

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 1, 2010
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Tyrone Jones, Pastor of the Calvary Temple of Christ, gave the invocation. **Deputy Mayor Johnson** led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Krieger made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

- **Wilkinson** presented former Mayor Larry Nelson and current Deputy Mayor Paul Johnson with the League of Arizona Cities and Towns "Years of Service" awards.

I. CALL TO THE PUBLIC

Shereen Khan-Guinn, 560 E. Palo Verde, disputed statements made at the last City Council meeting by the City Attorney and the City Administrator. Guinn stated that the investigation documents from both the Sheriffs and Attorney General Offices were turned over to YPD by her so that YPD could do a criminal investigation. She alleges that YPD did not investigate, which is the reason why she continues to address the City Council.

II. MOTION CONSENT AGENDA

Motion (Beeson/Mendoza): To adopt the Motion Consent Agenda as recommended, with the exception of Item B.5 which was removed by McClendon for separate consideration. Voice vote: **approved 7-0.**

A. Approval of minutes of the following City Council meetings:

Special Worksession	May 18, 2010
Regular Council Meeting	May 19, 2010
Special Worksession	May 26, 2010

Regular Worksession

June 1, 2010

B. Approval of Staff Recommendations:

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). (Attny)
2. 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) (Admin/Clerk)
3. 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) (Admin/Clerk)
4. 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) (Admin/Clerk)
5. Removed for separate consideration; see below.
6. 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. (DCD/Planning)
7. 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. (Attny/Prosecutor)
8. 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. (Administration/YCNHA)

Motion Consent Agenda Item Removed For Separate Consideration

- B.5 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) (Admin/Clerk)

Motion (Johnson/Mendoza): To approve Item B.5 (Special Event Liquor License for Saint Francis of Assisi Parish).

McClendon explained that she will continue to vote no because she does not agree with alcohol on school grounds.

Roll call vote: **approved** 5-2; McClendon and Mayor Krieger voting nay.

III. RESOLUTION CONSENT AGENDA

Motion (Johnson/McClendon): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2010-46

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 1605 S. Pacific Avenue

(Owner: Yuma Pacific Ave, LLC; APN: 666-33-010) (DCD/Planning)

Resolution R2010-47

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution Nos. R2006-62 and R2009-26, authorizing an Intergovernmental Agreement with the State of Arizona, related to the widening and improvement of US 95 (16th Street), from Arizona Avenue to Interstate 8 (I-8)

(Amendment two) (Eng)

Resolution R2010-49

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development fees for Ingold Family Investments, LLC

(Applicant: Ingold Family Investments, LLC; property: Lot 12 Yuma Commerce Center Subdivision) (Eng)

Resolution R2010-50

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of an agreement with the State of Arizona for a Transportation Enhancement Grant for the construction of wayfinding and directional signage

(Grant amount: \$499,790) (Eng)

Resolution R2010-51

A resolution of the City Council of the City of Yuma, Arizona, authorizing the submission of an application and execution of an agreement for an Arizona Water Protection Fund Grant for wetlands restoration at Paradise Cove

(Grant amount: \$899,842.35) (Admin/YCNHA)

Roll call vote: **adopted** 7-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Brooks-Gurrola): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2010-41

**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, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway, drainage 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 parcels of real property
(ROW acquisition: Avenue 7E) (Eng)**

Ordinance O2010-42

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the amendment of Ordinance No. O2008-16 to correct scrivener's errors contained therein
(Correct scrivener's error for sanitary sewer easement descriptions) (Eng)**

Ordinance O2010-45

**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 create the Low Density Single Family Residential District (R-1-5), and providing penalties for violations thereof
(Z2010-007) (DCD/Planning)**

Ordinance O2010-46

**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 create the Medium Density Single Family Residential (R-2-5) district, and providing penalties for violations thereof
(Z2010-008) (DCD/Planning)**

Ordinance O2010-47

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, of the Yuma City Code, Chapter 133, Noise Control and providing penalties for the violations thereof.
(reflecting standards based on measurement of decibels levels of electronically amplified sound) (Attny)**

Roll call vote: **adopted 7-0.**

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2010-43

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said city a portion of Sections 5 and 6, all lying within Township 9 South, Range 23 West of the Gila & Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the General Commercial District, and amending the

zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto

(Annexation Area A2010-04: Sonic; property located: southeast corner of Avenue B and the 30th Street Alignment) (DCD/Planning)

Ordinance O2010-48

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Agriculture (AG) District to the Low Density Residential (R-1-6) District and the Medium Density Residential (R-2) District and amending the zoning map to conform thereto

(Z2010-02; applicant: Dahl, Robins, and Associates on behalf of Yuma Desert Land, LLC; property: southeast corner of Avenue 7E and 36th Street) (DCD/Planning)

Ordinance O2010-49

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Limited Commercial (B-1) District to the Transitional (TR) District and amending the zoning map to conform thereto

(Z2010-006; applicant: City of Yuma; property: 860 W. 32nd Street) (DCD/Planning)

VI. PUBLIC HEARINGS - none

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Johnson/Mendoza): To re-appoint Del Cave to the Planning and Zoning Commission with a term to expire January 31, 2015. Voice vote: **approved** 7-0.

Mendoza, Beeson and Mayor Krieger reported on the 2010 League of Arizona Cities and Towns annual conference.

Beeson requested that the issue of feral cats be placed on an agenda for a future meeting. He has developed a plan called the Comprehensive Cat Reform, which would address the problem in Yuma. **Wilkinson** stated staff is currently working on rewriting the animal control ordinance, so now is the time to present ideas.

Motion (Johnson/Mayor Krieger): To reschedule, respectively, the Regular Worksession on October 5, 2010 and the Regular City Council Meeting on October 6, 2010 to September 28 and 29, 2010, due to a conflict with congressional meetings being held in Washington, D.C. Voice vote: **approved** 6-1; McClendon voting nay.

Motion (Johnson/Mayor Krieger): To schedule a Special City Council Meeting for Thursday, November 18, 2010 at 1:30 p.m. in City Council Chambers for the purpose of holding a Joint Major Amendment Meeting with the Yuma County Board of Supervisors. Voice vote: **approved** 7-0.

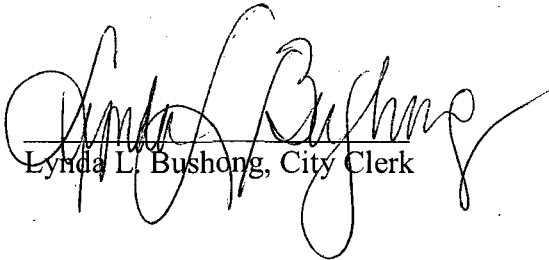
VIII. SUMMARY OF CURRENT EVENTS

Wilkinson welcomed the Yuma National Guard back from its tour overseas. He also thanked the citizens and the employees of the City of Yuma for all their efforts in the recent storm clean up. The streets are all open and power lines are up.

Mayor Krieger also reported on attending the Welcome Home ceremony for the Yuma National Guard.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 6:14 p.m. No Executive Session was held.



Lynda L. Bushong, City Clerk

APPROVED:



Alan L. Krieger, Mayor

Approved at the City Council Meeting
December 15, 2010
Clerk: Janet Peterson
Deputy City Clerk