor Mendoza** clarified there wouldn't be any action taken on the ordinance tonight besides the reintroduction, as amended.

Roll call vote: **approved** 3-2; Stuart and Deputy Mendoza voting nay.

Deputy Mayor Mendoza asked if the City Council should vote on the remainder of the Ordinance Consent agenda then introduce Ordinance O2011-27 as amended. Moore stated it is up to Deputy Mayor Mendoza, as he is the presiding chair; however, past practice has been to make a motion to introduce the ordinance as amended.

Motion (Beeson/Brooks): To reintroduce Ordinance O2011-27, as amended.

Bushong read the following title:

Ordinance O2011-27, as amended

An ordinance of the City Council of the City of Yuma, Arizona, ordering a Special Election for the qualified electors of the City of Yuma, Arizona, for the purpose of determining whether to amend the Charter of the City of Yuma, Arizona, as follows: amend Article IV, Section 4; and, amend Article VI, Section 14

(Finalize ballot language on Yuma City Charter Amendments and Call a Special Election) (Admin/Clerk)

Johnson clarified the motion is for reintroduction of the ordinance, which still includes a proposed pay raise for the Mayor and City Council. **Bushong**: Correct, only the section regarding the City Attorney has been deleted.

Roll call vote: **approved** 4-1; Johnson voting nay.

Motion (Stuart/Beeson): To adopt the Ordinances Consent Agenda as recommended, with the exception of Ordinance O2011-27.

Bushong displayed the following titles:

Ordinance O2011-24

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 1 and Section 12 of Township 9 South, Range 23 West, and that portion of Section 7 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

(Annexation Area A2011-02: Premier Storage; property located at the southeast corner of 32nd Street and Avenue 3¼E) (DCD/Planning)

Ordinance O2011-25

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15, Chapter 157 of the Yuma City Code, to repeal Section 7, the Arts and Cultural Facilities Development Fee

(Admin)

Ordinance O2011-26

An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars (\$100) of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2011-2012 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous fiscal year, providing a General Fund; and fixing, levying, and assessing upon property within the boundaries of the Main Street Mall and Offstreet Parking Maintenance District No. 1 subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said district, all for the fiscal year ending June 30, 2012

(Finance)

Roll call vote: **adopted** 5-0.

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2011-28

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

(Right-of-way acquisition: waterline extension to serve 4767 West 16th Street properties; Beltran Lot Split)
(Eng)

Ordinance O2011-29

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

(Right-of-way acquisition: waterline extension Avenue 3E, between 12th and 14th Streets) (Eng)

VI. PUBLIC HEARINGS

A. Annexation Area No. A2011-01: Peterson An annexation of two properties generally located at the northeast corner of Letvin Avenue and 20th Street. (DCD/Planning)

Deputy Mayor Mendoza opened the public hearing at 6:29 p.m.

Cullis presented the following:

- The property is approximately 27 acres
- Surrounding land uses: to the north is commercial; and to the south, east, and west is industrial.

Deputy Mayor Mendoza closed the Public Hearing closed at 6:30 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Beeson/Brooks): To appoint Lisa Rammelt, Michael Hall, and Heather George to the Park, Arts, and Recreation Commission with a term to expire on December 31, 2012. Voice vote: **approved 5-0.**

Motion (Beeson/Brooks): To appoint Rosa Gaytan, Isaac Russell, and Judy Phillips to the Park, Arts, and Recreation Commission with a term to expire on December 31, 2015. Voice vote: **approved 5-0.**

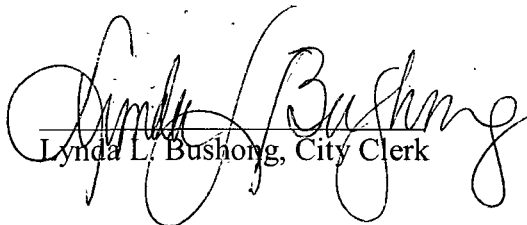
Deputy Mayor Mendoza reported attending the American Legion Post 19 Fourth of July Celebration and "Watermelon Bust" on July 2, 2011, where he received a certificate thanking City staff, particularly Parks and Recreation for their Memorial Day festivities at Gateway Park; and, Communications for the promotion of the event. The certificate is in the Mayor's office if anyone would like to see it.

VIII. SUMMARY OF CURRENT EVENTS

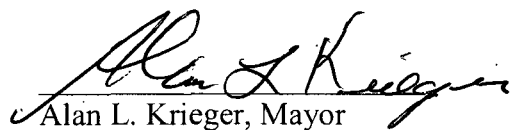
Wilkinson reported that on Saturday, July 9, 2011, there will be an Indoor Swap Meet at the Civic Center. Also on Saturday is the City of Yuma's Household Hazardous Waste collection drop-off at the Public Works yard located at 265 W. 13th Street.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Beeson/Brooks): To adjourn the meeting to Executive Session. Voice vote: **approved 5-0.** The meeting adjourned at 6:35 p.m. An Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
October 5, 2011
City Clerk: 