



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, FEBRUARY 02, 2011
5:30 P.M.**

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):

- 8. 1. Regular City Council Meeting December 1, 2010

B. Approval of Staff Recommendations:

Page Item

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

16. 2. Special Event Liquor License: Yuma Community Food Bank

Approve a Special Event Liquor License application submitted by Gerardo Garcia, on behalf of the Yuma Community Food Bank, for the Return of the Block event. The fundraiser event will be held on the 200 Block of Main Street on March 25, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-07) (City Administration/City Clerk) (Lynda L. Bushong)

18. 3. Special Event Liquor License: Immaculate Conception Catholic Church

Approve a Special Event Liquor License application submitted by Fernando Hernandez, on behalf of the Immaculate Conception Catholic Church, for the Rodeo Ranchero event. The scheduled event will be held at Rancho San Fernando, located at 3882 S. Avenue 5¼ E, on February 20, 2011 from 12:00 p.m. to 6:00 p.m. (SP11-11) (City Administration/City Clerk) (Lynda L. Bushong)

20. 4. Special Event Liquor License: Yuma Rotary Club

Approve a Special Event Liquor License application submitted by Robert Lee Stull, on behalf of the Yuma Rotary Club, for the Yuma Rotary St. Patty's Day Auction. The fundraiser event will be held at Arizona Western College in building 3C, 2020 S. Avenue 8 E, on March 12, 2011 from 6:00 p.m. to 1:00 a.m. (SP11-12) (City Administration/City Clerk) (Lynda L. Bushong)

22. 5. Special Event Liquor License: Rotary Club of Yuma North End

Approve a Special Event Liquor License application submitted by William W. Dowd III, on behalf of the Rotary Club of Yuma North End, for the Yuma Renaissance Faire. The scheduled event will be held at the West Wetlands Park on February 4, 2011 from 11:00 a.m. to 9:00 p.m., February 5, 2011 from 11:00 a.m. to 9:00 p.m., and February 6, 2011 from 11:00 a.m. to 6:00 p.m. (SP11-14) (City Administration/City Clerk) (Lynda L. Bushong)

24. 6. Temporary Extension of Premises: LZ Bar and Grill

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, 2175 S. Harley Drive, Yuma, Arizona, for an "Anniversary Party #4" scheduled for April 16, 2011. (EP11-01) (City Administration/City Clerk) (Lynda L. Bushong)

26. 7. Bid Award: Roadway Improvements - 32nd Street and Avenue 6E

Award to the lowest responsive/responsible bidder for Roadway Improvements, 32nd Street and Avenue 6E at a total cost of \$437,990.85 to: DPE Construction, Inc., Yuma, Arizona. (City Engineering Department - Bid # 2009000326) (Paul Brooberg)

29. 8. Annual City Auction

Declare as surplus and authorize the disposal of certain City personal property and equipment at the annual public auction scheduled for February 26, 2011 or by competitive sealed bid or online public auction. (Purchasing - Bid #2010000305) (Bill Pfannenstiel)

31. 9. Contract Amendment: Integrated Mobile Wireless Data Solution

Authorize a contract amendment to the original Request for Proposal to increase the contract value by \$5,000,000.00 to the Integrated Mobile Wireless Data Solution contract with: Motorola Inc., (Contract #03-13042) San Diego, California. (Information Technology Services - RFP #2003000453) (Laurie Neinast)

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.

33. A. Resolution R2011-02 Capital Improvement Program Budget Adjustment: Fiscal Year 2011

Adjust the Fiscal Year 2011 Capital Improvement Program (CIP) budget a total of \$5,125,180.00, by reducing and increasing specific project funds. (City Engineering/ Administration) (Paul Brooberg)

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

M/ _____ **S/** _____ **RV/** _____

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

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

38. 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)

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.

44. A. Ordinance O2011-04 Rezoning of Property: Add Public Designation Overlay to City Parks.

Approve the rezoning to add the Public Designation (P) Overlay District to various City-owned and maintained parks subject to the recommended condition. The applicant is the City of Yuma. (Z2008-004) (Community Development/Community Planning) (Laurie Lineberry)

59. B. Ordinance O2011-05 Zoning Code Text Amendment: School Signage Requirements

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 17.03.F. to remove the word "public" from the On-Site Signage Criteria for Schools. (Community Development/Community Planning) (Laurie Lineberry)

66. C. Ordinance O2011-06 Zoning Code Text Amendment: Medical Marijuana

Amend the City of Yuma Zoning Code adding Article 22 Non-Profit Medical Marijuana Dispensaries as a result of the approval of State Proposition 203 in the November 2010 General Election. (Community Development/Community Planning) (Laurie Lineberry)

VI. PUBLIC HEARINGS & RELATED ACTIONS

80. A. Annexation Area No. A2010-07: Johnson Trust

This is a public hearing to consider the annexation of a property generally located at the southeast corner of Avenue 8½E and 32nd Street. (A2010-007) (Community Development/Community Planning) (Laurie Lineberry)

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointment to boards, commissions, committees and offices:
 - Planning and Zoning Commission – one re-appointment to expire on December 31, 2015.
 - Merit System Board – one re-appointment to expire on December 31, 2015.
 - Housing Authority of the City of Yuma – one re-appointment to expire on December 31, 2015.
2. Announcements:
 - City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of January 20, 2011 through February 2, 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.
3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

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

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Glen Connell, Pastor of Valley Baptist Church, gave the invocation. **Councilmember Mendoza** led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, and Deputy Mayor Johnson
Councilmembers Absent: Mayor Krieger
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Director of Engineering, Paul E. Brooberg
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS

Wilkinson read a letter from the Executive Director of the Arizona State Parks regarding the City of Yuma's partnership in running the Quartermaster Depot State Historic Park and the Yuma Territorial Prison State Historic Park.

I. CALL TO THE PUBLIC

II. MOTION CONSENT AGENDA

In regards to Item B.5, Stuart asked when the project would start/end and if the project will affect traffic across several streets or be limited to the alleyway between 8th & 9th Avenue, from 12th Street to 14th Street. **Brooberg** stated the project will begin soon after the contract is awarded by City Council. The project to replace a troublesome waterline will cross over three streets; however, the contractor will be required to keep two streets open at all times. A public meeting is planned presuming the City Council awards the contract.

Motion (Mendoza/Brooks): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 6-0.**

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

Regular City Council Meeting	July 7, 2010
Regular Worksession	August 31, 2010
Regular City Council Meeting	September 15, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Jason L. Fowler, on behalf of the Yuma Jaycees, for the Annual Silver Spur Rodeo. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street, on February 11, 2011 from 10:00 a.m. to 10:00 p.m., February 12, 2011 from 10:00 a.m. to 10:00 p.m. and February 13, 2011 from 10:00 a.m. to 5:00 p.m. (SP10-19) (Admin/Clerk)
3. Approve an application adding Sampling Privileges to an active Liquor Store (#9) License submitted by Clare Hollie Abel, agent for Sam's Club #6205, 1462 S. Pacific Avenue, Yuma, Arizona. (LL10-01S) (Admin/Clerk)
4. Approve an Interim Permit and New Restaurant, #12, Liquor License application submitted by Theresa June Morse, agent for KCS Holdings, LLC dba Chretien's, 505 E. 16th Street, Yuma, Arizona. (LL10-21) (Admin/Clerk)
5. Award to the lowest responsive/responsible bidder for new 10" Waterline in the alley between 8th & 9th Avenue, from 12th Street to 14th Street, at a total cost of \$158,021.63 to Clear Solutions Environengineering Inc., Yuma, Arizona. (Bid #2011000119) (Eng)
6. Authorize staff to execute a two-year contract with the option to renew for three additional one-year periods, one year at a time, depending on the appropriation of funds, for Lobbying & Representational Services at an annual total not to exceed fee of \$217,656.00, to The Ferguson Group, LLC, Washington, DC (\$124,656.00) and Highground, Inc., Phoenix, Arizona (\$93,000.00). (RFP #2011000148) (Admin)
7. Authorize Staff to execute a one-year contract with the option to renew for four additional one-year periods, one year at a time, at an estimated first year cost of \$24,500.00 and an estimated cost of \$148,500.00 over the life of the contract depending on the appropriation of funds and satisfactory performance for Professional Insurance Broker / Risk Management Consulting Services and other Related Services with Willis of Arizona, Inc., Phoenix, Arizona. (RFP #2011000182) (Attny/Risk)
8. Authorize staff to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, one year at a time, depending on the appropriation of funds and satisfactory performance, for Professional Consulting Services for Planning, Design, and Other Related Services for the Yuma Wetlands Restoration and Similar Projects on a Delivery Order

Basis with Fred Phillips Consulting, LLC, Flagstaff, Arizona. (RFQ #2010000358)
(Eng/YCNHA)

9. Authorize the purchase of two Variable Frequency Drives utilizing the cooperative purchase agreement between the State of Arizona (W.W. Grainger) and the City of Yuma at an estimated cost of \$52,682.60. (Bid #2011000235) (Utilities /WTP)
10. Authorize execution of an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage for activities in support of Operation Stonegarden. (Police/Admin)
11. Authorize execution of an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for the purchase of equipment in support of Operation Stonegarden. (Police/Admin)
12. Authorize execution of an Intergovernmental Agreement with Crane School District No. 13 for the 2010-2011 School Safety Program for the period of one year. (Police/Patrol)
13. Authorize the City Administrator and City Staff to process and execute all forms and documents pertaining to the Community Oriented Policing Services (COPS) Hiring Program grant that has been awarded to the City of Yuma. (Police/Patrol)
14. Approve the time extension of the final plat for the Produce Industrial Park Subdivision Unit #1. The property is located at the southwest corner of 40th Street and Avenue 4E. The applicant is Dahl, Robins & Associates, on behalf of Curtis Citrus, LLC, Sam and Mary Louise Perricone Trust, and Cha Cha, LLC. (S2006-015-01TE2) (DCD/Planning)

III. RESOLUTION CONSENT AGENDA

Motion (Beeson/McClendon): To amend Resolution R2010-66 by deleting Section 4 in its entirety and inserting the following as replacement language:

Section 4: that the City of Yuma recommends that the 1999 Intergovernmental Agreement relating to the Area Service Highway, as amended, be amended at paragraph 6 on page 3 by deleting the words "Avenue 6 ½ E" from the said paragraph and inserting in their place the words "Avenue 3E".

Further, to amend Resolution R2010-66 by adding Section 5 and Section 6 to read as follows:

Section 5: that this Resolution further authorizes the Mayor and City Administrator of the City of Yuma to take all actions, and sign all documents, necessary to effectuate the change to the 1999 Intergovernmental Agreement, as amended, as set forth in Section 4 of this resolution.

Section 6: that all other provisions of Resolution R2009-61 not rescinded herein shall remain in full force and effect.

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

Bushong displayed the following title:

Resolution R2010-66, as amended

A resolution of the City Council of the City of Yuma, Arizona, expressing strong opposition for the selection of Araby Road to connect State Route 195 to U.S. Highway 95, expressing support for Avenue 3E as the connecting route, and amending Resolution R2009-61 to rescind reference to opposition to Avenue 3E as an alternate route
(Area Service Highway connection) (Admin)

Speakers

Suzi Israel, 6361 E. Telegraph Street, stated that Araby Road is not a safe alternative for the Area Service Highway. She was unable to attend the Arizona Department of Transportation (ADOT) meeting today because she was informed she was not invited. Her intention was to introduce herself to people at ADOT and express her concerns. There was an item on ADOT's agenda stating the City of Yuma will follow up on the process required to sell back a portion of their property to the adjacent property owner for the proposed driveway relocation at Araby Road/Telegraph Street. What is that about? ADOT states there will be a spring 2011 meeting; however, it may be too late to express concerns then. ADOT is trying to justify using Araby Road and have misrepresented the costs in doing so. The City needs to be the voice of the community and let ADOT know Avenue 3E is the better solution because there are no homes or schools that will be disrupted. She urged the City to do away with the intergovernmental agreement between the City and ADOT.

Beeson stated that he doesn't want to discourage anybody from speaking, but feels the City Council understands the issue and based on Resolution R2010-66, City Council is implementing an action that addresses the community's concern.

Mara Tyree, 2134 S. Copper View Way, stated since 1996, there have been numerous subdivisions developed on Araby Road. There are schools and buses that travel the area picking up and dropping off students. Turning the road into the ASH highway connection could prove dangerous for the residents. If the access is restricted, how will school buses and fire trucks move freely in and out of the subdivisions?

Barry Olson, 101 E. 2nd Street, stated that not only does he represent the Bluffs Homeowners Association but also he lives in the Terraces Subdivision, which is also impacted by Araby and the future ASH alignment. He urged the City Council and staff to convey to ADOT the concerns of the citizens. However, rather than continuing to pass resolutions that ADOT will ignore, take an active role in speaking with ADOT. If ADOT is requesting the City's cooperation, this is the time to negotiate in good faith the items the City wants amended in the intergovernmental agreement. The effort involves not only the City of Yuma, but the Yuma County Board of Supervisors as well. The citizens have been expressing their concerns for some time and want results.

Tim Dunn, 6324 E. Telegraph Street, thanked the City Council for Resolution R2010-66; however, the resolution itself will not get anything done. The City, along with YMPO and the County Board of Supervisors need to take a stand and move the connection to Avenue 3E.

Robert Filbey, 6579 E. Mission Street, stated that the proposed design of Araby Road, should the ASH connect, would be too big for the current area and doesn't make sense. Araby isn't wide enough for u-turns

or a traffic circle, as it is only two lanes wide; most u-turns are three or more lanes wide. How will the school buses and fire trucks make the u-turns and get through the traffic circle?

Jason Moyes, 1405 W. 16th Street, Yuma Irrigation District, stated the community has expressed their concerns. The City needs to have ammunition beyond amending the intergovernmental agreement and passing resolutions. ADOT will soon be making a recommendation to their Board on the final choice and if the City has an ordinance prohibiting trucks on Araby Road it may help with the negotiation.

McClendon agreed and expressed her concern because Araby Road looks logical on a map. However, if there is no enforcement, trucks will continue to use Araby Road so the City Council and staff need to be proactive in stopping the trucks from using Araby Road.

Deputy Mayor Johnson asked if McClendon suggested proceeding with an ordinance to prohibit trucks on Araby Road, with the exception of farm vehicles. **McClendon:** That is correct. **Deputy Mayor Johnson** stated that on December 17, 2010, the State Transportation board will be meeting in Kingman noting that at the beginning of the meeting they do have a Call to the Public. He suggested whoever is interested in attending the meeting should attend and speak their concerns.

Stuart questioned what ammunition the City may have to pursue any restrictions and traffic control on Araby Road. He asked the City Attorney to explore how the City could prohibit trucks and large vehicles from using Araby Road. **Deputy Mayor Johnson** directed staff to put something together for the next agenda prohibiting trucks over 28,000 pounds from using Araby Road, with the exception of farm trucks. **Moyes:** This action will be helpful for Yuma, as the people [ADOT] in Phoenix who are unfamiliar with the area or the communities concerns will base their decision off logic.

Beeson suggested traffic cameras be added to enforce illegal truck crossing on Araby Road. Although he is highly against traffic cameras, he feels this area may warrant one. **Moore** stated he will be happy to look into the alternatives but urged the City Council to cease discussions, deliberation or further possible direction tonight until it is on a future agenda, doing so will avoid rendering future actions void.

Deputy Mayor Johnson thanked the public for their input and for giving the elected officials the chance to protect their citizens.

Motion (McClendon/Mendoza): To adopt the Resolution R2010-66, as amended. Roll call vote: **adopted** 6-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

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

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. 8th Street; 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)

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

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2010-64

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 revise the density of the Residential Districts to conform to the General Plan Land Use Designation and Zoning Conformity Matrix, and providing penalties for violations thereof
(Z2009-005R) (DCD/Planning)

Ordinance O2010-65

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma by gift, purchase or under the power of eminent domain for the reason that such property would be of benefit to the City of Yuma and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property
(Property acquisition: 1651 S. 1st Avenue) (Eng)

VI. PUBLIC HEARINGS - none

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Brooks stated being on City Council has been quite an experience in which she has had the opportunity to meet and work with a lot of excellent people in the City of Yuma. The past year has required a lot of reading and leaning, which can be time consuming. Although some may not see the experience as being worth the money, the opportunity to give back to the community is priceless. People often state this is the wrong time to sit on the City Council; however, this is her area of expertise. During the first month on the City Council, she met with ten different department heads. She has attended three conferences with

Governor Jan Brewer, met with Senator Jon Kyle and attended a social mixer with General Anthony Jackson. In addition, she has attended many ribbon cuttings, special events, grand openings and a ground breaking for the Humane Society. Also, she sits on the Greater Yuma Economic Development Corporation Board of Directors. She encouraged the community to get involved and run for Council, it is worth the experiences.

Deputy Mayor Johnson reviewed meetings attended through the City Council office. Johnson noted the following meetings outside City Hall:

- October 2010 Meetings
 - 13, 14, 15 - Rural Transportation Summit in Phoenix as the Yuma areas elected representative to the Rural Transportation Advocacy Council (RTAC).
 - As the Chairman of the RTAC, he gave the welcoming address at the summit, attended and participated in several training sessions and panel discussions.
 - Attended meetings with the State Transportation Board and discussed Yuma area road needs
 - 16 - National Rifle Association Banquet
 - 21 - Transportation Plan meeting and the GYEDC annual dinner
 - 22 - Spoke at the Grand Opening of the Yuma Senior Terraces, took the MCAS familiarization tour and attended the Amberly's Place 9th Anniversary Celebration
 - 23 - Grand Opening of Yuma's Main Squeeze
 - 24 - Yuma County Pink Tea for Breast Cancer Awareness
 - 25 - Southwest Futures Forum
 - 26 - City Council Retreat and the Heart of Yuma Awards
 - 28 - YMPO Executive Board meeting
 - 30 - A reception for Governor Brewer
- November 2010 Meetings
 - 4 - KBLU Radio Show, Grand Opening of the Indoor Marketplace, and a Ribbon Cutting for the Martin Luther King Youth Center
 - 5 - Presented a plaque, on behalf of the City, at the Farewell Luncheon for the Border Patrol Chief, Paul Beeson
 - 10 - Marine Anniversary Cake Cutting Ceremony at MCAS, and the grand opening at the Artesian Grill at Cocopah Casino
 - 11 - The Veteran's Day Parade, the Eleventh Hour Ceremony commemorating the end of WWI and the Grand Opening of the Hunter Steak House
 - 12 - The State Centennial Summit
 - 13 - A book signing at the Historical Society
 - 18, Joint City Council/Board of Supervisors Special Worksession
- December Meetings
 - 1 - The Yuma Fresh Vegetables Association meeting regarding the economic effects of the vegetable industry in Yuma

Mendoza reported on the Weed and Seed's steering committee's seventh annual Thanksgiving dinner, now known as the North End Thanksgiving Dinner.

VIII. SUMMARY OF CURRENT EVENTS

Wilkinson announced the following:

- The 18th Annual Sports and Turf Equipment show at the Civic Center will be tomorrow (December 2, 2010) from 8:00 a.m. to 1:30 p.m.
- The Kammann Sausage Fry that at the Civic Center will be December 3, 2010 from 4:30 p.m. to 8:30 p.m.
- December 10 is the Electric Light Parade and the Grand Opening of the Christmas Village and skating rink located at the Quartermaster Depot.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Beeson/Mendoza): To adjourn the meeting. Voice vote: **adopted** 6-0. The meeting adjourned at 6:33 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Alan L. Krieger, Mayor



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 2, 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 the Yuma Community Food Bank, for the Return of the Block event. The fundraiser event will be held on the 200 Block of Main Street on March 25, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-07)

REPORT:

Gerardo Garcia, on behalf of the 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 on the 200 Block of Main Street on March 25, 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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/18/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 2, 2011

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Immaculate Conception Catholic Church

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Fernando Hernandez, on behalf of the Immaculate Conception Catholic Church, for the Rodeo Ranchero event. The scheduled event will be held at Rancho San Fernando, located at 3882 S. Avenue 5¼ E, on February 20, 2011 from 12:00 p.m. to 6:00 p.m. (SP11-11)

REPORT:

Fernando Hernandez, on behalf of the Immaculate Conception Catholic Church, has applied for a Special Event Liquor License for the Rodeo Ranchero event. The event will be held at Rancho San Fernando located at 3882 S. Avenue 5¼ E, on February 20, 2011 from 12:00 p.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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/18/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 2, 2011

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Yuma Rotary Club

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Robert Lee Stull, on behalf of the Yuma Rotary Club, for the Yuma Rotary St. Patty's Day Auction. The fundraiser event will be held at Arizona Western College in building 3C, 2020 S. Avenue 8 E, on March 12, 2011 from 6:00 p.m. to 1:00 a.m. (SP11-12)

REPORT:

Robert Lee Stull, on behalf of the Yuma Rotary Club, has applied for a Special Event Liquor License for the Yuma Rotary Club's St. Patty's Day Auction. The fundraiser event will be held at Arizona Western College in building 3C, 2020 S Avenue 8 E, on March 12, 2011 from 6:00 p.m. to 1:00 a.m.

As per State Liquor License requirements, Sodexo America, LLC has agreed to suspend a portion of their liquor license that covers the Arizona Western College 3C building 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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/18/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 2, 2011

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Rotary Club of Yuma North End

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by William W. Dowd III, on behalf of the Rotary Club of Yuma North End, for the Yuma Renaissance Faire. The scheduled event will be held at the West Wetlands Park on February 4, 2011 from 11:00 a.m. to 9:00 p.m., February 5, 2011 from 11:00 a.m. to 9:00 p.m., and February 6, 2011 from 11:00 a.m. to 6:00 p.m. (SP11-14)

REPORT:

William W. Dowd III, on behalf of the Rotary Club of Yuma North End, has applied for a Special Event Liquor License for the Yuma Renaissance Faire. The event will be held at the West Wetlands Park on February 4, 2011 from 11:00 a.m. to 9:00 p.m., February 5, 2011 from 11:00 a.m. to 9:00 p.m., and February 6, 2011 from 11:00 a.m. to 6:00 p.m.

The application has been sent to Community Development, Police Department, Fire Department, Risk Management, Parks & Recreation and Heritage Area 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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		1/18/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: February 2, 2011

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Temporary Extension of Premises: LZ Bar and Grill

SUMMARY RECOMMENDATION:

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, 2175 S. Harley Drive, Yuma, Arizona, for an "Anniversary Party #4" scheduled for April 16, 2011. (EP11-01)

REPORT:

William Edward Malo, agent for LZ Bar & Grill, has applied for a Temporary Extension of Premises/Patio Liquor License Permit for April 16, 2011, at 2175 S. Harley Drive, for an "Anniversary Party #4".

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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Flora L. Hatch		1/12/2011		

FISCAL REQUIREMENTS	CITY FUNDS:	\$437,990.85	BUDGETED:	\$438,653.00
	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 C.I.P. No. 5.0890	
	TOTAL:	\$437,990.85		
	FISCAL IMPACT STATEMENT: Funds are included in the FY 2011 Capital Improvement Budget for this project under C.I.P. #5.0890 - Traffic Signal Install - 32nd Street at Avenue 6E.			
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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Bill Pfannenstiel		1/12/2011		

BID SUMMARY
BID NO 2009000326
Roadway Improvements, 32nd Street and Avenue 6E, C.I.P. No. 5.0890

	DPE Construction Yuma, AZ	B T Z Inc. dba Zellers Yuma, AZ	P C A Arizona Heber, CA
Bid Items 1-20	\$120,180.00	\$147,590.00	\$198,432.14
Bid Items 21-34	\$277,993.50	\$282,327.40	\$245,002.09
Total of Bid Items	\$398,173.50	\$429,917.40	\$443,434.23
10% Contingency	\$39,817.35	\$42,991.74	\$44,343.42
TOTAL BID	\$437,990.85	\$472,909.14	\$487,777.65
	R		

	A J P Electric, Inc. Phoenix, AZ	Cemex Construction Materials South, LLC Yuma, AZ
Bid Items 1-20	\$172,949.00	\$174,032.48
Bid Items 21-34	\$274,699.00	\$276,580.50
Total of Bid Items	\$447,648.00	\$450,612.98
10% Contingency	\$44,764.80	\$45,061.30
TOTAL BID	\$492,412.80	\$495,674.28

R = Recommended



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: February 2, 2011

DEPARTMENT: Finance

DIVISION: Purchasing

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

TITLE:
Annual City Auction

SUMMARY RECOMMENDATION:

Declare as surplus and authorize the disposal of certain City personal property and equipment at the annual public auction scheduled for February 26, 2011 or by competitive sealed bid or online public auction.

(Purchasing - Bid #2010000305) (Bill Pfannenstiel)

REPORT:

Surplus property belonging to the City of Yuma is disposed of through public auction, competitive sealed bid, or other appropriate methods as required by State law and the Yuma City Charter.

The City's annual auction is scheduled for February 26, 2011. Items that may be used by other City departments may be transferred for continued City use. It has also been determined that some equipment may be withheld from public auction and sold through competitive sealed bid or online auction to garner a higher resale value for the City.

A list of items presently known to be available for public auction is available in the Office of the City Clerk. Additions or deletions may be made up to the day preceding the auction.

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: It is anticipated that this on-site sale will generate approximately \$10,000 in gross sales. Revenue will be deposited in the appropriate accounts based on equipment origin.				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. List of auction items. 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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Robin R. Wilson/Bill Pfannenstiel		1/11/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: February 2, 2011

DEPARTMENT: Finance

DIVISION: Purchasing

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

TITLE:
 Contract Amendment: Integrated Mobile Wireless Data Solution

SUMMARY RECOMMENDATION:

Authorize a contract amendment to the original Request for Proposal to increase the contract value by \$5,000,000.00 to the Integrated Mobile Wireless Data Solution contract with:

Motorola Inc., (Contract #03-13042) San Diego, California

(Information Technology Services - RFP #2003000453) (Laurie Neinast)

REPORT:

On June 4, 2003, City Council authorized staff to negotiate and execute a multi-year contract with Motorola, Inc. for the installation of the Integrated Mobile Wireless Data Solution. The system is now referred to as the Yuma Regional Communication System (YRCS) and is a fully integrated P25 voice radio interoperability system.

Through Intergovernmental Agreements (IGA) the YRCS has expanded to include all Yuma County Public Safety agencies and several other State of Arizona public safety agencies, with a large majority of the system being paid for out of State general funds. As more public safety agencies opt to use the YRCS, additional system expansion and new equipment purchases become necessary. Additionally as the system grows, each agency provides funding to the City for their share of the expansion, maintenance and management of the YRCS.

City Staff manages and maintains the entire operation of the YRCS, including the purchasing of equipment and services for all agencies on the City's contract. Additionally, Motorola is the only vendor capable of providing and fully supporting YRCS equipment and as a result a contract increase of \$5,000,000.00 is necessary. This extension and increase will allow for additional purchases, equipment replacements, upgrades, and continued maintenance and support of the system.

The term of the contract extension expires June 4, 2013 and will have a total contract limit of \$20,617,668.00. It is anticipated no City funds will be needed to provide for future YRCS expansions, with expansions occurring when money is received from the funding agencies.

The Yuma City Code, Section 36.34 (I) requires City Council approval of contract increases that exceed ten percent (10%) of the original contract. It is requested that Yuma City Council approve a contract increase of \$5,000,000.00.

This recommendation has the concurrence of the Director of Information Technology Services.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$5,000,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$5,000,000.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
TOTAL:	\$5,000,000.00			
FISCAL IMPACT STATEMENT: Funding for this project is allocated under CIP #1.0302 and grant funded.				
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		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		1/18/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Robin R. Wilson/Bill Pfannenstiel		1/14/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	February 2, 2011	<input type="checkbox"/> Motion
DEPARTMENT:	City Engineering	<input checked="" type="checkbox"/> Resolution
DIVISION:	Administration	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:
Capital Improvement Program Budget Adjustment: Fiscal Year 2011

SUMMARY RECOMMENDATION:
Adjust the Fiscal Year 2011 Capital Improvement Program (CIP) budget a total of \$5,125,180.00, by reducing and increasing specific project funds.

REPORT:
The City of Yuma Capital Improvement Program (CIP) budget for Fiscal Year (FY) 2011 identifies the use of seventeen separate and distinct fund sources and was established through the adoption of Resolution No. R2010-34 (Resolution), on June 3, 2010. The Resolution set the budget authority (the ability for the City of Yuma (City) to expend available funds) for FY 2011 at the total amount of \$87,632,349.00. Once adopted, the FY 2011 budget can be adjusted but cannot be increased.

The Transportation Bond Fund was budgeted for FY 2011 at \$8,600,200.00. Due primarily to interest earned on those bond funds, an additional \$5,125,180.00 is currently available, if budget authority were established.

To accomplish a budget authority adjustment and keep the overall fiscal year CIP budget from exceeding the original amount, it is necessary for City Council to adopt a resolution that will first decrease budget authority for specific projects and fund sources and subsequently create or increase budget authority for other specific projects and fund sources to a level that does not exceed the original budget amount.

FY 2011 CIP No. 1.9757: Budget Authority Reserve is an inactive project that is used to provide budget authority for and enable the City to spend found money, grants or other funds that become available to the City's Capital Improvement Program after the start of a fiscal year. This project presently has \$5,080,875 of Grant budget authority and \$2,458,028 of Other budget authority (State or Flood Control District funds, etc.) available for reallocation to projects, if needed.

A reduction of \$4,000,000.00 to Grant Fund Account No. 171-9777-570-61-10 19757 would enable a subsequent increase of \$4,000,000.00 to the Projects and Accounts shown below:

<u>Project</u>	<u>Account</u>	<u>Amount</u>
CIP No. 5.0584 (16 th St.: Arizona Ave. to Pacific Ave.)	332-9777-570-61-40 50584	\$ 500,000.00
CIP No. 5.9402 (32 nd St.: Ave. A to Ave. B)	332-9777-570-61-40 59402	2,100,000.00
CIP No. 5.9508 (8 th Ave.: 24 th St. to 32 nd St.)	332-9777-570-61-40 59508	500,000.00
CIP No. 5.9701 (Ave. A: 16 th St. to 24 th St.)	332-9777-570-61-40 59701	374,820.00
CIP No. 5.9702 (Ave. A: 8 th St. to 16 th St.)	332-9777-570-61-40 59702	525,180.00

A reduction of \$1,125,180.00 to the Other Fund Account No. 311-9777-570-61-10 19757 would enable a subsequent increase of \$1,125,180.00 to the Project and Account shown below:

<u>Project</u>	<u>Account</u>	<u>Amount</u>
CIP No. 5.9701 (Avenue A: 16 th Street – 24 th Street)	332-9777-570-61-30 59701	\$1,125,180.00

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: The proposed action will allow the use of \$5,125,180.00 of existing, unbudgeted Transportation Bond Funds by the Capital Improvement Program in Fiscal Year 2011.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Paul Brooberg		1/15/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn		1/13/2011		

RESOLUTION NO. R2011-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AMENDING RESOLUTION NO. R2010-34 FOR THE PURPOSE
OF REVISING CERTAIN DESIGNATED FUND BUDGET AUTHORITY
CONTAINED IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL
YEAR 2011**

WHEREAS, pursuant to Article XIII, Section 10 of the Charter of the City Yuma, the City Council completed a list of all capital improvements which were proposed to be undertaken during City Fiscal Years 2011-2020, with appropriate supporting information as to the necessity of such improvements; and,

WHEREAS, pursuant to Article XIII, Section 11 of the Charter, the City Council has published a general summary of the Capital Improvement Program and, following due Public Notice, Public Hearings were held on May 10, 2010 and on May 19, 2010 ; and,

WHEREAS, the City Council did adopt Resolution No. R2010-34 to establish the Capital Improvement Budget (Budget) for Fiscal Year 2011, by which maximum budget authority values were designated for each category of funding and the Capital Improvement Budget, and,

WHEREAS, it is found that adjustments to certain identified categories of the Capital Improvement Budget funding are necessary for the continuance of projects during Fiscal Year 2011 and that said adjustments will not have the effect of increasing the Budget as a whole.

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

SECTION 1: That the following listed Capital Improvement Program fund budget authority for Fiscal Year 2011 is reduced by the amount and to the revised total shown below:

Account No. 171-9777-570-61-10 19757	by	\$4,000,000.00
	from	\$4,330,975.00
	to	\$ 330,975.00
Account No. 311-9777-570-61-10 19757	by	\$1,125,180.00
	from	\$1,501,028.00
	to	\$ 375,848.00

resulting in a total budget authority reduction of \$5,125,180.00.

SECTION 2: That the following listed Capital Improvement Program fund budget authority for Fiscal Year 2011 is increased by the amount and to the revised total shown below:

Account No. 332-9777-570-61-40 50584	by	\$ 500,000.00
	from	\$ 8,227.00
	to	\$ 508,227.00



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: February 2, 2011

DEPARTMENT: City Engineering

DIVISION: Administration

- Motion
 Resolution
 Ordinance - Introduction
 Ordinance - Adoption
 Public Hearing

TITLE:

Conveyance of Easement: Southwest Gas Corporation

SUMMARY RECOMMENDATION:

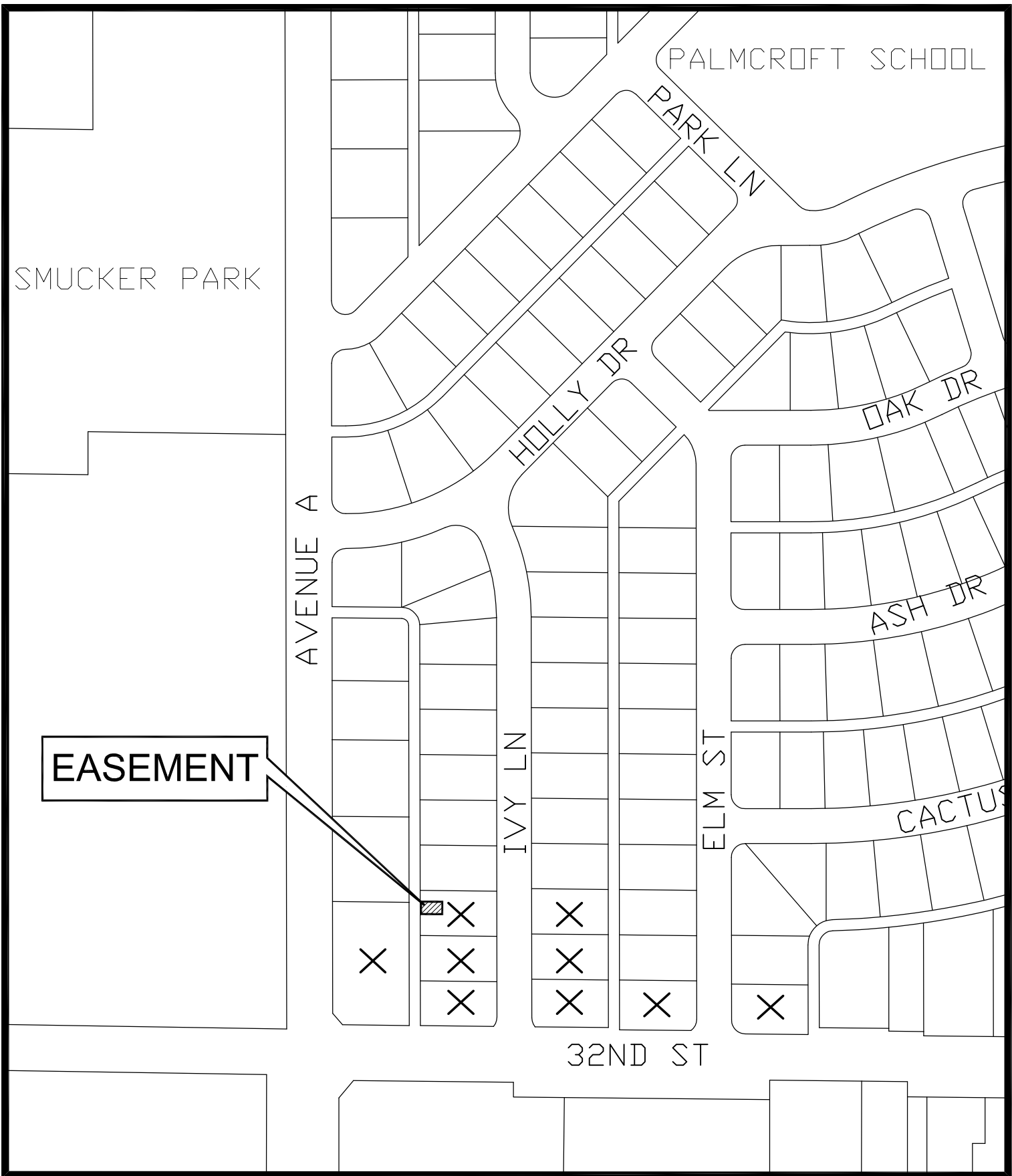
Authorize the conveyance of an easement to Southwest Gas Corporation for activities related to natural gas pipeline facilities.

REPORT:

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 32nd Street roadway expansion corridor east of Avenue A. The location map of that site is attached.

To facilitate the installation of the SWG facilities and provide access to the site, the City has provided SWG with an encroachment permit.

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		

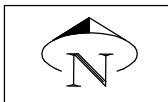


NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

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
40

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 32nd 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;

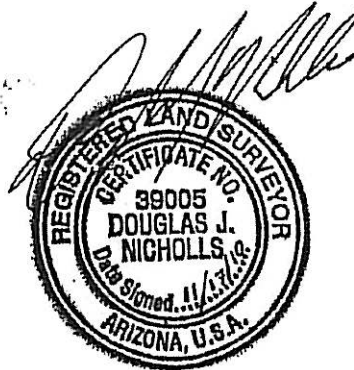
Thence continuing North 00°05'00" West (R) along the west property line of said Lot 9 of said Palm Croft Estates Unit No. 3 Amended Subdivision a distance 20.00 feet;

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

MEETING DATE:	February 2, 2011	<input type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input type="checkbox"/> Resolution
DIVISION:	Community Planning	<input checked="" type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing
TITLE:		
Rezoning of Property: Add Public Designation Overlay to City Parks.		
SUMMARY RECOMMENDATION:		
Approve the rezoning to add the Public Designation (P) Overlay District to various City-owned and maintained parks subject to the recommended condition. The applicant is the City of Yuma. (Z2008-004)		
REPORT:		
On April 21, 2008, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Underhill and Brockington absent) of the rezoning to add the Public Designation (P) Overlay District to various City-owned and maintained parks, subject to the following condition:		
<ol style="list-style-type: none"> 1. All parks abutting the City's Major Roadways Plan – 2005 (Plan) shall dedicate additional right-of-way such that those abutting streets conform to the right-of-way guidelines of the Plan. The dedication(s) shall be in the form of a Quit Claim Deed or a lot split instrument. 		
In order to rezone property, a legal description is required of the property. Each of the 21 parks required a correct legal description be written. This was completed by the City Engineering Department. The delay in the processing of this rezone was a result of waiting for the legal descriptions.		
PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES:		
No one spoke in favor or against the request to approve the rezone.		
PLANNING COMMISSION STAFF REPORT - ATTACHED		

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

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

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	1/25/2011
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	1/25/2011
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie Lineberry	12/23/2010	
WRITTEN/SUBMITTED BY:	DATE:	
Robert M. Blevins	12/15/2010	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONING TO ADD OVERLAY**

Hearing Date April 28, 2008

Case Number: Z2008-004

Project Description: Rezone various City-owned and maintained Regional Parks, Area Parks, Neighborhood Parks, and Historic Facilities by adding the Public Designation (P) Overlay District for properties located within Yuma, AZ.

Staff recommendation: Staff recommends APPROVAL of the rezoning of the properties to add the Public Designation (P) Overlay District, subject to the condition of approval in Attachment A.

Suggested Motion: Motion to **APPROVE** the rezoning to add the Public Designation (P) Overlay District, subject to the condition shown in Attachment A, because the request is in compliance with the General Plan and is compatible with surrounding land uses.

Staff Analysis: The City of Yuma proposes the addition of the Public Designation (P) as an overlay designation on various City-owned Parks and Recreation Facilities. According to the City of Yuma Zoning Ordinance:

§ 154-380 Purpose:

The principal purpose of the Public Designation (P) is to allow those government uses which are necessary to serve the public in particular locations of the city, and to distinguish them from private uses. The Public Designation (P) is to provide an overlay designation superimposed over existing zoning districts for those lands held in public ownership by local, state, and federal agencies within the city limits. It is intended that each public use conform to the development standards required for all other uses permitted within the underlying zoning district.

Facilities which already have the Public Overlay include: Smucker Park, Joe Henry Optimist Center, Walmart Basin Palo Verde, Sunrise Optimist Park, Deyo Complex including Caballero Park, Walmart Basin Avenue B, & the Library Green.

Park Facilities to be included in this rezoning action are listed in Attachment B.

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

Yes

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

Yes

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

Yes The Public Designation (P) allows for government offices and grounds, parks, public recreation facilities, municipal water facilities, public schools and playgrounds, hospitals, libraries, public safety and law enforcement facilities. These uses are in addition to the permitted uses in the underlying zoning district

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

No

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

Approval would allow public buildings and government uses on these City-owned properties.

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

Yes

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

Yes

Public Comments Received: None Received.
External Agency Comments: None Received.
Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- Applicant agreed with all of the conditions of approval on: March 27, 2008
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A	B	C
Conditions of Approval	List of Subject Parks	Location Map

Project Planner: Bob Blevins, Senior Planner 373 -5189 Robert.Blevins@Yumaaz.gov

Prepared By:  **Date:** 3/26/08
 Bob Blevins, Senior Planner

Reviewed By:  **Date:** 3/27/08
 Bobette Bauermann, Principal Planner

Approved By:  **Date:** 4.1.08
 Laurie L. Lineberry, AICP,
 Community Development Director

**ATTACHMENT A
CONDITION OF APPROVAL**

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

City Engineering Department Conditions, Paul Brooberg, City Engineer (928) 373-4500:

1. All parks abutting the City's Major Roadways Plan – 2005 (Plan) shall dedicate additional right-of-way such that those abutting streets conform to the right-of-way guidelines of the Plan. The dedication(s) shall be in the form of a Quit Claim Deed or a lot split instrument.

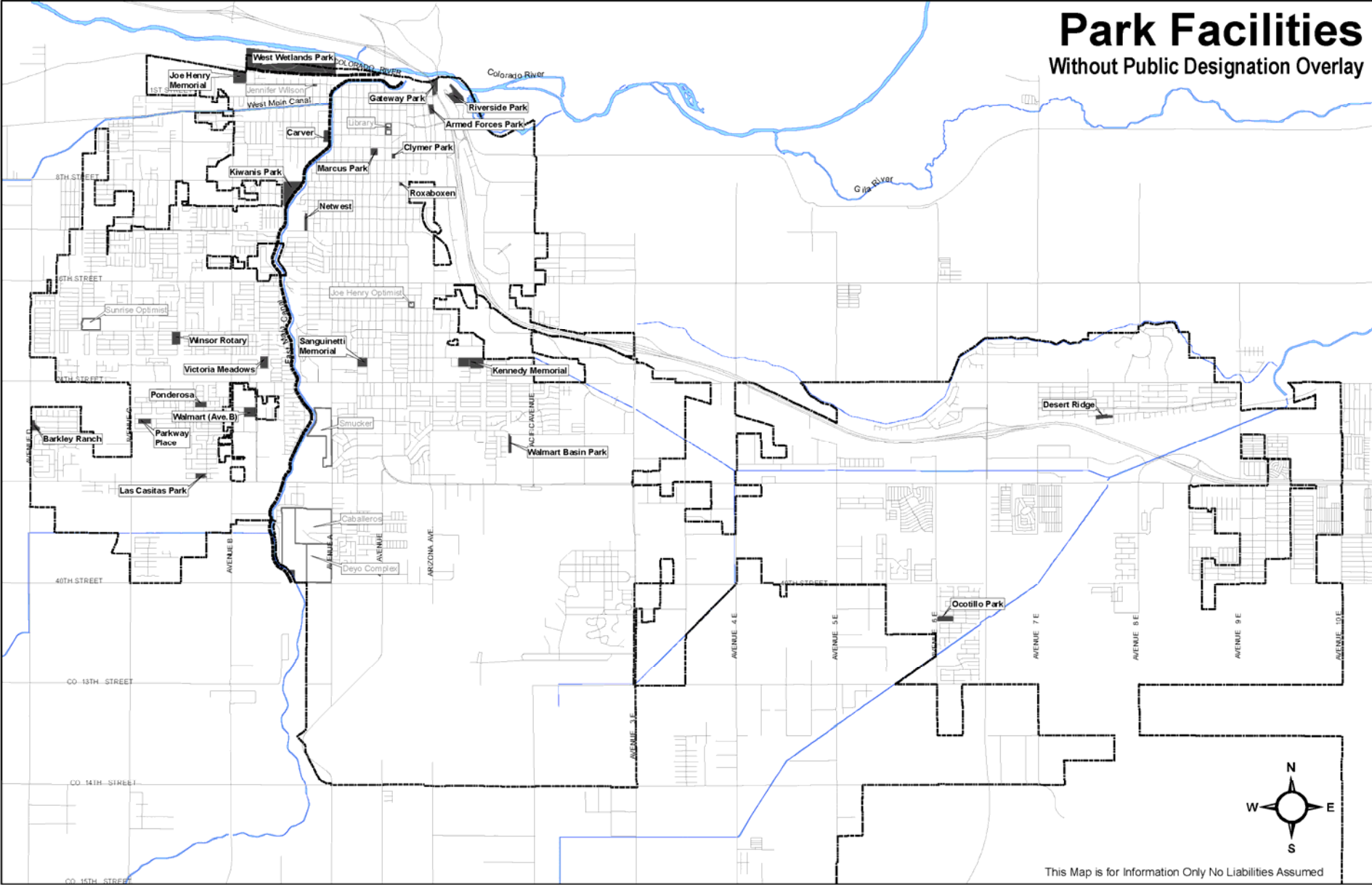
Any questions or comments regarding the Condition of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
LIST OF SUBJECT PARKS**

Park Facilities W/O Public Overlay

Park	Type	Acreage	Location	Zoning
Carver Park	Area Park	16	5th St. & 13th Ave.	R-3
Joe Henry Memorial Park	Area Park	15	23rd Ave. & Colorado St.	R-1-6-/R-3
Kennedy Memorial Park	Area Park	18	24th St. & Kennedy Ln.	R-1-6
Marcus Park	Neighborhood Park	2	6th Ave. & 5th St.	R-1-6
Kiwanis Park	Neighborhood Park	14	8th St & Magnolia	
Netwest Park	Neighborhood Park	3.5	14th Ave. & 12th St.	R-1-6
Sanguinetti Park	Neighborhood Park	4.5	22nd St. & 8th Ave.	R-1-6
Winsor Rotary Park	Neighborhood Park	6	20th St. & 34th Dr.	R-1-6
Las Casitas Park	Neighborhood Park	2.8	28th Dr. & 31st St.	R-2
Ocotillo Park	Neighborhood Park	4.92	Ave 6E & 42nd Pl.	R-1-8
Parkway Place Park	Neighborhood Park	2.26	27th St. & 39th Dr.	R-1-6
Desert Ridge Park	Neighborhood Park	3.76	26th Ln. & Ave. 7 3/4 E	R-1-8
Victoria Meadows Park	Neighborhood Park	5.5	23rd St. & 20th Dr.	R-1-6
Barkley Ranch Park	Neighborhood Park	1	28th street & Avenue D	R-1-6
Ponderosa Park	Neighborhood Park	3.6	26th St. & 31st Ave.	R-1-8
Clymer Park	Pocket Park	0.3333	553 S. Orange Avenue	B-2(H)
West Wetlands Park	Regional Park	110	2200 Water St.	RO
Riverside Park	Regional Park	15	50 N. Prison Hill	HP
Gateway Park	Regional Park	20	Gila St. & 1 st Ave.	HP(H)/OT(H)
Yuma Armed Forces Park	Historic Facility	1	2nd Avenue and 8th Street	OT(H)
Roxaboxen Park	Historic Facility	0.5		B-2

ATTACHMENT C
LOCATION MAP



This Map is for Information Only No Liabilities Assumed

ORDINANCE NO. O2011-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, TO ADD THE PUBLIC DESIGNATION (P) OVERLAY DISTRICT TO VARIOUS CITY-OWNED AND MAINTAINED PARKS AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on April 28, 2008 in Zoning Case No. Z2008-004, in the manner prescribed by law, for the purpose of adding the Public Designation (P) Overlay District to various City parks as provided for in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on April 4, 2008; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2008-004 and finds that the recommendation complies with and conforms to the goals and objectives of the City of Yuma General Plan, as amended.

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

SECTION 1. That the properties described in Attachment A, incorporated herein by reference as the "Properties," are hereby placed in the Public Designation (P) Overlay District as defined by Chapter 154 of the Yuma City Code, as amended; that said Properties upon this Ordinance becoming final, shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Public Designation (P) Overlay District; and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is hereby ordered to be changed and amended to show that the Properties described in this Ordinance will be located within the District herein provided.

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

1. All parks abutting the City's Major Roadways Plan – 2005 (Plan) shall dedicate additional right-of-way such that those abutting streets conform to the right-of-way guidelines of the Plan. The dedication(s) shall be in the form of a Quit Claim Deed or a lot split instrument.

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

Attachment A

Z2008-004 to Add the Public Designation to City Parks

LEGAL DESCRIPTIONS

Las Casitas Park

A portion of the Las Casitas Unit No. 1A Subdivision, known as Tract 'A', and as recorded under Fee # 2002-03519 (Book 18 of subdivision plats, Page 22), on February 6, 2002, at the Office of the County Recorder, Yuma County, Arizona; and located in a portion of the West Half of the East Half (W1/2 E 1/2) of Section 6, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing: 106,451 square feet, more or less.

Victoria Meadows Park

Lot 68 and Tract "A" of the Victoria Meadows Subdivision as recorded under Book 14, Page 73 at the Office of the County Recorder, Yuma County, Arizona; and located in the South Half of the Southwest Quarter (S 1/2, SW 1/4) of Section 32, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing: 237,940 square feet, or 5.46 acres, more or less.

Barkley Ranch Park

Tract "A" of Barkley Ranch Unit 6 as recorded under Fee # 2005-13433 (Book 21, Pages 34 & 35) at the Office of the County Recorder, Yuma County, Arizona; and located in the South Half of the Northwest Quarter (S 1/2, NW 1/4) of Section 1, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing: 149,637 square feet, more or less.

Ponderosa Park

Tract "A" of Ponderosa Valley Estates Unit No. 1 as recorded under Book 15, Pages 8 & 9 at the Office of the County Recorder, Yuma County, Arizona; and located in the Northeast Quarter (NE 1/4) of Section 6, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing: 128,458.55 square feet, more or less.

and

Tract "A" of Edenwood West Unit No. 2 as recorded under Book 8, Page 9 at the Office of the County Recorder, Yuma County, Arizona; and located in Lot 1 of Section 6, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, City of Yuma, Yuma County, Arizona Except the Northeast Quarter (NE 1/4).

Containing: 29,487.21 square feet, more or less.

Clymer Park

The North 17 feet of Lot 8, and Lots 9, 10, 11 & 12, Block 134, and the adjusted 10 feet of abandoned alley right-of-way, according to White's Official Survey of Yuma Townsite, being located in Section 21, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing 30,380 square feet, more or less.

Carver Park

A portion of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) and a portion of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 20, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as follows;

LOT 1 of the CARVER PARK LOT SPLIT, recorded in Book 10 of Subdivision Plats, Page 71, dated January 8th, 1985, at the Office of the County Recorder, Yuma County, Arizona.

Containing 497,277.94 square feet, or 11.42 acres, more or less.

Joe Henry Park

All of that portion of Block Thirty-eight (38), in the City of Yuma, lying South of the reserve right-of-way of the Government Levee of Yuma, Yuma County, Arizona, according to the Map & Plat thereof on file and of record in the Office of the County Recorder, Yuma County, Arizona.

Containing 5.2 acres, more or less.

and

That Portion of Lot One (1), Section Twenty-eight (28), Township Sixteen (16) South, Range Twenty-two (22) East of the San Bernardino Meridian, lying South of the Southwesterly line of the United States Bureau of Reclamation Service Levee, and Easterly of a line which is the Northerly Prolongation of the West line of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4 NE 1/4) of Section Thirty-three (33), Township Sixteen (16) South, Range twenty-two (22) East, of the San Bernardino Meridian, to its point of intersection with the Southwesterly right-of-way line of said levee.

Containing 10.2 acres, more or less.

Kennedy Memorial Park

A portion of the North Half of the South Half of the Southwest Quarter (N 1/2 S 1/2 SW 1/4) of Section 34, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows;

PARCEL 4 of the KENNEDY LOOP LOT TIE / LOT SPLIT AND RIGHT-OF-WAY DEDICATION as recorded in Book 22 of Subdivision Plats, Pages 72 to 77, on 7/25/2006 at the Office of The County Recorder, Yuma County, Arizona.

Containing 661,479.02 square feet, or 15.19 acres, more or less.

Marcus Park

A portion of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 21, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as follows;

The North 351.75 feet of Block One Hundred and Thirty One (131) City of Yuma, Yuma County, Arizona, according to White's Official Survey of Yuma, on Record at the Office of the County Recorder, Yuma County, Arizona;

Containing 105,525.0 square feet or 2.42 acres, more or less.

and

The West 40 feet of 5th Avenue, adjacent to the North 351.75 feet of Block One Hundred and Thirty One (131) City of Yuma, Yuma County, Arizona, according to White's Official Survey of Yuma, on Record at the Office of the County Recorder, Yuma County, Arizona, lying South of

the North line of said Block 131, and lying North of a line parallel to and 351.75 feet South of the North line of said Block 131.

Containing 14,070.0 square feet or 0.32 acres, more or less.

Kiwanis Park

That portion of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 29, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 29; Thence South 00° 13' 31" West along the North-South Midsection line of said Section 29 a distance of 56.00 feet; Thence North 90° 00' 00" East a distance of 20.00 feet to the True Point of Beginning; Thence North 90° 00' 00" East along a line 56.00 South of and parallel to the North Section line of said Section 29 a distance of 1008.66 feet to a point on a curve with a local tangent bearing of South 13° 53' 07" West; Thence Southwesterly along said curve to the right of radius 393.70 feet an arc distance of 190.38 feet and central angle of 27° 46' 53" to a point; Thence South 41° 40' 00" West a distance of 325.40 feet to a point on a curve to the left; Thence Southwesterly along said curve of radius 1612.70 feet an arc distance of 183.28 feet and a central angle of 06° 30' 45" to a point; Thence South 35° 09' 15" West a distance of 325.0 feet; Thence South 54° 50' 45" East a distance of 20.00 feet; Thence South 35° 09' 15" West a distance of 195.00 feet to a point in a curve to the left; Thence Southwesterly along said curve of radius 1115.40 feet an arc distance of 316.11 feet and a central angle of 16° 14' 37" to a point; Thence North 89° 56' 59" West (calculated) (North 89° 56' 59" East Record) a distance of 169.12 feet; Thence North 00° 13' 31" East along a line 20.00 feet East of and parallel to the North-South Midsection line of said Section 29, a distance of 1271.45 feet to the True Point of Beginning.

Containing 16.4 acres more or less.

Netwest Park

A portion of property located in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 29, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows;

Lot 1 of the Westview Subdivision, recorded in Book 3 of Subdivision Plats, Page 194 at the Office of the County Recorder, Yuma County, Arizona.

Containing 13,262.4 feet or 0.30 acres, more or less.

Sanguinetti Park

A portion of property located in the West Half of the Southeast Quarter of the Southwest Quarter (W 1/2 SE 1/4 SW 1/4) of Section 33, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as follows;

Tract "A" of Sanguinetti Manor Unit No.3 Subdivision, recorded in Book 3 of Subdivision Plats, page 111, at the Office of the County Recorder, Yuma County, Arizona.

Containing 4.72 acres, more or less.

Winsor Rotary Park

That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Thirty-One (31), Township Eight (8) South, Range Twenty-Three (23) West, Gila & Salt River Base & Meridian, Yuma County, Arizona, also described in Docket 2051, Page 756 as recorded at the Office of the County Recorder, Yuma County, Arizona, and more particularly described as follows:

The South 641.0 feet of the North 691.0 feet of the West 404 feet of the East 457.0 feet of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 31.
Containing 5.94 acres, more or less.

Ocotillo Park

A portion of the Northwest Quarter (NW 1/4) of Section 16, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, Arizona, and more particularly described as follows;

Tract 'A' of the Ocotillo Unit No. 1 Subdivision, recorded under FEE# 2004-25564, Book 20 of Subdivision Plats, Page 40, on July 15, 2004, at the Office of the County Recorder, Yuma County, Arizona.

Containing 201,949 square feet or 4.64 acres, more or less.

Parkway Place Park

A portion of the Northwest Quarter (NW 1/4) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, Arizona, and more particularly described as follows;

Tract 'A' of Parkway Place Unit No. 1 Subdivision, recorded under FEE# 2001-23292, Book 17 of Subdivision Plats, Page 86, on August 23, 2001, at the Office of the County Recorder, Yuma County, Arizona.

Containing 127,597 square feet or 2.93 acres, more or less.

Desert Ridge Park

A portion of the South Half, of the Northeast Quarter (S 1/2 NE 1/4) of Section 3, Township 9 South, Range 22 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as follows;

Tract 'B' of the Desert Ridge Subdivision Phase 3, recorded under FEE# 2000-22618, Book 17 of Subdivision Plats, Page 3, on September 05, 2000, at the Office of the County Recorder, Yuma County, Arizona.

Containing 3.07 acres, more or less.

Yuma Armed Forces Park

A parcel of land situated in the City of Yuma, being a portion of Blocks 17 and 9 and of Doten Street (now vacated) of the Townsite of Yuma, according to White's Official Survey thereof as described in the deed in Docket 665, Page 65 at the Office of the County Recorder, Yuma County, Arizona and located in Sections 21 and 22, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Northwest corner of Lot 2 of said Block 17, point being the TRUE POINT OF BEGINNING; Thence South 07° 56' East, along the westerly line of said Lot 2 a distance of 108.62 feet; Thence North 85° 54' East a distance of 118.0 feet; Thence North 04° 06' West a distance of 177.5 feet; Thence South 85° 54' West a distance of 129.9 feet to the northerly prolongation of said westerly line of Lot 2; Thence South 07° 56' East, along said prolongation a distance of 69.28 feet to the TRUE POINT OF BEGINNING.

Containing 0.505 acres, more or less.

Roxaboxen Park

A portion of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE1/4 NW1/4 NE1/4) of Section 28, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, Arizona, also described in Docket 2126, Page 201 at the Office of the County Recorder, Yuma County, Arizona, and more particularly described as follows;

Lots 22, 23, and 24, Block 2, Speece Addition Amended, according to Book 1 of Subdivision Plats, Page 6, Records of Yuma County, Arizona;

TOGETHER WITH that portion of the West 10 feet of the vacated alley, vacated 11/9/1951 by Resolution and Order of the Board of Supervisors, lying North of the Easterly prolongation of the South line of Lot 22 and the Southeasterly prolongation of the North line of Lot 23 and the Easterly prolongation of the South line of Lot 24, Block 2, Speece Addition Amended.

Containing 22,730.4 square feet or 0.52 acres, more or less.

West Wetlands Park

A parcel of land situated in Yuma County, State of Arizona, located in Sections 26, 27, 34, and 35, Township 16 South, Range 22 East, San Bernardino Meridian, Yuma County, Arizona, and, lacking a recorded survey of the park area, generally described as follows:

Beginning at a point on the western right-of-way (ROW) of City of Yuma 22nd Street, where said western ROW intersects the northern edge of Water Street, which runs along the northern edge of the northern bank of the United States Bureau of Reclamation (USBR) Wellton-Mohawk Main Outlet Drain (WMMOD), point also being the TRUE POINT OF BEGINNING; Thence westerly along said northern edge of Water Street some 410 feet to its intersection with the western line of a parcel of land having a Yuma County Assessor's parcel number of 632-21-004, line also being the west line of said Section 27; Thence northerly along said western line of parcel 632-21-004, and its northerly prolongation, some 960 feet to its intersection with the crest of the bank of the Colorado River sedimentation, which demarks the northern extension of land by accretion to the parcels of land along the southern bank of the Colorado River; Thence easterly along said crest some 5,300 feet to its intersection with the northerly prolongation of the eastern line of a parcel of land having a Yuma County Assessor's parcel number of 632-32-005; Thence southerly along said eastern line of parcel 632-32-005 some 190 feet to its intersection with the northern line of a parcel of land having a Yuma County Assessor's parcel number of 632-32-007; Thence easterly some 190 feet along said northern line of parcel 632-32-007 and its easterly prolongation to its intersection with the ROW centerline of City of Yuma 9th Avenue; Thence southerly along said 9th Avenue centerline some 248 feet to its intersection with the northern ROW of the USBR Main Outlet Drain Extension (MODE); Thence westerly along said MODE northern ROW and its western extension to its intersection with the eastern ROW of City of Yuma 12th Street; Thence due West across said 12th Street to a point on the western edge of said 12th Street; Thence northwesterly along said western edge of 12th Street to its intersection with the eastern prolongation of the north toe of the north bank the USBR WMMOD; Thence westerly along said north toe of the north bank and its western prolongation to its intersection with the eastern ROW of City of Yuma 22nd Street; Thence westerly across said 22nd Street to the intersection of its western ROW with the northern edge of Water Street, point also being the TRUE POINT OF BEGINNING.

Containing approximately 90 acres, more or less.

Riverside Park

A parcel of land situated in the City of Yuma, being a portion of the Record of Survey of the Boundary Survey of the Yuma Territorial State Park as described in FEE# 2000-15230, Book 2, Pages 91-92, at the Office of the County Recorder, Yuma County, Arizona and located in Section 36, Township 16 South, Range 22 East, San Bernardino Meridian, and Section 22, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Northwest corner of said Section 36; Thence South 00° 02' 30" West, along the West line of the Northwest Quarter (NW1/4) of said Section 36 a distance of 1075.67 feet to the South Right-of-Way (ROW) of the United States Bureau of Reclamation Main Outlet Drain Extension (MODE); Thence North 89° 41' 08" East along said ROW a distance of 104.67 feet; Thence North 65° 18' 29" East along said ROW a distance of 68.15 feet; Thence North 87° 32' 30" East along said ROW a distance of 171.70 feet; Thence South 46° 40' 01" East, along said ROW a distance of 197.75 feet to its intersection with the East line of Block 175 of the City of Yuma, point also being the North corner of Riverside Park, and the TRUE POINT OF BEGINNING; Thence continuing South 46° 40' 01" East, along said ROW a distance of 233.34 feet; Thence South 71° 20' 54" East, along said ROW a distance of 161.30 feet to a point of curvature (P.C.) of a curve concave southwesterly having a radial bearing of North 18° 39' 13" East (Calculated (C)); Thence southeasterly, along said ROW and along said curve of radius of 342.82 feet through a central angle of 27° 45' 08" (C) an arc length of 166.05 feet (C), (166.06 Recorded (R)); Thence South 46° 24' 19" West, along said ROW a distance of 35.00 feet; Thence South 43° 35' 41" East, along said ROW a distance of 686.66 feet to a point of curvature (P.C.) of a curve concave southwesterly having a radial bearing of North 46° 24' 14" East (C); Thence southeasterly, along said ROW and along said curve of radius of 215.00 feet through a central angle of 49° 35' 49" (C) an arc length of 186.11 feet; Thence South 06° 00' 03" West, along said ROW a distance of 250.03 feet (C) to its intersection with the Levee Road Arizona Department of Transportation (ADOT) ROW; Thence North 60° 49' 39" West, along said ADOT ROW a distance of 16.45 feet (C); Thence North 83° 44' 00" West, along said ADOT ROW a distance of 200.00 feet; Thence South 84° 32' 59" West, along said ADOT ROW a distance of 81.72 feet (C) to its intersection with the eastern line of the South Gila Levee ROW; Thence North 43° 20' 05" West, along said South Gila Levee ROW a distance of 678.88 feet (C); Thence North 55° 44' 30" East a distance of 81.43 feet; Thence North 78° 20' 30" East a distance of 49.50 feet; Thence North 45° 00' 30" East a distance of 82.15 feet; Thence North 08° 10' 30" West a distance of 107.15 feet; Thence North 33° 43' 00" West a distance of 76.32 feet; Thence South 87° 12' 30" West a distance of 93.63 feet; Thence North 31° 30' 30" West a distance of 63.70 feet; Thence North 45° 55' 30" West a distance of 127.97 feet; Thence North 26° 25' 00" West a distance of 113.81 feet; Thence North 42° 00' 00" East a distance of 90.46 feet; Thence North 47° 00' 00" West a distance of 73.40 feet; Thence North 22° 30' 00" West a distance of 90.54 feet to the TRUE POINT OF BEGINNING.

Containing 10.57 acres, more or less.

Gateway Park

A parcel of land situated in Yuma County, State of Arizona, located in Section 35, Township 16 South, Range 22 East, San Bernardino Meridian, Yuma County, Arizona, and, lacking a recorded survey of the park area, generally described as follows:

Beginning at a point on the western edge of Penitentiary Avenue where said edge would intersect the present southern bank of the Colorado River, point also being the TRUE POINT OF BEGINNING; Thence southerly along said western edge of Penitentiary Avenue to a point where said edge begins to curve towards the West; Thence continuing southerly/southwesterly along the westerly/northwesterly edge of Penitentiary Avenue to a point on the eastern edge of the present

Gila Street; Thence northerly along said eastern edge of Gila Street and its prolongation to the North to its intersection with the northern right-of-way (ROW) of the United States Bureau of Reclamation (USBR) Yuma Valley Railroad spur as shown on the City of Yuma Riverfront Development Lot Tie and Lot Split, recorded under FEE # 2000-08253 in the Office of the Yuma County Recorder (YCR); Thence westerly along said northern ROW to its intersection with the centerline of Main Street as shown on said City of Yuma Riverfront Development Lot Tie and Lot Split, centerline also being the eastern line of the present Pivot Point Hotel Conference Center eastern overflow parking lot parcel, as shown on the Pivot Point Lot Tie/Lot Split, recorded under FEE # 2007-28890 in the office of the YCR; Thence northerly along said parcel eastern line to the northeastern corner of said parcel; Thence northwesterly along the northern line of said parcel to its intersection with the southern ROW of the USBR Main Outlet Drain Extension (MODE) 40-AZ as shown on said Pivot Point Lot Tie/Lot Split; Thence northwesterly along said MODE southern ROW to its deflection point approximately 215 feet east of the headwall where said MODE transitions from underground to open channel as shown on the Horizontal Control Plan for the City of Yuma Gateway Park Plans, Capital Improvement Project (CIP) No. 1.0015; Thence westerly along said MODE southern ROW to a point on the west edge of an existing paved path, approximately 90 feet east of said headwall as shown on said Horizontal Control Plan; Thence due north to a point on the northern ROW of said MODE; Thence westerly along said MODE northern ROW to its intersection with the eastern ROW of 4th Avenue; Thence northerly along said 4th Avenue eastern ROW to a point where said eastern ROW would intersect the present southern bank of the Colorado River; Thence easterly along said southern bank to the TRUE POINT OF BEGINNING.

Containing approximately 18 acres, more or less.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: DEPARTMENT: DIVISION:	February 2, 2011 Community Development Community Planning	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
TITLE: Zoning Code Text Amendment: School Signage Requirements		
SUMMARY RECOMMENDATION: Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 17.03.F. to remove the word "public" from the On-Site Signage Criteria for Schools.		
REPORT: Planning and Zoning Commission Recommendation: On January 10, 2011, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with Carter absent) to amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 17.03.F. to remove the word "public" from the On-Site Signage Criteria for Schools. Public Comments - Excerpt from Planning and Zoning Commission Meeting Minutes: QUESTIONS FOR STAFF <p>“David Koopmann – Chairman Planning and Zoning Commission, asked if the only change was the removal of the word “public”. Joy Everett – Associate Planner, said yes. Koopmann asked if there was any downside. Laurie Lineberry – Community Development Director, said it allowed charter schools to have the same signage allowance as public schools.</p> <p>“Del Cave – Planning and Zoning Commissioner, asked if existing signs would be taken down and replaced. Everett said it was possible. Cave asked if this was a cost saving measure for the school districts. Lineberry said the school districts would not be affected; only charter schools and church affiliated schools.</p> <p>“Tony Brockington – Planning and Zoning Commissioner, asked if there had been any opposition. Everett said no.</p> <p>“Clinton Underhill – Planning and Zoning Commissioner, asked if this would include free standing signs. Everett said yes.</p>		

APPLICANT / APPLICANT'S REPRESENTATIVE

Perry Penske, 707 W. 8th Street, Yuma, Arizona, was available for questions.

OPEN PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

“Motion by Brockington, second by Underhill, to APPROVE Case Number Z2010-013. Motion carried unanimously (6-0).”

Planning Commission Staff Report - Attached

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			1/25/2011
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			1/25/2011
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			1/18/2011	
WRITTEN/SUBMITTED BY:			DATE:	
Stephanie Joy Everett			1/18/2011	



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

Hearing Date January 10, 2011

Case Number: Z2010-013

Project Description: Amend Chapter 154, Section 17.03.F. to remove the word “public” from the On-Site Signage Criteria for Schools.

Staff recommendation: Staff recommends **APPROVAL** of the request to amend the City of Yuma Zoning Code, Chapter 154, Section 17.03.F. to remove the word “public” from the On-Site Signage Criteria for Schools.

Suggested Motion: Move to approve the request to amend the City of Yuma Zoning Code, Chapter 154, Section 17.03.F. to remove the word “public” from the On-Site Signage Criteria for Schools.

Staff Analysis: In 1991, the Zoning Ordinance was amended with Ordinance #2533 which established the standards for Public School Signage. Both public schools and private schools are a permitted primary use in most residential zoning districts’ however, the Sign Ordinance limits signage to ‘24 square feet for each non-residential use’ in these districts. The On-Site Signage criteria for Public Schools allows for an increase in signage to a maximum of 150 square feet for all signs for public schools only.

This text amendment is to remove the word ‘public’ from the On-Site Signage criteria for Public Schools to ensure that private schools are permitted the same signage standards that public schools currently enjoy.

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

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

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

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

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

No The amendment does not change the range of uses identified of the Zoning Code.

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

Yes The proposed amendment will change the development standards of the Sign Ordinance such that public, private, parochial, and other types of schools will enjoy the same signage standards.

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

No potential negative impacts are identified with the proposed text amendment.

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

N/A

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

N/A There are no prior Council Actions in regards to this issue other than Ord. # 2533 which established the standards for Public School Signage, adopted on September 4, 1991.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

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

Attachments:

A
Draft Text

Project Planner: S. Joy Everett, Associate Planner 373-5000 #3034 Joy.Everett@YumaAZ.gov

Prepared By: *S. Joy Everett* **Date:** *12-9-10*
S. Joy Everett, Associate Planner

Reviewed By: *Bobette Bauermann* **Date:** *12/9/10*
Bobette Bauermann, Principal Planner

Approved By: *Laurie L. Lineberry* **Date:** *12-22-10*
Laurie L. Lineberry, AICP,
Community Development Director

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section 17.03.F. be amended to delete the word "public" as follows:

§ 154-17.03 On-Site Signage.

F. ~~Public~~ **Schools**. All signs for ~~public~~ schools, in any zoning district, shall comply with the following criteria:

ORDINANCE NO. O2011-05

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 REMOVE THE WORD 'PUBLIC' FROM THE ON-SITE SIGNAGE CRITERIA FOR PUBLIC SCHOOLS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 10, 2011, in Zoning Case No: Z2010-013 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on December 17, 2010; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2010-013 and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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

SECTION 1. That the Yuma City Code, Title 15, Chapter 154, Section 17.03 F. be amended to delete the word "public" as follows:

§ 154-17.03 On-Site Signage.

F. ~~Public~~ Schools. All signs for ~~public~~ schools, in any zoning district, shall comply with the following criteria:

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

Adopted this _____ day of _____, 2011.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	February 2, 2011	<input type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input type="checkbox"/> Resolution
DIVISION:	Community Planning	<input checked="" type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing
TITLE: Zoning Code Text Amendment: Medical Marijuana		
SUMMARY RECOMMENDATION: Amend the City of Yuma Zoning Code adding Article 22 Non-Profit Medical Marijuana Dispensaries as a result of the approval of State Proposition 203 in the November 2010 General Election.		
REPORT: Planning and Zoning Commission Recommendation: On January 10, 2011 the Planning and Zoning Commission voted to recommend APPROVAL (6-0 with Carter absent) that the City of Yuma Zoning Code be amended adding Article 22 Non-Profit Medical Marijuana Dispensaries as a result of the approval of State Proposition 203 in the November 2010 General Election. Excerpt from Planning and Zoning Commission Meeting Minutes: “ Laurie Lineberry, Community Development Director , summarized the staff report, recommending APPROVAL. QUESTIONS FOR STAFF “ David Koopmann - Chairman Planning and Zoning Commission , asked if there was a section of 32 nd Street that was not affected by the restricted areas. Lineberry said yes. “ Clinton Underhill – Planning and Zoning Commissioner , asked the limit of dispensaries allowed in the city. Lineberry said this proposed text amendment limited that amount to no more than two. “ Del Cave – Planning and Zoning Commissioner , asked if hospitals and nursing homes were a concern. Lineberry said staff did not see those as sensitive uses. Cave asked why dispensaries were limited to expressways. Lineberry said it was to ensure there was a lot of traffic passing by to help deter any crime. Cave asked if modular homes could be used. Lineberry said if it was on a permanent foundation that would be acceptable. Cave asked if the amount of exits was dependant on the fire code. Lineberry said		

having one access point in and out was a requirement of the proposition and that would limit the size of the structure. **Cave** asked about buildings with no windows. **Lineberry** said the police chief requested no obstructions on the windows to ensure visibility for officers. If there were no windows, then this obviously did not apply. **Cave** asked where the residue or by-products would be disposed of. **Lineberry** said that was something the State was going to figure out. **Lineberry** said one thing the City did was to not separate the dispensary from the growing area or an infusing area.

“**Tony Brockington – Planning and Zoning Commissioner**, asked how difficult it was to put this together. **Lineberry** said it was challenging.

“**Richard Sorenson – Planning and Zoning Commissioner**, asked about personal use growers. **Lineberry** said the proposition said if there was no dispensary within 25 miles, a person could grow their own marijuana. **Sorenson** asked if the proposition limited the number of dispensaries in a city. **Lineberry** said no, but this ordinance did.

APPLICANT / APPLICANT’S REPRESENTATIVE

None

OPEN PUBLIC COMMENT

“**J.P. Mahon, 3763 W. 21st Street, Yuma, Arizona**, said he was concerned with the dispensaries being allowed only on expressways and said he thought there was not enough space with the different overlay districts and residential areas. He agreed that the dispensaries should be located in a high visibility area, but the major arterial streets could accomplish the same thing.

“**Underhill** asked if the ordinance was too strict now, could it be changed in the future. **Lineberry** said yes, this could be proposed for change by Staff or a member of the public.

CLOSE PUBLIC COMMENT

“**Cave** said he liked the text amendment but was concerned by the expressway limitation.

“**Koopmann** said he was concerned that someone in the public might not be aware of acceptable locations.

“**Karen Conde – Planning and Zoning Commissioner**, asked if anyone in the public had called wanting to open a dispensary. **Lineberry** said the day after the proposition was confirmed to have passed, the department started receiving calls

“**Cave** asked why the term “non-profit” dispensary was used. **Lineberry** said that was the language in the proposition

MOTION

“**Motion by Conde, second by Underhill, to APPROVE Case Number Z2010-014. Motion carried unanimously (6-0).**

“**Lineberry** said this case would be going to City Council on February 2, 2011.”

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.			
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SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/19/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Laurie Lineberry		1/19/2011		



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

Hearing Date January 10, 2011

Case Number: Z2010-14

Project Description: This is a zoning code text amendment by the City of Yuma, to address zoning regulations for registered non-profit medical marijuana dispensaries, as a result of the approval of State Proposition 203 in the November 2010 General Election.

Staff recommendation: Staff recommends **APPROVAL** of Article 22 Non-Profit Medical Marijuana Dispensaries

Suggested Motion: Move to **APPROVE** the amendment of the City Zoning Code by adopting Article 22 Non-Profit Medical Marijuana Dispensaries per Attachment A.

Staff Analysis: On November 2, 2010, Arizona voters approved Proposition 203 by a very slim margin (50.13% approved, 49.87% opposed). Only 40.21% of Yuma County voters approved this proposition. Proposition 203, the Arizona Medical Marijuana Act (the ACT), protects terminally or seriously ill patients from state prosecution for using limited amounts of marijuana on their doctor's recommendation. Qualifying patients who register with the Arizona Department of Health Services (ADHS) will obtain marijuana from nonprofit medical marijuana dispensaries regulated by ADHS. If no dispensary is available within a 25-mile radius, then patients are allowed to grow their own marijuana. The act is self-funding and establishes: safeguards; registration cards; fingerprinting of caregivers and dispensary personnel to exclude drug and violent felons; strict security; recordkeeping and oversight requirements; inspection of dispensaries; restrictions on number and location of dispensaries; and provides penalties.

The ACT provides specific definitions related to medical marijuana, its use and regulation. ADHS has the responsibility of creating the rules under which the medical marijuana may be used, kept, and dispensed in Arizona, along with regulations for registration of patients, dispensaries, agents, and caregivers; regulations for identification cards, facility restrictions, cultivation and dispensing of marijuana, and creating a verification system. Cities and counties are charged with "enacting reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in Title 9, Chapter 4, Article 6.1 (for cities) and Title 11, Chapter 6, Article 2, for counties. Each city and county in the state is developing regulations to address the new statewide land use: nonprofit medical marijuana dispensaries.

Fourteen other states and the District of Columbia have adopted medical marijuana laws. The impact that medical marijuana dispensaries have on surrounding properties is still being debated in many of those states. There are concerns that dispensaries; attract crime, provide a front for the dealing of illegal drugs, harm neighboring property values and attract drivers under the influence of marijuana. Medical marijuana dispensaries are a new type of land use. Many city police departments have generated reports about crime and other negative

activities related to the medical marijuana dispensaries. To date, there are no comprehensive studies recognized by the planning community as definitive for identifying long-term impacts to the community and effective mitigation to address those impacts.

Staff has reviewed how other states have addressed and implemented their medical marijuana laws, understanding that the law in each state is different and some of their regulations cannot or do not apply here in Arizona.

In the City of Yuma, the goal is to protect sensitive uses from possible future impacts of medical marijuana dispensaries. This is accomplished by requiring buffers from those uses to any medical marijuana dispensary (1000 feet from schools, day cares, churches and other places of worship, residential zones, parks, libraries and community centers, and 5280 feet from any other medical marijuana dispensary, regardless if these uses are located in the city or the county), allowing medical marijuana dispensaries, by right (no conditional use permit is required), in B-2 General Commercial and L-I Light Industrial zones only (not allowed on properties with Historic Overlay, Auto Center Overlay, Aesthetic Overlay or Bed and Breakfast Overlay), requiring the dispensaries to be located on a heavily traveled roadway (Expressway-designated road), requiring the dispensing and the growing to be grouped together on the same site, limiting the hours of operation (8:00 a.m. to 5:00 p.m. Monday through Saturday and 12:00 to 5:00 p.m. on Sundays), and allowing the Arizona Department of Health Services to regulate the actual operation of the use (who can open a facility, how it must be run, reporting requirements, etc.).

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

NO. This amendment does not implement the goals, objective and policies of the General Plan but it does implement Proposition 203 that was approved by the voters of the State of Arizona in November 2010.

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

YES. This amendment does fit the overall purpose and intent of the zoning ordinance, which is to protect the public health, safety, and welfare.

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

YES. This amendment will add "non-profit medical marijuana dispensary" as a permitted use in the B-2 General Commercial and L-I Light Industrial zones, subject to limitations identified in the proposed amendment.

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

NO. The proposed text amendment will not change the development standards of the zoning code or the subdivision ordinances. The amendment does add a new permitted use and development standards for that specific use.

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

There are many potential impacts that medical marijuana dispensaries could create and there are many perceived impacts that could be identified by the general public. Since other states have adopted different laws and the Arizona law is new, there is not enough data to generate a comprehensive list of potential impacts the ACT would or could have in Arizona.

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

N/A

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

NO. The City Council has not previously taken any actions to allow medical marijuana growing and distribution in the City of Yuma.

Public Comments Received: City staff received many phone calls by attorneys representing various medical marijuana groups, offering to assist the City in the writing of the ordinance to regulate medical marijuana dispensaries. Staff has declined all offers.

City staff also received phone calls from many entrepreneurs asking what the regulations would be and where the dispensaries could be located. All inquiries were referred to the City's Public Relations Department to ensure that the same information was being communicated to all inquiring. No draft ordinance was distributed prior to the Planning and Zoning Commission receiving their agenda packet for January 10, 2011.

Attachments:

A
Draft Text

Prepared By:

Date: December 28, 2010

Laurie L. Lineberry, AICP,
Community Development Director

**ATTACHMENT A
DRAFT TEXT**

Article 22 Non-Profit Medical Marijuana Dispensaries.

154-22.01 Purpose

Marijuana in any form, including medical marijuana, is illegal under federal law pursuant to the Controlled Substances Act (21 U.S.C §811.) However, under Arizona State law, the Arizona Medical Act (Proposition 203, passed by the voters in 2010) allows a qualifying patient who has an identified debilitating medical condition, to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms. Proposition 203 also contains provisions for dispensaries to provide medical marijuana to qualifying patients. This change in state law means that it is possible that medical marijuana dispensaries could be operating in the City of Yuma. The City has a duty to ensure that the dispensaries are located and operated in a manner that least harms the health, safety and general welfare of its citizens. The purpose of this ordinance is to ensure the health, safety and welfare of the general public. Furthermore, the City of Yuma does not condone the use of medical marijuana or violation of Federal law.

154-22.02 Definitions

Enclosed, Locked Facility: A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

Medical Marijuana: All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant.

Non-profit Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation. For the purposes of this article, a medical marijuana dispensary and medical marijuana cultivation, together, are considered one use.

154-22.03 Location Restrictions and Operating Provisions

Medical Marijuana cultivation and dispensing are subject to the following location restrictions and provisions:

- A. Each non-profit medical marijuana dispensary shall contain both the cultivation of and the dispensary for the marijuana at one location. No separate cultivation location is permitted.
- B. Non-profit medical marijuana dispensaries shall be permitted uses in the B-2 and L-I zones, subject to conditions and limitations identified in this article. Non-profit medical marijuana distribution facilities shall not be permitted in any Heavy Industrial District by way of a CUP (from a Light Industrial District.)

- C. Non-profit medical marijuana dispensaries shall not be permitted on any site that has any of the following Zoning Overlays: Historic District Overlay, Aesthetic Overlay (and all properties that have a development agreement requiring the Aesthetic Overlay standards), Auto Center Overlay, or Bed and Breakfast Overlay designation.
- D. Non-profit medical marijuana dispensaries must meet the following distance separation requirements:
 1. Must be located at least 1000 feet from a residentially zoned property, regardless if the residential property is located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the zoning boundary line of the residentially zoned property.
 2. Must be located at least 1000 feet from all public and private: preschools, kindergartens, elementary schools, secondary or high schools; any place of worship; any public park, adult-oriented businesses, large and small day care facilities, or public community center, regardless if these uses are located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the property line of the protected use.
 3. Must be located at least 5280 feet from another medical marijuana dispensary and cultivation business, regardless if the medical marijuana dispensary and cultivation business is located in the city or the county. This distance shall be measured from the exterior walls of the building or portion thereof in which each of the medical marijuana businesses are conducted or proposed to be conducted.
- E. Non-profit medical marijuana dispensaries are not allowed as an Accessory Use in any zone.
- F. Non-profit medical marijuana dispensaries are not allowed as a Home Occupation in any zone.
- G. The number of Non-Profit Medical Marijuana Dispensaries shall be limited to one for each 50,000 population within the City of Yuma, with the population determined by the most recent Decennial Census reported by the U.S. Census Bureau.
- H. Non-profit medical marijuana dispensaries shall only be located in permanent structures on properties that front on roadways classified as Expressways, as identified in the adopted City of Yuma General Plan.
- I. Non-profit medical marijuana dispensaries shall be located in a permanent building/structure affixed to a permanent foundation. Non-profit medical marijuana dispensaries shall not be located in any other type of non-permanent structure such as, but not limited to, a trailer, cargo container, or motor vehicle.
- J. The retail aspect of any non-profit medical marijuana dispensary shall be limited in physical size based on the building code requirements for a structure that has only one exit door.

- K. Non-profit medical marijuana dispensaries shall have operating hours not earlier than 8:00 a.m. and not later than 5:00 p.m., Monday through Saturday, Noon to 5:00 p.m. on Sunday.
- L. Drive-through services are prohibited.
- M. No use or consumption in any manner of marijuana is permitted on the premises of any non-profit medical marijuana dispensary.
- N. Non-profit medical marijuana dispensaries must comply with City of Yuma sign code regulations
- O. Non-profit medical marijuana dispensaries shall have interior lighting of sufficient intensity to illuminate every place that members of the public are permitted access, with overhead light fixtures that have an illumination of not less than two foot-candles as measured at the floor level, when the dispensary is open to the public.
- P. Non-profit medical marijuana dispensaries shall have exterior lighting of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas, at all times between sunset and sunrise.
- Q. Non-profit medical marijuana dispensaries shall be configured such that there is an unobstructed view of every public area of the premises, unaided by closed circuit cameras or any other means, by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public, in order to enforce all rules and regulations.
- R. If windows exist in the building that houses a non-profit medical marijuana dispensary, there shall be an unobstructed view through those windows, from the outside of the building in.
- S. Non-profit medical marijuana dispensaries shall provide for proper disposal of marijuana remnants or by-products, and shall not to be placed within the facility's exterior refuse containers
- T. Non-profit medical marijuana dispensaries shall comply with all other applicable city, state and federal regulations.
- U. Business licenses for non-profit medical marijuana dispensaries shall not automatically renew. Annual staff review and approval is required.

ORDINANCE NO. O2011-06

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 BY ADDING ARTICLE 22, MEDICAL MARIJUANA DISPENSARIES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, on November 2, 2010, the voters of the State of Arizona passed Proposition 203, the Arizona Medical Marijuana Act; ARS §36-2806.01, and,

WHEREAS, cities and counties are charged with enacting reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in Title 9, Chapter 4, Article 6.1 (for cities) and Title 11, Chapter 6, Article 2 (for counties), and,

WHEREAS, the possession, delivery, manufacture, cultivation and sale of marijuana is illegal under both the federal Controlled Substances Act and the Arizona Controlled Substances Act; marijuana is a Schedule I drug under both federal and Arizona state law; Although some illegal drugs may be prescribed under the Controlled Substances Act, federal law prohibits the prescription of marijuana because it is a Schedule I drug, and,

WHEREAS, nothing in this ordinance is intended to permit or assist in the violation of either the federal Controlled Substances Act or the Arizona Controlled Substances Act, and,

WHEREAS, medical marijuana dispensaries are not currently a permitted land use in the City of Yuma, and,

WHEREAS, the City of Yuma is exercising its authority to enact reasonable zoning regulations to limit the use of land for registered nonprofit medical marijuana dispensaries and to protect the public health, safety and general welfare of the citizens of the City, and,

WHEREAS, to that end, the City of Yuma Planning and Zoning Commission held a public hearing on January 10, 2011, in Zoning Case No: Z2010-014 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on December 17, 2010; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2010-014 and finds that the zoning code text amendment fulfills the purpose of protecting the health, safety and general welfare of the citizens of the City of Yuma.

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

SECTION 1. That the Yuma City Code, Title 15, Chapter 154, be amended to add the following text as Article 22 Non-Profit Medical Marijuana Dispensaries:

§154-22.01 Purpose

Marijuana in any form, including medical marijuana, is illegal under federal law pursuant to the Controlled Substances Act (21 U.S.C §811.) However, under Arizona State law, the Arizona Medical Act (Proposition 203, passed by the voters in 2010) allows a qualifying patient who has an identified debilitating medical condition, to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms. Proposition 203 also contains provisions for dispensaries to provide medical marijuana to qualifying patients. This change in state law means that it is possible that medical marijuana dispensaries could be operating in the City of Yuma. The City has a duty to ensure that the dispensaries are located and operated in a manner that least harms the health, safety and general welfare of its citizens. The purpose of this ordinance is to ensure the health, safety and welfare of the general public. Furthermore, the City of Yuma does not condone the use of medical marijuana or violation of Federal law.

§154-22.02 Definitions

Enclosed, Locked Facility: A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

Medical Marijuana: All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant.

Non-profit Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation. For the purposes of this article, a medical marijuana dispensary and medical marijuana cultivation, together, are considered one use.

§154-22.03 Location Restrictions and Operating Provisions

Medical Marijuana cultivation and dispensing are subject to the following location restrictions and provisions:

- A. Each non-profit medical marijuana dispensary shall contain both the cultivation of and the dispensary for the marijuana at one location. No separate cultivation location is permitted.
- B Non-profit medical marijuana dispensaries shall be permitted uses in the B-2 and L-I zones, subject to conditions and limitations identified in this article. Non-profit medical marijuana distribution facilities shall not be permitted in any

Heavy Industrial District by way of a CUP (from a Light Industrial District.)

- C. Non-profit medical marijuana dispensaries shall not be permitted on any site that has any of the following Zoning Overlays: Historic District Overlay, Aesthetic Overlay (and all properties that have a development agreement requiring the Aesthetic Overlay standards), Auto Center Overlay, or Bed and Breakfast Overlay designation.
- D. Non-profit medical marijuana dispensaries must meet the following distance separation requirements:
 - 1. Must be located at least 1,000 feet from a residentially zoned property, regardless if the residential property is located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the zoning boundary line of the residentially zoned property.
 - 2. Must be located at least 1,000 feet from all public and private: preschools, kindergartens, elementary schools, secondary or high schools; any place of worship; any public park, adult-oriented businesses, large and small day care facilities, or public community center, regardless if these uses are located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the property line of the protected use.
 - 3. Must be located at least 5,280 feet from another medical marijuana dispensary and cultivation business, regardless if the medical marijuana dispensary and cultivation business is located in the city or the county. This distance shall be measured from the exterior walls of the building or portion thereof in which each of the medical marijuana businesses are conducted or proposed to be conducted.
- E. Non-profit medical marijuana dispensaries are not allowed as an Accessory Use in any zone.
- F. Non-profit medical marijuana dispensaries are not allowed as a Home Occupation in any zone.
- G. The number of Non-Profit Medical Marijuana Dispensaries shall be limited to one for each 50,000 population within the City of Yuma, with the population determined by the most recent Decennial Census reported by the U.S. Census Bureau.
- H. Non-profit medical marijuana dispensaries shall only be located in permanent structures on properties that front on roadways classified as Expressways, as identified in the adopted City of Yuma General Plan.
- I. Non-profit medical marijuana dispensaries shall be located in a permanent building/structure affixed to a permanent foundation. Non-profit medical marijuana dispensaries shall not be located in any other type of non-permanent

structure such as, but not limited to, a trailer, cargo container, or motor vehicle.

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- M. No use or consumption in any manner of marijuana is permitted on the premises of any non-profit medical marijuana dispensary.
- N. Non-profit medical marijuana dispensaries must comply with City of Yuma sign code regulations
- O. Non-profit medical marijuana dispensaries shall have interior lighting of sufficient intensity to illuminate every place that members of the public are permitted access, with overhead light fixtures that have an illumination of not less than two foot-candles as measured at the floor level, when the dispensary is open to the public.
- P. Non-profit medical marijuana dispensaries shall have exterior lighting of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas, at all times between sunset and sunrise.
- Q. Non-profit medical marijuana dispensaries shall be configured such that there is an unobstructed view of every public area of the premises, unaided by closed circuit cameras or any other means, by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public, in order to enforce all rules and regulations.
- R. If windows exist in the building that houses a non-profit medical marijuana dispensary, there shall be an unobstructed view through those windows, from the outside of the building in.
- S. Non-profit medical marijuana dispensaries shall provide for proper disposal of marijuana remnants or by-products, and shall not be placed within the facility's exterior refuse containers

- T. Non-profit medical marijuana dispensaries shall comply with all other applicable city, state and federal regulations.
- U. Business licenses for non-profit medical marijuana dispensaries shall not automatically renew. Annual staff review and approval is required.

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

Adopted this _____ day of _____, 2011.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 2, 2011

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Annexation Area No. A2010-07: Johnson Trust

SUMMARY RECOMMENDATION:

This is a public hearing to consider the annexation of a property generally located at the southeast corner of Avenue 8½E and 32nd Street. (A2010-007)

REPORT:

Pursuant to a previously approved preannexation agreement that was signed on October 27, 2010, (Resolution R2010-57), the City has received an annexation request from the Roger L. Johnson Trust and the Norman R. & Louise C. Johnson Trust for property located at the southeast corner of Avenue 8½E and 32nd Street. The annexation area is approximately 15.8 acres and is undeveloped. It is the intent of the owner to develop a commercial establishment at a future date and to obtain City water, sewer, police and fire services. It is the intent of the City to develop a fire station on the south 2.5 acres.

In accordance with Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the Yuma County Recorder on January 6, 2011. There is a thirty-day waiting period after recording the map and petition with the County Recorder before signatures can be obtained. During that time, a Public Hearing must be held by the City Council within the last ten days of the thirty-day waiting period. All appropriate and necessary notice and posting requirements have been met. After the thirty-day waiting period and the Public Hearing, the following procedures must be followed.

- The signatures of property owners must be obtained such that at the least one-half of the value of real and personal property is represented and such that more than one-half of the parcel owners are represented.
- Within one year after the last day of the thirty-day waiting period, completed petitions must be filed with the County Recorder.
- An ordinance must be adopted by the City Council effectively changing the City boundaries to include the annexation area. The ordinance will become effective thirty days after adoption. No modifications, including increases or decreases to the territory to be annexed, may be made after the first property owner in the area signs the petition. This Public Hearing is held to comply

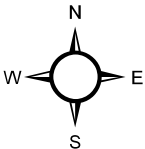
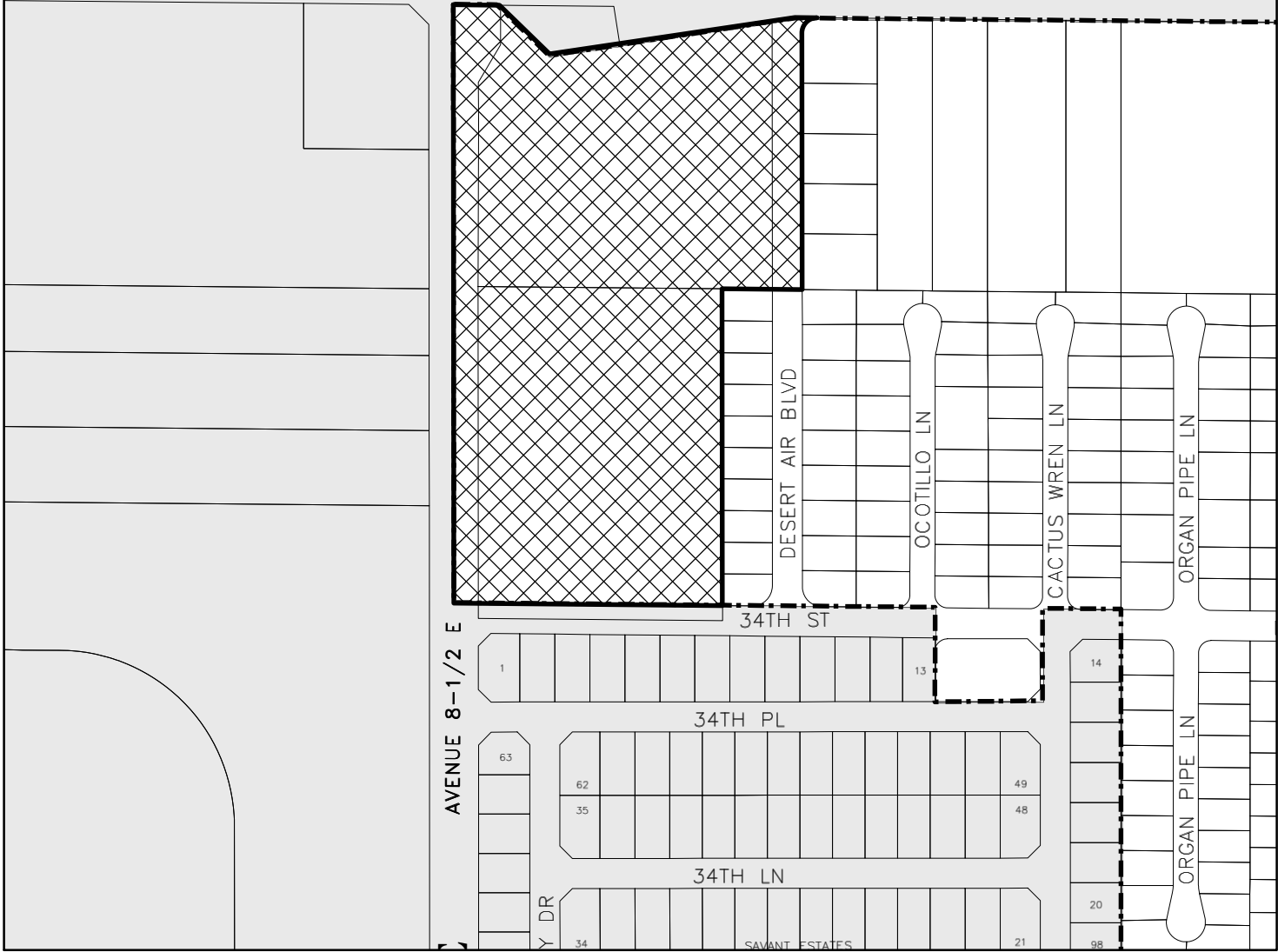
with the annexation law, Section 9-471 of the Arizona Revised Statutes. The purpose is to notify all property owners of the proposed annexation and take public comment.

Pending receipt of the signed petition from the property owner after the annexation hearing, it is anticipated that the annexation ordinance will come before the City Council for introduction on March 2, 2011, with adoption on March 16, 2011.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/25/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/25/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/12/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jennifer L. Albers		1/12/2011		

INTERSTATE 8

32ND ST



**Annexation Map Produced
Pursuant to A.R.S. §9-471**

NOT TO SCALE
INFORMATION TECHNOLOGY
SERVICES, ENTERPRISE
GIS

**City of Yuma, Arizona
Annexation Area No. A2010-07**

- City of Yuma
- Annexation Area

ANNEXATION PETITION A2010-07
Johnson Trust Annexation

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF YUMA, ARIZONA:

We, the undersigned, owners of real and personal property, being the real property hereinafter described and all personal property that we may own in the area to be annexed, request the City of Yuma to annex our property, said property being located in a territory contiguous to the City of Yuma, Arizona, and being located within the following described area:

A portion of Section 11 of Township 9 South, Range 22 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 11;

Thence South along the North-South Midsection Line of said Section 11 a distance of 100 feet to the True Point of Beginning, point also described in Annexation Ordinance O97-75, recorded as FEE # 1997-32517, Yuma County Records;

Thence continuing South along the North-South Midsection Line of said Section 11, also being the East Line of said Annexation Ordinance O97-75 a distance of 1,193.23 feet, more or less to a point lying 30.00 feet North of the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 11, described in Annexation Ordinance O2005-14, recorded as FEE # 2005-12509;

Thence East along a line parallel to and 30.00 feet North of the South Line of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 11, also being the North Line of said Annexation Ordinance O2005-14, a distance of 536.45 feet, more or less, to a point lying on the West Line of DESERT AIR MOBILE ESTATES UNIT 3 recorded in Book 9 of Subdivision Plats, Pages 72 & 73, Yuma County Records, said point also lying 30.00 North of the Southwest Corner of said subdivision;

Thence North along the West Line of said DESERT AIR MOBILE ESTATES UNIT 3 subdivision, a distance of 631.64 feet to the Northwest Corner of said subdivision;

Thence East along the North Line of said DESERT AIR MOBILE ESTATES UNIT 3 subdivision, a distance of 130.00 feet to a point lying on the Northwest Corner of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 11, point also being the Southwest corner of the DESERT AIR COMMERCIAL ESTATES Subdivision recorded in Book 9 of Subdivision Plats, Pages 50 & 51, Yuma County Records;

Thence continuing East along the South Line of said DESERT AIR COMMERCIAL ESTATES subdivision a distance of 30.00 feet to the East right-of-way line of DESERT AIR BOULEVARD;

Thence North along the East right-of-way line of DESERT AIR BOULEVARD a distance

of 512.96 feet to a tangent curve concave Southeasterly of 30.00 feet radius;

Thence Northeasterly along the said tangent curve, concave Southeasterly of 30 foot radius a radial distance of 47.45 feet to a point lying on the South line of 32nd Street right-of-way, being 119 feet South of the North Line of said Section 11, also being the South line of Annexation Ordinance O97-75;

Thence West along the South line of 32nd Street (formerly U.S. Highway 80), also being the North line of said DESERT AIR COMMERCIAL ESTATES subdivision, a distance of 43.48 feet to a point of deflection of the South right-of-way line of 32nd street (formally U.S. Highway 80);

Thence West-Southwesterly along said (previous) right-of-way line and a straight line a distance of 496.82 feet, more or less, to a point of deflection of said right-of way;

Thence Northwesterly along said right-of-way and a straight line distance of 139.32 feet, more or less, to a point lying 100 feet South of the North Line of Section 11;

Thence Westerly along a line lying 100 feet South of and parallel with the North Line of Section 11 to a point on the North-South Midsection Line of said Section 11, point also being the True Point of Beginning.

Containing 15.8 acres, more or less.

In addition to the above description, any and all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the proposed annexation are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

The City Council may determine the exact boundary of said territory to be annexed; provided, however, that said annexation area lies wholly within the above described area, and provided further, that the provisions of Section 9-471, Arizona Revised Statutes, are fully observed and complied with.

DATE	SIGNATURE	MAILING ADDRESS	PARCEL ID/LEGAL DESCRIPTION
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(Legal description can be Lot/Block/Subdivision; Book/Map/Parcel; or Metes and Bounds)

Print Name of Property Owner: _____