



**City of YUMA**

**CITY OF YUMA  
REGULAR CITY COUNCIL MEETING **SUMMARY**  
COUNCIL CHAMBERS – YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
WEDNESDAY, SEPTEMBER 16, 2009  
5:30 P.M.**

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**FINAL CALL** for submission of Speaker Request Forms

**PRESENTATIONS**

**COMMUNICATIONS / FACTUAL RESPONSES**

**NOT REPORTED** 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. Regular Worksession August 18, 2009

**B. Approval of Staff Recommendations:**

**Page Item**

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: Yuma Crossing National Heritage Area Corporation**

Approve a Special Event Liquor License application submitted by Charles Flynn, on behalf of the Yuma Crossing National Heritage Area Corporation, for the celebration of the 60th Anniversary of the Endurance Flight. The event will be held in the 200 block of S. Main Street, on October 10, 2009, from 12:00 p.m. to 8:00 p.m. (SP09-11) (City Administration/City Clerk)

**APPROVED** 3. **Special Event Liquor License: New Class Car Club**

Approve a Special Event Liquor License application submitted by Teresa Guzman Small, on behalf of the New Class Car Club. The scheduled event is the Yuma High School 20 year class reunion and will be held October 10, 2009, at the Yuma Territorial Prison, from 7:00 p.m. to 12:00 a.m. (SP09-12) (City Administration/City Clerk)

**APPROVED 4. Special Event Liquor License: Rotary Club of Yuma-North End**

Approve a Special Event Liquor License application submitted by Melinda Sue Perez, on behalf of the Rotary Club of Yuma-North End. The scheduled event is the 1st Annual LMP Liga Mexicana League fundraiser and will be held October 7, 2009, at Desert Sun Stadium, from 5:00 p.m. to 11:00 p.m. (SP09-15) (City Administration /City Clerk)

**APPROVED 5. Rescind and Re-Award Bid Award: Water Tank Diving and Cathodic Protection Services**

Rescind award to Advanced Diving Services, Inc., and re-award a one-year contract with the option to renew for four additional one-year periods, at an estimated annual cost of \$10,000.00 which may exceed \$50,000.00 over the 5-year life of the contract depending on the appropriation of funds and satisfactory performance, on an as-needed basis with the following firm: Applied Diving Services, Inc., Phoenix, Arizona. (Utilities / Water Treatment - Bid #2009000432)

**APPROVED 6. Bid Award: Gas Cylinders - Industrial/Medical**

Award a one-year contract for Gas Cylinders - Industrial/Medical with the option to renew for four additional one-year periods, one period at a time, at an estimated annual cost of \$10,000.00, which may exceed \$50,000.00 over the five-year life of the contract. Renewals will depend on the appropriation of funds and satisfactory performance, on an as-needed basis with the following firms:

Primary Award: West Air Gases	Yuma, Arizona
Secondary Award: Airgas West Inc	Yuma, Arizona

(Utilities - Bid #2010000087)

**APPROVED 7. Request for Proposal (RFP): Professional Environmental Services**

Authorize Staff to negotiate and execute one-year contracts with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance for Professional Environmental Services on a Delivery Order Basis with the following firms:

- |  |                  |
|--|------------------|
| 1. Ninyo & Moore                           | Phoenix, Arizona |
| 2. SCS Engineers                           | Phoenix, Arizona |
| 3. Nicklaus Engineering, Inc               | Yuma, Arizona    |
| 4. Dominion Environmental Consultants Inc. | Phoenix, Arizona |

(Human Resources / Safety & Environmental - RFP No. 2009000488)

**APPROVED 8. Agreement: SunGard Public Sector Beta Agreement/Software Upgrade**

Authorize staff to negotiate and execute Beta Agreement for testing and upgrading software with the following firm: SunGard Public Sector, Lake Mary, Florida.  
(ITS - RFP #95086)

**APPROVED 9. Infrastructure & Services Report: A2009-09 - Associated Citrus Packers**

Approve an Infrastructure and Services Report for Annexation Area No. A2009-09, an annexation area of approximately 20.2 acres of territory located at the southwest corner of County 16th Street and the Avenue 1 1/2 E alignment. (City Administration /Economic Development)

**APPROVED 10. Infrastructure & Services Report: A2009-11 Curtis Family Citrus**

Approve an Infrastructure and Services Report for Annexation Area No. A2009-11, an annexation area of approximately 164.1 acres of territory located at the southwest corner of County 18th Street and Avenue 2E. (City Administration /Economic Development)

**APPROVED 11. Agreement: Professional Services**

Authorize execution of an agreement with Attorney Gregory T. Torok to serve as a part-time Assistant City Attorney to assist the City Prosecutor for the City of Yuma. (City Attorney/City Prosecutor)

**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 R2009-70 Local Transportation Assistance Fund II**

Authorize the Yuma Metropolitan Planning Organization to receive and use \$130,058.19 in Local Transportation Assistance Fund II funding, on behalf of the City of Yuma, to extend and support the YMPO demand-response DIAL-A-RIDE and Yuma County Area Transit programs. (City Engineering/Administration)

**ADOPTED B. Resolution R2009-71 Development Agreement Amendment: Woodman Family Citrus LP**

Authorize an amendment to a preannexation development agreement approved by Resolution No. R2009-38 to correct a scrivener's error in Exhibit 1 of the document. (City Administration/Economic Development)

**ADOPTED C. Resolution R2009-72 2009 City of Yuma Primary Election Canvass**

Declare the official canvass (results) of the September 1, 2009 City of Yuma Primary Election. (City Administration/City Clerk)

**ADOPTED  
AS  
AMENDED**

**D. Resolution R2009-73 Census 2010 Complete Count Committee**

Amend Resolution R2009-63 to modify the membership of the Census 2010 Complete Count Committee to not less than 11 and no more than 25 members and allow for participation at committee meetings by voice or video technology. (Community Development/Community Planning)

**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.

**REINTRODUCED  
AS AMENDED**

**A. Ordinance O2009-29 Zoning Code Text Amendment - Zoning, Chapter 154: 4-H/FFA Project Animals**

Amend the Yuma City Code, Title 15, Chapter 154, Section 003 to allow 4-H and Future Farmers of America (FFA) project animals in all residential districts subject to requirements; to amend Section 004 to add a definition of 4-H and FFA Projects; and to delete conflicting text in Sections 037 & 067. (*Continued from the Regular City Council Meetings of April 15, June 3, and September 9, 2009*) (Z2008-015) (Community Development/Community Planning)

**ADOPTED**

**B. Ordinance O2009-55 Zoning Code Text Amendment: Add Definitions for a Condominium, Planned Unit Development and a Stock Cooperative**

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 004 to add the definitions for a Condominium, Planned Unit Development and a Stock Cooperative. (Z2009-011) (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 O2009-49 Annexation Area No. A2009-09 Associated Citrus Packers**

Authorize annexation of approximately 20.2 acres of territory located at the southwest corner of County 16th Street and the Avenue 1 1/2 E alignment. (City Administration/Economic Development)

**INTRODUCED B. Ordinance O2009-50 Annexation Area No. A2009-11 Curtis Family Citrus**

Authorize annexation of approximately 164.16 acres of territory located at the southwest corner of County 18th Street and Avenue 2E. (City Administration /Economic Development)

**INTRODUCED C. Ordinance O2009-57 Right-of-Way Acquisition: Casa Mañana Subdivision Streetlights**

Authorize the acquisition of right-of-way for Casa Mañana streetlight installation and replacement. (City Engineering/Administration)

**INTRODUCED D. Ordinance O2009-58 Smucker Park Stormwater Basin Easement Amendment**

Authorize the acquisition of an amended easement for Smucker Park stormwater basin construction, operation and maintenance. (City Engineering/Administration)

**INTRODUCED** E. **Ordinance O2009-59 Property Acquisition: 32nd Street Reconstruction**

Authorize the acquisition of property for 32nd Street improvements, between Avenue B and Avenue A. (City Engineering/Administration)

**VI. PUBLIC HEARINGS & RELATED ACTIONS**

**A. Development Fee Appeal: Savant Estates Subdivision**

**PUBLIC HEARING VACATED- SETTLEMENT AGREEMENT EXECUTED**

City Council to hear and decide the Savant Estates LLC/Pacesetter Homes LLC, Development Fee Appeal pursuant to City Code Section 157-04. The appeal seeks a credit against transportation development fees in the amount of \$153,430.00 and a refund of \$228,654.32 for a total of \$382,084.32 in credits and refunds. (*Continued from the Regular City Council Meetings of June 3, June 17 & July 15, 2009*) (City Engineering)

**VII. AVENUE A RECONSTRUCTION AND WIDENING PROJECT**

**DISCUSSED**

Briefing by Paul Brooberg, City Engineer, and representatives from Grey Mountain Construction, LLC, on the Avenue A reconstruction and widening project, including, but not limited to, the portion of Avenue A between 22<sup>nd</sup> and 24<sup>th</sup> Streets. Briefing will be followed by City Council discussion, deliberation and possible direction to City staff regarding future agenda items.

**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: two partial terms (one General Building Contractor and one Rio Colorado Chapter of AZ Historical Society) to expire 06/30/2012
  - Housing Authority of the City of Yuma (HACY): one partial term to expire 12/19/2010 and one partial term to expire 01/21/2013
  - Housing Authority of the City of Yuma (HACY): Appoint Chair
  - Merit System Board: one term to expire 01/15/2012
  - Residential Advisory & Appeals Board: two partial (one citizen and one

- Plumbing Contractor) terms to expire 9/1/2011
- Water and Sewer Commission: one partial term to expire 07/6/2010

2. Announcements:

- 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 September 9, 2009 through September 16, 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.

REPORTED

## IX. SUMMARY OF CURRENT EVENTS

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.

NOT REPORTED

## 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 7:08 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.