

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 7, 2011
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Phil Courtney, Pastor of First Presbyterian Church, gave the invocation. **Joel Olea**, Director of Field Operations, led the City Council in the Pledge of Allegiance.

ROLL CALL

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

FINAL CALL

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

PRESENTATIONS

Wilkinson recognized Yuma Catholic High School football team, Head Coach Rhett Stallworth, and Monsignor Richard O'Keeffe for winning the Division 5 State Football Championship.

Mayor Krieger reminded the audience that today, December 7, 2011, is the 70th Anniversary of the attack on Pearl Harbor, Hawaii; one of the deadliest attacks in American history.

I. CALL TO THE PUBLIC

Ken Rosevear, Yuma County Chamber of Commerce (Chamber), 180 W. 1st Street, expressed his opposition to the Aesthetic Overlay (AO) depicted in the General Plan, Transportation Element: Major Roadways Plan. In previous discussions, he felt there was a consensus among the City Council to either reduce AO or do away with it altogether. The map included in the Major Roadways plans indicated that all areas qualify for AO, which is what the business community was trying to avoid due to the significantly higher cost associated with the additional requirement. The building guidelines in place are sufficient and do not warrant an additional level of design. If the Chamber's membership were asked if they were willing to pay extra money to be in one of the AO corridors, they would say no. He urged City Council to reconsider this action.

II. MOTION CONSENT AGENDA

Motion (Johnson/Brooks): To approve the Motion Consent Agenda as recommended, with the exception of Item B.9, which was removed for separate consideration by Stuart. Voice vote: **approved 6-0.**

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

Regular Worksession	September 20, 2011
Regular Worksession	October 4, 2011
Regular City Council Meeting	October 19, 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 Ronald P. Craven, on behalf of the Bikers Fighting Cancer, for the 1st Annual Yuma Children's Ride. The event will be held in the parking lot of the Palm Plaza, 2241 S. Avenue A, on Saturday, December 17, 2011 from 10:00 a.m. to 6:00 p.m. (SP11-35) (Admin/Clerk)
3. Award to the highest responsive/responsible offer for the Sale of Firearms (161) for a total of \$29,122.00 to Sierra Auction Management, Inc., Phoenix, Arizona. (RFO #2012-20000069) (Fin/Pur)
4. Declare as surplus and authorize sale of equipment through the online auction utilizing the cooperative purchase agreement between the City of Tucson and the City of Yuma with Public Surplus, LLC, Provo, Utah. (Bid # 2012-20000090) (Fin/Pur)
5. Award a sole source maintenance contract for a three-year maintenance agreement (one year at a time) for the Private Branch Exchange (PBX) Telephone System in accordance with the Yuma City Code, Section 36-39, Sole Source Procurement in the total amount of \$120,538.08 to: Avaya Inc., Phoenix, Arizona. (Bid #2012-20000138) (ITS)
6. Award to the lowest responsive/responsible bidder for the 4th Avenue Waterline Crossings at a total cost of \$662,499.47 to Yuma Valley Contractors, Inc., Yuma, Arizona. (Bid #2012-20000099) (Eng)
7. Authorize the purchase of four Variable Frequency Drives (VFD's) utilizing the cooperative purchase agreement between the National Intergovernmental Purchasing Alliance with the City of Tucson (W.W. Grainger) and the City of Yuma at an estimated total cost of \$104,578.24 (including tax). (Bid #2012-20000130) (Utilities/WTP)
8. Authorize the City Administrator to execute a contract with the Arizona Governor's Office of Highway Safety for highway safety projects in accordance with Arizona's Federal Fiscal Year 2012 Highway Safety Plan. (YPD/Patrol)

9. Removed for separate consideration; see below.
10. Authorize execution of an Intergovernmental Agreement with Yuma Elementary School District No. 1 for the 2011-2012 School Safety Program for the period of one year. (YPD/Patrol)
11. Approve the Final Plat of the Desert Plaza Shopping Center Subdivision, subject to conditions 1 through 11. The property is located at the northwest corner of Palo Verde Street and Pacific Avenue. The applicant is Dahl, Robins & Associates, on behalf of Pacific & Palo Verde Investments, LLC. (S2011-001-01) (DCD/Planning)

Motion Consent Agenda Item Removed for Separate Consideration

- B.9. Authorize execution of an Intergovernmental Agreement with Crane School District No. 13 for the 2011-2012 School Safety Program for the period of one year. (YPD/Patrol)

Motion (Stuart/Mendoza): To amend Motion Consent agenda item B.9 by changing the effective date of the Intergovernmental Agreement for the School Safety Program with Crane School District No. 13, from the '1st day of September, 2011' to the '1st day of August, 2011.' Voice vote: **approved 6-0.**

Motion (Johnson/Brooks): To approve Motion Consent Agenda Item B.9, as amended. Voice vote: **approved 6-0.**

III. RESOLUTION CONSENT AGENDA

Motion (Johnson/Stuart): To continue Resolution R2011-37, Preannexation Development Agreement with Jim D. Smith to the Regular City Council Meeting on February 1, 2012 at the request of the applicant. Voice vote: **approved 6-0.**

Motion (Beeson/Johnson): To adopt the Resolution Consent Agenda as recommended, with the exception of R2011-37.

Bushong displayed the following titles:

Resolution R2011-34

A resolution of the City Council of the City of Yuma, Arizona, authorizing the application for State Housing Funds, certifying that the application meets the community's housing and community development needs and the requirements of the State Housing Programs, and authorizing all actions necessary to implement and complete the activities outlined in the application
(Grant Application: \$300,000) (Admin/EcDev)

Resolution R2011-38

A resolution of the City Council of the City of Yuma, Arizona, to change the name of Yuma Cemetery to Yuma Pioneer Cemetery
(Property generally located between the 1200 block and 1400 block on the east side of 1st Avenue) (Admin)

Roll call vote: **adopted 6-0.**

IV. ADOPTION OF ORDINANCES CONSENT AGENDA - none

V. INTRODUCTION OF ORDINANCES

Motion (Mayor Krieger/Beeson): To remove Ordinance O2011-42, O2011-43, and O2011-44 for discussion in Executive Session. Voice vote: **approved 6-0.**

Bushong displayed the following titles:

Ordinance O2011-41

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels 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 roadway and 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

(Union Pacific right-of-way: Avenue 3E Overpass) (Eng)

Ordinance O2011-45

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Agriculture (AG) District to Light Industrial/Aesthetic Overlay (L-I/AO) District and amending the zoning map to conform thereto

(Property located: 3265 S. Avenue 3 ¾E; Z2011-004) (DCD/Planning)

Ordinance O2011-46

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 157-08, the Sanitation Facilities Development Fee, and Section 157-12, the Public Works Facilities Development Fee

(Eng/Dev. Eng)

VI. PUBLIC HEARINGS & RELATED ACTIONS

Resolution R2011-39 General Plan Amendment: City of Yuma 2012 General Plan – The Planning and Zoning Commission recommended that City Council approve the request to adopt the City of Yuma 2012 General Plan, September 1, 2011, Hearing Draft (GP2011-001).

(DCD/Planning)

Mayor Krieger opened the Public Hearing at 5:53 p.m.

Albers presented the following information:

What is a General Plan?

- Identifies what the community wants for the City's future; provides vision, goals, and standards.
- Provides maps of planned development and parks, roads, and waterlines.
- The Plan outlines the policies and action plans on how we get there.

- Provides a Guiding Policy - A document that details planning and decision making
 - General Plan Transportation Element's goal is to provide a complete transportation system
 - The Facility Planning – Major Roadways Plan's goal provides roadway standards and maps
 - Implementation – Capital Improvement Program provides for roadway construction
- The General Plan is an amendable, living document
 - Comprehensive Updates
 - 1953, 1983, 1996, 2002, 2012
 - Facility Planning
 - Major Roadways Plan (2005) – 2013
 - Gateway and Scenic Routes have been topics of discussion
 - Aesthetic Overlay (AO) was discussed during joint Worksessions, and may not be applicable to all the roadways.
 - Parks and Recreation Facility Plan (2006)
 - Fire Services and Facilities (2007)
 - Land Use Map Amendments
 - By Property Owners
 - Changing Needs and Priorities

2012 Updates

- Technical Update
 - Change in demographics
 - City Council Direction
 - Facility Construction and Planning
- Change in State Requirements
 - Neighborhood Preservation Element
 - Energy Element
 - Aggregate Mining
- Major Land Use Amendments
 - Estancia
 - Laurel
- Change in demographics
 - 2010 Census
 - American Community Survey
 - Employment and Housing Activity
- Development Projects
 - Yuma Palms
 - Cielo Verde
- City Council Direction
 - Roadway Alignments and Design
 - Facility Construction and Planning
 - Capital Improvement Program
 - Facility Construction Plans

State Mandates

- Neighborhood Preservation & Revitalization Element
 - Included in Chapter 6 - Redevelopment
 - Promote home ownership & property maintenance
 - Safety and security of neighborhoods
- Energy Element
 - Included in Chapter 7 – Conservation and Environmental
 - Efficient use of energy
 - Renewable energy sources
- Aggregate Mining
 - Included in Chapter 2 – Land Use

Major Amendments

- Estancia
 - Area: 3,741 acres
 - Housing: 20,466 Units
 - Population: 57,300
- Laurel
 - Area: 240 acres
 - Housing: 1,169 Units
 - Population: 3,300
 - Zoning: Smart Growth Overlay

Proposed Changes

- Transportation Element
 - Yuma County Intergovernmental Public Transit Authority Updated Routing and Service
 - Text Update
 - Map 3-4
 - Identification of Hazardous Cargo Routes and Temporary Hazardous Cargo Routes
- Public Services Element
 - School Map Correction
 - Map 8-1

Participation

- Citywide Update
 - Every Department
 - Direct Participation – Mapping, Outreach
 - Facilities and Services
- Interagency Effort
 - Address needs and coordination
- Public Participation
 - Community Input through open houses, Public Hearings, and comments via the City's website

What's Next?

- Newsletters
 - Winter, Spring and Summer 2012
- Speaking Engagements
- Election
 - August 28, 2012

Discussion

Mayor Krieger stated that he is confused in the process of why the plan is being presented to City Council for approval then placed before the voters on the ballot, when it is liable to change due to public and City Council comments indicating changes are needed. **Albers** stated there is a timeframe in which staff has to get the final document approved by City Council and placed on the ballot. Through a joint worksession with City Council and the Planning and Zoning Commission, the application of AO on gateway and scenic corridors was identified as an issue; staff implemented applying AO where appropriate versus requiring it along all routes. Currently, the Community Development Department is working on amending where AO is applied and updating the Major Roadways Plan. **Mayor Krieger** asked when does “where appropriate” rise

to the level of City Council making the decision if AO should be applied? The planners/developers should not be required to spend money on plans that are going to be changed later. **Albers** explained that City Council makes the final decision on where the AO is applied. In addition, Laurie Lineberry, Director of Community Development, has been working on identifying intersections that would warrant AO, which would still require City Council action. Since there has been no action on this issue, it is not reflected in the General Plan. Staff desires to make sure that the discussion is reflected, and to leave it open for future amendments.

Mayor Krieger stated that it has been at least 90 days since there has been discussion on AO and requested Wilkinson address why there hasn't been opportunity to correct the issue and incorporate it into the plan. **Wilkinson** stated there are currently three issues with the Transportation Element of the General Plan: 1) Temporary Hazardous Material (HazMat) routes, 2) the application of AO, and 3) intersections. If there is clear direction from City Council to staff on the desired amendments, the plan can be changed to also be reflected to incorporate these changes. When the AO was previously discussed, staff recommended reducing the area in which AO would be applied; however, there was still a lot of discussion occurring and no action was taken. AO was originally implemented by [a previous] City Council to help upgrade certain areas within the City. If City Council is now requesting AO be reduced, eliminated or modified, City Council would need to take action to allow staff to do so. Wilkinson recommended a City Council give staff clear direction through a motion, and then delay the General Plan for two weeks so the changes can be incorporated into the plan.

Mayor Krieger asked if City Council takes out the HazMat Routes and AO tonight, would there be an ability to implement those in the design process? **Wilkinson:** If it is the consensus of City Council to remove temporary HazMat routes, you can do so. His recommendation would be to leave the AO in place so that City council can utilize this option at their discretion. If City Council chooses to remove the AO to eliminate any predetermined AO Districts, than the authority to apply the overlay could be approved by a later vote. **Mayor Krieger** stated that he would rather delay the General Plan for a couple of weeks to work through the issues. Staff will need to meet with Councilmembers within that time to get a handle on their concerns. **Wilkinson** stated that staff is ready to recommend the temporary HazMat routes be removed tonight, but action will be needed in order to incorporate the change into the General Plan. **Mayor Krieger** stated he wants to avoid making multiple motions to limit the confusion; and asked if the General Plan can be delayed for two weeks. **Wilkinson** explained that staff's goal is to obtain approval on the plan before the beginning of the year.

Johnson pointed out there appears to be four motions on the dais to correct the plan, but the plan hasn't been adopted; why can't staff make the corrections, then present it to City Council instead of going through the procedural motions? **Wilkinson** explained the motions provide solid guidance from City Council to staff. **Mayor Krieger** agreed; City Council needs to provide clear direction and proposed Councilmember Johnson go through the motions to provide an explanation of the intent behind the corrections. **Johnson** stated he is not the source of the amendments; they appear to be from staff. He pointed out that the General Plan is required to go to the voters every ten years, per state law. The last time the plan went to the voters, City Council approved the plan approximately four months before the 2002 General Election. Now staff is asking for the plan to be approved eight months in advance, therefore, he doesn't see any harm in continuing the Public Hearing to the next Regular City Council Meeting. The motions appear to be technical corrections, which could be worked out between now and the next meeting. **Mayor Krieger** stated if the motions were generated by staff, he could assume staff got the message and can implement the changes in the General Plan.

Wilkinson reminded City Council that a Public Hearing is required as part of the General Plan process. **Johnson** asked if it would be appropriate to make a motion continuing the Public Hearing to the Regular City Council Meeting of December 21, 2011. **Mayor Krieger** replied that it would be. **Albers** noted the Public Hearing has to be opened and closed as part of the process. If City Council makes the motions tonight to correct the plan, a revised document could be ready in two weeks. However, in order to do that, the Public Hearing would need to be closed and a motion could be made to continue the item in two weeks. **Mayor Krieger** asked if Albers implied closing the Public Hearing and having another one in two weeks. **Albers** stated the item would be a consideration of the resolution in two weeks, not necessarily another Public Hearing.

Moore clarified that the City Council is free to continue the Public Hearing to the next regularly scheduled City Council meeting, but because a Public Hearing is required for the General Plan. This Public Hearing either needs to be closed and another one scheduled, or it needs to be continued. **Mayor Krieger** recommended the City Council go through the motions to provide staff clear direction.

Motion (Johnson/Beeson): To amend the City of Yuma 2012 General Plan by replacing map 3-4 dated September 1, 2011, with map 3-4 dated December 5, 2011, in order to accurately reflect the current transit routing of the Yuma County Intergovernmental Public Transit Authority. Voice vote: **approved 6-0**.

Motion (Johnson/Mayor Krieger): That the Public Transit subsection of the Transportation Element of the City of Yuma 2012 General Plan be amended as set forth in the draft dated December 5, 2011, provided to the City Council, made available at the City Clerk's Office, and also displayed on the overhead screens. Voice vote: **approved 6-0**.

Motion (Johnson/Brooks): To amend the City of Yuma 2012 General Plan by replacing map 8-1 dated September 1, 2011, with map 8-1 dated December 5, 2011 to accurately reflect current school locations. Voice vote: **approved 6-0**.

Motion (Johnson/Beeson): To continue the Public Hearing on Resolution R2011-39 to the Regular City Council meeting of December 21, 2011. Voice vote: **approved 6-0**.

Mayor Krieger closed the Public Hearing at 6:18 p.m.

B. Annexation Area No. A2011-04: Yuma Community Food Bank A Public Hearing to consider the annexation of property located at 2404 E. 24th Street. (A2011-004) (DCD/Planning)

Mayor Krieger opened the Public Hearing at 6:18 p.m.

Albers provided the following information:

- The annexation area is approximately 7.68 acres and contains one parcel.
- The application is at the request of the Food Bank.
- There is a one year period in which the applicant can sign the petition for annexation
- Staff is anticipating adopting the ordinance at the Regular City Council meeting of January 4, 2012.

Mayor Krieger closed the Public Hearing at 6:20 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Brooks/Mendoza): To appoint Lorna Brooks to an unexpired term on the Water and Sewer Commission with a term expiration of July 6, 2012. Voice vote: **approved** 6-0.

Motion (Brooks/Mendoza): To appoint Thomas N. Rustad to an unexpired term on the Water and Sewer Commission with a term expiration of July 6, 2013. Voice vote: **approved** 6-0.

Announcements

Johnson asked when the ordinances were removed for discussion in Executive Session, was it the intent to have an Executive Session tonight? **Mayor Krieger** stated yes, he will incorporate that when the meeting adjourns.

Stuart reported the following:

- Saturday, November 12 – gave a welcoming speech at the “Welcome Back Winter Visitors” event held on Main Street
- Monday, November 14 - Chamber of Commerce Legislative Affairs Committee Meeting
- Tuesday, November 15 –
 - A ribbon cutting at the San Luis Region Detention Center, which reported 45 new jobs; and,
 - The Chamber of Commerce regularly scheduled Board meeting
- Wednesday, November 16 - lunch and reception aboard the Union Pacific Centennial Train
- Thursday, November 17 – Yuma Library Foundation Board of Directors regular meeting
 - The Board approved a check be written to the Yuma County Library District for the Centennial Park Project at the Yuma Main Library
- Friday, November 18 - Marine Corps Ball
- Monday, November 21 - Dinner with Anne Woosley, Executive Director of the Arizona Historical Society
 - The Rio Colorado Chapter was discussed, along with the budget allocated to the Yuma division where it was revealed Prescott receives 5 times the amount of Yuma’s \$123,000 appropriation.

Beeson reported attending a meeting hosted by BetterYuma.org along with City Administrator Wilkinson; there was a strong desire from the business community to move local preference up. He proposed the issue be placed on several worksession agenda in order to resolve issues related thereto. **Mayor Krieger** suggested placing local preference on the City Council Retreat agenda scheduled for January.

Johnson reported that he would be attending a Transportation Forum hosted by the Arizona House of Representatives Transportation Committee on December 14, 15, and 16, along with other transportation related meetings in Prescott.

Mayor Krieger reported attending Yuma Metropolitan Planning Organization’s (YMPO) monthly meeting. A letter was presented from Leslie Rogers, Regional IV Administrator for the Federal Transit

Administration, which cited its findings of YMPO's financial management oversight; there still seems to be a lot of work needed at YMPO. This morning he attended an event at the American Legion to commemorate and remember the attack on Pearl Harbor.

VIII. SUMMARY OF CURRENT EVENTS

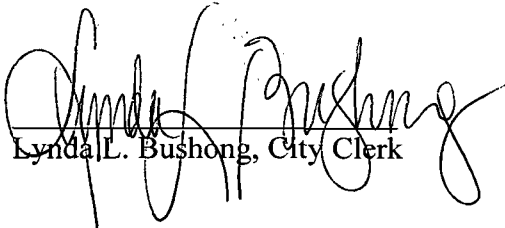
Wilkinson stated the City is holding a Street Dedication in honor of Jim Gillaspie at 11:00 a.m. on December 16, 2011.

IX. EXECUTIVE SESSION/ADJOURNMENT

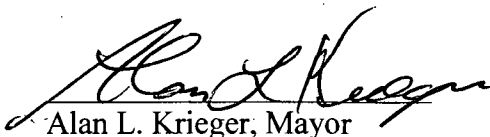
Motion (Mayor Krieger/Beeson): To adjourn to Executive Session to discuss agenda items O2011-42, O2011-43, and O2011-44; and personnel issues.

Moore explained that as the motion is stated, the meeting hasn't been adjourned; therefore, the City Council will have to reconvene to either take action on those three items or continue them, but they can still be discussed in Executive Session. **Mayor Krieger** stated it was his understanding that when he initially made the motion to remove the ordinances from the agenda, they could adjourn the meeting to Executive Session to discuss the ordinances. **Moore** asked if there was a date Mayor Krieger wanted to bring the items back, or table the items. **Mayor Krieger** stated the ordinances could be brought back at the next regularly scheduled City Council Meeting. **Moore** suggested amending the motion to include a continuance of the ordinances to the next meeting.

Amended Motion (Mayor Krieger/Beeson): To continue Ordinance O2011-42, O2011-43 and O2011-44 to the next Regular City Council Meeting of December 21, 2011; and, to adjourn to Executive Session to discuss agenda items O2011-42, O2011-43, and O2011-44; and personnel issues. Voice vote: **approved 6-0**; the meeting adjourned to Executive Session at 6:33 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
January 18, 2012
City Clerk: 