



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, JANUARY 06, 2010
*IMMEDIATELY FOLLOWING THE 2010 INAUGURATION
CEREMONY HELD AT 5:30 P.M***

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

- Recognition of Police Department promotions

COMMUNICATIONS / FACTUAL RESPONSES

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

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):

There are no minutes scheduled at this time.

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)

8. 2. Special Event Liquor License: Friends of Yuma County Libraries, Inc.

Approve a Special Event Liquor License application submitted by Ruth Ann Zinn, on behalf of the Friends of Yuma County Libraries, Inc. The scheduled event is a fundraiser in support of the Yuma Main Library and will be held at 2951 S. 21st Drive, on Saturday, January 23, 2010, from 6:00 p.m. to 9:00 p.m. (SP09-18) (City Administration/City Clerk)

10. 3. Special Event Liquor License: Hospice of Yuma

Approve a Special Event Liquor License application submitted by John E. Williams, on behalf of the Hospice of Yuma for the annual Roping Round Up and Concert. The scheduled event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on Saturday, February 6, 2010 from 12:30 p.m. to 11:00 p.m. (SP09-19) (City Administration/City Clerk)

12. 4. Special Event Liquor License: H.H. Donkersley Post 19 American Legion

Approve a Special Event Liquor License application submitted by Herschel Patterson, on behalf of the American Legion Post 19, for the Blue Grass Festival. The scheduled event will be held at the West Wetlands Park, 2200 W. Water Street, on Saturday, January 23, 2010 from 10:00 a.m. to 6:00 p.m. (SP09-20) (City Administration/City Clerk)

14. 5. Liquor License: Hooligans Comedy Club & Sports Bar

Approve a #6 Bar (Person Transfer/Interim Permit) Liquor License application submitted by Brian Scott Schroeder, agent for Hooligans Comedy Club & Sports Bar, 3950 W. 24th Street, Yuma, Arizona. (LL09-22) (City Administration/City Clerk)

16. 6. Contract Amendment: Request for Proposal (RFP) - 28th Street Storm Drainage

Authorize a contract amendment for additional engineering design services required to complete the 28th Street Storm Drainage, with the following firm: Dibble Engineering, Phoenix, Arizona. (City Engineering Department - RFP No. 96036)

19. 7. Bid Award: Deyo Complex Tennis Court Rehabilitation

Award to the lowest responsive/responsible bidder for Deyo Complex Tennis Court Rehabilitation at a total cost of \$367,466.18 to: DPE Construction, Inc. Yuma, Arizona. (City Engineering Department - Bid #2010000233)

22. 8. Bid Rejection: Fire Department Pre-Engineered Training Tower and Burn Building

SPREADSHEET
ADDED

Reject all bids for the construction of Fire Department Pre-Engineered Training Tower and Burn Building. (City Engineering Department - Bid # 2008000328)

25. 9. Standard Intergovernmental Agreement: Information Technology Services

Approve a standard Intergovernmental Agreement to provide Information Technology Services to other governmental agencies on as as-needed basis as time permits and authorize the City Administrator to approve requested services and modify fees charged when necessary. (Information Technology Services/ Administration)

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.

There are no resolutions scheduled at this time.

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.

33. A. Ordinance O2010-01 Rezoning of Property: 3861 & 3885 South Pico Avenue

Rezone property from the Light Industrial (LI) District to the Heavy Industrial (H-I) District. The applicant is the City of Yuma on behalf of Yuma County Airport Authority. (Z2009-016). (Community Development/Community Planning)

43. B. Ordinance O2010-02 Stormwater Drainage Access Easement

Authorize acquisition of drainage access easement from Kohl's Department Stores, Inc. (City Engineering/Administration)

48. C. Ordinance O2010-03 Right-of-Way Acquisition: 12th Street - Lot 209 of Magnolia Village Unit No. 3

Authorize the acquisition of Lot 209 of Magnolia Village Unit No. 3 for 12th Street widening and reconstruction, between Avenue B and Avenue A. (City Engineering/Administration)

54. D. Ordinance O2010-04 Yuma City Code Amendment: Bidder's Preference

Authorize amendment to the Yuma City Code, Title 3, Chapter 36, Section 36-37 - Bidder's Preference to allow the City Administrator or designee the discretion to grant a monetary preference to local bidders. (Finance/Purchasing)

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.

58. A. Ordinance O2010-05 Property Acquisition: 32nd Street Improvements

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

63. B. Ordinance O2010-06 Conveyance of Easement

Authorize the conveyance of an easement to Arizona Public Service Company for lighting of the West Wetlands Pathway. (City Engineering/Administration)

69. C. Ordinance O2010-07 Zoning Code Text Amendment: Temporary Signs.

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 421, Exempt Signing; to allow temporary signs when business visibility and access are impacted by roadway construction. (Z2009-018R). (Community Development/Community Planning)

79. D. Ordinance O2010-08 Special Election: Yuma City Charter, Article XII, Section 2, Local Preference

Call for a mail ballot Special Election on May 18, 2010 and submit ballot language to the qualified electors of the City of Yuma, for the purpose of amending the Yuma City Charter, Article XII, Section 2, Local preference. (City Administration/City Clerk)

VI. PUBLIC HEARINGS & RELATED ACTIONS

There are no Public Hearings scheduled at this time.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments of City Councilmember's to various boards, commissions, committees and offices for 2010:
 - Deputy Mayor
 - Employee Benefit Trust
 - Greater Yuma Economic Development Corporation (GYEDC), Executive Board
 - Greater Yuma Economic Development Corporation (GYEDC), Board of Directors
 - Western Arizona Council Governments (WACOG), Executive Board
 - Western Arizona Council Governments (WACOG), Council on Aging
 - Western Arizona Council Governments (WACOG), Yuma County Advisory Board
 - Yuma Metropolitan Planning Organization (YMPO), Executive Board: three terms
 - Greater Yuma Port Authority (GYPA)
2. Appointment to boards, commissions, committees and offices:
 - Clean and Beautiful Commission: two terms to expire 12/11/2012
 - 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 09/01/2011
 - Water and Sewer Commission: one partial term to expire 07/06/2013
3. 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 December 16, 2009 through January 6, 2010. 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.
4. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VIII. 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.

IX. EXECUTIVE SESSION

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

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.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010

DEPARTMENT: City Administration

DIVISION: City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Special Event Liquor License: Friends of Yuma County Libraries, Inc.

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Ruth Ann Zinn, on behalf of the Friends of Yuma County Libraries, Inc. The scheduled event is a fundraiser in support of the Yuma Main Library and will be held at 2951 S. 21st Drive, on Saturday, January 23, 2010, from 6:00 p.m. to 9:00 p.m.
(SP09-18)

REPORT:

Ruth Ann Zinn, on behalf of the Friends of Yuma County Libraries, Inc., has applied for a Special Event Liquor License to raise funds for the Yuma Main Library. The event will be held at 2951 S. 21st Drive, on Saturday, January 23, 2010, from 6:00 p.m. to 9:00 p.m.

The application has been sent to Community Development, Police Department, Fire Department and Risk Management for their review. No objections have been received.

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Brigitta M. Kuiper		12/16/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Martha Villaneda		12/14/09		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 6, 2010

DEPARTMENT:

City Administration

DIVISION:

City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Special Event Liquor License: Hospice of Yuma

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by John E. Williams, on behalf of the Hospice of Yuma for the annual Roping Round Up and Concert. The scheduled event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on Saturday, February 6, 2010 from 12:30 p.m. to 11:00 p.m. (SP09-19)

REPORT:

John E. Williams, on behalf of the Hospice of Yuma, has applied for a Special Event Liquor License for the annual Roping Round Up and Concert. The event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on Saturday, February 6, 2010 from 12:30 p.m. to 11:00 p.m.

Per State Liquor License requirements, the Yuma County Fair, Inc. has agreed to suspend a portion of their liquor license that covers the Yuma County Fairground, on the date and time listed above.

The application has been sent to Community Development, Police Department, Fire Department and Risk Management for their review. No objections have been received.

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
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RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Brigitta M. Kuiper		12/16/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Martha Villaneda		12/14/2009		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010

DEPARTMENT: City Administration

DIVISION: City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Special Event Liquor License: H.H. Donkersley Post 19 American Legion

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Herschel Patterson, on behalf of the American Legion Post 19, for the Blue Grass Festival. The scheduled event will be held at the West Wetlands Park, 2200 W. Water Street, on Saturday, January 23, 2010 from 10:00 a.m. to 6:00 p.m. (SP09-20)

REPORT:

Herschel Patterson, on behalf of the H.H. Donkersley Post 19 American Legion, has applied for a Special Event Liquor License for the Blue Grass Festival. The event will be held at the West Wetlands Park, 2200 W. Water Street, on Saturday, January 23, 2010 from 10:00 a.m. to 6:00 p.m.

The application has been sent to Community Development, Police Department, Fire Department, Risk Management, Parks & Recreation and Riverfront Development for their review. No objections have been received.

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
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	Steven W. Moore		12/28/2009	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Brigitta M. Kuiper		12/16/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Martha Villaneda		12/15/2009		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 6, 2010

DEPARTMENT:

City Administration

DIVISION:

City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Liquor License: Hooligans Comedy Club & Sports Bar

SUMMARY RECOMMENDATION:

Approve a #6 Bar (Person Transfer/Interim Permit) Liquor License application submitted by Brian Scott Schroeder, agent for Hooligans Comedy Club & Sports Bar, 3950 W. 24th Street, Yuma, Arizona. (LL09-22)

REPORT:

Brian Scott Schroeder, agent for Hooligans Comedy Club & Sports Bar, located at 3950 W. 24th Street, Yuma, Arizona, has applied for a #6, Bar (Person Transfer/Interim Permit), Liquor License. The license is being transferred from Diana Lynn Hastings, Hooligans LLC.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of this license have been received.

The application has been reviewed by Community Development, Police Department, Fire Department, and Business Licensing; no objections have been received.

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application Fee \$250.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. #6 Bar (Person Transfer/Interim Permit) Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
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	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Brigitta M. Kuiper		12/17/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Flora L. Hatch		12/17/2009		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2009
DEPARTMENT: Finance
DIVISION: Purchasing

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
 Contract Amendment: Request for Proposal (RFP) - 28th Street Storm Drainage

SUMMARY RECOMMENDATION:

Authorize a contract amendment for additional engineering design services required to complete the 28th Street Storm Drainage, with the following firm:

Dibble Engineering, Phoenix, Arizona

(City Engineering Department – RFP No. 96036)

REPORT:

In 1996, Yuma City Council awarded a contract to Dibble Engineering for the preliminary design of the Smucker stormwater basin and collection system, in the amount of \$298,445.00.

During the course of the project, additional activities of work including but not limited to those listed below, have been incorporated into the scope of the design contract:

- Investigation of alternate collection system line routing and intermediate basin sites for stormwater disposal.
- 28th Street and Westridge Drive final design of 96” storm drain lines, between 8th Avenue and Smucker stormwater basin, including the full replacement of existing roadways and utilities.
- Inspection and certification services, as required by the Arizona Department of Water Resources (ADWR), for storm drain lines and rough basin excavation performed by Yuma Regional Medical Center (YRMC).
- Redesign of the Smucker stormwater basin, due to the continued and adjacent development of the YRMC and Kofa High School (Kofa) sites.

The original design contract and the change order activities listed above were approved by City Council over the years with the last approval being made on September 7, 2005, at an amended value of \$790,494.39.

Since that time, administrative change orders have been issued for floodwall design options at the basin overflow structure and reconfiguration of the drainage easement at Kofa, in the amount of \$30,927.72.

Dibble Engineering and City Engineering Department staff have met with ADWR to review progress to date and modifications to scope since inception of the project. The following efforts will be required of Dibble Engineering, in order to attain ADWR – approved construction drawings by February 2010:

- Coordination meetings and documentation necessary to integrate the Smucker stormwater basin project with the nearby 32nd Street reconstruction stormwater collection, conveyance and disposal designs, to prevent a catastrophic event at the Kofa ballfields during a one-percent chance rainfall.
- Continued modification of plans submitted to and coordination with ADWR, during the above activities.
- Preparation of final design plans, with revised support calculations to ADWR in December 2009, including current site aerial topographic mapping.
- Preparation of the dam monitoring and maintenance program.
- Finalization of the stormwater discharge agreement with the Yuma County Water Users' Association, since the primary method for disposal of stormwater collected in the basin will be to discharge to the East Main Canal.

The cost of these final efforts listed immediately above is \$89,415.00.

The Yuma City Code, Section 36-34 (I) requires City Council approval of contract increases that exceed ten percent (10%). For the reasons addressed above, it is requested that Yuma City Council approve the administrative increases made to the contract in May 2006 and September 2007, in the total amount of \$30,927.72, and to approve the additional work required at a cost of \$89,415.00, increasing Purchase Order No. 034950 from \$790,494.39 to \$910,837.11, an increase of \$120,342.72 (approximately 15.22%).

This recommendation has the concurrence of the C.I.P. Program Manager.

FISCAL REQUIREMENTS	CITY FUNDS:	\$120,342.72	BUDGETED:	\$121,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY2010 CIP NO. 9.9301	
	TOTAL:	\$120,342.72		
	FISCAL IMPACT STATEMENT: Funds are included in the FY 2010 Capital Improvement Budget for this project under C.I.P. #9.9301 - 28th Street Storm Drainage.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
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	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		11/24/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Bill Pfannenstiel		11/19/2009		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010
DEPARTMENT: Finance
DIVISION: Purchasing

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Bid Award: Deyo Complex Tennis Court Rehabilitation

SUMMARY RECOMMENDATION:

Award to the lowest responsive/responsible bidder for Deyo Complex Tennis Court Rehabilitation at a total cost of \$367,466.18 to:

DPE Construction, Inc. Yuma, Arizona

(City Engineering Department - Bid #2010000233)

REPORT:

The work includes the rehabilitation and refurbishment of the eight existing Deyo Complex Tennis Courts. Work includes the installation of a new 5” thick post-tension concrete slab and new tennis court coatings over the existing eight asphalt tennis courts. The project also includes chain link fence repairs and access ramp modifications.

BID STATISTICS	TOTAL	LOCAL VENDORS
Notices Sent	16	6
Bid Packages Distributed	33	15
Bids Received	7	4

This recommendation has the concurrence of the Director of Parks & Recreation and the C.I.P. Program Manager.

FISCAL REQUIREMENTS	CITY FUNDS:	\$367,466.18	BUDGETED:	\$375,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: CIP No. 3.0500	
	TOTAL:	\$367,466.18		
	FISCAL IMPACT STATEMENT: Funds are included in the 2009-2010 Capital Improvement Project.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
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	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		12/7/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Robin R. Wilson/Bill Pfannenstiel		12/7/2009		

**BID SUMMARY
 BID NO. 2010000233
 DEYO COMPLEX TENNIS COURT REHABILITATION**

	DPE Construction, Inc. Yuma, AZ	Pilkington Commercial Co., Inc. Yuma, AZ	Yuma Valley Contractors Corp Yuma, AZ	Merrill/Walker Builders Inc. Yuma, AZ	Malibu Pacific Tennis Courts Inc. Westlake Village, CA	Caymus Corporation Tempe, AZ	Flex Court International Inc. Kewanee, IL
Base Bid <i>Tennis Courts 1-4</i>	\$185,757.23	\$205,949.44	\$218,549.86	\$270,914.96	\$380,429.70	\$344,093.96	
Bid Alternate 1 <i>Tennis Courts 5 & 6</i>	\$91,849.95	\$104,846.63	\$117,912.51	\$136,697.93	\$196,634.55	\$166,960.94	
Bid Alternate 2 <i>Tennis Courts #7 & 8</i>	\$89,859.00	\$101,102.81	\$110,558.46	\$133,116.90	\$195,286.35	\$484,493.15	
Includes 5% Contingency							
TOTAL	\$367,466.18	\$411,898.87	\$447,020.83	\$540,729.79	\$772,350.60	\$995,548.05	\$112,830.00
Recommended							NR No Bid Bond Not on City Bid Form

NR=Non-Responsive



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010
DEPARTMENT: Finance
DIVISION: Purchasing

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Bid Rejection: Fire Department Pre-Engineered Training Tower and Burn Building

SUMMARY RECOMMENDATION:
Reject all bids for the construction of Fire Department Pre-Engineered Training Tower and Burn Building.

(City Engineering Department - Bid # 2008000328)

REPORT:
The project scope for this bid included furnishing and installation of a pre-engineered training tower and a pre-engineered burn building, both with live fire training capabilities for the Fire Department. These buildings were to be set up complete and ready for use by the Fire Department.

The bid was distributed for solicitation as follows:

BID STATISTICS	TOTAL	LOCAL VENDORS
Notices Sent Out	2	0
Bid Packages Distributed	21	10
Bids Received	8	4

After extensive review of the bids received, Staff has determined that the specifications provided in the project manual did not fully define several of the minimum materials criteria sought for the structures and is therefore recommending that City Council reject all bids as indicated above.

Staff intends to review the specifications, modify the project manual to insure the inclusion of minimum materials criteria and then re-bid the project at the earliest available date.

This recommendation has the concurrence of the Fire Chief and the CIP Program Manager.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$1,500,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2009-2010 C.I.P. Budget	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT: No fiscal impact.				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/30/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/30/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		12/30/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Bill Pfannenstiel		12/30/2009		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

Jan 6, 2010

DEPARTMENT:

Information Technology Services

DIVISION:

Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Standard Intergovernmental Agreement: Information Technology Services

SUMMARY RECOMMENDATION:

Approve a standard Intergovernmental Agreement to provide Information Technology Services to other governmental agencies on as as-needed basis as time permits and authorize the City Administrator to approve requested services and modify fees charged when necessary.

REPORT:

With the recent decline in the economy, many municipal governmental entities have been searching for new sources to supplement reduced revenues and for ways to save expenses. Often times these entities are in need of quality technology services provided by qualified technology professionals. In the past, these entities have used multiple sources to perform their Information Technology services. This has resulted in costly services that have taken longer than necessary to complete.

The Information Technology Services Department is proposing a standard Intergovernmental Agreement (IGA) to be used when other governmental entities desire to contract with the City of Yuma (City) for technology services. This agreement will create revenue for the City and provide a local resource to other entities for complex technology services at a reduced cost. This IGA is an excellent example of governmental organizations working together to share resources for the benefit of both parties. The proposed IGA will provide for Information Technology services as follows:

- Telecommunications Design, Implementation and Troubleshooting
- Network Infrastructure Design, Implementation and Troubleshooting
- Desktop Personal Computer Troubleshooting
- Software Application Assistance and Training
- GIS Design, Implementation and Troubleshooting
- Web Design, Implementation and Troubleshooting
- Contract and Project Management Assistance
- Other services as may be agreed upon by the parties in the future

Exhibit A of the attached IGA lists hourly rates for the services covered by the agreement. The rates are based on current City staff salaries and the City Administrator will be authorized to modify these rates as necessary when deemed to be in the best interest of the City.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steve W. Moore		12/28/2009	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Laurie Neinast		12/22/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Jim Morse		12/8/2009		

INTERGOVERNMENTAL AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES

This INTERGOVERNMENTAL AGREEMENT (IGA) is between the City of Yuma, Arizona, a municipal corporation (Yuma) and the << AGENCY NAME >>.

WHEREAS, the parties are authorized, by A.R.S. §§ 11-951 *et seq.*, to enter into this agreement; and

WHEREAS, the City of Yuma is authorized by Article III, Section 13 of the Yuma City Charter, to enter into Intergovernmental Agreements; and

WHEREAS, the << AGENCY NAME >> is in need of Information Technology Services; and

WHEREAS, the City of Yuma has available properly trained staff who can provide Information Technology Services on an as needed basis; and

WHEREAS, it is deemed to be a public benefit to cooperate in providing said Information Technology Services, and necessary for the safety and welfare of the residents of << AGENCY NAME >>,

NOW, THEREFORE, the parties agree as follows:

I. DURATION.

This IGA is for a period of five (5) years, unless earlier terminated pursuant to Section V below. This IGA may be renewed for one (1) additional five year term upon 30 days written request by << AGENCY NAME >> to Yuma. The decision to renew shall be solely Yuma's.

II. PURPOSE.

The purpose of this IGA is for Yuma to provide to << AGENCY NAME >> various Information Technology Services (Projects), as set forth below, and other future services as may be agreed upon in writing by both parties.

III. RESPONSIBILITIES.

The parties agree that the duties and responsibilities of each under this IGA are as follows:

A. YUMA RESPONSIBILITIES.

1. Upon written request by << AGENCY NAME >>, Yuma will perform the following services on an as needed basis. Projects may include, but not be limited to:
 - a. Telecommunications Design, Implementation and Troubleshooting.
 - b. Network Infrastructure Design, Implementation and Troubleshooting.
 - c. Desktop Personal Computer Troubleshooting.
 - d. Software Application Assistance and Training.
 - e. GIS Design, Implementation and Troubleshooting.
 - f. Web Design, Implementation and Troubleshooting.

- g. Contract and Project Management Assistance.
 - h. Other services as may be agreed upon by the parties in the future.
- 2. Yuma will complete each Project within a reasonable period of time to be agreed upon by the parties on a Project by Project basis.
- 3. Yuma will perform all work according to Yuma's then existing procedures and policies.
- 4. At all times during this IGA, services required by Yuma will have priority over Projects from << AGENCY NAME >>.
- 5. Yuma will invoice << AGENCY NAME >> for services provided within 15 days of completion of a Project.

B. << AGENCY NAME >> RESPONSIBILITIES.

- 1. << AGENCY NAME >> shall direct all requests for services to the Yuma Information Technology Services Director, or designee, who will assign the Project to an appropriate staff member.
- 2. If at any time Yuma travels to or from << AGENCY NAME >> under this agreement, << AGENCY NAME >> shall reimburse Yuma for staff travel time and travel costs.
- 3. All requests for services must be in writing, signed by the appropriate << AGENCY NAME >> official, and must state the service requested, i.e. Telecommunications Troubleshooting, Network Design, Software Application Assistance and Training, etc. and indicate the jurisdiction's applicable codes to be applied to the work.
- 4. << AGENCY NAME >> shall pay Yuma all amounts due as provided in Section IV below.

IV. PAYMENTS.

- A. Yuma will invoice << AGENCY NAME >> for each Project at the rates shown on Exhibit A. This exhibit may be amended from time to time without further modification to this IGA.
- B. << AGENCY NAME >> shall pay Yuma all amounts due within 15 days of receipt of an invoice. Charges to << AGENCY NAME >> shall be based upon the hourly rate, shown on Exhibit A, as may be amended, times the number of hours work performed by Yuma staff on the Project, billed in half hour increments.
- C. Requests for additional work or modifications after the Project has ended may be subject to additional fees. Such additional fees will be at the rates in Exhibit A, as may be amended, and will be invoiced and paid in accordance with this Section IV.

V. TERMINATION.

This IGA may be terminated by either party, with or without cause, upon 30 days written notice by the party desiring to terminate to the other party. Failure to make payment as set forth in Section IV shall be cause for termination unless payment is made within ten (10) days after notice by Yuma of the default.

VI. EFFECTIVE DATE.

This IGA will become effective upon the date the last party signs.

VII. INDEMNIFICATION.

Each party agrees to defend, indemnify, and hold harmless the other and its agents, officials, employees and representatives from and against any and all claims, losses and expenses resulting from that party's negligent or intentional acts, mistakes or omissions in the performance of this agreement.

VIII. INSURANCE.

Each party agrees and understands that the other is self-insured.

IX. GENERAL PROVISIONS.

- A. **Entire Agreement.** This agreement contains all of the agreements between the parties relating to the matters set forth in this agreement. The parties have no other agreements relating to those matters, written or oral.
- B. **Waiver.** If either party fails to require the other party to perform any provision of this agreement, that failure does not prevent the party from later enforcing that provision. Neither party is released from any responsibilities or obligations imposed by law or this agreement if the other party fails to exercise a right or remedy.
- C. **Successors and Assigns.** This agreement is not assignable unless both parties mutually consent otherwise in writing. The requirements of this agreement are binding upon the heirs, executors, administrators, successors and assigns of both parties.
- D. **Laws Governing.** This agreement shall be governed by the laws of the State of Arizona, as to validity, interpretation and performance.
- E. **Venue.** The parties must institute and maintain any legal actions or other judicial proceedings arising from this agreement in a court of competent jurisdiction in Yuma County, Arizona.
- F. **Modification.** No modification or waiver of this agreement will be valid unless the modification or waiver is in writing and signed by both parties.
- G. **Attorney's Fees and Costs.** In the event any action, suit or proceeding is brought for failure to observe any of the terms, covenants or provisions of this agreement, the prevailing party shall be entitled to recover as part of such action or proceedings, all litigation, arbitration and collection expenses, including, but not limited to, witness fees, court costs and reasonable attorney's fees.
- H. **Severability.** The parties agree that should any part of this agreement be held to be invalid or void, the remainder of the agreement shall remain in full force and effect and shall be binding upon the parties.
- I. **No Partnership.** Nothing in this agreement constitutes a partnership or joint venture between the parties and neither is the principal or agent of the other.

J. Notices. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person, or mailing by United States mail, postage prepaid, registered or certified, return receipt, addressed as follows:

City of Yuma	<< AGENCY NAME >>
City Administrator	<< AGENCY OFFICER >>
One City Plaza	<< AGENCY ADDRESS >>
P O Box 13014	<< AGENCY CITY < ST ZIP >>
Yuma, Arizona 85366-3014	

K. Cancellation. This agreement is subject to cancellation pursuant to A.R.S. § 38-511.

L. Employment Eligibility. Each party warrants, and shall require its subcontractors to warrant, that it is in compliance with all federal immigration laws and regulations that relate to its employees and with A.R.S. § 23-214 relating to verification of employment eligibility. A breach of this warranty shall be deemed a material breach of the agreement and is subject to penalties up to and including termination of this agreement. Each party retains the legal right to inspect the papers of any contractor or subcontractor employee who works on this agreement to ensure that contractor or its subcontractors are complying with this warranty.

M. Authorization. This IGA has been approved by actions taken by each of the governing bodies of << AGENCY NAME >> and Yuma. In such respective action, the undersigned were authorized and directed to execute this IGA.

N. Sudan/Iran Investments and Business Operations. By entering into this agreement, the parties certify to each other that neither has scrutinized business operations in Iran or Sudan as those terms are defined in A.R.S. § 35-391 *et seq.* and § 35-393 *et seq.*

DATED this _____ day of _____, 2009

CITY OF YUMA, a Municipal
Corporation

<< AGENCY NAME >>

By _____
Mark S. Watson
City Administrator

By _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By _____
Steven W. Moore
City Attorney

By _____

ATTEST:

By _____
Brigitta M. Kuiper
City Clerk

EXHIBIT A

Services provided under this IGA will be for Information Technology Services.

The fees for services provided are as follows. Services, at a minimum will be charged in ½ hour increments.

Description of Service and Positions Assigned:	Hourly Rate
1. Telecommunications Design, Implementation and Troubleshooting.	
a. Wireless Service Administrator	51.09
b. Sr. Wireless Communications Technician	32.35
c. Wireless Communications Technician	28.44
d. Telecommunications Administrator	44.52
e. Technical Support Assistant	24.31
2. Network Infrastructure Design, Implementation and Troubleshooting.	
a. Network Engineer	51.55
b. Network Administrator	38.42
c. Technical Support Specialist	30.47
3. Desktop Personal Computer Troubleshooting.	
a. Technical Support Specialist	30.47
b. Project Assistant	23.73
c. Computer Support Specialist	27.28
d. Computer Trainer	30.03
e. Help Desk Specialist	23.43
4. Software Application Assistance and Training.	
a. Sr. Business Application Analyst	43.90
b. Computer Support Specialist	27.28
c. Help Desk Specialist	23.43
d. Technical Support Assistant	24.31
5. GIS Design, Implementation and Troubleshooting.	
a. GIS Administrator	45.22
b. GIS Analyst	33.68
c. GIS Technician	33.68
d. C.A.D.D. Technician	25.26
6. Web Design, Implementation and Troubleshooting.	
a. Web Administrator	40.86
b. Technical Support Specialist	30.47
7. Contract and Project Management Assistance	
a. ITS Director	68.76
b. Assistant ITS Director–Business Applications/Support	53.16
c. Assistant ITS Director-Telecommunications/Support	54.21
8. Other services as may be agreed upon by the parties in the future.	
a. Hourly rate to be determined	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 6, 2010

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Rezoning of Property: 3861 & 3885 South Pico Avenue

SUMMARY RECOMMENDATION:

Rezone property from the Light Industrial (LI) District to the Heavy Industrial (H-I) District. The applicant is the City of Yuma on behalf of Yuma County Airport Authority. (Z2009-016).

REPORT:

Planning and Zoning Commission Recommendation:

On November 23, 2009, the Planning and Zoning Commission voted to recommend approval (5-0, with Brockington and Carter absent) of the request to rezone property located at 3861 & 3885 S. Pico Avenue from the Light Industrial (L-I) District to the Heavy Industrial (H-I) District subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event that this condition is not completed within this time frame, the zoning action is null and void.
3. The owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

No one spoke in favor of or against the rezoning.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Mark S. Watson	12/9/2009
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	12/8/2009
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie Lineberry	11/30/2009	
WRITTEN/SUBMITTED BY:	DATE:	
Bobette Bauermann	11/24/2009	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE - REZONE**

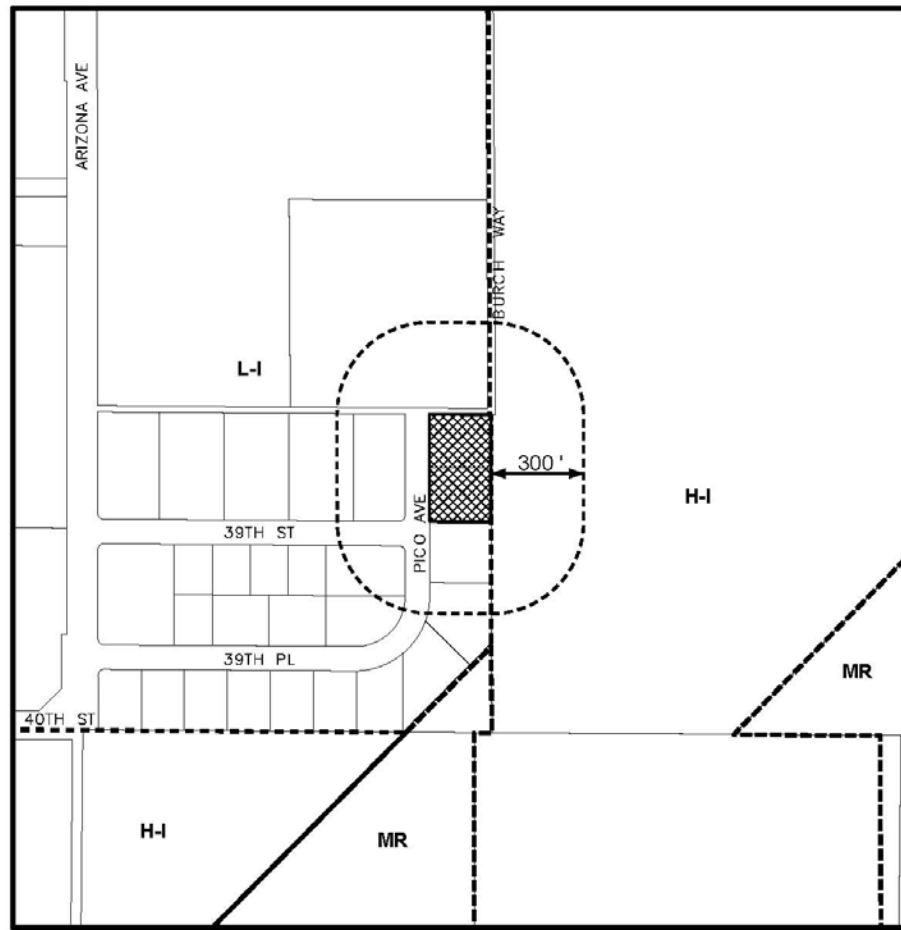
Hearing Date: November 23, 2009

Case Number: Z2009-016

Project Description/Location: Rezone two (2) adjacent parcels totaling approximately 1.6 acres from the Light Industrial (L-I) District to the Heavy Industrial (H-I) District. The properties are located at 3861 & 3885 S. Pico Avenue, Yuma, AZ.

	Existing Zoning	Existing Land Use	Land Use Designation
Site	Light Industrial (L-I)	Undeveloped	Industrial
North	Light Industrial (L-I)	Control Tower	Industrial
South	Light Industrial (L-I)	US Customs	Industrial
East	Heavy Industrial (H-I)	Airplane Storage	Public/Quasi Public
West	Light Industrial (L-I)	Undeveloped	Industrial

Location Map



Prior site actions: Annexation 1979, Z80-11, Z80-23, S81-10, C94-15 Waste Facility at 3861 Pico Ave – Withdrawn by applicant, LS2009-012.

Staff recommendation: Staff recommends **APPROVAL** of the rezoning from the Light Industrial (L-I) District to the Heavy Industrial (H-I) District, subject to the conditions shown in Attachment A.

Suggested Motion: Motion to **APPROVE** the rezoning from the Light Industrial (L-I) District to the Heavy Industrial (H-I) District, subject to the conditions shown in Attachment A, because the request is in compliance with the General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject properties were initially zoned Light Industrial in the County and when they were annexed into the City in 1979, the parcels reverted to Agriculture. The properties were rezoned to Light Industrial in 1980 and subdivided to create the Triple S Industrial Park.

The properties are located in the 75+ noise contours and are surrounded by Industrial uses. The Yuma International Airport and Marine Corp Air Station are adjacent to the Triple S Industrial Park boundaries. The intent is to rezone these two parcels from Light Industrial to Heavy Industrial for a General Aviation Terminal.

A neighborhood meeting was determined not applicable, because the proposed rezone is to Heavy Industrial (H-I) from Light Industrial (L-I). The properties are also adjacent to the airport and are currently surrounded by industrial uses.

1. Does the proposed zoning district conform to the Land Use Element?

Yes

2. Are there any dedications or property easements identified by the Transportation Element?

No

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes

Public Comments Received: None Received

External Agency Comments:

None Received.

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on: October 20, 2009

Final staff report delivered to applicant on: October 29, 2009

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department Of Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning, Bobette Bauermann, Principal Planner, (928) 373-5000 x3038

4. With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
AERIAL PHOTO**



DATA PROVIDED BY:
INFORMATION TECHNOLOGY SERVICES
ENTERPRISE GIS

1 inch = 219.8 feet



ORDINANCE NO. O2010-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, REZONING CERTAIN PROPERTIES HEREINBEFORE LOCATED IN THE LIGHT INDUSTRIAL (L-I) DISTRICT TO THE HEAVY INDUSTRIAL (H-I) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on November 23, 2009 in Zoning Case No: Z2009-016 in the manner prescribed by law for the purpose of rezoning properties hereinafter described to the Heavy Industrial (H-I) District as provided for in Chapter 154 of the City of Yuma Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on October 30, 2009; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2009-016 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1. That the following described properties, to wit:

Lots 25 and 26 of the Triple 'S' Industrial Park Unit 1 as recorded under Book 9 of Plats, Page 90 at the Office of the County Recorder, Yuma County, Arizona and located in the West half of the Southwest quarter of Section 10, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Southwest corner of said Section 10;

Thence South 89° 36' 07" East along the South line of said West half of the Southwest quarter of Section 10 a distance of 1,328.22 feet to the Southeast corner of said West half of the Southwest quarter of Section 10;

Thence North 00° 10' 12" West along the East line of said West half of the Southwest quarter of Section 10 a distance of 688.01 feet to the Southeast corner of said lot 25 of the Triple 'S' Industrial Park Unit 1, point also being the TRUE POINT OF BEGINNING;

Thence North 89° 36' 07" West along the South line of said lot 25 a distance of 200.0 feet to the

Southwest corner of said lot 25;

Thence North 00° 10' 12" West a distance of 350.0 feet to the Northwest corner of said lot 26 of the Triple 'S' Industrial Park Unit 1;

Thence South 89° 36' 07" East along the North line of said lot 26 a distance of 200.0 feet to the Northeast corner of said lot 26;

Thence South 00° 10' 12" East a distance of 350.0 feet to the TRUE POINT OF BEGINNING.

Containing 1.61 acres, more or less.

be placed in the Heavy Industrial (H-I) District, as defined by Chapter 154 of the Yuma City Code, as amended; that upon this Ordinance becoming final, said properties shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Heavy Industrial (H-I) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is hereby ordered to be changed and amended so as to show that said properties described in this Ordinance will be located within the District herein provided, and;

SECTION 2. That the following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event that this condition is not completed within this time frame, the zoning action is null and void.
3. The owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

SECTION 3. Each of the conditions listed above with the exception of Condition #2, shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be

subject to ARS 9-462.01.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010
DEPARTMENT: City Engineering
DIVISION: Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
 Stormwater Drainage Access Easement

SUMMARY RECOMMENDATION:
 Authorize acquisition of drainage access easement from Kohl's Department Stores, Inc.

REPORT:
 Development of the Kohl's Department Store (Kohl's) included construction of a private stormwater basin, to collect and hold stormwater generated at the site of the store.

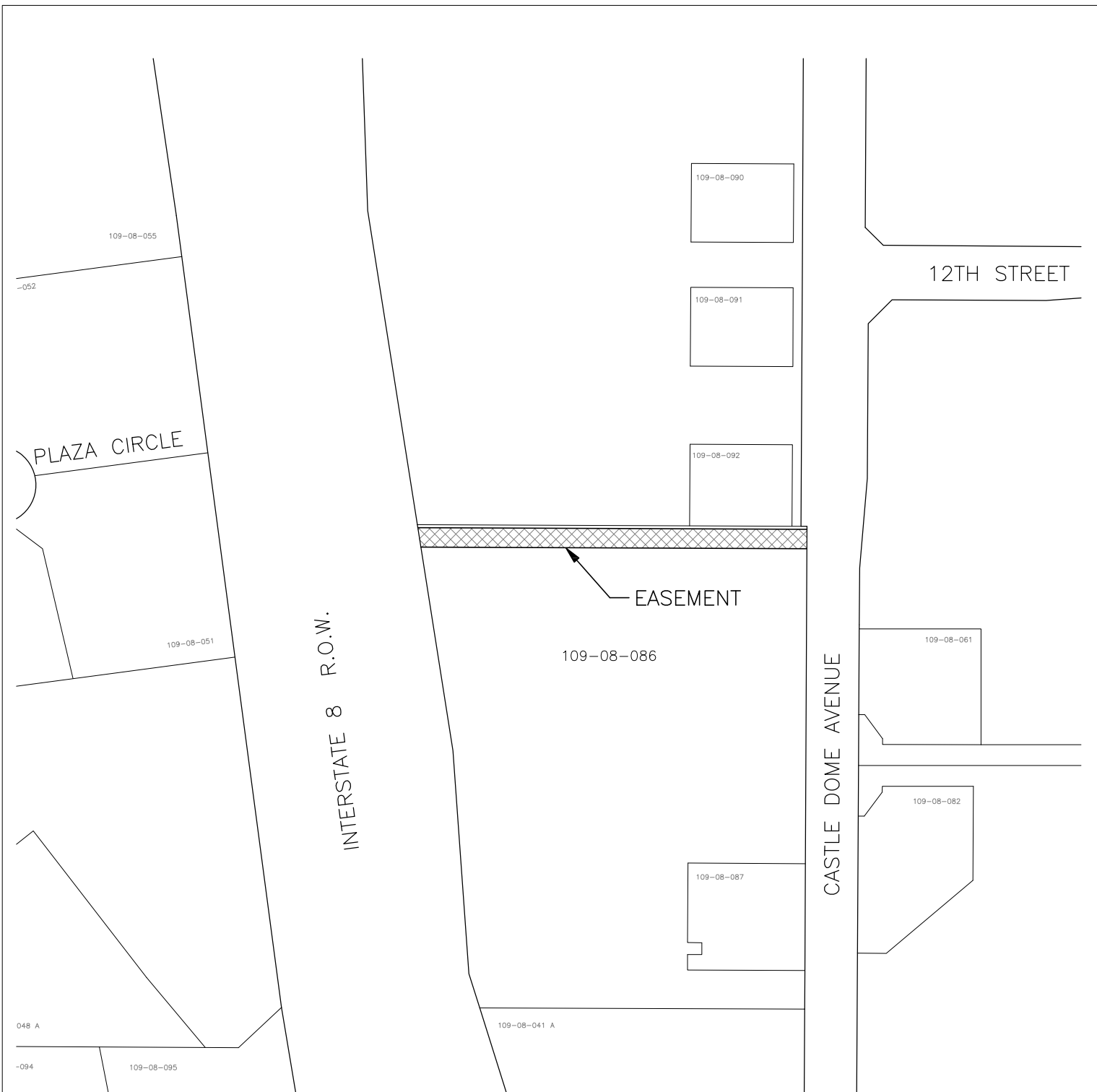
The City of Yuma (City) Drainage Policy allows private basins to be drained into the City collection system for disposal, if there is capacity in the City system. In this instance, capacity is available.

The Kohl's basin construction included a valve at the basin and a pipeline to the City collection system. When the City's system has drained sufficiently to accept flows from the Kohl's basin, a City employee will open the valve, drain the Kohl's basin and close the valve, which requires that an access easement be provided by Kohl's.

Kohl's has executed an easement to convey access rights to its stormwater facilities to the City of Yuma.

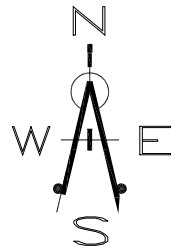
For the reasons noted above, it is requested that City Council adopt the attached ordinance authorizing acquisition of the access easement from Kohl's Department Stores, Inc. The costs associated with the easement acquisition are for recording fees.

FISCAL REQUIREMENTS	CITY FUNDS:	\$10.00	BUDGETED:	\$46,500.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2010 CIP No. 5.9512	
	TOTAL:	\$10.00		
	FISCAL IMPACT STATEMENT: Funds shown are for recording fees only.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/9/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/8/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		11/25/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		11/24/2009		



EASEMENT AREA

NOTE: THIS MAP IS PREPARED TO SHOW
GENERAL SITE LOCATION ONLY AND REPRESENTS
NO SPECIFIC DIMENSIONS RELATED TO THE SITE.



LOCATION MAP

Prepared by: **JESUS GARCIA**

Checked by: **RUSSELL REICHEL**

**CITY OF
YUMA
ENGINEERING
DEPARTMENT**

DATE: **11-23-2009**

SCALE: **N.T.S**

REVISED:

C.I.P. NO.

**5.9512
PHASE - E7**

ORDINANCE NO. O2010-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HEREINAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA, AS AN ACCESS EASEMENT FOR THE REASON THAT SUCH PROPERTY IS REQUIRED TO IMPROVE THE PUBLIC ROADWAY AND STORMWATER UTILITY INFRASTRUCTURE AND OTHER PUBLIC PURPOSES AS MAY BE RELATED THERETO, AND AUTHORIZING PAYMENT THEREFOR, TOGETHER WITH COSTS NECESSARY FOR THE ACQUISITION OF AN ACCESS EASEMENT FOR SAID PARCEL OF REAL PROPERTY.

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire real property; and

WHEREAS, the City of Yuma has identified the acquisition of an access easement across certain real property as necessary for roadway and stormwater utility infrastructure improvements.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That it is deemed necessary and essential, as a matter of public necessity and public welfare, that a certain parcel of real property, described in Exhibit A, attached hereto and by this reference made a part hereof, be acquired as an access easement by the City of Yuma, as such acquisition is necessary to extend and improve public roadway and stormwater utility infrastructure capacity for the public interest of the City and would be of public benefit.

SECTION 2: That City staff is authorized and directed to acquire said parcels of real property by easement for the City of Yuma.

SECTION 3: That the duly authorized disbursing officers of the City are hereby authorized and directed to pay all sums necessary to acquire said property.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A

The South 32.50 feet of the North 45.00 feet of the South 881.00 feet of the Northeast Quarter of the Southwest Quarter of Section 27, Township 8 South, Range 23 West of the Gila & Salt River Base & Meridian, Yuma County, Arizona, lying easterly of the Interstate 8 easterly right-of-way line.

Except the East 40.00 feet.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010
DEPARTMENT: City Engineering
DIVISION: Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
 Right-of-Way Acquisition: 12th Street - Lot 209 of Magnolia Village Unit No. 3

SUMMARY RECOMMENDATION:
 Authorize the acquisition of Lot 209 of Magnolia Village Unit No. 3 for 12th Street widening and reconstruction, between Avenue B and Avenue A.

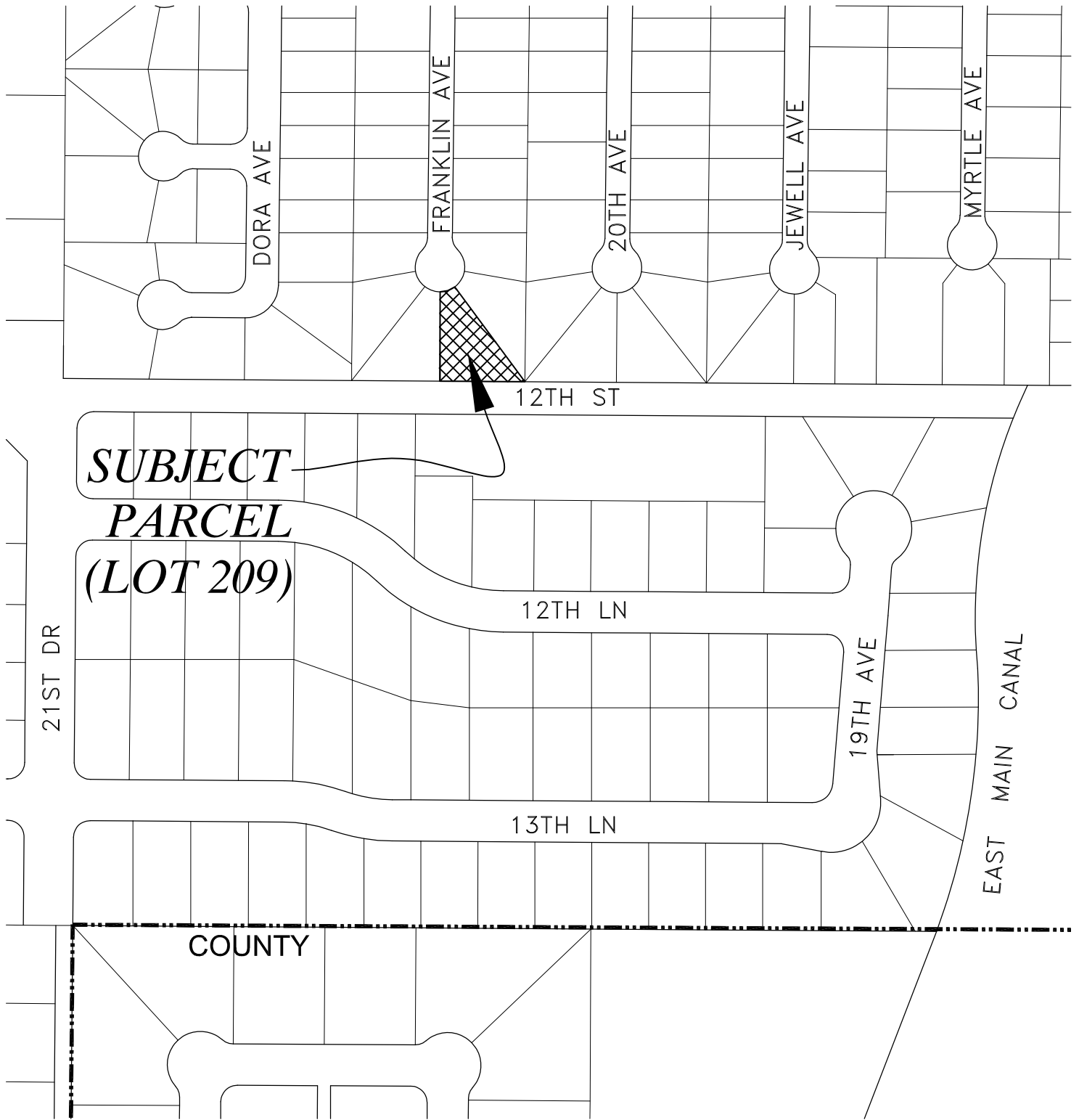
REPORT:
 Capital Improvement Program Project No. 5.9811 was developed to address the widening, reconstruction and extension of 12th Street, between Avenue B and Avenue A. The street will be upgraded from its current 2-lane, discontinuous configuration to that of a 3-lane street and will provide another east-west City street connection across the East Main Canal.

To accomplish these roadway improvements, acquisition of Lot 209 of Magnolia Village Unit No. 3 subdivision will be necessary, for emergency vehicle access to the Magnolia Village subdivision and for a stormwater collection basin.

The Owner of that parcel desires to sell the property to the City at this time. Funding is available for this single property purchase in Fiscal Year 2010. A location map for the subject site is attached.

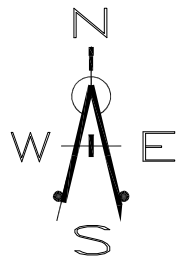
For the reason addressed above, staff requests that City Council adopt the attached ordinance, authorizing the acquisition of property for 12th Street widening and reconstruction, between Avenue B and Avenue A.

FISCAL REQUIREMENTS	CITY FUNDS:	\$75,000.00	BUDGETED:	\$100,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2010 CIP No. 5.9811	
	TOTAL:	\$75,000.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/9/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/8/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		11/23/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		11/2/2009		



SUBJECT PARCEL

NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.



LOCATION MAP

Checked by: RUSSELL REICHELT

Prepared by: Sergio Penunuri

CITY OF
YUMA
ENGINEERING
DEPARTMENT

DATE: 11-02-09

SCALE: N.T.S

REVISED:

C.I.P.
59811
50

ORDINANCE NO. O2010-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL 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

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire real property; and

WHEREAS, the City has identified the acquisition of a certain parcel of property as necessary for public improvements to 12th Street, between Avenue B and Avenue A.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That it is deemed necessary and essential, as a matter of public necessity and public welfare, that a certain parcel of real property described in Exhibit A, attached hereto and by this reference made a part hereof, be acquired by the City of Yuma, as such acquisition is required to extend and improve public roadway and utility infrastructure for the public interest of the City and would be of public benefit.

SECTION 2: That the City staff is hereby authorized and directed to acquire said real property by gift, easement or purchase, and, in the event the City of Yuma, at its sole discretion, is unable to acquire said property upon satisfactory terms, the staff is hereby authorized and directed to perform all acts necessary to acquire title to and possession of said property under the power of eminent domain, for the City of Yuma.

SECTION 3: That the duly authorized disbursing officers of the City of Yuma are hereby authorized and directed to pay all sums necessary to acquire said property, together with recording fees, escrow, title insurance, closing and all other costs necessary in the acquisition of said property.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A

A parcel of land located in the Northwest Quarter of Section 29, Township 8 South, Range 23 West, Gila & Salt River Base & Meridian, Yuma County, Arizona, more particularly described as follows:

Lot 209, MAGNOLIA VILLAGE UNIT NO. 3 subdivision, as recorded in Book 6 of Plats, Page 39, Records, Yuma County, Arizona and according to Affidavit of Correction, recorded in Book 12 of Plats, Page 18.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010

DEPARTMENT: Finance

DIVISION: Purchasing

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Yuma City Code Amendment: Bidder's Preference

SUMMARY RECOMMENDATION:

Authorize amendment to the Yuma City Code, Title 3, Chapter 36, Section 36-37 - Bidder's Preference to allow the City Administrator or designee the discretion to grant a monetary preference to local bidders.

REPORT:

On December 1, 2009, at the City Council Worksession, City staff made a presentation to City Council on local preference. Currently the Yuma City Code specifically identifies that the application of local preference can only be granted by City Council. After discussion on the topic, City Council directed staff to pursue options to make changes to the City Charter and the Yuma City Code in regards to local preference and the City's purchasing policies.

One change to the current City Code concerns the application of local preference on bids for materials, equipment and supplies under the formal competitive bid limit amount (\$50,000.00). One of the options presented was to amend the Yuma City Code to allow for a monetary preference on expenditures between the informal competitive bid limit (\$2,500.00) and the formal competitive bid limit. This would be the quickest way to change some aspect of the local preference code on smaller purchases.

City staff reviewed City Code Section 36-37 - Bidder's Preference. This section was adopted in the early 1980's. The City's needs require more flexibility concerning the application of local preference on the purchase of materials, equipment and supplies to support the local community. The Yuma City Code of Ordinances should be amended and the following change is being recommended to the section indicated.

Section 36-37 - Bidder's Preference.

- A. The City Council may grant a monetary preference to local bidders providing such preference is in the best interest of the city, further providing that such preference is stated in the bid offer and the bid exceeds the formal competitive bid amount. Such preference shall not be granted where federal or state purchasing policies preclude such preference.

B. The City Administrator or designee may grant a monetary preference to local bidders providing such preference is in the best interest of the city, further providing that such preference is stated in the bid offer and the bid is between the informal competitive bid amount and the formal competitive bid amount. Such preference shall not be granted where federal or state purchasing policies preclude such preference.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Mark S. Watson	12/14/2009
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	12/14/2009
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
WRITTEN/SUBMITTED BY:	DATE:	
Bill Pfannenstiel	12/14/2009	

ORDINANCE NO. O2010-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 3, CHAPTER 36, SECTION 36-37 OF THE YUMA CITY CODE TO ALLOW THE CITY ADMINISTRATOR OR DESIGNEE TO GRANT A MONETARY PREFERENCE TO LOCAL BIDDERS NOT IN CONFLICT WITH OTHER LAW

WHEREAS, Section 36-37 of the Yuma City Code currently provides the City Council discretion to grant a monetary preference to local bidders; and,

WHEREAS, the City Council desires to allow staff discretion to grant a monetary preference to local bidders for amounts between the informal competitive bid amount (currently \$2,500) and the formal competitive bid amount (currently \$50,000) where such award does not conflict with other law; and,

WHEREAS, it is deemed desirable to amend the City Code to effectuate this change.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma that Title 3, Chapter 36, Section 36-37 is amended to read as follows:

Section 36-37 Bidder's Preference.

A. The City Council may grant a monetary preference to local bidders providing such preference is in the best interest of the city, further providing that such preference is stated in the bid offer and the bid exceeds the formal competitive bid amount. Such preference shall not be granted where federal or state purchasing policies preclude such preference.

B. The City Administrator or designee may grant a monetary preference to local bidders providing such preference is in the best interest of the city, further providing that such preference is stated in the bid offer and the bid is between the informal competitive bid amount and the formal competitive bid amount. Such preference shall not be granted where federal or state purchasing policies preclude such preference.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010

DEPARTMENT: City Engineering

DIVISION: Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Property Acquisition: 32nd Street Improvements

SUMMARY RECOMMENDATION:

Authorize the acquisition of stormwater basin property for 32nd Street improvements, between Avenue B and Avenue A.

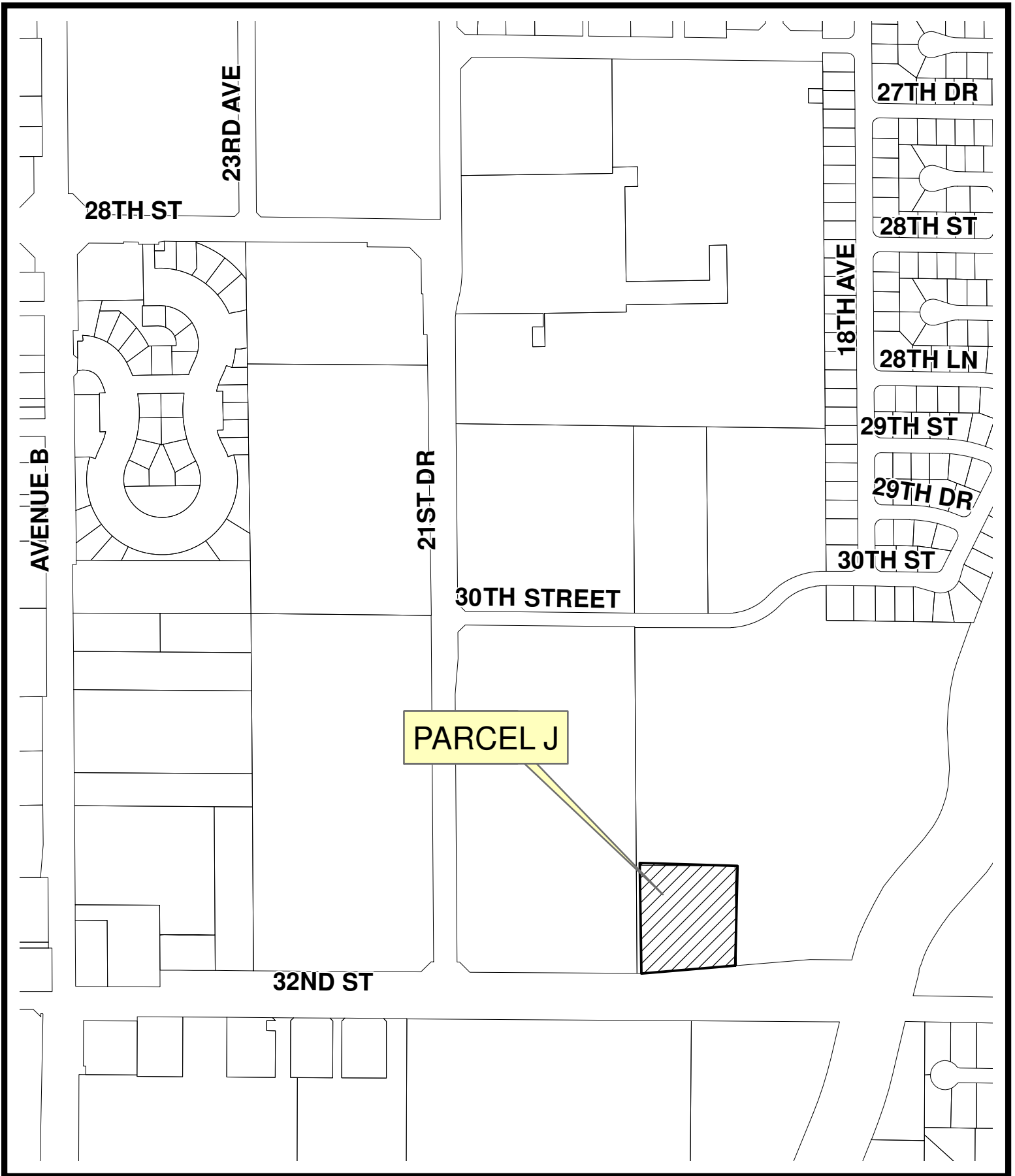
REPORT:

On October 7, 2009, City Council adopted Ordinance No. O2009-59 authorizing the purchase of property for stormwater drainage facilities. Those sites were located north of 32nd Street and west of the East Main Canal.

The legal description for one of those parcels was omitted from the exhibit attached to the adopted ordinance, making it necessary for City Council to adopt this second ordinance for acquisition of the omitted parcel. The location of that parcel is shown on the attached map.

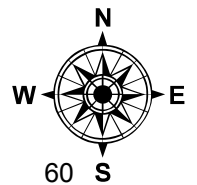
Staff therefore requests that City Council adopt the attached ordinance, authorizing the acquisition of a parcel of property for 32nd Street drainage improvements, between Avenue B and Avenue A.

FISCAL REQUIREMENTS	CITY FUNDS:	\$750,000.00	BUDGETED:	\$3,800,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2010 CIP No. 5.9402	
	TOTAL:	\$750,000.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		12/16/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		11/25/09		



NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

LOCATION MAP



Checked by: Paul Brooberg
Checked by: Sergio Penunuri

ENGINEERING DEPARTMENT

CIP No. 5.9402
SCALE: N.T.S.
DATE: 11/24/09

ORDINANCE NO. O2010-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HERINAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA, BY GIFT, 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

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire real property; and

WHEREAS, the City has identified the acquisition of a certain parcel of real property as necessary for public roadway and drainage improvements for 32nd Street, between Avenue A and Avenue B.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That it is deemed necessary and essential, as a matter of public necessity and public welfare, that a certain parcel of real property described in Exhibit A, attached hereto and by this reference made a part hereof, be acquired by the City of Yuma, as such acquisition is required to extend and improve public roadway and drainage infrastructure for the public interest of the City and would be of public benefit.

SECTION 2: That City staff is hereby authorized and directed to acquire said real property by gift, purchase or in the event the City of Yuma, at its sole discretion, is unable to acquire said property upon satisfactory terms, City staff is hereby authorized and directed to perform all acts necessary to acquire title to and possession of said property under the power of eminent domain, for the City of Yuma.

SECTION 3: That the duly authorized disbursing officers of the City of Yuma are hereby authorized and directed to pay all sums necessary to acquire said property, together with recording fees, escrow, title insurance, closing and all other costs necessary in the acquisition of said property.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A

Parcel J

A portion of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 5, Township 9 South, Range 23 West, Gila & Salt River Base & Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at a point which is the South Quarter Corner of said Section 5; thence South 89° 55' 30" West along the South Line of said Section 5 a distance of 316.24 feet to a point, being the TRUE POINT OF BEGINNING; thence North 01° 17' 50" West a distance of 473.00 feet to a point; thence South 89° 55' 30" West a distance of 330.00 feet to a point; thence South 01° 17' 50" East a distance of 473.00 feet to a point on the South Line of said Section 5; thence North 89° 55' 30" East along said South Line a distance of 330.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom that portion of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 5, Township 9 South, Range 23 West, Gila & Salt River Base & Meridian, Yuma County, Arizona, described in that certain Final Order of Condemnation recorded under Fee #: 2009-18272, in the office of the County Recorder, Yuma County, Arizona.

Containing 2.71 acres, more or less.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010
DEPARTMENT: City Engineering
DIVISION: Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
 Conveyance of Easement

SUMMARY RECOMMENDATION:

Authorize the conveyance of an easement to Arizona Public Service Company for lighting of the West Wetlands Pathway.

REPORT:

Arizona Public Service Company (APS) has been requested to provide electrical service for lighting of City of Yuma (City) Capital Improvement Program Project No. 1.0025: West Wetlands Pathway. To facilitate the installation and future maintenance of those service facilities, it will be necessary for the City to convey/grant APS a twenty-foot wide easement.

A location map showing the location of the proposed easement is attached.

It is requested that City Council authorize the conveyance of an easement to Arizona Public Service Company for activities related to lighting of the West Wetlands Pathway, by adopting the attached ordinance.

FISCAL REQUIREMENTS	CITY FUNDS:	\$20.00	BUDGETED:	\$100.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2010 CIP No. 1.0025	
	TOTAL:	\$20.00		
	FISCAL IMPACT STATEMENT: Funds shown as necessary are for the proposed easement recording fee.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		12/16/2009		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		12/1/2009		



NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

Project Location =

LOCATION MAP



Prepared by: SERGIO PEÑUÑURI
Checked by: PAUL BROOBERG

**CITY ENGINEERING
DEPARTMENT**

DATE: 11/9/09
SCALE: N.T.S
REVISED:

CIP No.
1.0025

ORDINANCE NO. O2010-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HEREINAFTER DESCRIBED, BE CONVEYED BY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY BY THE CITY OF YUMA, FOR THE REASON THAT SUCH EASEMENT IS REQUIRED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF CITY OF YUMA PATHWAY INFRASTRUCTURE.

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to convey easement rights of real property; and,

WHEREAS, such conveyance of easement rights to Arizona Public Service Company has been determined to be necessary for and beneficial to the construction, operation and maintenance of certain City West Wetlands Pathway infrastructure.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, Arizona as follows:

SECTION 1: City staff is hereby authorized and directed to execute and convey to Arizona Public Service Company an easement for the real property as described in Exhibit A, attached hereto and by this reference made a part hereof, as such easement is necessary to the construction, operation and maintenance of City pathway infrastructure for the public interest and would be of public benefit.

SECTION 2: That the duly authorized disbursing officers of the City of Yuma are hereby authorized and directed to pay all sums necessary to convey said easement, including recording fees and other costs necessary in the conveyance of said property.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A

THE FOLLOWING DESCRIPTION IS THE CENTER LINE OF A 20.00 - FOOT WIDE ELECTRICAL UTILITY EASEMENT IN SECTION 34, TOWNSHIP 16 SOUTH, RANGE 22 EAST, OF THE SAN BERNARDINO BASE AND MERIDIAN, CITY OF YUMA, YUMA COUNTY, ARIZONA:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 16 SOUTH, RANGE 22 EAST, OF THE SAN BERNARDINO BASE AND MERIDIAN, CITY OF YUMA, YUMA COUNTY, ARIZONA;

THENCE NORTH 89° 44' 45" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 A DISTANCE OF 1,018.44 FEET;

THENCE SOUTH 00° 15' 15" WEST AND PERPENDICULAR TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 A DISTANCE OF 111.94 FEET TO THE CENTER OF AN EXISTING ARIZONA PUBLIC SERVICE COMPANY (APS) WOODEN POWER POLE AND THE **TRUE POINT OF BEGINNING** FOR THIS ELECTRICAL UTILITY EASEMENT;

THENCE NORTH 66° 55' 23" WEST A DISTANCE OF 146.87 FEET;

THENCE NORTH 87° 21' 13" WEST A DISTANCE OF 462.81 FEET TO THE CENTER OF THE FIRST EXISTING APS JUNCTION BOX;

THENCE SOUTH 61° 53' 31" WEST A DISTANCE OF 10.20 FEET;

THENCE NORTH 86° 14' 48" WEST A DISTANCE OF 247.28 FEET;

THENCE NORTH 86° 55' 02" WEST A DISTANCE OF 478.74 FEET TO THE CENTER OF THE SECOND EXISTING APS ELECTRICAL JUNCTION BOX;

THENCE NORTH 01° 18' 28" EAST A DISTANCE OF 285.15 FEET;

THENCE NORTH 63° 12' 00" WEST A DISTANCE OF 22.92 FEET TO THE CENTER OF THE THIRD EXISTING APS ELECTRICAL JUNCTION BOX;

THENCE CONTINUING NORTH 63° 12' 00" WEST A DISTANCE OF 10.00 FEET TO A TERMINUS POINT;

THENCE RETURNING TO THE SAID SECOND EXISTING APS ELECTRICAL JUNCTION BOX;

THENCE NORTH 89° 07' 06" WEST A DISTANCE OF 13.18 FEET TO THE CENTER OF THE FIRST EXISTING UNDERGROUND APS ELECTRICAL VAULT;

THENCE NORTH 88° 50' 09" WEST A DISTANCE OF 103.67 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34;

THENCE CONTINUING NORTH 88° 50' 09" WEST A DISTANCE OF 186.29 FEET TO A POINT FROM WHICH THE NORTH QUARTER SECTION CORNER OF SAID SECTION 34 IS SOUTH 37° 36' 15" EAST A DISTANCE OF 3.75 FEET;

THENCE NORTH 84° 52' 24" WEST A DISTANCE OF 410.27 FEET TO THE CENTER OF THE SECOND EXISTING UNDERGROUND APS ELECTRICAL VAULT;

THENCE NORTH 86° 17' 26" WEST A DISTANCE OF 158.99 FEET;

THENCE NORTH 84° 50' 58" WEST A DISTANCE OF 219.83 FEET;

THENCE NORTH 84° 06' 04" WEST A DISTANCE OF 243.01 FEET;

THENCE NORTH 06° 59' 36" EAST A DISTANCE OF 55.88 FEET TO THE CENTER OF THE FOURTH EXISTING APS ELECTRICAL JUNCTION BOX;

THENCE NORTH 09° 20' 50" EAST A DISTANCE OF 157.12 FEET TO THE CENTER OF AN EXISTING APS ELECTRICAL PEDESTAL;

THENCE CONTINUING NORTH 09° 20' 50" EAST A DISTANCE OF 10.00 FEET TO A TERMINUS POINT;

THENCE RETURNING TO THE CENTER OF THE SAID FOURTH EXISTING APS ELECTRICAL JUNCTION BOX;

THENCE SOUTH 64° 29' 58" WEST A DISTANCE OF 77.53 FEET;

THENCE NORTH 84° 11' 58" WEST A DISTANCE OF 10.00 FEET TO THE TERMINUS POINT FOR THIS ELECTRICAL UTILITY EASEMENT, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 34 IS SOUTH 79° 16' 45" WEST A DISTANCE OF 920.57 FEET.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 6, 2010

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Zoning Code Text Amendment: Temporary Signs.

SUMMARY RECOMMENDATION:

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 421, Exempt Signing; to allow temporary signs when business visibility and access are impacted by roadway construction. (Z2009-018R).

REPORT:

Planning and Zoning Commission Recommendation:

On December 14, 2009, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with Underhill absent) to amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section: 421 Exempt Signing, by adding the following text:

(e) Temporary Signs:

1. Temporary signs are only permitted for licensed businesses that are located onsite, whose access or visibility are currently impacted by any type of undergoing active roadway construction, repair, or maintenance that is immediately occurring adjacent to/or in front of the property and currently impacted by such.
2. A temporary sign application is required to be filed with the City of Yuma to determine placement of such, prior to installation.
3. The City Administrator or designee is authorized and directed to promulgate regulations to effect this ordinance.

Public Comments - Excerpt from Planning and Zoning Commission Meeting Minutes:

QUESTIONS FOR STAFF

"Marty Carter - Planning and Zoning Commissioner, asked if there were size restrictions."

"Bobette Bauermann - Principal Planner, said an application form has been developed for the business owner to identify the placement, construction material, type, and size of sign. She added that signs over six feet in height, or 32 square feet do require a permit."

"Laurie Lineberry – Director of Community Development, said signs were limited to 100 square feet. **Carter** said the proposed amendment is a good idea, especially in light of all the road construction in town.'

"Andrew McGarvie – Assistant City Engineer, commented that the City is not able to issue encroachment permits for signs located on 16th Street and Avenue B, as those roads are still under ADOT jurisdiction. However, the City could issue permits for Avenue A.'

"Tony Brockington - Planning and Zoning Commissioner, asked why this change was brought forward.'

"Lineberry said since the construction on 16th Street started, it became obvious there would be issues with access to the business. Additionally, the construction equipment made it difficult for drivers to find whatever access there was. In August Staff started talking with City Council about ways to help the businesses during this time. The Engineering Department worked with a contractor to put up the blue signs to identify businesses and directions, but some of the businesses along 16th Street still wanted to be able to do something themselves. **Lineberry** continued by saying originally it was thought a development agreement could be done for the individual businesses, similar to what was done for Chretien's Restaurant, but Council did not want to do that.'

"Lineberry presented another proposal to Council but they felt that one had too much detail and allowed for too much City control. **Lineberry** said she went back and re-worked the proposal, and rather than present text, she came up with the application form which had all the details on it. A lot of discussions were held with the Council to determine what was meant by temporary, and how to ensure those temporary signs were removed when the construction ended. Staff felt banners would be temporary by the nature of their somewhat inexpensive cost, however Council felt if a business owner wanted to invest in an expensive sign, they should be able to do so. Ultimately, the type of sign is the choice of the business owner. It is a no-fee application, and a no-fee building permit if one is required. If there is a request to place a sign in the right-of-way, Engineering would make sure sight visibility is maintained, and also issue the encroachment permit. These are all expected to be over-the-counter permits so the City can help the businesses help themselves as soon as they possibly can.'

"David Koopmann- Chairman Planning and Zoning Commission, said he used to be a business owner and experienced a similar situation where road construction negatively impacted his business, and the local government offered no support because his business was not located in a regional mall. He said he was glad to see how this City was working to assist the small business owners."

APPLICANT / APPLICANT'S REPRESENTATIVE

None

OPEN PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

"Motion by Sorenson, second by Carter, to APPROVE Case Number Z2009-018R. Motion carried unanimously (6-0) with Underhill absent."

Planning Commission Staff Report - Attached

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Mark S. Watson	12/29/2009
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	12/28/2009
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie Lineberry	12/17/2009	
WRITTEN/SUBMITTED BY:	DATE:	
Bobette Bauermann	12/17/2009	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT**

Hearing Date December 14, 2009

Case Number: Z2009-018R

Project Description: Amend Title 15, Chapter 154, Section 421, Exempt Signing; to allow temporary signs for businesses that are being impacted by any active construction in the roadway.

Staff recommendation: Staff recommends **APPROVAL** of the request to amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 421, Exempt Signing; to allow temporary signs for businesses that are being impacted by any active construction in the roadway.

Suggested Motion: Move to **APPROVE** the request to amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 421, Exempt Signing; to allow temporary signs for businesses that are being impacted by any active construction in the roadway.

Staff Analysis: The City of Yuma will allow temporary signs when business access is impacted as a result of construction in the roadway. Temporary signage will be used to identify businesses and direct patrons around and through the construction area to the site. Temporary business signs are permitted in the public right-of-way with an encroachment permit, and all signs must be removed when construction is complete.

All temporary signs can be displayed from the first day the construction impacts the business, and shall be removed within 48 hours of the construction completion.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The proposed amendment implements the goals, objectives and policies of the General Plan.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No The proposed amendment will not change the range of uses identified in the zoning code. This amendment will allow businesses to install temporary signs to be used during roadway construction that immediately impacts the property.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No The proposed text amendment will not change the development standards of the zoning or subdivision ordinances.

5. What are the potential impacts of the proposed amendment?

No potential negative impacts are identified with the proposed text amendment. The positive impact is that every business that has roadway construction occurring in front of/or adjacent to the property will be permitted to install temporary signs during construction only.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes The proposed amendment is in conformance with prior Council actions in regards to temporary signs being installed by businesses during roadway construction.

Public Comments Received: None Received

External Agency Comments: None Received

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- Applicant agreed with all of the conditions of approval on: No Conditions of Approval
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A
Draft Text

Project Planner: Bobette Bauermann, 373 -5000 #3038 Bobette.bauermann@yumaaz.gov
Principal Planner

Prepared By: Bobette Bauermann, Principal Planner **Date:**

Reviewed By: Bruce Heckman, Planning Manager **Date:**

Approved By: Laurie L. Lineberry, AICP, Community Development Director **Date:**

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 421 Exempt Signing, be amended to add the following text:

(e) Temporary Signs:

1. Temporary signs are only permitted for licensed businesses that are located onsite, whose access or visibility are being impacted by any active construction in the roadway that is immediately occurring adjacent to/or in front of the property and is impacting access or visibility of the business.
2. A temporary sign form is required to be filed with the City of Yuma to determine placement of such signs, prior to their installation.
3. The City Administrator or designee is authorized and directed to promulgate regulations to effect this ordinance.



City of YUMA

TEMPORARY SIGNS DURING ROAD CONSTRUCTION

CONSTRUCTION PROJECT NAME: _____

CONSTRUCTION PROJECT START DATE _____ AND END DATE _____

DEPARTMENT OF COMMUNITY DEVELOPMENT

Date: _____ Business Name: _____

Address: _____ Parcel ID No.: _____

Business Owner /Authorized Agent Name: _____

Phone Number: _____ Property Owner Name: _____

Attach Site Plan Showing Location(s) of Proposed Temporary Sign(s). (DCD staff will provide aerial of business)

Temporary signs are limited to a total combined maximum of 100 square feet of sign display area.

SIGN TYPES, NUMBER OF SIGNS AND SIZE OF SIGNS:

Signs over 6' in height when installed, over 32 square feet in size, or wall-mounted require building permits.

Banners: How Many? _____ Sign Sizes (i.e.: 2' x 3'): _____

Installed Sign Heights: _____ Building Permit Required? Yes No

Free-standing: (Monument or Pole Signs) How Many? _____ Sign Sizes (i.e.: 2' x 3'): _____

Installed Sign Heights: _____ Building Permit Required? Yes No

Wall (needs a building permit): How Many? _____ Sign Sizes (i.e.: 4' x 6'): _____

A-Frame (must be anchored): How Many? _____ Sign Sizes (i.e.: 4' x 6'): _____

Sign Height(s): _____ Building Permit Required? Yes No

Are any signs proposed on public property? Yes No **If Yes**, an Encroachment Permit is required.

DECLARATION AND AGREEMENT

I am the owner or authorized agent of the business listed above. I understand that the temporary signs I am requesting are permitted by the City while my business is being visually and/or physically impacted by City and/or ADOT construction in the roadway. I understand that at the point in time that my business ceases to be directly impacted by the physical construction, I will remove the above listed signs. I understand that the City is allowing me to use these additional signs to help offset impacts to my business during the construction in the roadway.

By signing this form, I agree to install and maintain temporary business sign(s) at the location(s) listed above and shown on the attached site plan. I agree to remove all temporary signs within 48 hours of completion of the project, or when the construction no longer directly affects by business, whichever is earlier. I waive any claim for diminution in value or just compensation under Arizona Revised Statutes §12-1134(A) (a part of the "Private Property Rights Protection Act") related to the use of these temporary signs. I accept the terms set forth above through my acknowledgement and signature below.

Business Owner / Authorized Agent Signature: _____ Date _____

Planner: _____ Date: _____ Plans Examiner: _____ Date: _____

Engineer: _____ Date: _____

Temporary Sign Placement Information

1. An encroachment permit is required for all temporary signs located within the public right-of-way. No fee is associated with an encroachment permit for the placement of a temporary sign, however compliance with the state law related to **blue stake** is required (1-800-782-5348).
2. Temporary signs are allowed from the first day of active roadway construction, repair, or maintenance through the completion of construction adjacent to individual businesses/properties.
3. Any temporary sign that is not in compliance with the sections pertaining to such is not allowed. Signs not removed within 48 hours of notification will be subject to code enforcement.
4. Items such as brochure boxes, tear off flyers/coupons, balloons, flags, pennants, or similar devices are **not** allowed to be attached to Temporary Signs.
5. No sign shall be placed, displayed, used or maintained in the following locations:
 - On any sidewalk, walking path, bike lane, street, roadway area, traffic circle, roundabout, center median or island area.
 - In any manner that obstructs the view of any official public sign.
 - On any right-of-way if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area.
 - Within five (5) feet of the beginning of the curb return of any intersections.
 - Within five (5) feet of a fire hydrant, private or public driveway, traffic signal, traffic sign, USPS mail receptacle, public trash receptacle or designated bus stop/bench.
 - On any traffic control signs or devices, street light pole, utility pole, or communications standards or poles and any of their supporting structures or equipment.
 - In any manner that causes a visual obstruction to traffic that may create a hazard to traffic and/or pedestrians.
 - In any manner that injures, damages and/or destroys any plantings or vegetation within the right-of-way.
 - Within eighteen (18) inches of the face of curb.
6. Temporary signs used during roadway construction are required to meet all other city and state laws, except where specifically noted.
7. Signs may be required to be moved at the owner's expense resulting from construction phasing and/or progress of the construction project.

ORDINANCE NO. O2010-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO ALLOW TEMPORARY SIGNS FOR BUSINESSES THAT ARE CURRENTLY IMPACTED BY ANY TYPE OF UNDERGOING ACTIVE ROADWAY CONSTRUCTION, REPAIR, OR MAINTENANCE THAT IS OCCURRING IN FRONT OF AND/OR ADJACENT TO THE PROPERTY, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, from time to time it may be desirable to modify the zoning code in keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 14, 2009, in Zoning Case No: Z2009-018R in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on November 20, 2009; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2009-018R and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1. That the Yuma City Code, Title 15, Chapter 154, Section: 421 Exempt Signing, be amended to add the following text:

(e) Temporary Signs:

1. Temporary signs are only permitted for licensed businesses that are located onsite, whose access or visibility are currently impacted by any type of undergoing active roadway construction, repair, or maintenance that is immediately occurring adjacent to/or in front of the property and currently impacted by such.
2. A temporary sign application is required to be filed with the City of Yuma to determine placement of such, prior to installation.

3. The City Administrator or designee is authorized and directed to promulgate regulations to effect this ordinance.

SECTION 2. It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 6, 2010

DEPARTMENT: City Administration

DIVISION: City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Special Election: Yuma City Charter, Article XII, Section 2, Local Preference

SUMMARY RECOMMENDATION:
Call for a mail ballot Special Election on May 18, 2010 and submit ballot language to the qualified electors of the City of Yuma, for the purpose of amending the Yuma City Charter, Article XII, Section 2, Local preference.

REPORT:
At the December 1, 2009 Regular City Council Worksession, City staff presented information to City Council regarding local preference when awarding public bids as outlined in the Yuma City Charter, Article XII, Yuma City Code and Arizona State statutes. City Council solicited input from local business owners and discussed local preference at several Worksessions and City Council meetings, including December 2, 2009, December 15, 2009 and December 16, 2009. On December 2, 2009, Mayor Nelson requested that Councilmember Nicholls form an informal workgroup to discuss the local preference issue. The group has met several times and Councilmember Nicholls reported the workgroups findings to City Council on December 15 and 16, 2009. Although the workgroup continues to solicit input from the public, Councilmember Nicholls proposed a broad-based change to the Yuma City Charter that would delete Article XII, Section 2 in its entirety, including the Editor’s note, and insert the following language:

“The City Council shall authorize local preferences for the purposes of awarding contracts for any improvements, materials, equipment, supplies, construction and professional services as defined in A.R.S. Title 32, Chapter 1, and any successor statute or amendment, so long as such preferences are not inconsistent with the Constitution or statutes of the State”.

The City of Yuma is considering holding a Special Election on May 18, 2010, for the purpose of approving the Arizona Public Service and Southwest Gas franchise agreements. The attached ordinance calls for a Special Election on May 18, 2010 to be held in conjunction with the franchise election. The total cost for one election is approximately \$83,000, based on the May 2009 Special Election. Franchise elections are paid for by the franchisee, therefore, by adding the Charter amendment question, the City of Yuma may be responsible for funding 1/3 of the election costs.

Amendments to the Yuma City Charter are required to be approved by a majority vote of the qualified electors of the City. The proposed ordinance calls for a mail ballot Special Election on May 18, 2010

and outlines the ballot language. Language to be added is shown in bold and capital letters; language to be deleted is shown in strike-out.

FISCAL REQUIREMENTS	CITY FUNDS:	\$28,000.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$28,000.00
	OTHER SOURCES:	\$55,000.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$83,000.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Mark S. Watson		12/29/2009	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/28/2009	
RECOMMENDED BY (DEPT/DIV HEAD):			DATE:	
WRITTEN/SUBMITTED BY:			DATE:	
Brigitta M. Kuiper			12/18/2009	

ORDINANCE NO. O2010-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING A MAIL BALLOT SPECIAL ELECTION FOR THE QUALIFIED ELECTORS OF THE CITY OF YUMA, ARIZONA, FOR THE PURPOSE OF DETERMINING WHETHER TO AMEND ARTICLE XII, SECTION 2 “LOCAL, PREFERENCE”, OF THE CHARTER OF THE CITY OF YUMA, ARIZONA, AS AMENDED

WHEREAS, Arizona Revised Statutes §16-204, requires that elections be held on one of the four consolidated election dates; and,

WHEREAS, the City Council desires to hold a Special Election on May 18, 2010 in accordance with the State’s election consolidation law; and,

WHEREAS, the City Council is considering holding a franchise election on May 18, 2010 for the purpose of approving the Arizona Public Service and Southwest Gas franchise agreements; and,

WHEREAS, election costs can be shared by Arizona Public Service and Southwest Gas; and,

WHEREAS, Arizona Revised Statutes §16-409, allows cities and towns to conduct a mail ballot election; and,

WHEREAS, the City Council desires to hold a mail ballot election in accordance with State law; and,

WHEREAS, Article III, Section 14 of the Yuma City Charter provides that the City shall have the power to make all rules and regulations governing elections; and,

WHEREAS, Article XVI of the Yuma City Charter provides that such Charter may be amended in the manner provided in the Constitution of the State of Arizona; and,

WHEREAS, Article XIII, Section 2 of the Arizona State Constitution and Arizona Revised Statutes §§ 9-283(C) and 19-143(C) provide that the Yuma City Charter may be amended by amendments proposed and submitted by the City Council of the City to the qualified electors at a general or special election; and,

WHEREAS, the City Council desires to submit a proposed Charter amendment on the Special Election ballot to be voted by the voters at the City of Yuma Special Election of May 18, 2010.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, Arizona, as follows:

SECTION 1. That a Special Election be held on May 18, 2010, in accordance with the State election consolidation law.

SECTION 2. That the City Council authorizes the City Clerk to conduct a mail ballot election for this Special Election.

SECTION 3. That the following question be submitted to the qualified electors of the City of Yuma, as Proposition 100, to determine whether the City Charter of the City of Yuma should be amended:

Proposition 100

SHALL ARTICLE XII, SECTION 2 OF THE YUMA CITY CHARTER BE AMENDED TO READ AS FOLLOWS:

Sec. 2. Local-preference.

~~(a) The purpose of this Section is to allow the City of Yuma to award public bid contracts for any improvements, materials, equipment or supplies to a local dealer of such political subdivision in order to facilitate increased competition by such local businesses with larger metropolitan firms and to prefer the accessibility and prompt service of a local dealer which is deemed to offset the price advantage of larger volume enterprises. (Gen. Elec. 12/1/81)~~

~~(b) The City of Yuma in awarding contracts for construction, furnishing materials, equipment or supplies, either directly or through a contractor, to be paid from public funds, may provide by ordinance, resolution or other action of its governing body to award such contract to a bidder who is a local dealer if the bid of a competing bidder, quality and suitability considered, is five percent or less below that of the local dealer. A local dealer, as part of the written, awarded contract, shall agree that at least fifty percent of the total cost of all subcontracting by such local dealer pursuant to the awarded contract shall be with another local dealer. (Gen. Elec. 12/1/81)~~

~~(c) This preference shall be in lieu of any other preference required by law so that only a total of a five percent is given on any one contract. (Gen. Elec. 12/1/81)~~

~~(d) For the purposes of this section, "Local Dealer" means any dealer, person, or firm within the city limits of the City of Yuma who has a valid City of Yuma business license. (Gen. Elec. 12/1/81)~~

Editor's note:

~~The following policy, adopted by Ord. No. 2090, enacted Sept. 22, 1982, is a guideline for applying the local preference provision set forth in Art. XII, § 2.~~

~~A. This preference is not to be applied cumulatively to the State preference as set forth in A.R.S. §§ 34-241 et seq.~~

~~B. This preference is not to be applied to those bids and contracts which are subject to the provisions of A.R.S. §§ 34-241 et seq.~~

~~C. To the extent a conflict exists between the provisions of the charter local preference provision and A.R.S. §§ 34-241 et seq., the State statutes shall control.~~

THE CITY COUNCIL SHALL AUTHORIZE LOCAL PREFERENCES FOR THE PURPOSES OF AWARDED CONTRACTS FOR ANY IMPROVEMENTS, MATERIALS, EQUIPMENT, SUPPLIES, CONSTRUCTION AND PROFESSIONAL SERVICES AS DEFINED IN A.R.S. TITLE 32, CHAPTER 1, AND ANY SUCCESSOR STATUTE OR AMENDMENT, SO LONG AS SUCH PREFERENCES ARE NOT INCONSISTENT WITH THE CONSTITUTION OR STATUTES OF THE STATE.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

YES / / NO / /

SECTION 4. That the electors favoring the above Charter amendment shall vote “YES” and the electors opposing said amendment shall vote “NO”.

SECTION 5. That the Special Election shall be held in conformity with the provisions of the Yuma City Charter and the general election laws of the State of Arizona and that no person be entitled to vote unless that person is a registered voter of the City of Yuma.

SECTION 6. That the City Council shall cause publicity pamphlets and the ballot to be printed and shall provide a sufficient number of ballots to conduct the election.

SECTION 7. That the Special Election returns shall be submitted to the City Council of the City of Yuma, whereupon the City Council shall canvass the votes cast in the election and immediately thereafter declare the results of the election.

SECTION 8. That if a majority of the qualified electors of the City voting at the election vote in favor of the amendment proposed, it shall be the duty of the City Council, immediately upon canvassing the vote cast in the election as above provided, to transmit a certified copy of the approved amendment to the Governor of the State of Arizona for approval, as provided by the Yuma City Charter and the Constitution of the State of Arizona.

Adopted this _____ day of _____, 2010.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney