

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 17, 2011
5:30 p.m.

CALL TO ORDER

Deputy Mayor Mendoza called the City Council meeting to order.

INVOCATION/PLEDGE

Captain Randy Hartt, Salvation Army, gave the invocation. **Greg Hyland**, Director of Communications and Public Affairs, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Deputy Mayor Mendoza, Beeson, McClendon, Brooks, and Johnson
Councilmembers Absent: Stuart 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 - none

Wilkinson read a statement from Councilmember Brooks: Today Councilmember Brooks wants to share with you, her fellow Councilmembers and citizens of Yuma who she serves, some unfortunate news. She has recently been diagnosed with Bells Palsy, a condition that has caused weakness and paralysis of the muscles on the left side of her face. Although the news is unwelcomed, she has been assured by her doctors that this is likely a temporary condition and that with treatment will show significant improvement in the next several months. She asks for your prayers and she is confident with your support and the support of her family and friends she will successfully work through this difficult time. She looks forward to continuing to work with you and to serving her constituents and the citizens of Yuma.

Deputy Mayor Mendoza suggested moving the appointment of an alternate City Councilmember to the Yuma Metropolitan Planning Organization (YMPO), to a later date when all seven Councilmembers are present. He stated that because only five Councilmembers are present, it wouldn't be appropriate to take action now.

Johnson noted that YMPO's bylaws state a proxy can be used when a member of the City cannot make the meeting; however, the City, with three designated members on the YMPO board, has never utilized an alternate and there is still no need for an alternate.

Motion (Johnson/Beeson): To decline to appoint an alternate to the YMPO Board.

Discussion

Deputy Mayor Mendoza explained the item was placed on the agenda by the Mayor, and out of respect, he suggested removing the item until all seven Councilmembers can be present. **Johnson** stated that at last night's worksession, Councilmember Stuart mentioned an alternate would likely show up at YMPO meetings, which would result in a quorum of City Councilmembers being present and would require a notice to be posted. Since official government actions are taking place, the City would likely have to prepare minutes for the meeting. **Deputy Mayor Mendoza** stated that sitting on the Regional Council for Aging Board, he has an alternate and although she doesn't attend all the meetings, she is kept up to date via agendas and minutes. There are several meetings that the City Councilmembers attend in a quorum that are continuously posted; YMPO is also posted at the City because there are three City Councilmembers on the board. If a fourth City Councilmember wants to attend the YMPO meetings, a notice of a quorum is already posted. Since there is a motion on the table, the City Council needs to vote on it, and it can be brought up again at a later date.

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

Deputy Mayor Mendoza asked for clarification of the motion. **Moore** explained the motion moves the City Council to decline the appointment of an alternate to the YMPO Board; therefore, an aye vote rejects the appointment of an alternate. **Deputy Mayor Mendoza** stated that he would like the opportunity to bring the issue up again at a future meeting. **Moore** stated that per Robert's Rules of Order, a person on the majority side of the vote could bring it back for reconsideration, but there are other rules that apply as well.

Deputy Mayor Mendoza recognized Jordan Babbitt, a Boy Scout from Troop 8057, in the audience working on his Citizenship Badge.

II. MOTION CONSENT AGENDA

Motion (McClendon/Johnson): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 5-0.**

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

Regular City Council Meeting	June 1, 2011
Special Worksession/Roundtable	June 14, 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 Cristyn E. Weil, on behalf of the Humane Society of Yuma, Inc., for the Fifth Annual Fur Ball. The fundraiser event will be held on Saturday, September 17, 2011, at the Arizona Western College 3C Building, located at 2020 S. Ave. 8 E, from 6:00 p.m. to 1:00 a.m. (SP11-26) (Admin/Clerk)
3. Authorize Administration to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, one year at a time, depending on the appropriation of funds and satisfactory performance for Professional Economic Development & Redevelopment Consultation on a delivery order basis with the following firms: Nielsen Fackler Planning and Development, Tempe, Arizona; and, Urban Design Associates, Pittsburgh, Pennsylvania. (Bid #2011000155) (Admin)
4. Authorize the City Administrator to execute the Award Agreement between the Arizona Attorney General and the City of Yuma for the Victims' Rights Program, in the amount of \$5,000.00 for Fiscal Year 2011-2012. (Attny/Prosecutor)
5. Approve an Infrastructure and Services Report for Annexation Area No. A2011-01, identified as the Peterson Annexation, located at the northeast corner of Letvin Avenue and 20th Street. (DCD/Planning)

III. RESOLUTION CONSENT AGENDA

Bushong displayed the following title:

Resolution R2011-23

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement, including waiving Building Permit fees and exempting a portion of Citywide Development fees, for the expansion of Johnson Controls Battery Group, Inc
(DCD/Planning)

Speakers

Jeff Vine, 3401 S. Arizona Avenue, Plant Manager representing Johnson Controls, thanked the City Council and staff for the efforts to work together with Johnson Controls and offered to answer any questions the City Council may have.

Discussion

McClendon pointed out the Development Agreement includes incentives totaling over \$44,000; the City is helping defer fees through incentives, and asked Vine to explain to the public what Johnson Controls is doing. **Vine** explained that Phase II of the project is expanding the facility 40,000 square feet to allow for growth and increase sales. The expansion has added 30-35 jobs in the facility.

Johnson thanked the plant manager for giving City Council a tour of their facilities and stated that he supports bringing the opportunity of good paying jobs to Yuma, and supports the City offering incentives to companies to do just that. However, if a portion of the development fees are waived the City will have to replace those dollars with dollars from the General Fund, which may set precedent and cause problems in the future. **Moore** explained that the resolution specifically states the City Council will direct the replacement of development fees by the City Finance Director, from a source other than Development Fees, to the appropriate Development Fee accounts within one year, which follows current City requirements set forth by ordinance. **Johnson** thanked Moore for the clarification, which helped him to reconsider his vote.

Deputy Mayor Mendoza stated that Resolution R2011-23 proves that the City is business friendly and willing to work with the business community. The employees at Johnson Controls will likely spend their earned income within City limits.

Vine stated that Johnson Controls has made a concentrated effort to only hire local contractors and required those contractors to only hire local subcontractors in an attempt to inject capital money back into the community. The cooperation from both the contractors and the City has been outstanding. **Johnson** stated Johnson Controls is a quality business that is needed in the community and he is proud to have them in Yuma.

Beeson stated that he, too, is appreciative of the addition to the community and hopes the story tomorrow will be how the City is working with businesses to bring jobs to the Yuma community.

Motion (Brooks/Johnson): To approve the Resolution Consent Agenda as recommended. Roll call vote: **adopted 5-0.**

IV. ADOPTION OF ORDINANCES CONSENT AGENDA - none

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2011-30

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2010-32 to correct a scrivener's error therein

(Correct a Scrivener's error that occurred during the Zoning Code reformat) (DCD/Planning)

Ordinance O2011-31

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said city certain parcels of land totaling approximately 27 acres at the northeast corner of Letvin Avenue and 20th Street and south of Interstate 8 and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of the annexed property to the Heavy 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 A2011-01: Peterson) (DCD/Planning)

Ordinance O2011-32

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 11, Chapter 114, Section 15 of the Yuma City Code relating to the discharge of firearms within the City limits (Amend Ordinance O98-77; Prohibit hunting within one mile of an occupied structure) (Police/Admin)

VI. PUBLIC HEARINGS

- A. **Resolution R2011-22: General Plan Amendment: Markal Investments, Inc.**
Amend the City of Yuma 2002 Yuma General Plan to change the land use designation from Mixed Use to High Density Residential for properties located at 780 and 792 S. 2nd Avenue. The applicant is the Markal Investments, Inc. (GP2011-003).
(DCD/Planning)

Deputy Mayor Mendoza opened the public hearing at 5:56 p.m.

Cullis presented two slides that identified the subject property, which is currently undeveloped and briefed City Council on the following information:

- A neighborhood meeting was held on May 11, 2011 – no objections were received.
- Planning and Zoning Commission held two public hearings: July 11, 2011 and July 25, 2011 – only one public comment was received regarding the type of building and rental rates.
- The Planning and Zoning Commission forwarded a recommendation of approval to change the land use designation for approximately .384 acres from Mixed Use to High Density Residential to the City Council.

McClendon inquired if the Design and Historic Review Commission (DHRC) has reviewed the design, since the building will be in the Historic District? **Cullis** confirmed the DHRC has reviewed and approved the plans. **Deputy Mayor Mendoza** pointed out that the lots have been vacant for many years. He is confident the building will be nice, as the DHRC is very strict on what can be placed in the Historic District.

Motion (Beeson/Johnson): To close the Public Hearing on Resolution R2011-22. Voice vote: **approved 5-0**; Public Hearing closed at 6:00 p.m.

Motion (Beeson/McClendon): To adopt Resolution R2011-22, as recommended.

Bushong displayed the following title:

Resolution R2011-22

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2002-34, the City of Yuma 2002 General Plan, to change the land use designation from Mixed Use to High Density Residential for approximately .384 acres located at 780 and 792 S. 2nd Avenue (Applicant: Markal Investments, Inc.; GP2011-003) (DCD/Planning)

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Beeson reported attending a Yuma Metropolitan Planning Organization meeting and a meeting at the Vertical Church regarding the church's public art wall. He thanked the church for giving artists an outlet to express themselves legally, and he feels the wall will help in the fight against graffiti. Art done with a spray can is still art, providing it is done legally.

Johnson reported on an upcoming State Transportation Board meeting regarding funding for an all-weather accessible bridge over the Fortuna Wash, which is located on Highway 95, between Avenue 9E and the Yuma Proving Grounds (YPG). **Wilkinson** stated that he, Councilmember Johnson, and Mayor Krieger requested the Arizona Department of Transportation's Director, John Halikowski, visit Yuma to discuss the possible loss of funding for the Fortuna Wash Bridge. Halikowski flew down with his engineer and grant writer, who found a program Yuma would possibly qualify for. Total funding available is only \$14.4 million for the entire country and Yuma was seeking \$3.2 million. However, this morning he received an email from Washington, D.C. awarding Yuma a \$3.261 million grant for the bridge, which is 25% of the available funding. The receipt of the grant sends a message of the importance of YPG to the community and the country. **Deputy Mayor Mendoza** commended the efforts of everyone who helped with securing the grant.

McClendon reported that she and Councilmember Brooks attended the Yuma Fire Department's Cadet Graduation. The ceremony was a wonderful event for the three cadets. She hopes to see the graduation continue to grow. She also attended the 78 Crime Splash Out Night, and will be attending a ribbon cutting for a new business in the Yuma Palms Mall, Spring Leaf Financial Services.

Johnson acknowledged Wilkinson and Mayor Krieger's efforts in keeping the Highway 95 widening project in the State of Arizona's 5-Year Capital Improvement Project.

Deputy Mayor Mendoza reported attending the Yuma Fire Department's Cadet Graduation where there was a first time presentation of the Fire Department's Color Guard. He also attended the Splash Out Crime Night, a Police Department Retirement and will be attending the Arizona League of Cities and Towns conference in Tucson along with Councilmember McClendon and Mayor Krieger. In reference to the Vertical Church, he stated the difference between vandalism and art is permission. Although he still fights the war on graffiti in his current job, he feels what the church is doing is good and he is glad it is being monitored by local law enforcement.

Scheduling

McClendon stated that because the Vertical Church is the topic of discussion, she feels the graffiti ordinance needs to be revisited and the wording changed to be more lenient towards the efforts of what the church and others are attempting to accomplish. **Wilkinson** pointed out that what the church is doing is not illegal per City ordinances; however, there are certain things that need to be addressed, such as the plywood sign that needs to be removed. Currently, there is nothing in the City Code that prohibits the church's activities; therefore, a modification is not necessary, but he will add it to a future agenda for discussion if that is City Council's desire. **McClendon** stated that because there are misunderstandings of graffiti art

versus tagging, she feels the item needs to be discussed in a worksession. **Deputy Mayor Mendoza** agreed with placing the topic on a worksession agenda.

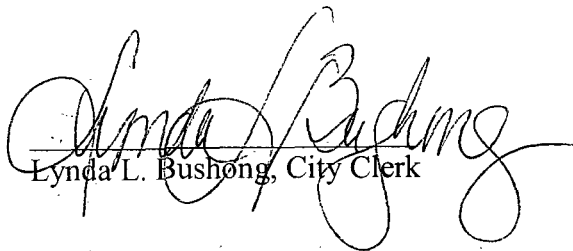
VIII. SUMMARY OF CURRENT EVENTS

Wilkinson presented the following information:

- Yuma Police Department Officer Tomas Salviejo has been awarded the "2011 Individual School Safety Award" by the National School Safety Advocacy Council.
- August 30, 2011, is the Primary Election for the City of Yuma
 - So far the number of Early Ballots requests is 13,370; and, the number of Early Ballots returned is 1,620.
 - If all the early ballots were to be returned, the City would have a 36.8% turnout versus a 20.9% turnout from the last election.

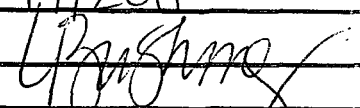
IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor Mendoza** adjourned the meeting at 6:15 p.m. An Executive Session was not held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of: <u>October 19, 2011</u>
City Clerk: <u></u>