



**City of YUMA**

**CITY OF YUMA  
REGULAR CITY COUNCIL MEETING AGENDA  
COUNCIL CHAMBERS – YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
WEDNESDAY, JANUARY 19, 2011  
5:30 P.M.**

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**CALL TO ORDER**

**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.

**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):**

- 7. 1. Regular Worksession September 14, 2010
  
- 15. 2. Regular City Council Meeting November 17, 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)

**24. 2. Special Event Liquor License: Gotta Dream Inc.**

Approve a Special Event Liquor License application submitted by Jon Daryle Pitts, on behalf of Gotta Dream Inc., for a Chili Cook Off. The scheduled event will be held at 2550 E. Gila Ridge Road, on February 19, 2011 from 9:00 a.m. to 6:00 p.m. (SP11-04) (City Administration/City Clerk) (Lynda L. Bushong)

**26. 3. Special Event Liquor License: Yuma Community Food Bank**

Approve a Special Event Liquor License application submitted by Gerardo Garcia, on behalf of Yuma Community Food Bank, for the Return of the Block event. The fundraiser event will be held at the 200-300 block of Main Street, on January 28, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-05) (City Administration/City Clerk) (Lynda Bushong)

**28. 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 the 2011 Roping Round Up. The scheduled event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on February 5, 2011 from 12:30 p.m. to 11:00 p.m. (SP11-09) (City Administration/City Clerk) (Lynda L. Bushong)

**30. 5. Special Event Liquor License: Ballet Yuma**

Approve a Special Event Liquor License application submitted by Theresa K. Ulmer, on behalf of Ballet Yuma for the Art for the Heart event. The fundraiser event will be held at the Arizona Western College Conference Center, 2020 S. Avenue 8E, on February 11, 2011 from 7:00 p.m. to 11:00 p.m. (SP11-10) (City Administration/City Clerk) (Lynda Bushong)

**32. 6. Temporary Extension of Premises: Yuma Scorpions**

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by Jason Craig Matlock, agent for Yuma Scorpions, 1280 W. Desert Sun Drive, Yuma, Arizona. (EP11-02) for Winter League baseball games. (City Administration/City Clerk) (Lynda L. Bushong)

**34. 7. Liquor License: Outback Steakhouse 0321**

Approve an Interim Permit and New Restaurant (#12) Liquor License application submitted by Randy D. Nations, agent for Outback Steakhouse of Florida, LLC dba Outback Steakhouse, 328 E. 16th Street, Yuma, Arizona. (LL11-01) (City Administration/City Clerk) (Lynda L. Bushong)

**36. 8. Liquor License: De Railed Saloon**

Approve an Interim Permit/Person Transfer of a Bar, #6, Liquor License application submitted by Nathan Kyle Heida, agent for Nathan Heida LLC dba De Railed Saloon, 179 E. 1st Street, Yuma, Arizona. (LL11-02) (City Administration/City Clerk) (Lynda L. Bushong)

**38. 9. Bid Award: Martin Luther King Center Renovations**

Award to the lowest responsive/responsible bidder for the Dr. Martin Luther King Jr. Neighborhood Center Renovations, at a total cost of \$123,467.30 to: Yuma Valley Contractors, Inc., Yuma, Arizona. (City Engineering-Bid #2011000184) (Paul Brooberg)

**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.

**41. A. Ordinance O2011-01 Right-of-Way Acquisition: 12th Street**

Authorize the acquisition of right-of-way for 12th Street widening and reconstruction, between Avenue B and Avenue A. (City Engineering/Administration) (Paul Brooberg)

**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.

### **47. A. Ordinance O2011-02 Conveyance of Easement: Southwest Gas Corporation**

Authorize the conveyance of an easement to Southwest Gas Corporation for activities related to natural gas pipeline facilities. (City Engineering/Administration) (Paul Brooberg)

### **53. B. Ordinance O2011-03 Animal Control Regulations**

Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulation within city limits. (City Administration) (Gregory K. Wilkinson)

## **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 2011:
  - Employee Benefit Trust
  - Greater Yuma Economic Development Corporation (GYEDC), Executive Board
  - Greater Yuma Economic Development Corporation (GYEDC), Board of Directors
  - Greater Yuma Port Authority (GYPA)
  - 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

2. Appointments to boards, commissions, committees and offices:
  - Residential Advisory Board
    - Two appointments (plumber/citizen) to expire on December 31, 2015
  - Hearing Officer
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 January 6, 2011 through January 19, 2011. 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.

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**September 14, 2010**  
**5:00 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza (left at 5:40 p.m.), Beeson, McClendon, Brooks, Johnson and Mayor Krieger

Councilmembers Absent: none

Staffmembers Present: City Administrator, Greg Wilkinson  
Utilities Director, Jay Simonton  
Director of Financial Services, Pat Wicks  
Various department heads or their representatives  
City Clerk, Lynda L. Bushong

**I. REGULAR CITY COUNCIL MEETING AGENDA OF SEPTEMBER 15, 2010**

**Motion Consent Agenda Item B5: Bid Award: New 12" Watermain and Pavement Replacement: 5<sup>th</sup> Avenue from 8<sup>th</sup> Street to 16<sup>th</sup> Street**

**Beeson** asked what are the size of the pipes currently used in this area. **Simonton** explained that the underground pipes currently on 5<sup>th</sup> Avenue vary in size from 4 inches to 12 inches. The proposed project is to replace all pipes to be 12 inches.

**IV. MARINE AVIATION WEAPONS AND TACTICS SQUADRON ONE (MAWTS-1)**

**Mayor Krieger** moved the MAWTS-1 presentation, Agenda Item IV, to this point in the meeting.

**Col. Werth**, Marine Corps Air Station – Yuma (MCAS) introduced Col. Heckler, Major Smith and his action office Capt. Wethe. He thanked the City for its continued support in allowing MCAS to use City locations for combat training.

**Capt. Wethe** presented the following:

- Upcoming Marine Aviation Weapons and Tactics Squadron One (MAWTS-1) training exercise
  - Offers real world training
  - Phased simulated non-combatant evacuation
    - Security forces inserted
    - “civilians” evacuated via helicopters
    - Security forced extracted
  - Friday, October 22, 2010
  - Between 3:00 p.m. and 9:00 p.m.
  - Using Kiwanis Park – main evacuation site; Trinity Christian Center – alternate evacuation site; and, Auxiliary II airfield – refueling and staging area

- In the air:
  - 16 aircraft – helicopters and support/escort jets – flying in groups of 1-2 flying no closer than 500 feet above ground level unless landing.
- On the ground:
  - Helicopterborne Security Force
  - Evacuation Control Center team with Consular Affairs Officer from the State Department
  - Quick Reaction Force (QRF) convoy

**Capt. Wethe** displayed the route the QRF will use to go from MCAS Yuma to Trinity Christian Center and then the Kiwanis Park and back to MCAS Yuma. Safety is always a primary consideration. He displayed the contact information for the MAWTS-1 Supervisor of Flight, Noise Complaint Hotline and MCAS Yuma Public Affairs Officer and Officer of the Day.

#### Safety and coordination

- No ordnance carried on any aircraft/personnel
- Role players identified by reflective belts
- No public or recreational events scheduled for this time period at Kiwanis Park or Trinity Christian Center
- Military Crash Fire Rescue, Yuma Police, Military Police and Site commander on site throughout exercise
- Strict adherence by aircraft of all Federal Aviation Administration regulations and deconflicted with Air Traffic Control activities
- A public notice announcing the training will be run in *The Yuma Sun*.
- A press conference announcing the training will be held October 19, 2010 at 9:00 a.m.

**Capt. Wethe** thanked the City of Yuma for their continued support to the military. **Mayor Krieger** thanked the military for its service and continued partnership.

## II. SEMI-ANNUAL INVESTMENT UPDATE

**Linda Patterson**, Patterson Associates, City of Yuma investment manager, briefed the City Council on the status of its investments and the economic climate in general.

Several changes have occurred over the last 3-6 months that affect the City portfolio and the earning abilities. Yuma's portfolio has seen the following:

- The Basel III Accord
  - Setting new capital ratios and leverage restrictions on banking
  - Gross Domestic Product (GDP) - the nation's income statement
    - Rates have decreased every quarter
    - Inventories were built up, almost to the point of overstocking
    - Considerable growth in trade deficit
    - Increased Unemployment rate
      - Holding steady as a result of extension of benefits
- Consumers are working to de-leverage and reduce their own debt. As a result, household spending fell 2.9% in 2009, the lowest since 1942.
- With the passage of the Financial Regulation Bill the markets relaxed but the primary issue remains slow economic US growth.

- Current concerns surround:
  - Health Care Bill
  - Taxes
  - Growth in international corporations but not with domestic
  - Housing Market
    - 20% of the decrease is because homes have been taken off the market
    - Several of these houses are going to be turned over to banking institutions; as a result they will turn properties quicker
    - Major concern revolves around commercial real estate because businesses are walking away from commercial and this can turn out to be a dangerous situation.
- It took many years to get into this situation its going to take a number of years to get out; economist's best estimate is 5-7 years.
- Possibilities of additional rate drops exist due to the short-term nature of City investments.
- Good time to put portfolio in high credit quality treasury bills.
- Agency will probably not see any spread or additional yield until the conservator ship ends.
- The days of maturity are an important factor on the volatility of the overall portfolio.

**Patterson** detailed the information displayed in the table on the following page.

2007 Utilities	12/31/09	Beginning Book Value	\$22,795,750	Asset Allocation	Money Market	2.6%
		Beginning Market Value	\$22,799,401		Commercial Paper	14.6%
		Gain/Loss	\$3,651		A-Note	17.1%
		Yield	1.181%		A-Discout Note	26.3%
		WADM*	144		T-Bills	39.4%
	06/30/10	Ending Book Value	\$18,677,183		Money Market	17.4%
		Ending Market Value	\$18,683,531		Commercial Paper	8.4%
		Gain/Loss	\$6,348		A-Discout Note	26.1%
		Yield	.281%		T-Bills	48.1%
		WADM	84			
2007 Series D	12/31/09	Beginning Book Value	\$18,728,651	Asset Allocation	Money Market	8.4%
		Beginning Market Value	\$18,730,311		Commercial Paper	16.9%
		Gain/Loss	\$1,660		A-Note	26.7%
		Yield	0.333%		A-Discout Note	47.9%
		WADM	146			
	06/30/10	Beginning Book Value	\$13,557,655		Money Market	0.0%
		Beginning Market Value	\$13,563,587		Commercial Paper	3.9%
		Gain/Loss	\$5,932		A-Discout Note	29.7%
		Yield	0.340%		T-Bills	66.3%
		WADM	104			
Main Account	12/31/09	Beginning Book Value	\$57,059,646	Asset Allocation	Money Market	0.1%
		Beginning Market Value	\$57,277,925		A-Note	99.9%
		Gain/Loss	\$218,279			
		Yield	1.78%			
		WADM	706			
	06/30/10	Ending Book Value	\$57,482,784		Money Market	0.1%
		Ending Market Value	\$57,585,872		Commercial Paper	1.4%
		Gain/Loss	\$103,088		A-Note	98.5%
		Yield	1.19%			
		WADM	594			
Total Portfolio	12/31/09	Beginning Book Value	\$98,584,047	Asset Allocation	Money Market	4.3%
		Beginning Market Value	\$98,807,638		Commercial Paper	11.6%
		Gain/Loss	\$223,591		A-Note	19.7%
		Yield	1.18%		A-Discout Note	32.2%
		WADM	470		T-Bills	32.2%
	06/30/10	Ending Book Value	\$89,717,622		Money Market	3.7%
		Ending Market Value	\$89,832,992		Commercial Paper	3.2%
		Gain/Loss	\$115,370		A-Note	63.1%
		Yield	.87%		A-Discout Note	9.9%
		WADM	414		T-Bills	20.1%
FY 2009-2010 Earnings: \$908,322						

\*WADM = Weighted Average Days to Maturity

**Stuart** requested clarification of how the calculation of managing fees for Patterson & Associates is completed. **Patterson** explained the fee is calculated on a base point system and reported as net fees in the assets section under management.

### **III. OVERVIEW OF PUBLIC ADMINISTRATION SOFTWARE SOLUTION**

**Wicks** presented to City Council the following information about a proposed Administrative Systems Software Purchase.

About a year ago there was discussion about automated systems computer software. Council was presented with a project of bringing in a new type of software to the City to help with administrative systems. **Wicks** provided an update on the project.

#### **HTE**

- Current software – HTE (Howard Technical Enterprises, Inc.) was purchased in 1996
- Solid relationship with the company, but no substantive upgrades in technology
  - A few graphic user interface changes where the screen changes but the functionality does not
- Excellent database engine
  - IBM iSeries (AS400)
  - High speed
- Poor information system – “mining” the data requires special skills
- City’s network evolved into Windows environment; however, legacy HTE system remained the underlying program
- City staff had to contend with two separate technologies.
- Staff wanted to move to a completely Windows-based system for some time; however the cost was prohibitive – up to \$1 million.

#### **SunGard**

- In September 2009 Council approved for the City to be a beta test site for SunGard, the current owner of HTE.
  - Complete “real world” testing in order to obtain a new software product relatively inexpensive.
- Finance/Human Resource modules of the package had been completed, but the Public Works/Utilities module would become available within three years.
- The cost associated was \$260,000 primarily for training and implementation due to the use of the betas project; the software would be obtained for free.
- Project issues
  - Timeline problems and delays caused by the software vendor
  - Project was approved in September 2009 but software was not received until December 2009
  - SunGard made no effort to adapt the system.
    - Initial expectation was that staff would have influence on final product but instead we received a completed product that required us to adapt to it.
  - Software errors were not corrected timely
  - SunGard did not provide enough internal resources for the project
- In May 2010 the decision to end the project was made, based on the negotiated contract the only direct cost related to the project were purchased servers, other cost included indirect cost and staff time.

- A major concern for the future is that SunGard will soon turn its focus to new products and not provide any real updates to the current HTE system. We currently have only five years of guaranteed support for the current system.

**Wicks** presented City Council with the proposition of moving forward with a new system from New World Systems Incorporated where the servers previously purchased could be utilized.

#### New World Systems

- Fiscal year 2010, New World Systems was selected as the vendor for the new public safety system.
- During the RFP process for the public safety system staff was extremely impressed with what the company had to offer and recommended we explore what was available for an Administrative Software system.
- Staff attended two lengthy demonstrations one locally and one over the internet.
- For every concern related to the present process, New World demonstrated a solution.
- Significant strides in transforming data into information.
- New World Systems Advantages
  - The project offers an established product with a customer base of over 100.
  - Developed by New World using Microsoft .Net technology the newest on the market.
  - Project includes a utilities conversion
    - SunGard project would not offer for another three years and it would be at an additional cost.
  - The format and features of the product are similar to Microsoft Office, therefore training of staff will be easier.
  - Inquiry screens are more adaptable where staff can obtain and extract information efficiently without having to use additional software (Microsoft Office) to obtain desired results.
- New capabilities
  - New work process control - allows the user to setup processes where transactions can be tracked electronically as they go through the approval process.
  - Expanded Web presence
    - Employee portal - allow employees to access information about paychecks, leave accruals, and benefits data.
    - New employee applicant portal
    - Bidding online – Purchasing module for vendors
  - Adaptability
    - Easier to tie in transactions in an ever-changing technical environment
      - Third party vendor software (examples):
        - ◆ Safari (registration for events)
        - ◆ Ticketsage (event tickets)
        - ◆ Fairways (golf course)
        - ◆ Concentrix (Civic Center)
        - ◆ Payment interchange systems
        - ◆ Internet/phone
        - ◆ Debit/credit transactions

**Wicks** provided the following system cost break down:

	Software	Services
Modules	\$386,820	\$313,895
New modules and utilities	\$265,000	
Discount	(\$245,000)	-
Travel	-	\$50,000
<b>Subtotal</b>	\$406,820	\$363,895
Total project cost		\$770,715

The discount provided by New World is not as much as SunGard offered, but the products are different. The New World product includes Utilities; a component SunGard was offering at an additional cost.

Cost/benefit analysis

- Software cost amortized over 10 years:  $\$770,715/10 = \$77,071/\text{year}$
- Targeted cost savings needed: \$77,071 annually

Targeted savings	\$77,071
Direct costs avoided:	
Applicant tracking	(\$8,000)
Direct deposit advices	(\$2,000)
Printer costs	(\$4,800)
Net targeted savings	\$62,271
Clerical salary/benefits (at midpoint)	\$41,880

Anticipated savings

- Electronic bidding/procurement
- Automated new employee applicant process
- Improved process flow
- Broader utilization of the system more information rather than data

Funding Sources

- 2007 bond proceeds
  - General Fund \$589,576 – from 3<sup>rd</sup> floor east remodel cost
  - Utilities \$181,139 – Unbudgeted premium from bond sale
- These monies are not for operational expenditures

Next steps

- Seeking approval for purchase of software and services
- Anticipated “go-live” date: July 1, 2011

**Discussion**

**McClendon** requested clarification from **Wicks** of how this software differed from the one previously presented. **Wicks** explained the process staff experienced during the SunGard project helped identify

the type of questions and the key areas to address during the New World presentations. New World was able to demonstrate solutions for all.

**McClendon** asked if there would be alternatives if the City engaged in a contract with New World and later found that the software did not meet the City's standards. **Wicks** informed Council that the New World contract included a termination clause. He explained there was a one-year payment schedule outlined and that the goal was to have everything tested and in place before issuing final payment.

**Johnson** inquired if the AS400 system would be available if problems were encountered with this software. **Wicks** replied that the use of the HTE system will continue until full implementation of the software is complete. He explained the project would include data conversion, bringing data of the current system into the new system to complete data comparison and for history purposes. The systems will also run parallel for a period of time to ensure system accuracy. A yearly service agreement will be in place with a guarantee from New World that the software will work.

**Beeson** asked if the need of additional staff will be required from either the Information Technology Services (ITS) or Finance departments to handle the conversion. **Wicks** answered that at this point the ITS and Finance departments believe the project can be accomplished without additional staff.

**V. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION – None**

**VI. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Johnson/Beeson): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. (Councilmember Mendoza left at 5:40 p.m.) The meeting adjourned at 6:20 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Alan L. Krieger, Mayor

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**NOVEMBER 17, 2010**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Tom Renard**, Pastor Mt. Zion Church, gave the invocation. **Councilmember Stuart** led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present:	Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger
Councilmembers Absent:	none
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Director of Parks and Recreation, Becky Chavez Recreation Supervisor, Debbie Wendt Senior Planner, Noah Cullis 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**

- Becky Chavez, Director of Parks and Recreation and Debbie Wendt, Recreation Superintendent, recognized the volunteers and partners involved in the “Spruce Up Your Park” efforts at Sunrise Optimist Park.

**I. CALL TO THE PUBLIC**

**Tim Dunn**, 6324 E. Telegraph Street, urged City Council to work on a resolution regarding the Area Service Highway (ASH) to utilize Avenue 3E rather than Araby Road. Yuma Metropolitan Planning Organization (YMPO) recommended that the Highway 95 connection not be at Fortuna Road or the canal alignment, which only leaves Araby Road and Avenue 3E as the alternatives. Arizona Department of Transportation proposed to push the freeway through Araby Road, which in turn would impact the access to the neighborhood and bring potential danger to the neighborhood by having flammable and explosive materials routed through this residential area. A resolution could change the current agreement and focus on the interchange connection at Avenue 3E. He also urged the City Council to request the turnback of Araby Road, stating that ADOT has not honored their agreement to provide the irrigation district’s access on and off the farm land. **Wilkinson** stated that staff will be presenting a draft resolution to the City Council within the next two weeks. **Dunn** urged staff to be aggressive in this situation.

**Craig Sheets**, 192 Viking Avenue, Brea, Oregon, spoke about a freight train allegedly carrying weapons and never reaching its destination, transformers allegedly being nuclear devises and meth labs throughout the nation.

**Chet Lane**, (6316 W. Telegraph Street) 291 S. Main Street, #A, stated that he would rather see the ASH go through Avenue 3E rather than Araby Road. He turned his attention the Mall Maintenance Tax imposed on the shopkeepers on Main Street stating that during a conversation with staff he requested a decrease in maintenance services to the mall area in return for an adjusted tax rate. That didn't happen, in fact, the tax bill received was nearly triple from the previous year for four buildings. The shopkeepers are very discouraged. He urged the City Council to work out a resolution to this problem. **Wilkinson** stated since he met with Lane he has been working with staff to come up with a workable solution. Staff has reviewed the costs and services in the downtown area and can decrease the maintenance as a solution to the tax levy for the next year. However, since the tax is already in place, the bill will need to be paid.

**Maryann Easterday**, 3359 S. 15<sup>th</sup> Avenue, stated that this weekend Yuma County Family Community Education will be hosting a Bazaar at the Civic Center. The proceeds will provide scholarships for students and support the Character Counts program. She encouraged the public to attend the event.

**Margaret Mai**, 1542 E. 27<sup>th</sup> Street, declared that part of the Yuma County Family Community Education's project is to reach out to 4<sup>th</sup> graders at various Yuma area elementary schools and address the six pillars of character: trustworthiness, respect, responsibility, fairness, caring and citizenship. She detailed the program and its rewards for the students.

**Suzi Israel**, 6361 E. Telegraph Street, stated that ADOT is determined to have Araby Road as the connection for the ASH. As a taxpayer she feels it is unfair to have restricted right hand turns and a freeway running though the neighborhood. The City Council needs to protect the neighborhood from ADOT. Avenue 3E would be the only fair alternative as it has no houses and would be a better option for the community. Israel urged City Council to be assertive in their support of R2008-04, which removes Araby Road as an alternative interconnection route between State Route 195 and U.S. Highway 95.

**Jason Moyes**, Yuma Irrigation District, 1405 W. 16<sup>th</sup> Street (4589 W. 27<sup>th</sup> Place), echoed the comments of the other speakers regarding the ASH. Despite ADOT's efforts to try and protect agricultural interests down Araby Road, their latest plan leaves too many questions unanswered and continues to create problems for agricultural equipment access to farmland and the district canal/facilities. The Yuma Irrigation District asks the City to continue to exert influence on ADOT to ensure the route does not continue down Araby Road.

**Margie Dallabetta**, 2865 W. 12<sup>th</sup> Lane (owns property in the Bluffs Subdivision off Araby Road), stated at the last public meeting with ADOT, there were no answers to community questions from ADOT. It is concerning to the residents and should be a concern for the City. The concern not only lies in today's residential development, but in future commercial development as well. If the ASH is connected through Araby Road it will be catastrophic to the neighborhood. She urged City Council to consider Avenue 3E. Dallabetta also stated she is a tenant of Chet and Dora Lane at 291 Main Street who are concerned with the rising property taxes. The increased assessed value is not unique to Yuma, it has occurred throughout the State of Arizona. The mall maintenance does have a direct affect on Yuma's main street and needs to be addressed. **Wilkinson** asked if the City were to cut back on the number of times the sidewalks are cleaned, would the tenants be willing to take on that task. **Dallabetta** stated that her concern is that the downtown

area stays tidy, as people expect. If the maintenance can be reduced and the property owners proactively participate, it can help save dollars. It may not be what they want, but it's something they may have to do to keep a cap on costs.

## II. MOTION CONSENT AGENDA

**Motion** (McClendon/Brooks): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

- A. Approval of minutes of the following City Council meetings: none
- 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). (City Atty)
  - 2. Approve a New Restaurant, #12, Liquor License application submitted by Jose Ramirez Leon, agent for Lion's BBQ & Tacos, LLC dba Lion's BBQ & Tacos, 712 S. 4<sup>th</sup> Avenue, Suite C, Yuma, Arizona. (LL10-19) (Admin/Clerk)
  - 3. Approve an Interim Permit and New Beer and Wine Bar, #7, Liquor License application submitted by James Ralph Herring, agent for The Nineteenth Hole Plus One, LLC dba The 19<sup>th</sup> Hole Plus One, 475 W. 32<sup>nd</sup> Street, A-8 and H-2, Yuma, Arizona. (LL10-20) (Admin/Clerk)
  - 4. Reject all bids for Janitorial Supplies. (Bid #2011000084) (Citywide)
  - 5. Award to the lowest, responsive/responsible bidder for Yuma Main Canal Shared-Use Pathway Extension, at a total cost of \$438,509.78, to DPE Construction, Inc., Yuma, Arizona. (Yuma Crossing National Heritage Area - Bid # 2011000138) (Admin/YCNHA)
  - 6. Authorize Staff to ratify and continue to purchase Industrial Supplies & Equipment through a cooperative purchasing agreement with Arizona State Contract originated by Western States Contracting Alliance with W. W. Grainger, Phoenix, Arizona. (Bid #2006000412) (Citywide)
  - 7. Authorize Staff to continue to purchase Public Safety Equipment through a cooperative purchase agreement originated by U. S. Communities Government Purchasing Alliance (U.S. Communities). The contract has been in effect for three (3) years and the City's Public Safety departments have now exceeded the \$50,000.00 threshold for purchases. The contract was awarded to the following vendor Hagemeyer North America, Charleston, South Carolina. (Bid #2007000679) (Police/Fire)
  - 8. Authorize execution of an Intergovernmental Agreement with Yuma Union High School District No. 70 for the 2010-2011 School Safety Program for one year. (Police/Patrol)

9. Authorize the City Administrator to execute an Intergovernmental Agreement with the County of Yuma for the joint procurement/lease, maintenance, operation and use of a Multi-Jurisdictional Integrated Public Safety 800/700 Megahertz Radio System, Video and Photo System, Data System and Emergency 911 System. (Admin)
10. Approve the preliminary and final plat of the La Tierra Subdivision. The properties are located at the southwest corner of Avenue C and the Central Drain. The applicant is Core Engineering Group, PLLC, on behalf of Rosjon Real Estate & Investment, LLC. (S2008-001-01R) (DCD/Planning)
11. Approve the final plat of the Desert Oasis Subdivision, Unit #1, subject to the conditions set forth as numbers 1 - 10, with the replacement condition #7 as recommended by the Planning and Zoning Commission and City staff. The property is located at the southeast corner of Avenue 7E and 36th Street. The applicant is Dahl, Robins, and Associates, on behalf of the Yuma Desert Land, LLC. (S2010-003-01) (DCD/Planning)

### III. RESOLUTION CONSENT AGENDA

**Motion** (Beeson/McClendon): To approve the Resolution Consent Agenda as recommended.

**Bushong** displayed the following titles:

#### **Resolution R2010-60**

**A Resolution of the City Council of the City of Yuma, Arizona, designating certain volunteer positions of the City of Yuma as employees for the purpose of coverage under the Workers Compensation Act, designating the Human Resources Director to keep a current list of all such volunteers, repealing and replacing all previous resolutions designating volunteers as employees under Arizona Revised Statutes Section 23-901.06**

(Worker's Compensation benefits for designated volunteer positions) (HR)

#### **Resolution R2010-62**

**A Resolution of the City Council of the City of Yuma, Arizona, declaring as a public record those certain documents filed with the City Clerk titled: "Exhibit 1, Legal Description of the Yuma County Water Users' Association Power Line Easement," "Exhibit 2, Legal Description of Rights-of-Way Abandonment," "Exhibit 3, Declaration of Restrictive Covenants," "Exhibit 4, Legal Description of the West Wetlands Restrictive Covenants Property," and "Exhibit 5, Map"**

(Yuma West Wetland documents granting a power line easement to the Yuma County Water Users' Association) (Admin/YCNHA)

#### **Resolution R2010-64**

**A Resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the Special Election held on November 2, 2010**

(City of Yuma Question: Modify and Extend Public Safety Tax) (Admin/Clerk)

**Resolution R2010-65**

**A Resolution of the City Council of the City of Yuma, Arizona, creating a City of Yuma 2011 Charter Review Committee, providing for the appointment of committee members, the terms and duties thereof, and establishing a sunset date after which the 2011 Charter Review Committee shall cease to exist**

(Admin)

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

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

**Bushong** displayed the following titles:

**Ordinance O2010-56**

**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 change the member term length of the Design and Historic Review Commission (DHRC) from three to five years**

(Amends City of Yuma Zoning Code, Title 15, Chapter 154, Section 02.04 B; Z2010-010) (DCD/Planning)

**Ordinance O2010-57**

**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 and providing for changes to the Zoning Code to remove any requirement for a Landscape Review Board**

(Amend Title 15, Chapter 154, Sections 02 and 20; applicant: City of Yuma; Z2010-011) (DCD/Planning)

**Ordinance O2010-58**

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

(Property acquisition: traffic signal installation located at 8th Street and 14th Avenue; CIP 5.9990) (Eng)

**Ordinance O2010-59**

**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: 32<sup>nd</sup> Street at Avenue B for roadway improvements; CIP 5.9402) (Eng)

**Ordinance O2010-60**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain remnant parcel of real property, hereinafter described, surplus for use by the City and authorizing and directing that said parcel of real property, hereinafter described, be sold and authorizing payment of all costs necessary for the sale and conveyance of said parcel of real property**

(Real property remnant at 3198 South Avenue B; CIP 5.9402) (Eng)

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

**V. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following titles:

**Ordinance O2010-61**

**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 Residential Estate (RE-18) District and amending the zoning map to conform thereto**  
(Property located at: 4450 W. 8<sup>th</sup> Street; Applicant: City of Yuma on behalf of the Thacker Family Trust dated 11-1-1990; Z2008-023) (DCD/Planning)

**Ordinance O2010-62**

**An Ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 153 of the Yuma City Code, as amended, relating to subdivision regulations, providing for changes to clarify the requirements for cluster unit mailboxes, and providing penalties for violations thereof**  
(Z2010-012) (DCD/Planning)

**Ordinance O2010-63**

**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 a swimming pool onsite for large day cares if the pool is in compliance with the State of Arizona Pool Safety Codes, and providing penalties for violations thereof**  
(Z2009-024R) (DCD/Planning)

**VI. PUBLIC HEARINGS**

**Annexation Area No. A2010-006: Yuma Pacific Avenue LLC** – Public Hearing to consider the annexation of property generally located at the southeast corner of Pacific Avenue and 16<sup>th</sup> Street.  
(A2010-006) (DCD/Planning)

**Mayor Krieger** opened the public hearing at 6:16 p.m.

**Cullis** explained that the property contains three buildings previously used for commercial purposes; however, the owner intends to remove the buildings and develop a restaurant. The property is 2.1 acres and is surrounded by City Commercial Zoning to the north and the west and on the south and east is designated

as Yuma County Commercial and Industrial Zoning. Staff anticipates bringing forward the formal annexation ordinance to be introduced on December 15, 2010 and adopted on January 5, 2011.

**Mayor Krieger** noted the aerial photograph appears to be outdated. **Cullis** stated the photograph is more than a year old and the west is much more developed than shown.

**McClendon** pointed out the area floods whenever there is rainfall, will there be guidance or restrictions place upon the property owner to address the flooding issue? **Cullis:** Yes, the development standards are outlined in the preannexation development agreement between the City and the property owner, which will require the owner to follow the City's standards. Upon development, something will have to be done to mitigate the flooding issues. **McClendon** asked if the property owner was aware of the conditions. **Cullis:** Yes.

There being no further City Council discussion or speakers, **Mayor Krieger** closed the public hearing at 7:07 p.m.

## VII. SUMMARY OF PAST YEAR MEETINGS AND EVENTS

**McClendon** reported on the following meeting and events for the 2010 year:

- Monthly meetings of the Visitors Bureau and Amberly's Place Executive Boards
- Grand Opening for Cocopah Casino's new restaurant
- November 12, 2010 - Centennial Summit
- Today, November 17, 2010 - YRMC Foundation's breakfast beginning at 7:00 a.m.
- November 18, 2010 at 7:00 p.m. is the Yuma County Drug Court Graduation at Cibola High School.
- November 18, 2010 Special Joint Meeting of the Yuma City Council and the Yuma County Board of Supervisors regarding Major Amendments to the Joint Land Use
- November 18, 2010 will be at the Art Center, a local artist and employee of the City will be displaying his art work.

**McClendon** closed by stating she tries to make as many events as possible; however, occasionally she does miss something.

**Beeson** reported on the different committees, groups and organizations he has served on over the past three years:

- Arizona League of Cities and Towns
  - A networking tool for elected officials throughout the State of Arizona.
- Arizona/Mexico Commission
  - From January 2008 through 2010
  - A networking tool for elected officials on both sides of the border.
- Greater Yuma Economic Development Corporation Executive Board
- Don't Trash the Border – No Contaminar la Frontera
  - An International Alliance Committee that utilizes grant money to combat polluting the border and to clean up both sides of the border.
  - March 2009 to present

- Invited by Senator Aguirre
- National League of Cities and Towns
- Yuma Metropolitan Planning Organization
- Joint Planning Advisory Council
  - A spin off from YMPO
  - It is a part of the Maricopa Association of Government and Pima Association of Government
  - Focus is on rail and statewide transportation.
- Chamber of Commerce Legislative Affairs meeting
  - Great opportunity to hear first hand what is happening in the community before they become bigger issues.
  - He will continue attending as a citizen just because it is a wealth of information

### VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

**Johnson** stated that while at the Grand Opening at Hunter Steakhouse, the owners and operators expressed their gratitude towards City staff and the teamwork put into the opening of Hunter Steakhouse. **Mayor Krieger** added that the same reviews are heard from contractors that do business with City staff.

**Motion** (McClendon/Stuart): To appoint the following as members to the 2011 Charter Review Committee:

Kevin Dahl	Edward Thomas
Tyrone Jones	Marilyn Young
Matthew Ferrell	Margie Dallabetta
John Sternitzke	Doug Nicholls
Mary Ann Easterday	Clint Underhill
Ken Rosevear	Jonathan Lines
Gail Beeler	Bertha Avila
Maria Chavoya	Madeleine Coil

Voice vote: **approved** 7-0.

### IX. SUMMARY OF CURRENT EVENTS

**Wilkinson** announced the following:

- Introduced new City staff member Brant Hanson, Management Analyst; his primary job is to assist with various administrative projects.
- The solar project has been approved for reimbursement funding, which will significantly help the City.
- The Yuma Police Department is hosting a fundraiser for the Special Olympic Program at Chili's Restaurant. The "Tip-a-Cop" Fundraiser is November 18, 2010 from 11:00 a.m. to 8:00 p.m.
- November 20, 2010, the Colorado River Crossing Balloon Festival, Balloon Glow and Regional School Carnival will be held at the Ray Kroc Complex.
- Also on November 20, 2010, the City of Yuma Parks and Recreation Department will host the Turkey Trot, 5 and 10K Run/Fun Walk beginning at 8:30 a.m. at Gateway Park

- On November 25, the Martin Luther King, Jr. Neighborhood Center will host the North End Thanksgiving Feast from 11:00 a.m. to 2:00 p.m.
- The Police Department's TAGS program has successfully taken an additional two "taggers" off the streets. The Citizens are starting to stand up and report the crimes. Congratulations to all; the project is working.

**X. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Krieger** adjourned the meeting at 6:34 p.m. No Executive Session was held.

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Lynda L. Bushong, City Clerk

APPROVED:

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Alan L. Krieger, Mayor

DRAFT



City of YUMA

## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

January 19, 2011

**DEPARTMENT:**

City Administration

**DIVISION:**

City Clerk

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

**TITLE:**

Special Event Liquor License: Gotta Dream Inc.

**SUMMARY RECOMMENDATION:**

Approve a Special Event Liquor License application submitted by Jon Daryle Pitts, on behalf of Gotta Dream Inc., for a Chili Cook Off. The scheduled event will be held at 2550 E. Gila Ridge Road, on February 19, 2011 from 9:00 a.m. to 6:00 p.m. (SP11-04)

**REPORT:**

Jon Daryle Pitts, on behalf of Gotta Dream Inc., has applied for a Special Event Liquor License for a Chili Cook Off. The event will be held at 2550 E. Gila Ridge Road, on February 19, 2011 from 9:00 a.m. to 6:00 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2010		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2010		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** January 19, 2011

**DEPARTMENT:** City Administration

**DIVISION:** City Clerk

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

**TITLE:**  
Special Event Liquor License: Yuma Community Food Bank

**SUMMARY RECOMMENDATION:**

Approve a Special Event Liquor License application submitted by Gerardo Garcia, on behalf of Yuma Community Food Bank, for the Return of the Block event. The fundraiser event will be held at the 200-300 block of Main Street, on January 28, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-05)

**REPORT:**

Gerardo Garcia, on behalf of Yuma Community Food Bank, has applied for a Special Event Liquor License for the Return of the Block event. The fundraiser event will be held at the 200-300 block of Main Street, on January 28, 2011 from 6:00 p.m. to 10:00 p.m.

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

Upon City Council's 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda Bushong		1/4/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/3/2011		



City of YUMA

## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

January 19, 2011

**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 2011 Roping Round Up. The scheduled event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on February 5, 2011 from 12:30 p.m. to 11:00 p.m. (SP11-09)

**REPORT:**

John E. Williams, on behalf of the Hospice of Yuma, has applied for a Special Event Liquor License for the 2011 Roping Round Up. The event will be held at the Yuma County Fairgrounds, 2520 E. 32<sup>nd</sup> Street, on February 5, 2011 from 12:30 p.m. to 11:00 p.m.

As 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			
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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. files for Steven W. Moore		1/10/2011	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2010		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2010		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** January 19, 2011

**DEPARTMENT:** City Administration

**DIVISION:** City Clerk

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

**TITLE:**  
Special Event Liquor License: Ballet Yuma

**SUMMARY RECOMMENDATION:**

Approve a Special Event Liquor License application submitted by Theresa K. Ulmer, on behalf of Ballet Yuma for the Art for the Heart event. The fundraiser event will be held at the Arizona Western College Conference Center, 2020 S. Avenue 8E, on February 11, 2011 from 7:00 p.m. to 11:00 p.m. (SP11-10)

**REPORT:**

Theresa K. Ulmer, on behalf of Ballet Yuma has applied for a Special Event Liquor License for the Art for the Heart event. The fundraiser event will be held at the Arizona Western College Conference Center, 2020 S. Avenue 8E, on February 11, 2011 from 7:00 p.m. to 11:00 p.m.

As per State Liquor License requirements, the Sodexo America, LLC has agreed to suspend a portion of their liquor license that covers the Arizona Western College Conference Center on the date and time listed above.

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

Upon City Council's recommendation of approval, this application will be forwarded to the Arizona Department of Liquor License 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda Bushong		1/4/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/3/2011		



City of YUMA

## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

January 19, 2011

**DEPARTMENT:**

City Administration

**DIVISION:**

City Clerk

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

**TITLE:**

Temporary Extension of Premises: Yuma Scorpions

**SUMMARY RECOMMENDATION:**

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by Jason Craig Matlock, agent for Yuma Scorpions, 1280 W. Desert Sun Drive, Yuma, Arizona. (EP11-02) for Winter League baseball games.

**REPORT:**

Jason Craig Matlock, agent for Yuma Scorpions, has applied for a Temporary Extension of Premises/Patio Liquor License Permit for February 4, 2011 through February 27, 2011, at 1280 W. Desert Sun Drive, for Winter League baseball games.

The application has been sent to Community Development, Police Department, Fire Prevention and the Business License Department 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. Extension of Premises/Patio Liquor License Permit 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		1/6/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Flora L. Hatch		1/6/2011		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** January 19, 2011

**DEPARTMENT:** City Administration

**DIVISION:** City Clerk

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

**TITLE:**  
Liquor License: Outback Steakhouse 0321

**SUMMARY RECOMMENDATION:**

Approve an Interim Permit and New Restaurant (#12) Liquor License application submitted by Randy D. Nations, agent for Outback Steakhouse of Florida, LLC dba Outback Steakhouse, 328 E. 16th Street, Yuma, Arizona. (LL11-01)

**REPORT:**

Randy D. Nations, agent for Outback Steakhouse of Florida, LLC dba Outback Steakhouse, located at 328 E. 16th Street, Yuma, Arizona, has applied for an Interim Permit and New Restaurant (#12) Liquor License.

This location previously had a Liquor License and is currently operating under an Interim Permit; however, Series 12 Restaurant Liquor Licenses are non-transferable by State law; therefore, whenever there is a change in ownership, name or partnership a new application is required. The previous licensee was Randy D. Nations, agent for Outback Phoenix II Limited Partnership #0321; the current applicant is stated above.

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. New Restaurant (#12) 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		12/30/2010		
WRITTEN/SUBMITTED BY:		DATE:		
Flora L. Hatch		12/29/2010		



**City of YUMA**

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** January 19, 2011

**DEPARTMENT:** City Administration

**DIVISION:** City Clerk

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

**TITLE:**  
Liquor License: De Railed Saloon

**SUMMARY RECOMMENDATION:**

Approve an Interim Permit/Person Transfer of a Bar, #6, Liquor License application submitted by Nathan Kyle Heida, agent for Nathan Heida LLC dba De Railed Saloon, 179 E. 1st Street, Yuma, Arizona. (LL11-02)

**REPORT:**

Nathan Kyle Heida, agent for Nathan Heida LLC dba De Railed Saloon, located at 179 E. 1<sup>st</sup> Street, Yuma, Arizona, has applied for an Interim Permit/Person Transfer of a Bar, #6, Liquor License. The license is being transferred from Sandra Jean Pliska, agent for Wagon Wheel Tavern East LLC, dba Pub to Nathan Heida LLC dba De Railed Saloon.

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	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
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. Interim Permit/Person Transfer of a Bar, #6, Liquor License App 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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		12/30/2010		
WRITTEN/SUBMITTED BY:		DATE:		
Flora L. Hatch		12/29/2010		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** January 19, 2011  
**DEPARTMENT:** Finance  
**DIVISION:** Purchasing

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

**TITLE:**  
Bid Award: Martin Luther King Center Renovations

**SUMMARY RECOMMENDATION:**  
Award to the lowest responsive/responsible bidder for the Dr. Martin Luther King Jr. Neighborhood Center Renovations, at a total cost of \$123,467.30 to:

Yuma Valley Contractors, Inc. Yuma, Arizona

(City Engineering-Bid #2011000184) (Paul Brooberg)

**REPORT:**  
This federally funded Community Development Block Grant project involves renovations to the Dr. Martin Luther King Jr. Neighborhood Center, located at 300 S. 13<sup>th</sup> Avenue. Renovations include additional external doors, new locking kitchen cabinets, light fixtures, a new driveway for delivery trucks, new electrical outlets to serve parking lot area for outdoor events, closing in large overhead glass door in the Teen Center, and acoustical improvement in the multi-purpose room.

BID STATISTICS	TOTAL	LOCAL VENDORS
Notices Sent Out	9	9
Bid Packages Distributed	26	10
Bids Received	3	3

Bids were received from three local vendors. The recommendation is to award the base bid items of 1-5 and 7-9, as well as the Alternate Bid Item of suspended acoustical ceiling panels in lieu of base bid item #6 (surface-mounted acoustical panels) in the multi-purpose room.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$159,898.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$123,467.30	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 2011 CIP No. 1.1105	
	TOTAL:	\$123,467.30		
	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:
	Gregory K. Wilkinson			1/11/2011
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files for Steven W. Moore			1/10/2011
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Pat Wicks			1/4/2011	
WRITTEN/SUBMITTED BY:			DATE:	
Robin R. Wilson/Bill Pfannenstiel			12/29/2010	

**CITY OF YUMA**  
**BID SUMMARY**  
**BID NO 2011000184**  
**Martin Luther King Center Renovations (Federal Project)**

	<b>Yuma Valley Contractors, Inc. Yuma, AZ</b>	<b>Pilkington Commercial Co., Inc Yuma, AZ</b>	<b>Eckard Commercial Construction Inc. Yuma, AZ</b>
Base Bid ( <i>Bid Items 1-9</i> )	\$114,668.08	\$128,149.44	\$146,154.10
10% Contingency	\$11,466.81	\$12,814.94	\$14,615.41
<b>TOTAL BASE BID</b>	<b>\$126,134.89</b>	<b>\$140,964.38</b>	<b>\$160,769.51</b>
 Alternate Bid Item	 \$40,107.13	 \$45,358.75	 \$45,542.00
 Base Bid Items 1-5 & 7-9 + Alternate Bid Item	 \$112,243.00	 \$125,293.64	 \$121,524.10
10% Contingency	\$11,224.30	\$12,529.36	\$12,152.41
<b>TOTAL ALTERNATE BID</b>	<b>\$123,467.30</b>	<b>\$137,823.00</b>	<b>\$133,676.51</b>

R=Recommend Bidder

<b>R</b>
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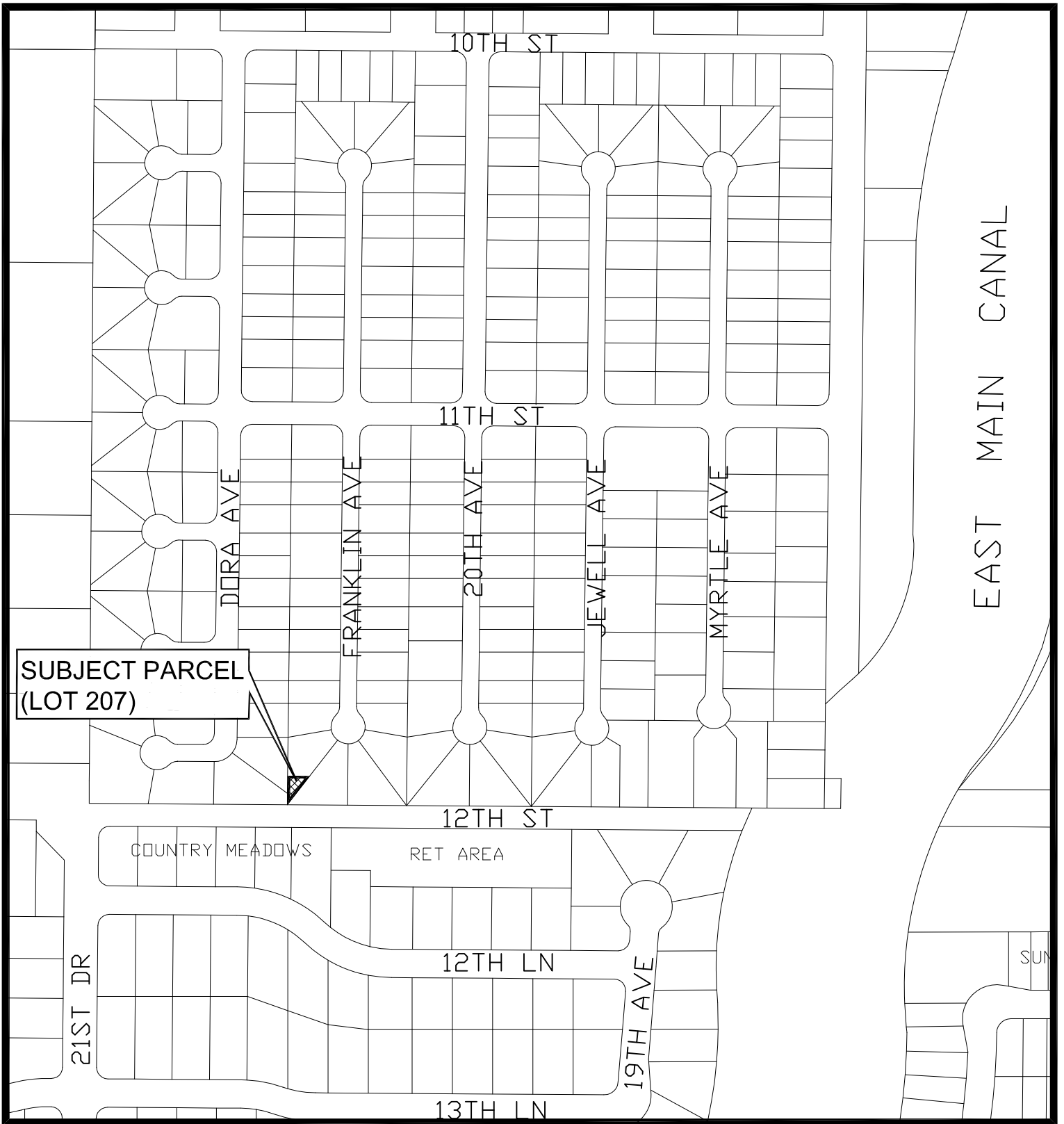


City of YUMA

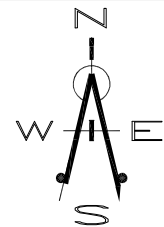
# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	January 19, 2011	<input type="checkbox"/> Motion
<b>DEPARTMENT:</b>	City Engineering	<input type="checkbox"/> Resolution
<b>DIVISION:</b>	Administration	<input type="checkbox"/> Ordinance - Introduction
		<input checked="" type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing
<b>TITLE:</b> Right-of-Way Acquisition: 12 <sup>th</sup> Street		
<b>SUMMARY RECOMMENDATION:</b> Authorize the acquisition of right-of-way for 12th Street widening and reconstruction, between Avenue B and Avenue A.		
<b>REPORT:</b> Capital Improvement Program (CIP) 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 341 square feet of Lot 207 of Magnolia Village Unit No. 3 subdivision, along with a five-foot wide (123 square foot) temporary construction easement to be recorded on a portion of the remainder parcel abutting the new 12 <sup>th</sup> Street right-of-way will be necessary from the southerly (12 <sup>th</sup> Street) side of Lot 207. A location map of the site is attached.  The Owner of Lot 207 desires to sell the needed parcel to the City at this time and subsequently sell the larger remaining property to another private owner. Funding is presently available for this single property acquisition in CIP No. 5.9811.		

FISCAL REQUIREMENTS	CITY FUNDS:	\$3,000.00	BUDGETED:	\$40,000.00
	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 2011 CIP No. 5.9811	
	TOTAL:	\$3,000.00		
	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:
	Jack McArthur for Gregory K. Wilkinson			12/28/2010
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/28/2010
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Paul Brooberg			12/16/2010	
WRITTEN/SUBMITTED BY:			DATE:	
Teresa Blackburn			12/07/10	



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	<b>CITY OF YUMA CITY ENGINEERING DEPARTMENT</b>	DATE: 12-7-10	C.I.P 5.9811  43
Prepared by: SERGIO PEÑUÑURI		SCALE: N.T.S	
REVISED:			

**ORDINANCE NO. O2011- 01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HEREINAFTER DESCRIBED, TOGETHER WITH THE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT, 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 real 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, together with the described temporary construction easement, 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 City staff is hereby authorized and directed to acquire said real property, together with the temporary construction easement, 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, 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.

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 the described real property.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Alan L. Krieger  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven W. Moore  
City Attorney

## **EXHIBIT A**

Parcels 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:

### **PARCEL A: NEW PUBLIC RIGHT-OF-WAY**

The South 30.0 feet of Lot 207 MAGNOLIA VILLAGE UNIT THREE Subdivision (Subdivision), as recorded in Book 6 of Plats, Page 39, Records of Yuma County, Arizona, with the North Line of said South 30.0 feet being parallel to the South Line of said Subdivision.

Containing 341 square feet, more or less.

### **PARCEL B: TEMPORARY CONSTRUCTION EASEMENT**

The North 5.0 feet of the South 35.0 feet of Lot 207 MAGNOLIA VILLAGE UNIT THREE Subdivision (Subdivision), as recorded in Book 6 of Plats, Page 39, Records of Yuma County, Arizona, with the North Line of said South 35.0 feet being parallel to the South Line of said Subdivision.

Containing 123 square feet, more or less.

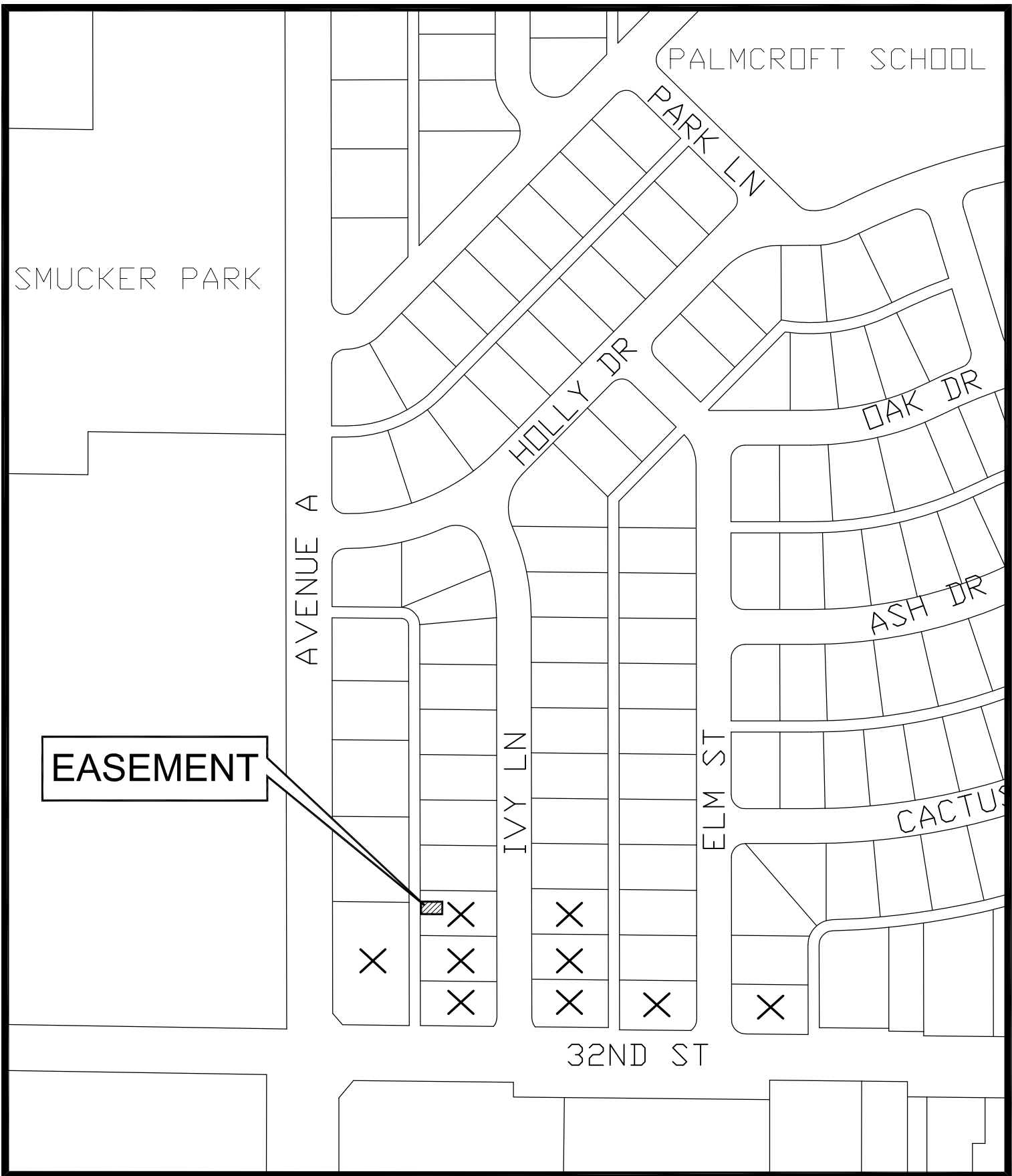


City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	January 19, 2011	<input type="checkbox"/> Motion
<b>DEPARTMENT:</b>	City Engineering	<input type="checkbox"/> Resolution
<b>DIVISION:</b>	Administration	<input checked="" type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing
<b>TITLE:</b>		
Conveyance of Easement: Southwest Gas Corporation		
<b>SUMMARY RECOMMENDATION:</b>		
Authorize the conveyance of an easement to Southwest Gas Corporation for activities related to natural gas pipeline facilities.		
<b>REPORT:</b>		
<p>Expansion and reconstruction of the Southwest Gas Corporation (SWG) facilities in the vicinity of Avenue A requires an addition to SWG cathodic (corrosion) protection facilities and related pipeline appurtenances. The requested easement site is to be on City of Yuma (City) property on the eastern side of an existing alley and lying outside of the future 32<sup>nd</sup> Street roadway expansion corridor east of Avenue A. The location map of that site is attached.</p> <p>To facilitate the installation of the SWG facilities and provide access to the site, the City has provided SWG with an encroachment permit.</p>		

FISCAL REQUIREMENTS	CITY FUNDS:	\$30.00	BUDGETED:	\$30.00
	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 2011 CIP No. 5.9402	
	TOTAL:	\$30.00		
	FISCAL IMPACT STATEMENT: Funds shown as necessary are for recording fees for the proposed easement.			
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:	
	Gregory K. Wilkinson		1/11/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		1/3/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		12/29/10		

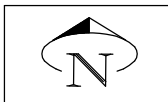


NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

LOCATION MAP  
SW GAS CORP EASEMENT

32nd Street R/W =

Easement Site =



Checked by: PAUL BROOBERG  
Prepared by: SERGIO PEÑUÑURI

CITY OF YUMA  
CITY ENGINEERING  
DEPARTMENT

DATE: 12-28-10  
SCALE: N.T.S  
REVISED: 1-6-11

CIP No. 5.9402  
49

**ORDINANCE NO. O2011-02**

**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 CONVEYED BY EASEMENT TO SOUTHWEST GAS CORPORATION BY THE CITY OF YUMA, FOR THE REASON THAT SUCH EASEMENT IS REQUIRED FOR THE CONSTRUCTION, EXPANSION, OPERATION AND MAINTENANCE OF SOUTHWEST GAS CORPORATION NATURAL GAS PIPELINE FACILITIES**

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 Southwest Gas Corporation has been determined to be necessary for and beneficial to the construction, expansion, operation and maintenance of certain Southwest Gas Corporation natural gas pipeline facilities.

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 convey such easement for the real property described in Exhibit A, attached hereto and by this reference made a part hereof, as such easement is necessary to the construction, expansion, operation and maintenance of Southwest Gas Corporation gas pipeline facilities 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, together with recording fees, escrow, title insurance, closing and all other costs necessary in the transfer of said property.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Alan L. Krieger  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven W. Moore  
City Attorney

EXHIBIT "A"

SOUTHWEST GAS CORPORATION  
GRANT OF EASEMENT  
PORTION OF APN 105-28-123  
YUMA, ARIZONA

That portion of Lot 9 of Palm Croft Estates Unit No. 3 Amended Subdivision recorded in Book 3, Page 124 (R), in the Office of the County Recorder of Yuma County, Arizona, which lies in Section 4, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Commencing at the southwest corner (Brass Cap in concrete "2003 City of Yuma LS 19329") of the Southwest Quarter of said Section 4 said point being the Southwest corner of said Palm Croft Estates Unit No. 3 Amended Subdivision from which the northwest corner (Brass Cap in concrete "2001 LS 22707") of said Southwest Quarter lies North 00°05'00" West (R) a distance of 2642.42 feet;

Thence South 89°23'31" East along the south line of said Southwest Quarter a distance of 158.53 feet;

Thence North 00°36'29" East a distance of 40.00 feet to a point on the north right-of-way line of 32<sup>nd</sup> Street as described in Docket 1855, Page 660, Yuma County Records;

Thence North 00°05'00" West (R) along the east line of the 16 foot wide alley as shown on said Palm Croft Estates Unit No 3 Amended Subdivision a distance of 164.57 feet to a point being 30.00 feet south of the north property line of Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision, and also being the TRUE POINT OF BEGINNING;

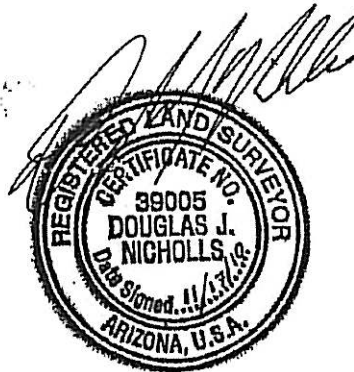
Thence continuing North 00°05'00" West (R) along the west property line of said Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision a distance 20.00 feet;

Thence North 89°55'00" East along a line parallel to and 10.00 feet south of the north property line of said Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision a distance of 25.00 feet;

Thence South 00°05'00" East along a line parallel to and 25.00 feet east of the west property line of said Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision a distance of 20.00 feet;

Thence South 89°55'00" West along a line parallel and 30.00 feet south of the north property line of said Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision a distance of 25.00 feet to the TRUE POINT OF BEGINNING.

Aforementioned area contains 500 square feet (0.0115 acres), more or less.



EXP. 3/31/12



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	January 19, 2011	<input type="checkbox"/> Motion
<b>DEPARTMENT:</b>	City Administration	<input type="checkbox"/> Resolution
<b>DIVISION:</b>		<input checked="" type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing
<b>TITLE:</b> Animal Control Regulations		
<b>SUMMARY RECOMMENDATION:</b> Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulation within city limits.		
<b>REPORT:</b> On December 20, 1978, the Yuma City Council adopted Ordinance No. 1798 as the general police ordinance of the City of Yuma. Section 4, Chapter 1, of Ordinance No. 1798 deals with animal control regulations.  To better meet the needs of the citizens of the community and to more effectively handle animal regulations within the Yuma City limits, it is necessary to amend the animal control regulations including policies on feral cats. Public meetings were held on January 10, 11 and 12 to meet with and gather input from citizens of the Yuma community regarding the City's new animal control regulations.  The changes made to the Yuma City Code by action of this Ordinance:		
<ul style="list-style-type: none"> <li>• Additional Sections <ul style="list-style-type: none"> <li>○ 130-006 Unlawful Feeding of Dogs and Cats</li> <li>○ 130-029 Kennel License</li> <li>○ 130-084 Stray Animals</li> <li>○ 130-090 Reduction of Feral Cats</li> <li>○ 130-091 Unlawful Release of Cats</li> <li>○ 130-092 Cats – Trap, Neuter, Release (TNR)</li> </ul>           (Existing sections renumbered appropriately) </li> <li>• Additions to Existing Section <ul style="list-style-type: none"> <li>○ 130-001 Definitions <ul style="list-style-type: none"> <li>▪ Breeder</li> <li>▪ Cat</li> <li>▪ Feral</li> </ul> </li> </ul> </li> </ul>		

- Kennel
  - Poultry
  - Rodent
  - Stray
  - Wild Animal
- Removed Section
    - 130-079 Unlicensed Animals
      - This section was absorbed into subsection 130-083
  - Amended Sections
    - The term animal replaces the word “dog” to include both dogs and cats throughout the revised code
    - 130-003 (B) (3) (v and vi) was amended to add further exclusions from animals at large
    - 130-008 was amended to change the language from kill and slain to dispose of or destroy
    - 130-010 was amended to change the language for the poisoning of animals
    - 130-011 (C) was amended to reduce the amount of time the owner has to claim an animal removed from hazardous conditions from ten (10) days to five (5) business days.
    - 130-011 (D) was amended to reduce the time before attempting to contact an owner to claim an animal removed from hazardous conditions from five (5) days to three (3) business days.
    - 130-020 was amended to adjust the language
    - 130-021 was amended to reflect that the City will charge a fee to license a dog or cat.
    - 130-026 was amended to state that an animal may be licensed for up to three (3) years.
    - 130-040 (3) was amended to include posting a sign for the sale of an animal as an unlawful activity and to add a provision to address the sale of animals on residential property, which was not addressed in the current code.
    - 130-040 (A) was amended to include that a proper City business license is required
    - 130-041 (D) was amended to add dog shows as an exclusion to the unlawful sale of animals (Section 130-140)
    - 130-085 was amended to state that an animal must be spayed or neutered when adopted from a pound.
    - 130-088 was amended to add language that states a cat trap may be obtained from the City Enforcement Agent and that failure to return the trap within 15 days will result in a charge on the citizen’s monthly utility bill.
    - 130-095 was amended to state that vaccinations performed on impounded animals must be licensed and practice in the State of Arizona
    - 130-097 (A) was amended to increase the confinement period for biting animals from seven (7) days to fourteen (14) days as recommended by professionals to ensure that the animal does not have rabies
    - 130-097 (B) was amended to allow impoundment of caged rabbits in the home of the owner
    - 130-099 was amended to state that an animal bite must be reported to the City Enforcement Agent immediately
    - 130-110 was amended to simplify the City Enforcement Agent appointment process
    - 130-111 was amended to adjust the language of the administrator of establishing charges and fees
    - 130-999 was amended to modify the fee structure. The first change addresses the penalty if any of the provisions in this chapter are violated with a class 2 misdemeanor punishable with a fine that does not exceed \$750 and imprisonment for not more than five (5) days. The punishment for stray animals was amended to include increased monetary penalties with increases in the number of offenses from; first offense

increased from \$10 to \$50, second offense from \$15 to \$100, third offense from \$50 to \$200, and decreases the fines for offenses thereafter from \$500 to \$300

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:	
	Gregory K. Wilkinson		1/13/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/12/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Gregory K. Wilkinson		1/6/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Brant Hanson		1/5/2011		

**ORDINANCE NO. O2011-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING ANIMAL CONTROL REGULATIONS WITHIN THE CITY LIMITS BY AMENDING THE YUMA CITY CODE, CHAPTER 130, SECTIONS 001-999 AND ALL PREVIOUS ANIMAL CONTROL ORDINANCES.**

WHEREAS, the City Council adopted Ordinance No. 1798 on December 20, 1978 as the general police policy of the City of Yuma; and

WHEREAS, Section 4, Chapter 1, of Ordinance No. 1798 deals with Animal Control Regulations; and

WHEREAS, to better meet the needs of the citizens of the community and to more effectively handle animal control issues within the Yuma City Limits, it is necessary to amend the Animal Control Regulations to include feral cats and to make other necessary changes; and

WHEREAS, on January 10, 2011, January 11, 2011 and January 12, 2011, public meetings were held by City Administrator, Gregory K. Wilkinson, to answer questions and gather input from the citizens of Yuma regarding the City's amended animal control ordinance including feral cats.

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

SECTION 1: That the Yuma City Code, Title 13, be amended at Chapter 130, Sections 001 through 999, to read as follows:

**General Provisions**

**§ 130-001 DEFINITIONS:**

“*Animal*” means any living species of mammal, fowl, amphibian, or reptile, with the exception of man.

“*At-large*” means an animal on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner, or in a suitable enclosure.

“*Breeder*” means any person or persons who keeps, harbors, or maintains animals for the purpose of breeding offspring.

“*Cat*” means a member of the felis catus family.

“*City Enforcement Agent*” means person(s) designated by the City who are responsible for the enforcement of the provisions of this chapter.

“*Collar*” means a band, chain, harness or suitable device worn around the neck of an animal to which a license may be affixed.

“*Dog*” means a member of the canis familiaris family.

“*Feral*” means existing in a wild or untamed state.

“*Kennel*” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains seven (7) or more dogs, cats or any combination thereof under controlled conditions.

“*Owner*” means any person owning, keeping, possessing, harboring or maintaining an animal for more than six consecutive days.

“*Pet Store*” means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs or other animals, but does not include commercial livestock operations and

commercial livestock auction markets. Pet store does not mean a publicly operated pound or a private, charitable not-for-profit humane society or any animal adoption activity that a pound or humane society conducts off site at any pet store or other commercial enterprise. § 44-1799

“*Poultry*” means domestic fowl, including, but not limited to chickens, turkeys, ducks, or geese.

“*Rodent*” means any of various mammals of the order of Rodentia, including a mouse, rat, squirrel, beaver, gerbil, or hamster.

“*Pound*” means any establishment authorized by the City Enforcement Agent for the confinement, maintenance, safekeeping and control of animals that come into the custody of the City Enforcement Agent in the performance of his/her official duties.

“*Sale*” has the same meaning prescribed in A.R.S. § 47-2106 with the exception that any adoption or gift shall be deemed a sale.

“*Stray*” means any unlicensed animal running at-large.

“*Vaccination*” means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

“*Veterinarian*” means any veterinarian licensed to practice in the state or any veterinarian employed in this state by a governmental agency.

“*Veterinary Hospital*” means any establishment operated by a veterinarian that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A Veterinary Hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

“*Wild Animal*” means animals in a state of nature; any animal living in a natural, undomesticated state; animals *ferae naturae*

### **§ 130-002 Application of State Law**

Nothing in this chapter is to be construed as to preempt the requirements of the rabies control statutes of the State of Arizona as set forth in A.R.S. §§ 11-1001 et seq.

### **§ 130-003 Animals At-large**

(A) No person owning, keeping, possessing, harboring or maintaining an animal shall allow the animal to be at-large.

(B) An animal is not deemed to be at-large:

(1) If the animal is restrained by a leash, chain, rope or cord of sufficient strength to control the action of the animal, or if confined, in a suitable enclosure.

(2) While the animal is actively engaged in obedience training, accompanied by and under the control of his owner or trainer, provided that the person training the animal has in his possession a leash of sufficient strength to control the animal, and, further, that the animal is actually enrolled in or has graduated from an obedience training school which has been approved by the City Enforcement Agent.

(3) If a dog is:

- i. being used for hunting purposes.
- ii. being exhibited at an American Kennel Club approved show.
- iii. engaged in races approved by the Arizona Racing Commission.
- iv. actively engaged in livestock control.

- v. in service with a law enforcement agency.
- vi. in a posted dog park.

**§ 130-004 Warning for Offense**

Realizing that there are situations in which dogs or cats run loose without any fault of their masters, for example: when a child opens the door and a dog inadvertently slips out, and wishing to gain the cooperation of the public in enforcing the leash law, the City's Enforcement Agent is hereby authorized to issue at his discretion a warning for an offense committed under §130-003 Animals At-large if circumstances warrant a warning rather than a citation.

**§ 130-005 Animals Disturbing the Peace**

It shall be unlawful for any person to keep or harbor within the City any animal which excessively barks, howls, or makes other noises by day or night and disturbs the peace of any person or family.

**§ 130-006 Unlawful Feeding of Dogs or Cats**

It shall be unlawful to feed any stray dog or cat, except pending return to a lawful owner or immediate transfer to the City Enforcement Agent.

**§ 130-007 Posting of Sign Warning of Dangerous Animal**

It shall be unlawful for the owner of any animal of dangerous, vicious or fierce propensities to allow it to run at-large on the premises of the owner unless a sign is posted in a conspicuous place at the entrance to said premises advising the public of the nature of the animal maintained therein.

**§ 130-008 Destruction of Dangerous Animals**

If any dangerous, vicious or fierce animal cannot, in the discretion of a Police Officer or City Enforcement Agent, be safely taken up and impounded, such animal may be disposed of or destroyed immediately, and further provided, that any police officer may, at his/her discretion, for any humane reason, immediately dispose of or destroy any animal found at-large within the City that is in violation of this chapter.

**§ 130-009 Injuring Animals**

It shall be unlawful for any person who accidentally or otherwise strikes an animal with motor vehicle as defined in A.R.S. § 28-101 and injures the same to leave the scene without reporting the incident.

**§ 130-010 Poisoning Animals**

It is unlawful for any person by any means to knowingly and recklessly make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

**§ 130-011 Rescue from Vehicles**

(A) *When authorized.* A Police Officer or City Enforcement Agent who finds an animal under conditions hazardous to the animal's health in a motor vehicle in violation

of any provision of this code or City ordinance may break and enter the motor vehicle if necessary to remove the animal.

(B) *Removal, notice.* The Police Officer or City Enforcement Agent removing an animal from hazardous conditions in a motor vehicle shall take the animal to an animal shelter or other place of safe keeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof.

(C) *Time limit for claim.* The animal removed from hazardous conditions in a vehicle will be surrendered to the owner if the owner claims the animal within five business days from the time the animal was removed from the motor vehicle and pays all applicable charges, fees and penalties.

(D) *Attempt to contact owner.* If the owner fails to claim the animal within three business days after its removal from a motor vehicle, the person or animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges.

(E) *Disposition of animal.* In the event the owner of an animal cannot be contacted, or expresses no interest in reclaiming the animal within five business days after removal from a motor vehicle, the person or animal shelter having custody of the animal may dispose of the animal in any reasonable humane manner.

## **Licensing**

### **§ 130- 020 Required**

All dogs and cats three months of age and over kept, harbored or maintained in the City shall be licensed and registered.

### **§ 130-021 City to Charge License Fees**

There shall be a license fee for dogs and cats that reside in the City.

### **§ 130-022 Exclusions**

The provisions of this subchapter shall not apply to dogs or cats brought into the City for the purpose of any dog or cat show, nor to dogs in kennels licensed by the Arizona Department of Racing of the Arizona Racing Commission, nor to Seeing Eye dogs (guide dogs) to assist blind persons. Such guide dogs shall be vaccinated and licensed pursuant to A.R.S. §§ 11-1008 and 11-1010.

### **§ 130-023 Antirabies Vaccination Required; Clinics.**

(A) *Required.* Before any dog or cat license shall be issued under the provisions of this subchapter, the owner of the dog or cat to be licensed shall present a valid vaccination certificate for such dog or cat.

(B) *Clinic.* The City Enforcement Agent may make provisions for low cost vaccination clinics. The vaccinations shall be performed by a veterinarian.

**§ 130-024 Issuance of License; by Veterinarians.**

(A) *Generally.* Upon compliance with the provisions of this subchapter, a dog or cat license and tag shall be issued to the owner of the dog or cat.

(B) *By veterinarians.* The City Enforcement Agent may establish an administrative procedure to permit any licensed veterinarian to issue dog or cat licenses and tags for dogs or cats that have been vaccinated.

**§ 130-025 Collar and License Tag to be Worn**

Every owner shall provide each dog or cat with a collar or a harness to which the license tag must be affixed and shall ensure that the collar or harness and tag are constantly worn.

**§ 130-026 Duration**

Dog or cat licenses shall be issued under the provisions of this subchapter for a period of not more than three years and must be renewed for the life of the dog or cat on or before the expiration date of the current license.

**§ 130-027 Transfer**

Dog or cat license tags and licenses shall not be transferable to another animal. Whenever the ownership of a dog or cat has been changed, the new owner shall secure a new license.

**§ 130-028 Misuse of License and Tag**

It shall be unlawful for a person to counterfeit or attempt to counterfeit a dog or cat tag or vaccination or license certificate, or to take from a dog or cat a tag legally placed upon it, or place a dog or cat tag upon a dog or cat unless the tag was specifically issued for the particular dog or cat.

**§ 130-029 Kennel License**

Any person other than a veterinarian or a breeder operating a kennel in the City that keeps, harbors, or maintains seven (7) or more dogs, cats or any combination thereof will be required to obtain a City kennel license. Each dog or cat over 3 months of age kept or maintained in a kennel within the City shall be required to be licensed and registered.

**Unlawful Sale of Animals**

**§ 130-040 Unlawful Sale of Animals**

A person commits the unlawful sale of animals by knowingly selling or posting a sign for the sale of an animal on:

(1) Any public right-of-way, street or park, or any public property adjacent to a right-of-way, street or park.

(2) Any non-residential private property without the express written consent of the owner or lessee of the property and without a proper City of Yuma business license.

(3) Any residential private property, except the property of the animal owner, without a proper City of Yuma Business License.

**§ 130-041 Exclusions**

Section 130-040 does not apply to:

- (A) Retail sales on the premises of a pet store with proper City business license.
- (B) Sales by a publicly operated or private, charitable, nonprofit pound, humane society, animal rescue organization, or educational or agricultural organization.
- (C) Any rodeo, auction market, county fair, stock show or other sanctioned livestock exhibit events.
- (D) Any dog show.

**Keeping Animals**

**§ 130-050 Definition**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PREMISES:*** The lot or parcel of ground upon which the pen, stable, yard, cage or other enclosure used for the containment of an animal is located.

**§ 130-051 Unlawful Keeping**

It shall be unlawful for any person to keep or maintain any animal in the City in such a manner as to disturb the peace, comfort or health of any person residing within the City.

**§ 130-052 Inspection**

The premises upon which poultry, rodents, cattle, horses, sheep or goats are kept within the City shall always be subject to inspection and regulation by the City Enforcement Agent.

**§ 130-053 State Law Regulations Applicable**

Except as otherwise provided in this chapter, the keeping of all animals within the City shall be subject to all pertinent regulations of the State and the County Board of Health.

**§ 130-054 Sanitary Conditions**

The maintaining or keeping of all animals within the City shall be allowed in a sanitary manner and only so long as they do not cause, create or contribute to or become a health nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material, or for any other like reason.

**§ 130-055 Removal of Wastes**

Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and shall be removed from the premises at least twice each week.

**§ 130-056 Swine Prohibited**

No swine shall be kept within the City limits, except registered purebred miniature Vietnamese potbellied pigs and other similar registered purebred miniature pigs. Miniature pigs shall not exceed 100 pounds. No more than three miniature pigs shall be allowed per household.

**§ 130-057 Reptiles or Wild Animals**

No person shall keep or maintain any poisonous reptiles or dangerous, carnivorous wild animals without first having registered such animals or reptiles with the Chief of Police, who may prescribe regulations to insure the safe penning or caging of such animals or reptiles.

**§ 130-058 Area Limitations**

(A) *Generally.* Except as otherwise provided in this chapter, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep any animal within the City on any lot or parcel of land consisting of less than 10,000 square feet in area.

(B) *Poultry: consent.* Poultry may be kept on a lot or parcel of land within the City consisting of an area less than 10,000 square feet if written permission consenting to the keeping of poultry on such lot or parcel is first obtained from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land which are located in the immediate vicinity of the property whereon the poultry is kept.

(C) *Exceptions.* The provisions of divisions (A) and (B) shall not apply to the keeping of:

(1) Six (6) or fewer small household pets including, but not limited to, dogs or cats or any combination thereof per household; or

(2) Animals for commercial purposes where such use is established as a lawful use under the zoning ordinance of the City.

(D) *Number to area ratio for animals.* It shall be unlawful for any person to keep more than two large domestic animals, such as a horse, cow, burro, mule and similar animals or more than four sheep, goats and similar animals on any lot or parcel of land consisting of less than one acre.

(E) *Premises over one acre.* On a lot or parcel of land greater than one acre (43,560 square feet) the number of large domestic animals shall be determined as follows:

(1) One horse, cow, or similar animal, or two sheep, goats or similar animal shall be permitted for each 6,000 square feet of net lot area after deducting one-half acre for the home site. Fractions of less than 6,000 square feet shall be rounded off. Animals of six months or younger shall not be counted.

(2) No livestock commercial feeding lots, herein defined as a feeding or handling facility operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owner for the accommodations, materials and services received, shall be permitted.

**§ 130-059 Proximity to Dwelling**

Except as otherwise provided herein, it shall be unlawful for any person to keep or maintain within 20 feet of the dwelling house of any person within the City, any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any animal, except for structures used for housing small household pets, e.g. doghouses.

**Keeping Poultry and Rodents**

**§ 130-070 Keeping Unlawful**

Except as otherwise provided in this subchapter, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep rodents or poultry within the City.

**§ 130-071 Proximity to Residences**

No poultry or rodents other than pet rodents such as a gerbil or hamster kept within a dwelling structure shall be kept in an enclosure within 50 feet of any residence within the City. Poultry may be kept within 80 feet of a residence if written permission consenting to the keeping of poultry less than 80 feet from a residence is first obtained from each lawful occupant and each lawful owner of such residence.

**§ 130-072 Use of Front Yards**

Poultry shall not be kept in the front yard area of any lot or parcel within the City.

**§ 130-073 Enclosures Required**

Poultry and rodents shall be kept in an enclosure so constructed as to prevent such poultry and rodents from wandering upon property belonging to others.

**§ 130-074 Maintenance of Enclosures**

All enclosures required under this subchapter shall be kept in such condition so no offensive, disagreeable or noxious smell or odor shall arise from there to the injury, annoyance, or inconvenience of any inhabitant of the neighborhood thereof.

**§ 130-075 Number and Area Ratio**

(A) No more than 20 head of poultry nor more than 25 head of rodents nor more than 25 head comprising a combination of rodents and poultry shall be kept upon the first one-half acre or less.

(B) An additional one-half acre shall be required for each additional 20 head of poultry or for each additional 25 head of rodents or for each additional 25 head comprising a combination of poultry and rodents.

(C) For areas larger than two and one-half acres the number of poultry or rodents shall not be limited.

### **§ 130-076 Male Poultry Restricted**

No male poultry shall be kept within the City limits except such male poultry as are incapable of making vocal noises which disturb the peace, comfort or health of any person residing within the City; provided, however, this section shall not be applicable to an animal kept as a 4-H or FFA project.

### **Impoundment**

### **§ 130-080 Impoundment Authorized**

It shall be the duty of the City Enforcement Agent to apprehend and impound any stray animal found within this City or any dog or cat found without a current valid license tag.

### **§ 130-081 Notice**

(A) Upon the impounding of an animal with a collar or identification the owner shall be immediately notified in person, by mail, or telephone and may reclaim such animal upon payment of all costs, charges and fees incurred in the impounding and maintaining of the animal.

(B) If the owner of a licensed or unlicensed dog or cat is unknown or unavailable and, in the discretion of the City Enforcement Agent, said dog or cat should not be immediately destroyed, written notice shall be posted for three business days in two conspicuous places in the City, generally describing the dog or cat and the place the dog or cat was captured.

### **§ 130-082 When Destruction Authorized**

Any animal impounded under the provisions of this subchapter, which is apparently suffering from serious injuries and would probably not recover; is in great pain; or has evidence of any infectious disease which is a danger to other animals or to humans, may be destroyed by the City Enforcement Agent or Police Officer of the City in as humane a manner as possible after reasonable efforts to notify the owner have failed.

### **§ 130-083 Licensed Dogs and Cats**

Any impounded licensed dog or cat may be reclaimed provided that a person reclaiming the dog or cat furnishes proof of right to do so and pays all applicable costs, charges and fees. If the dog or cat is not reclaimed within six days, the City Enforcement Agent shall take possession and may place the dog or cat for adoption or may dispose of or destroy the dog or cat in a humane manner.

### **§ 130-084 Stray Animals**

Each stray animal impounded shall be kept and maintained at the pound for a minimum of three (3) business days unless a person claiming ownership furnishes proof of rights to the animal and pays all applicable costs, charges and fees and complies with the licensing and vaccination provisions of this Chapter.

### **§ 130-085 Adoption**

(A) A dog or cat shall not be released for adoption from a pound or from an animal shelter unless the dog or cat has been first surgically spayed or neutered.

(B) At the expiration of the impoundment period, any person may claim an impounded animal provided such person pays all applicable costs, charges and fees and complies with the licensing and vaccination provisions of this chapter.

**§ 130-086 Assessment of Costs**

Impoundment costs for animals picked up in the City shall include a charge for each time the dog or cat is impounded and a fee for board each day the animal is cared for and fed while impounded. Costs, charges and fees, shall be recommended by the City Administrator, approved by the City Council and posted at the office of the City Enforcement Agent.

**§ 130-087 Destruction if Not Claimed**

If no person claims an animal impounded under the provisions of this subchapter, the City Enforcement Agent may dispose of or destroy the animal in a humane manner.

**§ 130-088 Cat Impoundment Authorized**

Cats running at-large within the City may be impounded by use of live, humane traps. Live capture traps may be leased through the City Enforcement Agent. The captured cat and the trap shall be delivered to the City Enforcement Agent within 24 hours of capture. Failure to return the traps within 15 days will result in a charge on the citizen's monthly utility bill.

**§ 130-089 Reclaiming Cats**

Any impounded cat with a collar or identification of any type may be reclaimed by the owner after licensing and paying all applicable costs, charges and fees. If the cat is not reclaimed within six days, the City Enforcement Agent shall take possession and may place the cat up for adoption or may dispose of or destroy the cat in a humane manner.

**§ 130-090 Reduction of Feral Cats**

In an effort to decrease the feral cat population within the City, the City may waive or modify costs, charges and fees during a program for reduction of feral cats during specific months.

**§ 130-091 Unlawful Release of Cats**

It shall be unlawful for any person or organization to release cats into the City except as provided in §130-092.

**§ 130-092 Cat - Trap, Neuter, Release (TNR)**

Any organization conducting a program for the reduction of feral cats through TNR programs within the City may do so with their own funding and personnel under the following conditions:

- (A) The organization shall be registered with the City Enforcement Agent;
- (B) The organization shall possess a valid City TNR permit obtained through the City Enforcement Agent and a valid City of Yuma business license.
- (C) Cats captured or received by the organization must receive proper care and feeding prior to release.

## **Rabies Control**

### **§ 130-095 Vaccination of Impounded Dogs and Cats**

If a dog or cat is impounded and found to be unvaccinated, the City Enforcement Agent is hereby authorized to cause such dog or cat to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian licensed to practice in the State of Arizona, who shall issue a certificate of vaccination.

### **§ 130-096 Biting Dogs or Cats Confined; Licensed and Unlicensed**

(A) *Licensed.* A dog or cat properly licensed and vaccinated pursuant to this chapter, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by the City Enforcement Agent.

(B) *Unlicensed.* An unlicensed or unvaccinated dog that bites any person shall be confined and quarantined in a pound at the owner's expense, or upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days.

### **§ 130-097 Confinement of Other Animals Authorized; Caged Rodent or Caged Rabbit**

(A) *Authorized.* Any animal other than a dog, cat or wild animal that bites any person shall be confined and quarantined in a pound at the owner's expense, or upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days, provided that livestock shall be confined and quarantined for a 14-day period in a manner regulated by the State Livestock Sanitary Board.

(B) *Caged rodent or caged rabbit.* If the biting animal is a caged rodent or caged rabbit, the rodent or rabbit may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of, and in a manner prescribed by the City Enforcement Agent.

### **§ 130-098 Destruction of Wild Animals**

Any wild animal which bites any person may be killed and submitted to the City Enforcement Agent or his deputies for transmission to an appropriate diagnostic laboratory.

### **§ 130-099 Report of Bites**

Whenever an animal bites any person, the incident shall be reported to the City Enforcement Agent immediately by any person having direct knowledge of the incident.

## **City Enforcement Agent**

### **§ 130-110 Appointment**

A City Enforcement Agent shall be appointed by motion or resolution of the City Council. All rights, duties, responsibilities and authorities to enforce this Chapter may be delegated by the City Council.

**§ 130-111 Duties of City Administrator**

The City Administrator, with the approval of the Mayor and Council, shall establish all costs, charges and fees, enter into a contract for the establishment and operation of a pound, and delegate to the City Enforcement Agent, the authority to do all things necessary to insure the enforcement of this chapter.

**§ 130-112 Enforcement Alternatives**

The City Enforcement Agent may apprehend and impound any animal running at-large contrary to the provisions of this chapter, or may, in lieu of impoundment, cite the owner into any court of competent jurisdiction.

**§ 130-113 Right of Entry**

The City Enforcement Agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any animal in violation of this chapter. Such entrance upon private property shall be in reasonable pursuit of such animal.

**§ 130-114 Interference with City Enforcement Agent**

It shall be unlawful for any person to intervene, impede, prevent or attempt to intervene, impede, prevent, obstruct or intimidate the City Enforcement Agent, or deputies, in the discharge of their duties in taking up or attempting to take up and impound any and all animals which it is the duty of the City Enforcement Agent to impound under the provisions of this chapter, or to rescue or attempt to rescue any animal so taken up by the City Enforcement Agent or deputies or to release any animal so impounded.

**§ 130-999 Penalty**

(A) Unless otherwise specifically provided for in this chapter, 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 two misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$750 or by imprisonment for not more than five days or by both such fine or 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.

(B) Any violation of § 130-003 Animals At-large, of this chapter shall be a Class 3 Misdemeanor; and upon conviction for a first offense, the fine to be imposed may be up to and including \$50. For each additional offense within a twelve month period, the following fines shall be mandatory:

- (1) Second offense: \$100
- (2) Third offense: \$200
- (3) Thereafter: \$300

SECTION 2: That Chapter 6, Section 1-156 of the 1980 Yuma City Code and Ordinance Nos. 1798, 1826, 1953, 1978, 2084, 2107, 2526, 2571, 2572, O95-052, O2009-02, relating to Animal Control, be and are hereby amended.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

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Alan L. Krieger  
Mayor

ATTESTED:

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Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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Steven W. Moore  
City Attorney