

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
December 6, 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
Neighborhood Services Specialist, Nikki Hoogendoorn
Principal Planner, Jennifer Albers
Various department heads or their representatives
City Clerk, Lynda Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF DECEMBER 7, 2011

Wilkinson drew the City Council's attention to various motions prepared for tomorrow's Regular City Council meeting, which have been placed at each City Councilmember's seat for review; several refer to amending the General Plan.

II. LEGISLATIVE UPDATE

Chuck Coughlin of HighGround, the City's lobbyist with Arizona State Legislature, gave an annual update on their activities during 2011 and their expectations for 2012, noting it is a pleasure to represent the City of Yuma's interests at the State level. 2011 has been a busy year at the State capitol during the legislative session and even beyond. The following issues are of note:

- The workings of the Independent Redistricting Commission have generated significant political activity. Concerns about the process being used and how the proposed districts relate to various groups have been heard. HighGround has been watching the issue closely in hopes of seeing the commission take into account the interests of the communities and, especially, to see whether Yuma's legislative delegation will be able to continue to represent this area. Draft redistricting maps should be available by the end of the month.
- The State Senate has a new President, Andy Tobin, from Prescott; the former President (Steve Pierce) was successfully recalled, removing him from office. Because Tobin is not from Maricopa or Pima County, his leadership will present a healthy diversity at the Legislature.
- HighGround will continue to work with Yuma's legislative team: Senator Don Shooter and Representatives Russ Jones and Lynn Pancrazi. Fortunately, Senator Shooter is now the Chairman of the Senate Appropriations Committee. HighGround will continue its close contact with Yuma's legislative delegation throughout the upcoming legislative session. There are no other legislative changes of note to Yuma.
- The State budget continues to be the main priority. There is some light at the end of the tunnel as the economy has improved slightly. A \$400 million surplus is expected in the upcoming budget; this is the anticipated figure after taking into account \$2.8 billion in permanent debt that was adopted to

boost the current budget cycle and the temporary one cent sales tax increase, which will expire in June 2013.

- Changes to the Tax Code adopted by the State Legislature will begin affecting the budget in 2014. These changes will result in significant corporate income tax reductions.
- How Federal health care regulations will affect the State's budget remains unclear. These regulations could significantly impact on the State's Medicaid population.
- Although there are a number of uncertainties, the State is in a better financial position that it might be otherwise if it had not worked over the last several years to keep the ship of state upright. Many of the actions taken by the State Legislature, however, have not been popular.
- HighGround will continue to push for the preservation of State shared revenues and Highway User Revenue Funds (HURF). Statewide, individuals and groups are voicing their desire that the State return diverted HURF monies and/or cease to divert the funds in the future. HURF funding will constitute a significant public policy debate in 2012.
- There is a great deal of interest in the Department of Water Resources and its ability to effectively serve its constituencies. The State adopted new revenue stream options for the department that will impact cities and HighGround will be working to see that these are re-evaluated. HighGround will also work with the City on the issue and keep City officials fully informed.
- **Coughlin** invited City Councilmembers to visit the State capital and meet with the Governor and the leadership of the Senate and House of Representative to voice Yuma's concerns directly.
- Governor Brewer has announced her intention to reform the State Personnel System as one of her top priorities, making employees' pay based more on performance than tenure - making the process more merit-based. He anticipates that the Governor will introduce a fairly aggressive personnel reform package that will be met with a lot of enthusiasm by the Legislature.
- Governor Brewer continues to focus on increasing job and business opportunities statewide. With the privatization of the Arizona Department of Commerce and the creation of its successor, the Arizona Commerce Authority, everyone is hoping the move will indeed generate greater business relocation and development opportunities. This privatization and the passage of the tax reforms should continue to make Arizona more competitive. The Governor has the best and brightest minds working to create additional economic opportunities for the citizens of Arizona.
- There will undoubtedly be additional discussion on recently adopted tax reform measures; however, the main emphasis is expected to be on maintaining stability.
- The State Legislature is expected to address long term debt, look for ways to fund education and identify strategies to improve performance at both the kindergarten to 12th grade (K-12) and higher education level to make sure the State is paying for performance in both environments.
- Another item expected to come up for discussion in the next legislative session will be the Model Sales Tax Code. The Arizona Tax Research Association has raised the issue of a uniform tax code with the League of Arizona Cities and Towns (League). The business community has expressed a desire to avoid having to write multiple checks to multiple agencies on a monthly basis and are asking if there is a way to unify the process.
- The perennial issue of carrying of firearms in public buildings is expected to resurface in the next session.
- The privatization of municipal services is expected to see further discussion and HighGround will continue to voice the City's needs to State Legislature in this regard.
- State shared revenues will undoubtedly be discussed.
- Another potential item for discussion is charter reformation. The Goldwater Institute proposes statewide charter reforms in its New Charter for American Cities study.

- HighGround will also watch closely the resolution sponsored by the City at the League dealing with graffiti. Yuma is also working with the City of Phoenix Prosecutor's Office in this regard. The measure seeks to add a definition for graffiti to State Statutes, making for a more uniform approach to its abatement.
- Additional discussion is expected on consolidated elections. The Governor seems to be more supportive of local control, so there may be a significant discussion.
- The ongoing issue concerning the publication of public notices on the internet versus a daily newspaper should continue. There is quite a bit of interest in trying to save money by using the opportunities the internet makes available.

Coughlin outlined HighGrounds' activities over the past year:

- With the Governor's Office and the Department of Health Services in pursuit of a Certificate of Necessity relating to the providing of ambulance service by the City. A decision by the department is expected by year's end.
- To defend the City and protect local control of impact fees, managed competition and regulatory reform.
- To allow the use of the internet for public notifications.
- With the Arizona Department of Transportation (ADOT) on Avenue 3E bridgework. HighGround will continue to voice the City's desires to the ADOT.

In conclusion, **Coughlin** stated that he expects the upcoming session to be busy. The Governor and Legislative leadership are pushing for a 100 day session, which is possible. HighGround has represented the City for 12 years and has a good track record. If that's not the case, he's sure the City Council would let him know otherwise.

Discussion

Johnson, the City's representative on the Rural Transportation Advocate Council (RTAC), urged HighGround to continue to oppose State HURF funding diversions. The RTAC participated in a conference call with the Speaker Tobin last Friday. It was clear he did not grasp the impact these diversions are having; Tobin was concerned about the General Contractors new ad campaign. All the cities and counties of Arizona have suffered for half a decade with the State diverting voter-designated funding for roads to other purposes. Overall diverted funds total close to \$1.5 billion by now. These diversions directly impact all of Yuma's residents; Yuma's roadways are suffering. It also affects the City economically. Just recently, the Garrison Commander of Yuma Proving Ground (YPG) told the City that the Department of Defense decided against assigning a 3,500 soldier Strike Fighter brigade to Yuma because the road between the community and YPG couldn't handle the additional traffic. That's a loss of approximately 4,000 jobs to the community. This also constitutes a threat to Marine Corps Air Station. The City is working with the Arizona Department of Transportation to obtain grant money to proceed with roadway improvement design, but the improvement of this highway has been slated for funding for 15 to 20 years. RTAC was told that by the end of this year the State would not have matching funds for federally funded projects. The federal portion of a matched project is 93%; there's no better return rate on an investment.

Coughlin agreed. The budget has always been a balancing act. The Arizona Chapter of the Associated General Contractors is putting together a advertising campaign to raise the awareness on the issues Johnson mentioned. The building trades community feels very strongly that the diversion of HURF funding is detrimental to jobs and job creation in the state. The vast majority of Arizonans support road and

that 85% of the State's budget is allocated to K-12 education, higher education, prisons and public safety. The remaining 15% must cover everything else. Within three weeks of Governor Brewer's first day, \$900 million was cut from the budget, principally from that 15%. As the economic picture improves, it is healthy to have discussions on priorities. General Contractors statewide share the concerns of the League and local mayors. This will be a significant part of the budget debate, which has already started. The first ad ran on Friday and Speaker Tobin was already aware of it. The City of Yuma is having to make the same kinds of decisions the State is facing. There are no easy answers in public service these days. He hoped a more reasoned, healthy discussion about the use of transportation dollars for the creation of jobs and economic activity can be had.

Johnson clarified that Speaker Tobin was made aware of the ad campaign by the RTAC members.

Coughlin: Perhaps the General Contractors need to work with their partners more effectively.

Mayor Kreiger raised the issue of the payments-in-lieu-of-taxes (PILT) made to Arizona by the federal government. The federal government is finding it more difficult to make these payments. Few people realize that the federal government owns vast portions of Arizona. Has there been any attempt to straighten out this problem? **Coughlin** stated that only 13% of the available land in Arizona is privately owned, creating a situation where State land decisions are made by an outside entity. This is an important issue and a good time to address it, given the upcoming Presidential election cycle. It is critical that the Western states with similar situations band together to get this issue before the candidates. The City's remarkable and innovative partnership with State Parks for management of the Riverfront is an excellent model of how institutions can work together to accomplish what's needed and solve problems.

Mayor Krieger stated that the solution to the payment dilemma is for the federal government to cede the land back to Arizona and then Arizona can call in the forestry managers and loggers to clean up the forest – creating jobs for Arizonans. Arizona can do a better job of this than Washington can.

In conclusion, **Mayor Krieger** thanked HighGround for its responsiveness to the City's issues. Four resolutions sponsored by Yuma are working their way through the League approval process. **Coughlin** stated HighGround looks forward to making Yuma the best city in Arizona.

III. AMENDMENT TO CONSOLIDATED PLAN

Hoogendoorn briefed the City Council on the proposed amendments to the Community Development Block Grant (CDBG) Program 2011-2015 Consolidated Plan and 2011 Action Plan.

Hoogendoorn: Staff is responsible for informing the public and the City Council on any changes to be made to the program. The CDBG Program is governed by Department of Housing and Urban Development regulations and the Code of Federal Regulations. The compliance of the City's local program is defined in the City's adopted Citizen Participation Plan. Regulations require the approval of a Substantial Amendment to the Action Plan and Consolidated Plan under certain conditions, such as changes to allocation priorities or the method of fund disbursement, the creation of a new activity, or changes in the purpose, scope, location or beneficiaries of an activity. Possible sources of revenue for the reprogrammable funds are projects/activities that were completed under budget, cancelled activities or previously unprogrammed funds, which could arise from an underestimated entitlement allocation or greater than estimated program income. Excess funds can be used to increase the funding to an approved activity or for the creation of a new activity.

The specific changes being proposed include:

- Reductions
 - Crossroads Mission, Family Shelter Predevelopment (architectural and engineering plans): Reduced to actual expenditures: \$115,885.85 from estimated cost: \$225,374.
 - Government Fee Reduction Program: Reduced from \$30,000 to 0 because the Yuma Neighborhood Development Organization (YNDO) has deemed the construction of the planned apartment complex infeasible due to market conditions.
 - Regional Center for Border Health, Learn More, Know More (after school) Program: Reduced to actual expenditures: \$18,522.58 from estimated cost: \$30,000.
- Other funding derived from:
 - Excess program income from 2009 and 2010 programs and previously unprogrammed contingency funds: \$156,291.50
 - Excess entitlement funds: \$49,428. **Hoogendoorn** noted that for the last several years, the City has not been made aware of its entitlement amount until the local process has been completed.
 - Small amounts of money left over from seven projects, totaling: \$112,102.58.
- Amendment proposal: to reprogram the above funding to the following:
 - Housing Rehabilitation: Increase (\$301,372.77) from \$300,000 to \$601,372.77
 - Affordable Acquisition/Rehabilitation Program: Increase (125,000) from \$113,000 to \$238,000. This program involves the purchasing of vacant homes by YNDO, which then *rehabilitates the property and sells it as affordable housing to low-to-moderate income (LMI) families.*
- Amendment proposal: to authorize the following land exchange:
 - 4.77 acres of property adjacent to the Valley Aquatics Center were originally planned for the development of affordable housing.
 - The City's Parks and Recreation Department would like to develop the property as an extension to the aquatic center. Therefore, staff is proposing that the 4.77 acres be exchanged for 2 residential lots on the northeast intersection of Avenue A and 16th Street, which will be granted to YNDO to construct two affordable housing units for LMI families.
 - Because this proposal involves the change in the scope and location of a CDBG project, an amendment is necessary

Hoogendoorn explained that these proposed amendments will be published in The Sun and Bajo el Sol newspapers, which initiates a 30-day public comment period. The amendments are scheduled for City Council approval at the Regular Meeting of January 18, 2012.

IV. 2012 GENERAL PLAN

Albers briefed the City Council on the proposed changes to the City of Yuma General Plan as it proceeds toward a 2012 election.

Albers: The General Plan 10-year revision, voter-approval process began with a briefing to the City Council in October 2009. Thereafter, plan revisions were discussed by the Planning and Zoning Commission at four worksessions, with the Planning and Zoning Commissions finalizing its recommendations to the City Council in January 2011. In April 2011, the City Council and the Planning and Zoning Commission met in joint session to review the draft, followed by three formal public hearings before the Planning and Zoning Commission for public input. During the Planning and Zoning Commission and City Council review period, staff held four Open Houses and taped in depth interviews

with City Planners, making the draft document and the in-depth video available on the City's website. Included on the internet was the City's schedule of activities. Also during 2010 and 2011, during the various phases of the ongoing review, outside agencies and interested stakeholders were contacted for their input into the process. This included Yuma Metropolitan Planning Organization, the Housing Authority of the City of Yuma, Arizona Game and Fish, Greater Yuma Economic Development Corporation, as well as other interested State and Federal agencies and even individuals.

What changes have been made to the version reviewed by the City Council in its April 2011 Joint Worksessions? The 2010 Census numbers have replaced outdated figures. Grammar and typographical errors have been corrected. Chapters 1 (Introduction), 10 (Cost of Development), 12 (Public Participation) and 13 (Implementation) have had no changes.

Albers outlined the changes to the following chapters.

- Chapter 2 – Land Use Element
 - Added: New Use - Aggregate Mining, including information on Yuma's two sites, Black Hill and the site at County 19th Street. Information was received from the Arizona Department of Mines and Mineral Resources. The State now recognizes aggregate mining – sand and gravel sites – as important resources for construction activity and, as such, is providing for their protection and continuation in State law.
 - Added: New Policy 1.1.4 – “The City shall encourage compatible development adjacent to industrial sites inclusive of identified aggregate mining sites.”
- Chapter 3 – Transportation
 - Added: information on local transit with regard to the Yuma County Intergovernmental Public Transportation Authority (YCIPTA).
 - Added: greater continuity of roadways by minimizing “T” intersections
- Chapter 4 – Parks Element
 - Updated: population information
 - Added: information on Urban Fishing
 - Modified: Action Plan
 - Added: information on the proposed fishing facility at The Barrow's Pit, located at Avenue 8½ E
 - Dropped: Adopt-A-Park Program
 - Added: Master Planning for various parks
 - Added: Yuma Valley Area Park construction
 - Added: East Yuma Athletic Park construction
 - Added: Phase 2 Deyo Complex
 - Added: West Wetlands Project
- Chapter 5 – Housing Element
 - Updated: population information
 - Added: specific information for various programs and agencies
- Chapter 6 – Redevelopment Element
 - Added: 1st Avenue Redevelopment Area
 - Prioritized: Action Plan projects
 - Added: information specific to various programs and agencies
- Chapter 7 – Conservation Element
 - Updated: 2010 Water Usage
 - Corrected: information on Mormon Battalion

- Clarified: PM10 designation
- Revised: listing of endangered/threatened/special concern animals
- Chapter 8 – Public Services Element
 - Added: a numbered list of schools and stormwater basins, also reflecting the information on Maps 8-1 and 8-6.
 - Added: information on animal control
 - Added: information on Public Works, Street Maintenance and Fleet Services
 - Added: New Policy 1.1.2 – “New schools shall locate student drop-off and pick up areas on the campus property, not on public rights-of-way.”
- Chapter 9 – Safety Element
 - Updated: information on the East Mesa storm sewer outfall
 - Added: information specific to various programs and agencies
- Chapter 11 – Growth Area Element
 - Added: information on infill and incentives

Albers noted that the most recent document does not include the following proposed changes, which will be addressed at tomorrow’s Regular Meeting by way of prepared motions:

- Chapter 3 – Transportation Element: Updated routing information on page 3-2 and 3-3 and on Map 3-4.
- Chapter 8 – Public Services Element: A correction to the school map, Map 8-1

The Public Hearing to be held at tomorrow’s Regular City Council Meeting will include a briefing on what has changed between the 2002 General Plan and the proposed 2012 General Plan , including a technical review of the current population numbers and City Council directives, state mandates and Major Amendments that have been approved over time, as well as the schedule for future activities going forward to the August 28, 2012 election.

Discussion

Johnson expressed the following objections:

- It appears from the wording in the proposed plan that the Aesthetic Overlay (AO) District would be applicable to most of the arterials in the City. The AO District has been under discussion for some time and the information in the plan doesn’t reflect Council’s will. **Albers:** The latest version of the General Plan reads that the AO District will be “applied where appropriate”, which is in agreement with the City Council’s desire to change the way it is being applied. **Johnson** stated that “where appropriate” is somewhat vague and leaves it up to whoever wants to make an independent decision about its application.
- The proposed plan does not adequately address roadway congestion. Although the plan states clearly that “A major concern of citizens is traffic congestion”, the Goals, Objectives and Policies do not fully speak to this issue. There is only one goal that applies to roadways specifically; the other numerous goals focus on bicycle facilities, landscaping, transit, and pedestrians – facilities that are used by only 1% of the populace versus the 99% that use the streets. This seems incongruous with what the community says it needs most.
- The map shows the designated hazardous material route as going from 8th Street on Avenue A to 16th Street, then to Avenue B and out to 40th Street. It shows a temporary hazardous materials route along 16th Street to Avenue B. Avenue A is mostly residential and few trucks use it. Why would it be used for hazardous materials route? The Area Service Highway (now SR 195) was to have become the

route for hazardous materials and trucks. This map doesn't reflect that. **Albers** apologized to Johnson because he may not have the latest version of the plan. She displayed an overhead of Map 3-2, noting that the hazardous materials corridor splits at 40th Street going north, east and west. Avenue A is not identified as part of the hazardous materials corridor; it is identified as part of the truck route. She offered to make sure he gets the latest version by tomorrow and will sit down with him and go over the map personally.

Mayor Krieger noted that hazardous materials are transported throughout the City on a daily or weekly basis and, ultimately, they must be delivered to the business that needs them. Doesn't logic dictate that there has to be an established hazardous materials corridor within the City? **Albers:** Hazardous materials cargo routes are like truck routes in that it is important to concentrate such traffic on specific roadways, but carriers are always going to have to get to their particular site for delivery. Proper planning directs this traffic to the most direct route.

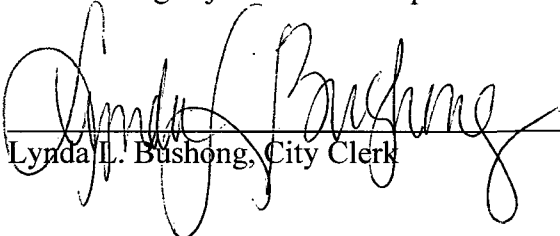
V. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION

Johnson stated he would be attending four Transportation Board meetings over two days in Prescott, Arizona. Discussions will focus on funding of rural counties.

Mayor Krieger reported on Governor Brewer's ribbon cutting for the Arizona Western College (AWC) solar facilities today. The facilities are now operational and power AWC facilities during the day. Governor Brewer also cut the ribbon for the opening of the University of Phoenix's new computer center in Yuma. He (Mayor Krieger) will be attending a Republican Party meeting in Yuma tonight where the Governor will be speaking. He recently met with Senator Kyl's aid to discuss Washington happenings and Yuma's issues. He attended a recent meeting of Yuma Metropolitan Planning Organization (YMPO); YMPO is actively working on an Intergovernmental Agreement for transit services. The public has been confused about who can use the Dial-A-Ride system and has questioned why services are being cut back. The answer is simply one of revenue. Seniors are given a discount on the bus system, so Dial-A-Ride is being returned to its original purpose.

VI. ADJOURNMENT/EXECUTIVE SESSION

Motion (Mendoza/Brooks): To adjourn the meeting to Executive Session. Voice vote: **adopted 6-0.**
The meeting adjourned at 6:02 p.m.


Lyndall L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of: February 1, 2012
City Clerk: 