



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING **SUMMARY**
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, AUGUST 19, 2009
5:30 P.M.**

CALL TO ORDER 5:30PM

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

COMMUNICATIONS / FACTUAL RESPONSES

**INFORMATIONAL
UPDATE**

This is the City Administrator's opportunity to clarify facts regarding statements circulating in the Yuma community in recent weeks concerning City issues and projects. The City Administrator's comments are intended to be informational only and no discussions, deliberations or decisions will occur on this item.

I. CALL TO THE PUBLIC

**NO LEGAL ACTION
PERMITTED**

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

II. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

A. Approval of minutes of the following City Council meeting(s):

- APPROVED** 1. Special Worksession July 14, 2009
- APPROVED** 2. Regular Worksession July 14, 2009
- APPROVED** 3. Regular City Council Meeting July 15, 2009
- APPROVED** 4. Regular Worksession August 4, 2009

B. Approval of Staff Recommendations:

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- 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). (City Attorney)

- APPROVED** 2. **Special Event Liquor License: Foundation of Yuma Regional Medical Center**

Approve a Special Event Liquor License application submitted by Viridiana Mendoza, on behalf of the Foundation of Yuma Regional Medical Center, for an Annual Western Dance Fundraiser. The event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on October 3, 2009, from 6:00 p.m. to 12:30 a.m. (SP09-09) (City Administration/City Clerk)

- APPROVED** 3. **Liquor License: Grand China, LLC dba Grand China**

Approve a #12 Restaurant (New License/Interim Permit) Liquor License application submitted by Kwan Ching Cheung, agent for Grand China, LLC dba Grand China, 350 East 32nd Street, Yuma, Arizona. (LL09-14) (City Administration/City Clerk)

APPROVED 4. Liquor License: Mithila Foods, LLC dba India Palace

Approve a #12 Restaurant (New License/Interim Permit) Liquor License application submitted by Radha Rani Mallick, agent for Mithila Foods, LLC dba India Palace, 2071 South 4th Avenue, Yuma, Arizona. (LL09-15) (City Administration/City Clerk)

APPROVED 5. Liquor License: Chaldean, LLC dba Sunshine Market & Liquor

Approve a #9 Liquor Store (Person Transfer/Interim Permit) Liquor License application submitted by Majid Saadi Jajo, agent for Chaldean, LLC dba Sunshine Market & Liquor, 1997 S. Avenue B, Yuma, Arizona. (LL09-16) (City Administration/City Clerk)

APPROVED 6. Liquor License: Tropicana Night Club

Approve a #6 Bar (Person Transfer/Location Transfer) Liquor License application submitted by Jamie Shaaia, agent for Tropicana Night Club, 185 South Main Street, Yuma, Arizona. (LL09-17) (City Administration/City Clerk)

APPROVED 7. Bid Award: Pivot Point Plaza

Award to the lowest responsive/responsible bidder for Pivot Point Plaza at a total cost of \$848,492.88 to: Larry D. Builders, Inc., Fort Mohave, Arizona. (Yuma Crossing National Heritage Area - Bid # 2009000398)

SUGGESTED MOTION: To approve the MOTION CONSENT AGENDA as recommended:

M/ _____ **S/** _____ **VV/** _____

III. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

ADOPTED A. Resolution R2009-65 Development Fee Deferral: Kammann Properties, Inc., an Arizona corporation

Approve a Development Agreement with Kammann Properties, Inc., an Arizona corporation, permitting the deferral of Citywide Development Fees and water and sanitary sewer capacity fees for specific lots within the Livingston Ranch Phase 1 Subdivision. (City Engineering/Administration)

ADOPTED B. Resolution R2009-66 Development Fee Deferral: Lee Homes, LLC

Approve a Development Agreement with Lee Homes, LLC that will permit the deferral of Citywide Development Fees and water and sanitary sewer capacity fees for Falls Ranch Unit No. 7 subdivision on a lot by lot basis. (City Engineering/ Administration)

ADOPTED AS AMENDED C. Resolution R2009-67 Development Agreement: Chretin's, LLC and Lanai Village Ventures, LLC

Authorize a Development Agreement with Chretin's, LLC and Lanai Village Ventures, LLC, for property located at 505 E. 16th Street. (Community Development/Administration)

SUGGESTED MOTION: To adopt the RESOLUTION CONSENT AGENDA as recommended:

M/ _____ S/ _____ RV/ _____

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

ADOPTED A. Ordinance O2009-47 Rezoning of Property: Located south of 24th Street, north of the Gila Main Canal, east of the Avenue 4⁵/₈E alignment, and west of the Avenue 6¹/₈E alignment - Laurel

Rezone property from the Agriculture (AG) District to the Smart Growth Overlay (SGO) District and to the underlying base zoning districts. The applicant is Wayne C. Benesch, on behalf of Tanimura & Antle, General Partnership; Laurel Properties, LLC; and La Mesa Ranch, LLC. (Z2009-006) (Community Development/Community Planning)

ADOPTED B. Ordinance O2009-48 Rezoning of Property: Located approximately 300 feet west of the southwest corner of 3rd Street and 28th Avenue

Rezone a 0.34-acre parcel from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The applicant is Roy Tyler, on behalf of RCT Properties LLC (Z2009-008). (Community Development/Community Planning)

SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

V. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

INTRODUCED A. Ordinance O2009-52 Lease Agreement: Main Street Canopies

Approve a Lease Agreement for Main Street Canopies (City Administration/Yuma Crossing National Heritage Area)

INTRODUCED B. Ordinance O2009-53 Right-of-Way Acquisition Modification: Avenue 3E

Authorize the modified acquisition of right-of-way for Avenue 3E street construction between Gila Ridge Road and 32nd Street, by amending Ordinance No. O2007-09. (City Engineering/Administration)

VI. YUMA RIVERFRONT DEVELOPMENT:

City Council discussion, deliberation and possible action on contracts and agreements for Yuma Riverfront development, including, but not limited to (*Continued from the Regular Council Meeting of August 5, 2009*):

DISCUSSED

- **Resolution R2004-85:** *Yuma Riverfront Master and First Phase Development and Disposition Agreement*
- **Resolution R2008-09:** *Amended and Restated Yuma Riverfront Master and First Phase Development and Disposition Agreement*
- **Ordinance O2005-06:** *Yuma Riverfront Development First Phase Land and Improvements Lease*
- **Ordinance O2005-62:** *Amendment to Yuma Riverfront Development First Phase Land and Improvements Lease*
- **Resolution R2009-07:** *First Amendment to Amended and Restated Yuma Riverfront Master and First Phase Development and Disposition Agreement*
- **Memorandum of Understanding** for Riverfront Development of Yuma Amendment
- **Resolution R2001-82:** *Yuma Riverfront Master Redevelopment Plan of November 2001*

VII. PUBLIC HEARINGS & RELATED ACTIONS

There are no Public Hearings scheduled at this time.

VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

NO
APPOINTMENTS
MADE

1. Appointment to boards, commissions, committees and offices:
 - Census 2010 Complete Count Committee
 - Design Review Commission: one partial term to expire 08/17/2010
 - Historic District Review Commission (General Building Contractor): two partial terms to expire 06/30/2012
 - Merit System Board: one term to expire 01/15/2012
 - Residential Advisory & Appeals Board: two partial terms to expire 9/1/2011 (one/Citizen and one/Plumbing Contractor)
 - Water and Sewer Commission: one partial term to expire 07/6/2010

2. Announcements:

REPORTED

- City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council

representative in their official capacity as the City's representative during the period of August 5, 2009 through August 19, 2009. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

- City Council report of upcoming meetings.
 - City Council request for agenda items to be placed on future agendas.
3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

IX. SUMMARY OF CURRENT EVENTS

INFORMATIONAL UPDATE

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

X. EXECUTIVE SESSION

EXECUTIVE SESSION NOT HELD

An Executive Session may be held during this meeting to discuss pending Legal/Personnel/Real Estate matters. An Agenda will be posted 24 hours in advance.

ADJOURNMENT 6:30 PM

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, PO Box 13012, Yuma, Arizona 85366-3012; (928) 373-5125 or TTY (928) 373-5149.