

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
OCTOBER 20, 2010
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Captain Randy Hartt, Salvation Army, gave the invocation. **Nate Schug**, El Presidente, Caballeros de Yuma, Inc., led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: McClendon
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Director of Parks and Recreation, Becky Chavez
Senior Neighborhood Services Specialist, Marisela Valle-Erlenbach
Director of Community Development, Laurie Lineberry
Director of City Engineering, Paul Brooberg
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** and **Chavez** recognized Parks and Recreation's staff and volunteers for their efforts on the Winsor Rotary Park's new lighted basketball courts.
- **Wilkinson** and **Valle-Erlenbach** recognized the City of Yuma Neighborhood Services staff for receiving the 2010 Most Valuable Partner Award from the United States Department of Housing and Urban Development (HUD) in recognition of their exemplary practices in promoting HUD's initiative for strengthening communities.
- **Nate Schug** presented the Caballeros de Yuma, Inc. Annual Report of donations to youth activities and community betterment to the Yuma City Council.
 - FY2009-2010 Caballeros have donated over \$75,000 in cash to these causes.
 - Since incorporation in 1962, Caballeros donated over \$3 million to the community
 - The Caballeros raise funds by sponsoring events such as:
 - Midnight at the Oasis Festival
 - 80% of entrants and spectators are from out-of-town, which is a tremendous boost to the local economy.
 - Event allows other non-profit and service organizations to raise money selling food concessions.

- Colorado River Crossing Balloon Festival
 - Three day event brings 30-35 balloon crews from out-of-town.
 - About 15,000 spectators participate in the Sunrise Launch, the Saturday Night Glow and the fireworks show.
 - In 2008, the Sunrise Launch was moved to the West Wetlands Park, which increased attendance.
- January 2010, the Caballeros held the first Yuma Territorial Marathon and Half Marathon.
 - It is a Boston Marathon qualifying event that attracted runners from England, Japan and the around the United States.
 - There were 200 participants in 2010 and the upcoming event is expected to be much larger, again having a significant impact on the local economy.
- Caballeros are working on new future events with the goal of boosting Yuma's economy and visibility.
- The Caballeros, in cooperation with the City of Yuma, will be resurrecting the Colorado River Float Down.
 - The event was began in the 1960's and ran through the early 1980's.
 - The event attracted visitors from all over the region and southern California with thousands of tubers hitting the river.
 - The Float Down will be held on the weekend closest to the 4th of July.
 - There will be float building and judging contest, a Float Down Queen and other activities.
 - The first revival is expected to draw 3,500 entrants.
- The Caballeros work all year to plan, organize, promote and work at the events.
- Additionally, the Caballeros have a full time administrative staff.

I. CALL TO THE PUBLIC

Judy Phillips, 581 7th Avenue, member of the Parks and Recreation Commission and the Arts and Culture Commission's Public Art Committee, thanked the City Council for their efforts in working with the Arizona Department of Transportation and the Arts and Culture Commission on the 16th Street Bridge project. The bridge not only a beautiful piece of public art, but is also a nice entrance into the City of Yuma.

Elgin Everly, 2031 Javelina, spoke in regards to the recent storm damage and the difficulty in working with the City to get the necessary emergency repairs done. He urged the City Council to identify the trouble areas in an emergency repair process and fix them.

Diane Umphress, 1350 W. Colorado Street, reminded the City Council that October is Domestic Violence Awareness Month. She thanked the City Council for their continued support of Amberly's Place. She also invited the City Council to attend Amberly's Place 9th Anniversary Gala on Friday, October 20, 2010.

Suzi Israel, 6361 E. Telegraph, stated that there are currently three routes being considered to connect the Area Service Highway (ASH) to Highway 95; the only sensible option is Arizona Department of Transportation (ADOT) Alternative A, which is Avenue 3E. Alternative A would be the least expensive option and it will not interfere with homes. The residential neighborhood would be significantly impacted if the option to connect the ASH via Araby Road is considered. The City Council, with the Board of Supervisors, needs to convey to ADOT that Avenue 3E is the best option for the community.

Wilkinson stated that the City suspended the permitting process for a period of two weeks to facilitate emergency repairs following the recent storm. Once the repairs were completed, the permits had to be filed, and follow up inspections were performed. The City worked diligently to get Everly his permit within three days; however, due to corrections that had to be made, the permit was issued in six days.

II. MOTION CONSENT AGENDA

Motion (Johnson/Brooks-Gurrola): To adopt the Motion Consent Agenda as recommended, with the exception of item B.9 which was removed by Johnson for separate consideration. Voice vote: **approved** 6-0.

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

Amended Regular City Council Meeting (originally approved at the 9/29/10 Regular City Council Meeting)	July 21, 2010
Regular Worksession	August 3, 2010
Regular Worksession	August 17, 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 Special Event Liquor License application submitted by George Paul Mitchell, on behalf of the Yuma High School Class of 1970 Class Reunion, for a 40th Class Reunion. The event will be held at the Yuma Territorial Prison Complex, 1 Prison Hill Road, on October 30, 2010 from 6:00 p.m. to 11:45 p.m. (SP10-17) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Geoff R. Montgomery, on behalf of the Ghouls Car Club for a Los Ghouls vs. El Cancer. The fundraiser event will be held November 20, 2010, at the Gateway Park, 259 S. Gila Street, from 2:00 p.m. to 9:00 p.m. (SP10-18) (Admin/Clerk)
4. Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, for "Winter Bash" on November 13, 2010 to be held at 2175 S. Harley Drive, Yuma, Arizona. (EP10-07) (Admin/ Clerk)
5. Reject all proposals for Golf Course Management and Operation Services (RFP #2011000026) (Parks and Rec)
6. Award to the lowest responsive/responsible bidder for Slurry Seal Services, at an estimated annual cost of \$480,000.00, to American Pavement Preservation, Las Vegas, Nevada. (Bid #2010000419) (PW/Streets)

7. Awarded to the two lowest responsive/responsible bidders for Resilient Wedge Gate Valves and Accessories, at an estimated annual cost of \$24,000.00, to Ferguson Enterprises Inc., Yuma, Arizona and Yuma Winnelson Company, Yuma, Arizona. (Bid #2010000129) (PW/Utilities)
8. Authorize the execution of an agreement between Greater Yuma Economic Development Corporation (GYEDC) and the City of Yuma providing for Fiscal Year 2010-2011 funding by the City of Yuma in the amount of \$225,000.00 and setting performance standards for GYEDC. (Admin)
9. Removed for separate consideration; see below.
10. Approve the time extension of the final plat for the Produce Industrial Park Subdivision Unit #2. The property is located at the southeast corner of 44th Street and Avenue 3E. The applicant is Dahl, Robins & Associates, on behalf of Curtis Citrus, LLC, Sam and Mary Louise Perricone Trust, and Cha Cha, LLC. (S2006-015-02TE) (DCD/Planning)
11. Authorize Staff to negotiate and execute a contract for Figueroa Avenue Water Pollution Control Facility (FAWPCF) National Pollutant Discharge Elimination System (NPDES) Permit Renewal Consultant with the following firm Carollo Engineers PC, Phoenix, Arizona. (RFQ#2011000087) (Utilities)

Motion Consent Agenda Item Removed for Separate Consideration

- B9. Approve the final plat of the Ponderosa Valley Estates #6 Subdivision. The property is located at the southwest corner of 31st Avenue and 24th Street. The applicant is Dahl, Robins, and Associates, on behalf of the Yuma Land and Cattle Company, LLC. (S2010-002) (DCD/Planning)

Johnson stated a number of conditions are listed in the staff report relating to this item; however, the issue of a central mailbox delivery required by the United States Postal Service is a matter of dispute. City staff has recommended different wording pertaining to the relevant condition. **Lineberry** stated the purpose of the change in wording is because the first condition stated the developer is only required to talk to the post office; the condition did not require the installation of the boxes. The suggested change requires the installation of cluster mailboxes. **Johnson**: Will the added wording remedy the dispute of the mailbox placement? **Lineberry**: Yes, it will.

Motion (Johnson/Brooks-Gurrola): To amend the final plat of Ponderosa Valley Estate #6 Subdivision by adding a 24th condition which reads as follows:

“The developer shall coordinate with the United States Postal Service (USPS) for the placement of mail delivery receptacles, cluster boxes, by obtaining the written consent of the USPS for the type, location and installation thereof and submit the proposed location for City approval. The developer shall furnish and install such cluster boxes in accordance with City and USPS approved plans. The mailbox locations and any necessary easements shall be shown on the final plat.”

Voice vote: **approved 6-0.**

Motion (Johnson/Brooks-Gurrola): To approve the final plat of Ponderosa Valley Estates #6, as amended.
Voice vote: **approved** 6-0.

III. RESOLUTION CONSENT AGENDA

Motion (Johnson/Brooks-Gurrola): To approve the Resolution Consent Agenda as recommended, with exception of the R2010-58 and R2010-59, which were removed by Johnson for separate consideration.

Bushong displayed the following titles:

Resolution R2010-56

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 the southwest corner of 32nd Street and Avenue 4E

(Applicant: Premier Storage Condominiums of Yuma Unit 2, LLC) (DCD/Planning)

Resolution R2010-57

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a purchase, settlement, and Pre-annexation Development Agreement with the owners of real properties located near Avenue 9E adjacent to the United States Department of the Interior/Bureau of Reclamation Gila Canal and at the southeastern corner of the South Frontage Road and Avenue 8 ½ E

(Owners: Country Life Development, Inc., Norman R. Johnson and Louise C. Johnson Revocable Trust, and Roger L. Johnson Revocable Trust; 9E Raw Water Pumping Station, Fire Station #7, and annexation of the two trust properties) (Attny)

Roll call vote: **adopted** 6-0.

Resolution Consent Agenda Items Removed for Separate Consideration

R2010-58 Intergovernmental Agreement: Intergovernmental Public Transportation Authority
Authorize the City Administrator, in accordance with A.R.S. §28-9101 et seq., to take the necessary steps and actions for the formation of an Intergovernmental Public Transportation Authority (IPTA).
(Admin)

Motion (Johnson/Beeson): To amend Resolution R2010-58 to add the word *federal* in Section 3, subsection (1) to read as follows:

“(1) the IPTA is no longer eligible, as determined by the United States Department of Transportation criteria, to receive *federal* transportation system operation grant...”

Voice vote: **adopted** 6-0.

Motion (Johnson/Mendoza): To adopt Resolution R2010-58, as amended.

Speaker

Terry Crabtree, 3600 W. Linda Lane, stated he is speaking on behalf of many residents who could not attend the meeting due to a lack of transportation in the City of Yuma. As long as the IPTA is funded and the public is informed before they vote, he supports the action. What will the YCAT and Dial-a-Ride look like after the IPTA takes over the routes? What will be the costs they would try to implement? The taxpayers deserve to know the answers to the questions prior to voting on the subject.

Wilkinson state the formation of the IPTA is the initial step in getting a Regional Transportation Authority (RTA). Other local cities have passed this resolution, or a similar resolution, supporting the formation of the IPTA. Upon approval by the Board of Supervisors, the County would create the organization in December, 2010. From January through July the new transit authority would provide proper oversight and transition from YMPO to the IPTA. When the population of Yuma County exceeds 200,000, the IPTA would lose Federal Transit Authority funding; however, the existing grants would still be able to fund the system. The tentative plan is for the Board of Supervisors to take the funding and the formation of an RTA to the voters in November 2011. All relevant meetings will be public and the press will likely attend at each step along the way.

Crabtree stated the students had already enrolled in classes for the current semester when the bus system ceased its operations in the City of Yuma. When the transition to an IPTA occurs, will the routes to Arizona Western College (AWC) be added back in? More information is needed. **Wilkinson** stated it is too early to determine what the routes will be; however, AWC and Northern Arizona University will be a part of the IPTA area of service, as well as the Cocopah Tribe.

Bushong displayed the following title:

Resolution R2010-58, as amended

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City's participation in an Intergovernmental Public Transportation Authority with a sunset clause
(Admin)

Roll call vote: **adopted** 6-0.

R2010-59: Amended and Restated Development Agreement: Palms RV Resort Development, Inc. Approve an Amended and Restated Development Agreement with Palms RV Resort Development, Inc., an Arizona corporation, deferring Citywide Development Fees, permitting permanent signage, and establishing uniform setbacks. (Attny)

Motion (Brooks-Gurrola/Beeson): At the request of the applicant, to continue Resolution R2010-59 to the Regular City Council Meeting on November 3, 2010. Voice vote: **approved** 6-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

In regards to Ordinance O2010-51, **Mendoza** asked where the \$510,000 would come from to acquire the property. Will the City be looking to acquire Village Inn Pizza Parlor? **Broberg**: The money, if approved

by City Council, will be moved from a number of different projects. **Mendoza** asked if the money would be moved from projects the residents are asking for, such as road improvements. The 24th Street project, between Avenue C and Avenue D, has been postponed, would money be pulled from that project? **Brooberg** stated that the 24th Street project between Avenue C and Avenue D was a maintenance project, not a Capital Improvement Project; the project related to O2010-51 will not have an effect on the CIP budget. Also, the projects prioritized by City Council will not be affected by this acquisition. The gas station property will be needed in the future; City staff has spoken to its owners who stated there were no plans for using the building so the City is taking the steps to acquire the site.

Mendoza asked if Highway User Revenue Fund (HURF) monies would be used to purchase the gas station. **Brooberg**: No, the money will come from bond funds backed by the City's Road Tax; the CIP does not utilize HURF funds.

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

Bushong displayed the following titles:

Ordinance O2010-50

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-1-5) District and the Medium Density Residential (R-2-5) District and amending the zoning map to conform thereto

(Applicant: Dahl, Robins and Associates on behalf of Yuma Desert Land, LLC; Rezoning of property: Southeast Corner of Avenue 7E and 36th Street; Z2010-009) (DCD/Planning)

Ordinance O2010-51

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels 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 parcels of real property

(Right-of-way acquisition: southwest corner of 16th Street and Maple Avenue; CIP 5.574) (Eng)

Roll call vote: **adopted** 6-0.

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2010-52

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 utility infrastructure

(Conveyance of easement for a power line to a City of Yuma sanitary sewer lift station located at 32nd Avenue and Pinto Way) (Eng)

Ordinance O2010-53

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

(Right-of-way acquisition from the State of Arizona: Avenue 3E between Gila Ridge Road and 24th Street Extension) (Eng)

Ordinance O2010-54

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property, hereinafter described, surplus for use by the City, authorizing a request for proposal for sale of the property and providing for the disposition of such real property

(Property: northeastern corner of the intersection of Palmcroft Drive and Avenue A) (Eng)

Ordinance O2010-55

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2010-22 to correct scrivener's errors contained therein

(Ordinance O2010-22 intent: declare as surplus and abandon two parcels of unused street right-of-way at Jones Street and Gila Street, which underlie the United States Department of the Interior/Bureau of Reclamation (BOR) railroad; then, convey the parcels to BOR) (Eng)

Regarding Ordinance O2010-54, **Mendoza** asked if the lot would be large enough to construct a home consistent in size with the neighboring homes or will there be issues in selling the property. **Broberg** stated the property is zoned and adequate in size for a single family home.

VI. PUBLIC HEARING AND RELATED ACTIONS

Statutory Compliance Hearing for Ordinance O2007-72: To determine compliance with the conditions of approval for rezoning Ordinance O2007-72 (Pursuant to A.R.S. § 9-462.0) (DCD/Planning)

Mayor Krieger opened the public hearing at 6:26 p.m.

Lineberry presented the following information:

- Previously, if rezoning conditions weren't met within the timeframe, the property would revert to its prior zoning.
 - Recent legislation now requires that such a case to be heard before the local governing body through a statutory compliance hearing.
- The property owner brings the issues to staff's attention and staff identifies conditions that need to be met.
- The property owner decides whether to complete the identified conditions
- Several options are available to the City Council:
 - Rezone the property as if the owners have met the conditions; or,
 - Return the property to its original zoning.
- The ordinance extends the timeframe of the rezoning expiration to today's date.

- In this case, the developers completed the plat process; however, the housing market dropped in 2007, which resulted in the developer not moving forward with the project.
- The property owners are requesting rezoning from Agricultural (AG) to Medium Density Residential (R-2) District
- Generally, there are two processes involved in residential development: rezoning and subdivision
 - Dedications are made on the subdivision plat, making the process an easier combined process.
 - Developers, typically, don't like to separate the process and staff prefers to combine the process as well.
 - In this case, the plat has expired; therefore, the rezoning process must be completed again.
 - The plat is exactly the same, therefore, a combined preliminary and final plat approval process will be brought forward to the City Council in the next couple of meetings.
- Staff recommends rezoning the property from Agricultural (AG) to Medium Density Residential (R-2) District

Discussion

Mayor Krieger asked if the Department of Community Development had any issues with a finding of compliance. **Lineberry**: No.

Johnson asked if the City Council doesn't approve the compliance, would the property revert to its prior AG zoning, which in turn would result in the loss of any theoretical value a residential zoning may have had. **Lineberry** stated that is true; however, the City Council would have to deny the compliance and move to rezone the property to AG.

Motion (Beeson/Johnson): To close the Statutory Compliance Hearing on Ordinance O2007-72; to grant an extension of the deadline to October 20, 2012; and, acknowledge and determine that the applicant has complied with all conditions of Ordinance O2007-72. Voice vote: **adopted** 6-0; Public Hearing closed at 6:30 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Mendoza reported on the meetings and events he attended throughout the month of October.

VIII. SUMMARY OF CURRENT EVENTS

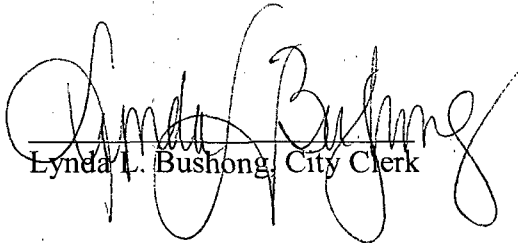
Wilkinson reminded the public of the following items:

- Due to a scheduling conflict with the Kammann Sausage Fry, the Electric Light Parade has been moved to December 10, 2010 and will kick off the opening of the Christmas Village at the Quartermaster Depot.
- There will be a Halloween Festival at the Yuma Territorial Prison; entry is only \$1. The cells will be open to the public and there will be Trick-or-Treating for children 12 and under.

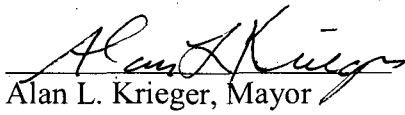
Mayor Krieger reminded the public that community Trick-or-Treating will be on Sunday, October 31, 2010.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 6:37 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

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