



**City of YUMA**

**CITY OF YUMA  
REGULAR CITY COUNCIL MEETING **SUMMARY**  
COUNCIL CHAMBERS – YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
WEDNESDAY, OCTOBER 07, 2009  
5:30 P.M.**

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**CALL TO ORDER 5:30 P.M.**

**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):

- |                 |                                 |                    |
|-----------------|---------------------------------|--------------------|
| <b>APPROVED</b> | 1. Special Worksession          | September 8, 2009  |
| <b>APPROVED</b> | 2. Regular Worksession          | September 8, 2009  |
| <b>APPROVED</b> | 3. Regular City Council Meeting | September 9, 2009  |
| <b>APPROVED</b> | 4. Special Worksession          | September 15, 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 County Board of Supervisors**  
  
Approve a Special Event Liquor License application submitted by Robert L. Pickels, Jr., on behalf of the Yuma County Board of Supervisors for the County Supervisors Association Legislative Summit dinner. The event will be held Wednesday, October 28, 2009, at the Yuma Territorial Prison, from 5:00 p.m. to 11:00 p.m. (SP09-13) (City Administration/City Clerk)
- APPROVED** 3. **Special Event Liquor License: Yuma Fine Arts Association, Inc.**  
  
Approve a Special Event Liquor License application submitted by Carolyn Bennett, on behalf of the Yuma Fine Arts Association for the 2009 Beer Fest. The event will be held at the Yuma Art Center, 254 S. Main Street, Friday, October 30, 2009, from 5:00 p.m. to 10:00 p.m. (SP09-14) (City Administration/City Clerk)

**APPROVED 4. Liquor License: Western Club**

Approve a #6 Bar (Person Transfer/Interim Permit) Liquor License application submitted by Gregory Ried Condry, agent for the Western Club, 2545 W. 16th Street, Yuma, Arizona. (LL09-18) (City Administration/City Clerk)

**APPROVED 5. Bid Award: Avenue C - Riverside Drive to Figueroa Avenue 24" Sewer Force Main Construction**

Award to the lowest responsive/responsible bidder for Avenue C - Riverside Drive to Figueroa Avenue 24" Sewer Force Main Construction at a total cost of \$599,318.50 to: DPE Construction, Inc., Yuma, Arizona. (City Engineering Department - Bid #2010000042)

**APPROVED 6. Bid Award: Casa Manana Neighborhood Street Reconstruction Project**

Award to the lowest responsive/responsible bidder for Casa Mañana Neighborhood Street Reconstruction Project at a total cost of \$1,119,211.61 to: B.T.Z. Inc., dba Zeller's, Yuma, Arizona. (City Engineering Department - Bid # 2009000303)

**APPROVED 7. Bid Rejection: Nuts and Bolts (Fasteners and Related Hardware)**

Reject all bids for Nuts and Bolts (Fasteners and Related Hardware). (Citywide - Bid #2009000447)

**APPROVED 8. Contract Amendment: Request for Proposal (RFP) - Integrated Mobile Wireless Data Solution**

Authorize a contract amendment to extend the Integrated Mobile Wireless Data Solution contract for an additional five (5) year term and increase the contract value by \$5,000,000.00 to: Motorola Inc., (Contract #03-13042), San Diego, California. (Information Technology Services)

**APPROVED 9. Sole Source Contract: Locating/Relocating Telecommunications Facility**

Authorize a sole source contract increase in accordance with the Yuma City Code, Section 36-39 , Sole Source Procurement for Location / Relocation Telecommunications Facility in an amount estimated at \$179,926.00. to: Level 3 Communications, LLC., Broomfield, Colorado. (City Engineering - Bid #2007000456)

**APPROVED 10. Agreement: Advanced Life Support Training Center - Yuma Regional Medical Center**

Authorize the execution of an agreement with Yuma Regional Medical Center as a clinical training site for the Advanced Life Support Training Center, replacing the existing contract dated December 1, 2002 and First Amendment effective January 1, 2006. (Fire/Professional Services)

**APPROVED 11. Intergovernmental Agreement and Lease: Arizona State Parks Board**

Authorize the City Administrator to execute an Intergovernmental Agreement with Arizona State Parks to lease, manage, and operate the Yuma Quartermaster Depot State Historic Park (City Administration/Yuma Crossing National Heritage Area)

**APPROVED 12. Operations Agreement: Yuma Quartermaster Depot State Historic Park**

Authorize the City Administrator to execute an Agreement with the Yuma Crossing National Heritage Area for the operations of the Yuma Quartermaster Depot State Historic Park, to provide funding to support park operations in the amount of \$166,000.00 for fiscal year 2009-2010, and to provide performance standards for the Yuma Crossing National Heritage Area Corporation. (City Administration/Yuma Crossing National Heritage Area)

**APPROVED 13. Intergovernmental Agreement: Arizona Department of Transportation**

Authorize the City Administrator to approve an Intergovernmental Agreement with Arizona Department of Transportation (ADOT) to provide vehicle washing services for ADOT vehicles. (Public Works)

**APPROVED 14. Intergovernmental Agreement: Arizona State Parks Board**

Authorize the City Administrator to extend an Intergovernmental Agreement with the Arizona State Parks Board to provide fuel and preventive maintenance for State Parks vehicles. (Public Works)

**APPROVED 15. Final Plat: Saguaro Subdivision Phase #2**

Approve the final plat of the Saguaro Subdivision Phase #2. The property is located at the southeast corner of 40th Street and Avenue 7 1/2 E. The applicant is Dahl, Robins and Associates, on behalf of Cholla Desert Land, Inc. (S2008-005-02). (Community Development/Community Planning)

**APPROVED 16. 2010 Legislative Summit**

Endorse legislative agenda items for the Legislative Summit to be held on October 15, 2009. (City Attorney)

**APPROVED 17. Agreement: Yuma Aquatics, Inc. dba Yuma Heat**

Authorize the City Administrator to execute an agreement between Yuma Aquatics Inc., dba Yuma Heat and the city of Yuma, for the operation of Marcus Pool. (Parks & Recreation/Recreation)

**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 R2009-74 Policy: Identity Theft Prevention Program**

Adopt a City of Yuma plan for Identity Theft Prevention (Red Flag Rules). (Finance/Administration)

**ADOPTED B. Resolution R2009-75 Preannexation Development Agreement: Davey Trust 12-29-08**

Authorize a Preannexation Development Agreement with James V & Rosanna Davey Trust 12-29-08 for property located at 4293 W. El Dorado Road. (City Administration/Economic Development)

**ADOPTED C. Resolution R2009-76 Preannexation Development Agreement: Wilson**

Authorize a Preannexation Development Agreement with Steven A. and Julie A. Wilson for properties located at 9128, 9132 and 9134 E. 22nd Lane. (Community Development/Community Planning)

**ADOPTED D. Resolution R2009-77 Intergovernmental Agreement: County-wide Enterprise Zone Renewal**

Approve an Intergovernmental Agreement for the 5-year renewal and continuation of the Yuma County Enterprise Zone. (City Administration/Economic Development)

**ADOPTED E. Resolution R2009-78 Development Fee Deferral: Territorial Real Estate, L.L.C.**

Approve a Development Agreement with Territorial Real Estate, L.L.C., deferring Citywide Development Fees and water and sanitary sewer capacity fees for Lot 11, Tuscany Medical and Professional Plaza Phase 1 Lot Split. (City Engineering/Administration)

**ADOPTED F. Resolution R2009-79 Development Fee Deferral: Leonel and Estela Mungia and Rosjon Real Estate & Investments, L.L.C.**

Approve a Development Agreement with Leonel and Estela Mungia and Rosjon Real Estate & Investments, L.L.C., deferring Citywide Development Fees and water and sanitary sewer capacity fees for properties in the 2200 Block of Avenue C. (City Engineering/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 O2009-29 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 O2009-49 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)

**ADOPTED C. 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)

**ADOPTED D. 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)

**ADOPTED E. 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)

**ADOPTED F. 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)

**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 O2009-54 Zoning Code Text Amendment: Chapter 154-282 Design and Historic Review Commission.**

Merge the Design Review Commission and the Historic District Review Commission into the Design and Historic Review Commission. (Z2009-010) (Community Development/Community Planning)

**INTRODUCED B. Ordinance O2009-60 Zoning Code Text Amendment: Add Definition for Lot Coverage**

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 004 to add a definition for Lot Coverage. (Community Development/Community Planning)

**INTRODUCED C. Ordinance O2009-61 Right-of-Way Acquisition: Casa Mañana  
Subdivision Fire Hydrants**

Authorize the acquisition of certain easements for Casa Mañana fire hydrant operation, maintenance and replacement. (City Engineering/Administration)

**INTRODUCED D. Ordinance O2009-62 2009 Amendments to the Tax Code of the City of  
Yuma**

Amend the City Tax Code by adopting the certain document filed with the City Clerk entitled "2009 Amendments to the Tax Code of the City of Yuma", containing amendments adopted by the Model City Tax Code Commission. (Finance/Administration)

## **VI. PUBLIC HEARINGS & RELATED ACTIONS**

**PUBLIC  
HEARING  
HELD**

**A. Public Hearing: Annexation A2009-06 - Gila Ridge Road & Avenue 3E**

This is a Public Hearing to consider the annexation of property located at the southeast corner of Gila Ridge Road and Avenue 3E. (City Administration/Economic Development)

**PUBLIC  
HEARING  
HELD**

**B. Public Hearing: Annexation A2009-12 - County 17 1/2 Street and Avenue  
1 1/2 E**

This is a Public Hearing to consider the annexation of property located at the southeast corner of County 17 1/2 Street and Avenue 1 1/2E (City Administration/Economic Development)

**PUBLIC  
HEARING  
HELD**

**C. Public Hearing: Annexation A2009-13 - East Mesa at Avenue 9E**

This is a Public Hearing to consider the annexation of property located on the East Mesa south of 32nd Street at Avenue 9E. (City Administration/Economic Development)

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Discussion and possible action on the following items:

- 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 16, 2009 through October 7, 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.

APPOINTMENTS  
MADE –  
REMAINING  
VACANCIES  
OPEN

REPORTED

**VIII. 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.

**IX. 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 7:36 P.M.**

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.