



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING **SUMMARY**
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, SEPTEMBER 01, 2010
5:30 P.M.**

CALL TO ORDER 5:30 P.M.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

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.

**NO LEGAL
ACTION
PERMITTED**

II. MOTION CONSENT AGENDA

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

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

- | | | |
|-----------------|---------------------------------|--------------|
| APPROVED | 1. Special Worksession | May 18, 2010 |
| APPROVED | 2. Regular City Council Meeting | May 19, 2010 |
| APPROVED | 3. Special Worksession | May 26, 2010 |
| APPROVED | 4. Regular Worksession | June 1, 2010 |

B. Approval of Staff Recommendations:

Page Item

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Attorney)
- APPROVED** 2. **Liquor License: Asian Star**

Approve a New Restaurant (#12) Liquor License application submitted by Humaei Chen, agent for Asian Star Restaurant, LLC dba Asian Star, 276 W. 32nd Street, Suite 1, Yuma, Arizona. (LL10-16) (City Administration/City Clerk) (Lynda Bushong)
- APPROVED** 3. **Special Event Liquor License: United Way of Yuma County**

Approve a Special Event Liquor License application submitted by Madeleine Ruth Coil, on behalf of the United Way of Yuma County, for a Murder Mystery Dinner Fundraiser. The event will be held October 9, 2010 from 6:00 p.m. to 10:30 p.m., at the Yuma Territorial Prison, 1 Prison Hill Road. (SP10-11) (City Administration/City Clerk) (Lynda L. Bushong)

APPROVED 4. 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 an Ocean to Ocean Gala. The event will be held at the Yuma Territorial Prison Complex, 1 Prison Hill Road, on October 16, 2010 from 6:00 p.m. to 11:00 p.m. (SP10-12) (City Administration/City Clerk) (Lynda L. Bushong)

APPROVED 5. Special Event Liquor License: Saint Francis of Assisi Parish

Approve a Special Event Liquor License application submitted by Christopher M. Orndorff, on behalf of the Saint Francis of Assisi Parish, for a Celebration of Feast Day Fundraiser. The event will be held at 1815 S. 8th Avenue on Saturday, October 2, 2010 from 7:00 p.m. to 1:00 a.m. and Sunday, October 3, 2010 from 10:00 a.m. to 10:00 p.m. (SP10-13) (City Administration/City Clerk) (Lynda L. Bushong)

APPROVED 6. Infrastructure & Services Report: Annexation Area A2010-04 Sonic

Approve an Infrastructure and Services Report for Annexation Area No. A2010-04, identified as the Sonic Annexation, located at the southeast corner of Avenue B and the 30th Street alignment. (Community Development/Community Planning) (Laurie Lineberry)

APPROVED 7. Award Agreement: Victims' Rights Program

Authorize the City Administrator to execute the Award Agreement between the Arizona Attorney General and the City of Yuma for the Victims' Rights Program, in the amount of \$4,600.00 for Fiscal Year 2010-2011. (City Attorney/City Prosecutor) (Steven W. Moore)

APPROVED 8. Ratification: El Paso Natural Gas Company Construction Stipulation Agreements

Ratify the City Administrator's action to execute the El Paso Natural Gas Company construction stipulation agreement for the Pivot Point Plaza Development and Yuma Main Canal Shared Use Pathway Extension projects. (City Administration/Yuma Crossing National Heritage Area) (Charles Flynn)

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

M/_____ S/_____ VV/_____

III. RESOLUTION CONSENT AGENDA

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

ADOPTED A. Resolution R2010-46 Preannexation Development Agreement: Yuma Pacific Ave. LLC

Authorize a Preannexation Development Agreement with Yuma Pacific Ave. LLC for property at 1605 S. Pacific Avenue (APN 666-33-010). (Community Development/ Community Planning) (Laurie Lineberry)

ADOPTED B. Resolution R2010-47 Intergovernmental Agreement Amendment: State of Arizona

Authorize execution of Amendment Two to an Intergovernmental Agreement with the State of Arizona for the widening and improvement of US 95 from Arizona Avenue to Interstate 8. (City Engineering/Administration) (Paul Brooberg)

ADOPTED C. Resolution R2010-49 Development Fee Deferral: Ingold Family Investments, LLC

Approve a Development Agreement with Ingold Family Investments, LLC, deferring Citywide Development Fees for Lot 12 of the Yuma Commerce Center Lot 7 Subdivision. (City Engineering/Administration) (Paul Brooberg)

ADOPTED D. Resolution R2010-50 Intergovernmental Agreement: State of Arizona

Authorize execution of an Intergovernmental Agreement with the State of Arizona for a wayfinding and directional signage grant, in the amount of \$499,790. (City Engineering/Administration) (Paul Brooberg)

ADOPTED E. Resolution R2010-51 Grant Application: Arizona Water Protection Fund

Authorize the City Administrator to apply for and execute contracts for Arizona Water Protection Fund grant funds in the amount of \$889,842.35 for wetlands restoration at Paradise Cove. (City Administration/Yuma Crossing National Heritage Area) (Charles Flynn)

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

M/_____ S/_____ RV/_____

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

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

ADOPTED A. Ordinance O2010-41 Right-of-Way Acquisition: Avenue 7E

Authorize the acquisition of right-of-way for Avenue 7E, between 24th Street and 16th Street. (City Engineering/Administration) (Paul Brooberg)

ADOPTED B. Ordinance O2010-42 Scrivener's Error Corrections: Ordinance No. O2008-16

Authorize the correction of scrivener's errors for sanitary sewer easement descriptions in Ordinance No. O2008-16. (City Engineering/Administration) (Paul Brooberg)

ADOPTED C. Ordinance O2010-45 Zoning Code Text Amendment: Create Low Density Residential District (R-1-5)

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Sections: 04.01 A and 05.05, to create the Low Density Single Family Residential District (R-1-5). (Z2010-007) (Community Development/Community Planning) (Laurie Lineberry)

ADOPTED D. Ordinance O2010-46 Zoning Code Text Amendment: Create Medium Density Residential District (R-2-5)

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Sections: 07.02 and 04.01(A) to create the Medium Density Single Family Residential (R-2-5) District. (Z2010-008) (Community Development/Community Planning) (Laurie Lineberry)

ADOPTED E. Ordinance O2010-47 Amendment: Noise Control

Amend Yuma City Code Title 13, Chapter 133, titled "Noise Control" to reflect standards based on measurement of decibel levels of electronically amplified sound. (City Attorney) (Steven W. Moore)

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

M/_____ S/_____ RV/_____

V. INTRODUCTION OF ORDINANCES

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

INTRODUCED A. Ordinance O2010-43 Annexation Area No. A2010-04: Sonic

Authorize annexation of property generally located at the southeast corner of Avenue B and the 30th Street alignment. (Community Development/Community Planning) (Laurie Lineberry)

INTRODUCED B. Ordinance O2010-48 Rezoning of Property: Southeast Corner of Avenue 7E and 36th Street

Rezone from the Agriculture (AG) District to the Low Density Residential (R-1-6) District and the Medium Density Residential (R-2) District. The applicant is Dahl, Robins, and Associates, on behalf of Yuma Desert Land, LLC. (Z2010-002) (Community Development/Community Planning) (Laurie Lineberry)

INTRODUCED C. Ordinance O2010-49 Rezoning of Property: 860 W. 32nd Street

Rezone property from the Limited Commercial (B-1) District to the Transitional (TR) District. The applicant is the City of Yuma. (Z2010-006) (Community Development/ Community Planning) (Laurie Lineberry)

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:

**APPOINTMENT
MADE**

1. Appointments:

- Planning & Zoning Commission – one term to expire January 31, 2015

REPORTED

2. Announcements:

- City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of August 19, 2010 through September 1, 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.

3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

RESCHEDULED THE OCTOBER 5, 2010 REGULAR WORKSESSION AND THE OCTOBER 6, 2010 REGULAR CITY COUNCIL MEETING TO SEPTEMBER 28, 2010 AND SEPTEMBER 29, 2010, RESPECTIVELY.

SCHEDULED A SPECIAL CITY COUNCIL MEETING ON THURSDAY, NOVEMBER 18, 2010 AT 1:30 P.M.

VIII. SUMMARY OF CURRENT EVENTS

REPORTED

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

IX. EXECUTIVE SESSION

EXECUTIVE SESSION NOT HELD

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

ADJOURNMENT 6:14 P.M.

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