



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, MARCH 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 Worksession September 28, 2010
- 13. 2. Special City Council Worksession/Retreat October 26, 2010
- 26. 3. Regular Worksession November 30, 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)

33. 2. Special Event Liquor License: Yuma Visitors Bureau

Approve a Special Event Liquor License application submitted by Kristan D. Sheppard, on behalf of the Yuma Visitors Bureau, for the Harvest Dinner and the 2011 Yuma Lettuce Days event. The event will be held at the Yuma Quartermaster Depot State Historic Park located at 201 N. 4th Avenue, on March 10, 2011 from 6:00 p.m. to 10:00 p.m.; March 11, 2011 from 12:00 p.m. to 5:00 p.m.; March 12, 2011 from 10:00 a.m. to 5:00 p.m.; and March 13, 2011 from 10:00 a.m. to 3:00 p.m. (SP11-18) (City Administration/City Clerk) (Lynda L. Bushong)

35. 3. Special Event Liquor License: Yuma Fine Arts Association, Inc.

Approve a Special Event Liquor License application submitted by Carolyn Bennett, on behalf of the Yuma Fine Arts Association, Inc. for "A Taste of Fine Art." The fundraiser event will be held at the Yuma Art Center, 254 S. Main Street, on March 18, 2011 from 6:00 p.m. to 9:00 p.m. (SP11-18) (City Administration/City Clerk) (Lynda L. Bushong)

37. 4. Bid Award: Service Vehicles

Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Service Vehicles. Approximately twenty (20) vehicles (Impalas) will be purchased during the first year of the contract at an estimated cost of \$425,019.00 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with the following firms: 1) Fisher Chevrolet, Yuma, Arizona 2) Camelback Ford, Phoenix, Arizona. (Fleet Services - #2011000256 - Joel Olea)

40. 5. Bid Award: Motorcycles / Traffic Units

Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Motorcycles / Traffic Units. Approximately eight (8) motorcycles (Harleys) will be purchased during the first year of the contract at an estimated cost of \$223,377.21 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with the following firms: 1) Bobby's Territorial Harley-Davidson, Yuma, Arizona 2) Victory Police Motorcycles, LLC, Tucson, Arizona. (Police Department - #2011000280) (Chief Geier)

43. 6. Bid Award: Police Evidence Storage Facility

Award to the lowest responsive/responsible bidder for the Police Evidence Storage Facility, at a total cost of \$257,767.40 to: LoCoco-Pilkington Construction dba LPC Yuma, Arizona. (City Engineering-Bid #2011000132) (Paul Brooberg)

46. 7. Request for Qualifications (RFQ): Professional Engineering and Related Services.

Authorize staff to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for Professional Engineering and Related Services on a Delivery Order Basis on City Of Yuma Projects Requiring Arizona Department of Transportation (ADOT) / Federal Highway Administration (FHWA) Project Experience and Miscellaneous Grant Services with the following firms: 1) Principle Engineering Group, Inc., Yuma, Arizona 2) HDR Engineering, Inc., Phoenix, Arizona 3) Dibble Engineering, Phoenix, Arizona. (City Engineering Department - Bid # 2011000207) (Paul Brooberg)

49. 8. Infrastructure & Services Report: Annexation Area A2010-07 Johnson Trust

Approve an Infrastructure and Services Report for Annexation Area No. A2010-07, identified as the Johnson Trust Annexation, located at the southeast corner of Avenue 8½E and 32nd Street. (Community Development/Community Planning) (Laurie Lineberry)

52. 9. Reconsideration of Construction Start Date: Watermain and Pavement Replacement at 5th Avenue

Approval to reconsider the construction start date of the new 12" Watermain and Pavement Replacement Project on 5th Avenue, from 8th Street to 16th Street that was awarded to DPE Construction, Inc. (City Administration) (Gregory K. Wilkinson)

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

M/_____ S/_____ VV/_____

III. RESOLUTION CONSENT AGENDA

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

There are no resolutions scheduled at this time.

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.

54. A. Ordinance O2011-03 Animal Control Regulations

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

71. B. 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)

85. C. Ordinance O2011-07 Conveyance of Easement: Arizona Public Service Company

Authorize the conveyance of an easement to Arizona Public Service Company for a powerline along 1st Avenue. (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.

90. A. Ordinance O2011-08 Annexation Area No. A2010-07: Johnson Trust

Authorize annexation of property generally located at the southeast corner of Avenue 8½E and 32nd Street. (Community Development/Community Planning) (Laurie Lineberry)

VI. PUBLIC HEARINGS & RELATED ACTIONS

98. A. Draft 2011-2015 City of Yuma Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2011 CDBG Action Plan

Public hearing for the Draft Yuma 2011-2015 Consolidated Plan, the Draft 2011-2015 Analysis of Impediments to Fair Housing Choice (AI) and the Draft 2011 Community Development Block Grant (CDBG) Action Plan. This is a conditional reservation of funds subject to the satisfactory completion of National Environmental Protection Act (NEPA)/Part 58 environmental review. (City Administration/Economic Development)

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointment to boards, commissions, committees and offices:
 - Yuma Crossing National Heritage Area Corporation: one new appointment to expire on 3/20/14 and one re-appointment to expire on 3/20/14.
 - Merit System Board: one new appointment to expire on 12/31/15
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 February 17, 2011 through March 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 WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
September 28, 2010
5:00 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, McClendon, Brooks and Mayor Krieger
Councilmembers Absent: Beeson and Johnson
Staffmembers Present: City Administrator, Greg Wilkinson
Director of Information Technology Services, Laurie Neinast
Assistant ITS Director for Business Applications, Jim Morse
Various department heads or their representatives
City Clerk, Lynda L. Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF SEPTEMBER 29, 2010 – No discussion

II. GEOGRAPHICAL INFORMATION SYSTEM (GIS) UPDATE

Neinast briefed City Council on the history of the GIS system. The development of the enterprise GIS began in 2002. The project started with a consultant that conducted a complete review and needs assessment with all departments of what a GIS system should entail. A second GIS Administrator, Brian Brady, was hired and embarked on a very large and extensive photogramatic project. City Council will be informed of the accomplishments achieved throughout the years and of the work under development in order to reach full completion of the project. **Neinast** thanked the staff that sits behind the scenes and work diligently to make City services in the GIS arena available. She introduced the following staff: Brian Brady – GIS Administrator, Jim Morse – Assistant ITS Director for Business Applications, and Erik Gutierrez – GIS Analyst, who assisted with the presentation.

Morse presented the following:

- GIS Staff
 - Brian Brady, Carlos Flores, Isabel Jimenez, Jeff Bailey, Diana Castro and Erik Gutierrez
- What is GIS?
 - A system that captures, manages, analyzes and displays data geographically.
 - It helps to view and understand areas, to better interpret, solve issues, and answer questions.
- Data Layers
 - Individual files or sets of files that contain similar types of information. The layers stack up to create our system.
- Available Data Layers
 - Community Development
 - Public Safety
 - Utilities
 - Telecom

- Aerial Imagery
 - City acquired aerial photography with resolution suitable for single parcel view in late 2006, which covered city limits and a small portion of the surrounding Yuma County areas.
 - City acquired aerial photography with resolution suitable for city block size areas at no cost from the State of Arizona in 2007 and 2008.
 - 2007 images cover the entire Yuma County and 2008 covers the south 1/3 of Yuma County.
- Intergovernmental Agreements
 - Due to data quality the City has received requests to utilize GIS data for the following agencies:
 - Arizona Public Service (APS)
 - Arizona Department of Transportation
 - Marine Corps Air Station, Yuma (MCAS) Installation & Logistics Geospatial Information & Services
 - Principle Engineering Group
 - U.S. Department of Justice, U.S. Marshals Service, Dist of AZ
 - Yuma County Department of Development Services
 - Yuma County Flood Control District
- GIS Accomplishments
 - Parcel Search Application
 - The application contains several of the most used layers; users can toggle on or off individual layers to identify additional information specific to each layer.
 - Users can search by address, owners, parcel numbers, and subdivisions.
 - Application has the ability to print maps or save as PDF format.
 - Document Management/Parcel Search Application
 - The application works in conjunction with the Document Management System to scan documents and agreements and save them linked to the corresponding map. Documents are currently being added to the application.
 - Users can perform the same searches as the Parcel Search map.
 - Automated Meter Readings (AMR)
 - The AMR map works in conjunction with Howard Technical Enterprises (HTE) data and parcel layer to identify lots that have had the AMR meters installed. The map is broken down by route to assist with the tracking and monitoring of Utilities installation progress.
 - Zoning Atlas and Address Atlas
 - The applications include all of the paper product features in addition to the ability to upload on to a laptop.
 - The atlases were developed as a way to reduce printing cost and improve user productivity.
 - Roadways Planning
 - In participation with Community Development staff, GIS staff developed this application to provide a better understanding of the surrounding areas of projects. This information enables staff to make informed decisions by determining the impact level of right-of-way widening and other projects.
 - Fire Service and Facilities Plan
 - In participation with the Fire Department travel time analysis was developed using the streets centerlines for existing and future Fire Stations. Station locations and Service Area maps were created to help determine the level of impact around the City.

- Developed PDF based mapping
 - Fire and Police Departments requested PDF based mapping for mobile units. These maps include: improved map selection time on mobile units, access of aerial imagery, toggle on or off of individual layers.
- Business License Comparison
 - In fall of 2009 an analysis was initiated to possibly help locate some missing revenue for City of Yuma. The analysis entailed the comparison of current business license addresses to the commercial zoning.
 - As a result 120 commercial locations were identified as possibly operating with out a business license, 42 locations with inactive business license, and 656 addresses with multiple business licenses.
- Property Tax Authority Comparison
 - A comparison against property taxes using the Yuma County Tax Assessor's information compared to parcel and street city limits to ensure that all parcels within city limits were being recorded as collecting city property taxes. As a result several City parcels were found not being assessed with City property taxes. This comparison is now completed on quarterly basis and unmatched results are sent to the Yuma County Tax Assessor's office.
- State 9-1-1 project
 - In late 2006 GIS staff began working on the City's 911 data to prepare for the next 911 equipment. The result reflected 95% rate of matched addresses within the city limits and the remainder of the county had a 52% rate.
 - In 2009 after review and development by GeoComm a state contracted vendor, we received the street centerline data for Yuma County with an accuracy address match of 95%.
 - Currently, through continued work the accuracy address match has increased to 99.8%. GIS staff continues to work with Yuma County's Development Services and Sheriff's office in efforts to consolidate the remaining unmatched addresses.
 - The centerline data will continue to be analyzed every six months by comparing it against the Qwest phone address list to maintain accuracy.
- Solid waste containers
 - A visual map was developed to work with Public Works' work order system to improve customer service. The system updates every 30 minutes and assists in identifying priorities and creating staff's delivery routes.
- GIS Behind the Scene
 - Data currently under development are the Easement Layer, Right-of-Way Layer, and Water & Sewer Atlas.
 - Software that will be utilizing the enterprise GIS:
 - EnerGov will utilize the parcel layer as the main search feature for Community Development.
 - New World will utilize the address points and street centerlines layers for the Public Safety Project.

Mayor Krieger asked if the Document Management/Parcel Search Application was available to the public. **Morse** informed City Council that the application is currently only available to City staff.

Mayor Krieger asked if the Police Department will be able to use this system to help identify vandalism, graffiti, and other types of incidents. **Morse** stated the system has the capability to have that information implemented once a request is made.

Stuart asked if the GIS system will include Southwest Gas lines. **Morse** replied that as long as Southwest Gas is willing to work with staff, any of that information can be added into the system.

III. INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY

Wilkinson gave an overview of frequently asked questions provided by County Administrator, Robert Pickels, regarding public transportation. The City of Yuma and Yuma County in conjunction with the surrounding city administrators are focusing on the present situation and how to move forward. He outlined some steps needed for the development of a successful Intergovernmental Public Transit Authority (IPTA):

- The first goal is to have a resolution and letter requesting approval for the formation of the IPTA presented to the Board of Supervisors. These documents would be presented to City Council for approval on/before the Regular Council Meeting on October 20, 2010 and prior to going before the Board of Supervisors.
- Once approved through the Board of Supervisors the IPTA Board would be formed and then begin putting together options of how to complete the project and get everything documented in writing by January.
 - The consensus is for the Board to be headed by the City Administrators.
- There will be several steps to take during January 2011 thru June 2011 in order to slowly transition the organization, grants, and funding of busses and equipment to a new transit authority by July 1, 2011.
 - Items to consider: evaluation of the organizations efficiency, the size of system needed to meet our needs, and documenting the entire process.
- If the Census' results put Yuma County at or over 200,000 in population subsequently we gain the ability to have a Regional Transit Authority (RTA).
 - The negative factor is that once this population is met, the grant funding through the Federal Transit Authority is lost.
 - If the funding is lost, Yuma County voters would decide whether or not to fund the RTA.
 - The objective is to get everything in place to efficiently operate a RTA and then allow the voters to decide if they are willing to fund it.

Mayor Krieger commented that the goals presented seem to be a logical well thought out approach in solving the management issue of the Yuma Metropolitan Planning Organization, particularly in the transit area.

Stuart asked if the RTA were voted down by the voters, would the City have the option to go back to an IPTA. **Wilkinson** stated that once Yuma County reaches a population of 200,000 the funds through the Federal Transit Authority would not be available. This means the funding of the entire transit system would have to be funded through the participating entities.

IV. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION – No discussion

VI. ADJOURNMENT/EXECUTIVE SESSION

Motion (Mendoza/McClendon): To adjourn the meeting to Executive Session. Voice vote: **adopted**
5-0. The meeting adjourned at 5:30 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Alan L. Krieger, Mayor

DRAFT

MINUTES
SPECIAL CITY COUNCIL WORKSESSION/RETREAT
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA COUNTY MAIN LIBRARY
YUMA, ARIZONA
OCTOBER 26, 2010
8:30 A.M.

Call to Order

Mayor Krieger called the City Council meeting to order.

Roll Call

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
City Attorney, Steve Moore
City Clerk, Lynda L. Bushong
Department Heads or their representatives

I. YUMA CITY CHARTER

Wilkinson drew attention to the list of potential Charter Review Committee appointees comprised of the names of those suggested by various City Councilmembers. Each Councilmember was asked to suggest two possible appointees; some offered more. The list has been screened in terms of City residency, though two remain questionable. The committee will be comprised of a total of 14 members.

Mayor Krieger discussed the possibility of appointing alternates. **Wilkinson:** Alternates are a possibility; however, bringing someone into the process late makes it difficult to bring them up to speed on the issues. **Mayor Krieger:** A committee of 14, even with some members absent, could still function effectively. Those on the list who live outside the City limits cannot serve and will be eliminated.

Wilkinson: Staff will prepare a list for formal City Council approval; at its consideration, the City Councilmembers will have an opportunity to amend it. Further, staff has contacted all of those listed and they have indicated a willingness to serve.

Wilkinson turned the City Council's attention to a brief listing of previous Charter amendments and issues, as well as past Charter Review Committee members. City staff will serve the Charter Review Committee by providing any clerical assistance needed. Meetings will be recorded. The City Clerk will attend and provide for meeting postings and minutes preparation. A representative from the City Attorney's Office will attend to address legal questions. At the first meeting, staff will provide an overview of the Charter. Are there any specific items the City Council wants to direct the committee to consider?

Discussion Highlights

- The City Council has made changes to the operation of City Boards and Commissions lately. Will the Charter need to be revised to reflect those changes?
 - The Charter gives the City Council the authority to create boards/commissions/committees, but the details of how each one will operate should not be included in the Charter. Including them in the Charter would reduce a board's flexibility; Charter changes must be approved by voters.

- Staff will make sure they are acting in a support capacity only so that the recommendations coming out the committee reflect the committee's decisions. Further, the committee's final recommendations are just that – recommendations for the City Council's consideration. The City Council will have the final say in what language goes to voters.
- How long will the committee be active?
 - A year is too long; several months should be sufficient; the process shouldn't be rushed.
 - The question relates to election dates. Which election is being targeted?
 - A Special Election, not held in conjunction with the Primary or General Election (slated for August and November, respectively, in 2011) would cost extra.
- **Krieger** specifically asked that the committee review:
 - Articles VI and VII in terms of Mayor and Councilmember elections/terms, appointed officers, specifically the City Attorney and Council control of litigation, vacancies, residency, compensation, conflict of interest and the discontinuance of boards and commissions
 - Article XII in terms of local preference
 - The manner in which the City pay's employees, especially in terms of long-term commitments.
- **Johnson** asked that the City Administrator's position be reviewed. As it stands now, the City Council cannot deal with problem departments except through the City Administrator, which has not proven satisfactory in the past. If the City Administrator does not act, the only recourse is to fire the City Administrator. The Charter could provide for a super-majority of the City Council to make department-specific decisions directly.
 - **Mendoza**: The authority structure is appropriate as it is. Problems have not reached a level that would require such a change. City Councilmembers can express their opinions without having to change the Charter; they can address the issue in an Executive Session.
 - **Wilkinson**: If a City Administrator doesn't see that there's a big problem in a certain department, maybe the problem is with the City Administrator. That said, putting the City Council in charge of department directors could create an atmosphere where department directors respond only to the City Council, which would be a problem. The City Administrator needs to be able to decide if the problem is a one-time mistake that just happened to cause a community backlash or an ongoing problem.
 - **Krieger**: The committee needs to review the current language in Article VII, Section 9. It is very challenging to deal effectively through a City Administrator on problems with certain departments or employees brought forward by members of the public or even City Councilmembers. The committee will be able to look at the issue from a broader perspective. The committee should focus on all of the sections relating to how the City Council interacts with the Administration and staff, that is, Article VII, Sections 9, 10 and 11; the sections contain conflicting statements and ambiguities. The issue boils down to levels of communication.
 - **Stuart**: Article VII, Section 9, states that the City Council may freely discuss matters with the City Administrator. Although, micromanagement is to be avoided, there are times when small issues have broad community implications.
 - **Johnson**: Article VII, Section 9 does not give the City Council any recourse if the City Administrator fails to act. Past City Administrators have been removed for reasons relating to directly the performance of one particular department.
 - **Wilkinson**: Perhaps the City Administrator should receive a performance review more often than once a year.
 - **Mendoza**: The City Council should avoid micromanagement. The City Council could find itself responding to rumors and a disgruntled few. It may take months for the City Administrator to resolve difficult problems. It is each City Councilmember's responsibility to notify the City

Administrator of problems they are made aware of, sort of like an early warning system. If the same issues keep popping up, perhaps there's a bigger issue.

- **Brooks** asked about local preference.
 - Voters approved the concept of local preference, with the understanding that the specifics would be laid out in an ordinance. There is legal precedence that goes against local preference. A local preference ordinance is pending that must be able to stand up to court challenges. Any local preference ordinance will be scrutinized for fair bidding practices and arbitrary decisions.
 - **Wilkinson** stated he is currently writing the ordinance and it is a delicate balance between constitutionality and lawsuits. The City Council currently has the ability to choose a vendor that is not the lowest bidder; however, their reasons for doing so must be stated.
 - It is difficult to suggest to the public that they should shop locally, if the City cannot follow its own suggestion.
 - Administration staff is purchasing supplies locally.
 - The overwhelming message from the community is that local vendors want to feel they can be competitive. Oftentimes, local suppliers can mobilize faster and at a reduced cost because they are local and have equipment readily available.
 - The 5% cap language has been replaced by the language approved by voters in May 2010.
- **Krieger** asked that the committee specifically consider Mayor and City Councilmember compensation.
 - The City Council should not be asking for raises when it cannot give employees a raise. To do so would be a slap in the face to employees.
 - The salaries haven't been increased for 25 years.
 - An adjustment is reasonable given that Wellton and San Luis councilmembers make more than those in Yuma.
 - The City Council oversees a multi-million dollar budget and makes critical decisions; the amount of time it takes to serve on the City Council is constantly increasing and the issues it faces are becoming more complex.
 - There is a large disparity between what Yuma City Councilmembers earn and what Yuma County Supervisors earn, but the situation is dictated by State law and who has the authority to set their respective pay.
 - The current salary levels act to limit the pool of prospective candidates; not everyone has the luxury of a flexible schedule and outside income. Many people don't have the time to devote to the job if they have to work and people cannot live on the amount being paid.
 - The decision is up to City voters, not just City employees; City voters pay the salaries. It is important to put the question before voters and let them decide what kind of representation they want.
 - Other cities have taken the specific salary amounts out of their charters and stated in the charter that the amounts will be set by ordinance. Using this approach, the proposal to voters would not include any increases. The ballot language would just change the way the salaries are set.
 - The issue of salaries should not be brought up in any way; serving as a City Councilmember is community service and should be viewed as such, not as a way of making money.
 - The amount of money City Councilmembers are paid cannot truly be called compensation because it actually costs money to serve on the City Council. The purpose of a pay increase would be to broaden the scope of those who could participate.
 - Even working people can do community service at various level in the community.

- There is a distinct difference between community service and being an elected official. Individuals chose to serve at various levels in the community, but elected officials are chosen by the public through an election process.
- If not enough people run for office, undesirables might get elected.
- The last pay increase involved doubling the amount to \$7,200; however, \$7,200 wouldn't have a significant impact on those who can't afford to devote the time required. The committee shouldn't bother with looking at salaries.
- The issue of pay raises should be put off until the future, say five years from now. People are supercritical of politicians today and now is not the time to ask for pay increases.
- The community wants competent, fair-minded individuals to represent it and is willing to fairly compensate them.
- Each City Councilmember has a different circle of friends and hears different opinions voiced.
- The Charter Review Committee should be allowed to review the entire charter, including Mayor and City Councilmember compensation. The Charter Review Committee will make its recommendations to the City Council, which will have the final say on what is actually put on the ballot. It may be that the committee will not want to recommend any compensation changes either.
- **McClendon:** One of the overriding purposes of the committee's review is to modernize the entire document, making it, in effect, a pre-planning document for the next 25 years. It is critical to review the issues that have been brought up, but the fact that the whole document needs updating, reorganization and modernization shouldn't be forgotten.

II. ANIMAL CONTROL

Wilkinson explained that the City Administrators from all of the local municipalities have a standing meeting with the County Administrator on a quarterly basis and animal control has been a topic of discussion. No one is happy with the animal control service they are getting. San Luis is branching out on its own. Somerton is paying a token amount. Neither San Luis nor Somerton have a feral cat problem. Yuma County now contributes close to what the City contributes; there is a lot of money being spent on animal control. Animal control has been an issue for many years, but generally the status quo has prevailed. The biggest issue for Yuma at this point is feral cats. He drew attention to the draft of an ordinance staff has prepared for discussion. Prior to drafting the ordinance, outside input was taken; certain sections have the endorsement of local animal rights organizations. He highlighted the significant changes proposed by the ordinance, as follows:

- An Animal Control Officer would be allowed to issue a warning.
- It would be unlawful for people to leave food out and feed stray animals, though, if a person captures a stray animal for turning over to animal control, he may feed it.
- Dogs and cats are addressed on equal footing, so cats will be required to be licensed.
- The number of animals per household would be limited to five; any more than that would create a kennel situation, which would trigger specific kennel licensing requirements.
- A cat reduction program of spaying/neutering and releasing feral cats would be accommodated.
- It would be unlawful to release cats into the community, except via the spay/neuter/release program.

Continuing, **Wilkinson** noted that the Humane Society estimates only 23% of the dogs in the community are licensed. If all animals complied with this requirement, animal control would pay for itself. Creating the ability to license your animal via the City's website and/or including licensing reminders in utility

bills are ideas that could prove helpful. **Moore:** The draft ordinance mentions certain penalties in certain sections; however, those without specific penalties would be covered by the overall penalties found in the last section of the ordinance: Fines: 1st offense - \$50; 2nd offense - \$150; 3rd offense – \$300; thereafter - \$500.

Discussion Highlights

- Breeders typically keep a litter of dogs for up to six months; the provisions limiting them to five animals could be exceeded with one litter.
 - The provision allows a litter to be kept for three months; puppies are usually sold at 8 weeks.
 - These provisions can be revised, but it should be noted that the City's requirements cannot be less restrictive than State requirements for a kennel.
 - Yuma County has a kennel license; the City could have its own licensing program.
- The provisions could significantly impact those who breed show dogs. Show dogs are given special handling and, some breeders are very particular in who they sell to, which means it may take them many months to sell a dog. These are not puppy mills. It would be unfair to require them to fall under kennel requirements or limit the number of dogs they can have.
 - One of the exemptions applies to racing dogs, seeing eye dogs and such, not specifically show dogs.
- Perhaps a new category could be developed for breeder situations; just having more than five dogs doesn't really create a kennel. A breeder license would help the City be aware of what's occurring on the premises and be able to properly monitor activities. The fees could be minimal for a responsible breeder running a safe and clean environment. Wouldn't a breeder need a City business license, too?
- Some older people have numerous pets for company.
- The intent is to avoid having houses that are overwhelmed with animals.
- Changing the language to read more than five animals for "six months" rather than "three months" conflicts with the overall licensing requirement, which kicks in for all animals over three months of age.
- Requiring a kennel license would not restrict the number of animals to five; it just adds an additional cost.
- Someone with more acreage could have more animals.
 - The draft includes limitations on the number of poultry that can be kept based on lot size.
- The ordinance does not address the advertising of animals for sale. Recently, there was an issue with for sale signs being in a City right-of-way.
- The City's nuisance provisions come into play as well.
- How will the City know whether someone is feeding multiple strays or keeping large numbers of animals?
 - Generally, the City becomes aware of these situations when they begin impacting the neighbors and the neighbors complain. Having provisions in place would allow enforcement at that time. Right now, other than health code violations, there's nothing the City can do.
- The City would have the authority to suspend cat fees for residents participating in the spay/neuter/release program.
- "Releasing" cats needs to be further defined. Is letting your cat out at night "releasing?"
- How does staff envision implementation in terms of personnel and enforcement?
 - The Humane Society is under contract with the City for animal control until the end of the year.
 - Yuma County formally evaluated the costs associated with instituting an animal control operation prior to the City undertaking its review; therefore, Yuma County has a plan in place. Staff has

discussed with Yuma County the possibility of the county beginning animal control operations and the City paying it for the specific services it wants.

- Somerton and San Luis are watching how this issue plays out in Yuma.
- If even 70% of the dogs were licensed, it would produce \$700,000 annually, more than paying for animal control. Cat licensing would provide additional funding.
- The City has discussed the issue with the Humane Society and the Humane Society has voiced the following:
 - Animal control is not their main focus; their main focus is animal adoption.
 - If the organization was on its own, it would probably gather more donations that it does being under contract.
- Who would get the licensing fees?
 - Initially and pending further arrangements, the City would keep the licensing fees; they would not need to go to Yuma County or the Humane Society.
 - The goal is to make animal control pay for itself.
 - Revenues from fees could be put into an enterprise fund for better tracking.
 - Costs shouldn't come out of the General Fund.
 - Licensing could be enforced through complaints or meter readers. In addition, veterinarians and/or pet stores could be points of contact. They could assist the City in initial licensing and help build a community animal database.
- The City should lead by example by taking care of the feral cat problems on its own properties.
- Businesses that provide grooming or kenneling require proof of vaccinations; State law requires rabies vaccinations.
- If vaccinations and licensing went hand-in-hand more people would license their dogs.
- Kennel Club dog shows are also a source of puppy sales.

The meeting recessed at 10:20 a.m. and reconvened at 10:30 a.m.

III. RECYCLING

Wilkinson made the following points with regard to recycling:

- Public Works and Purchasing evaluated the possibility of recycling and estimated that it would cost \$1.4 million to purchase recycling containers and another \$1.2 million for community education.
- Grant funding for start up costs has been sought, but, to date, no source of funding has been found to initiate the program.
- A Request for Proposal (RFP) has been prepared for a company offering take the City's recyclables.
- Staff conservatively estimates that 20% of the community's garbage is recyclable; at that level, recycling would pay for itself.
- The program envisioned would entail residents putting all recyclables in one container and wet garbage in another. The wet trash would be picked once a week and the recyclables once a week – two pickups per week. The recyclables would be taken to a Materials Recovery Facility (the focus of the RFP) for sorting. Residents would not need to sort recyclables.

Discussion Highlights

- Has the City kept the interested Arizona Western College (AWC) students and professor involved? They were adamant about a program being needed.

- AWC professor, Ted Martinez, has joined the Clean and Beautiful Commission and as a member he is given all the information.
- The RFP is ready to go, as soon as a funding source for the containers and education is found.
- It will take approximately 8 months to fully implement a recycling program.
- Concerns voiced by members of the community about collecting wet trash only once a week; some with concerns have asked whether they can opt out of the program.
- Some people already manage their recyclables by taking them to recycling centers themselves.
- Some organizations depend on recyclables for fundraising; this would impact their ability to support themselves.
- People will have to change their habits.

IV. LOCAL PROPERTY ISSUES

Wilkinson displayed a number of pictures of homes posing severe problems. The problems include the following:

- Hoarding of any number and kind of items, including animals and vehicles
 - There are companies that will help clean up hoarding; he referred to a Steri-Clean's website as an example.
- Unsafe abandoned homes, many with graffiti
- Homes in severe disrepair
 - In one mobile home development, the owner is selling the mobile homes to people who are defaulting. The owner repossesses the homes and sells them again, without making any repairs. Many are missing floors; windows are boarded up, but people are living in them.
- Severe unsanitary conditions
 - Some homes are full of animals and animal feces. In one instance the floor of a second-story bedroom, rotted by animal feces, fell into the lower room. Prior to this occurring, people were living there. This house in particular was literally a neighborhood stench. Cat urine cannot be removed from some housing materials, making such homes unable to be cleaned up.
 - One individual is attempting to sell Hurricane Katrina mobile homes – mobile homes that sickened people due to formaldehyde fumes – in the Yuma area. It is not clear what the City can do about this.
 - Some mobile homes are experiencing raw sewage conditions.
- Restored properties
 - One unsafe home in particular has been restored using private contributions.
 - Some homes have had to be removed.

Wilkinson: The issue the City faces is protecting property rights while safeguarding neighborhoods. The City actively pursues all code violations that exist. Oftentimes, however, the City will take the owner to court and the court will rule that the owner must clean up his area. When the owner chooses not to comply, the City's recourse is to take them to court again and the cycle repeats itself without any real resolution.

Mayor Krieger stated he had asked that this item be brought before the City Council for discussion. When does the City get involved? How much deterioration must take place before the City acts? The Health Department has a great deal of clout in these cases, which can be used by the City. Because the country is facing severe economic times, the City needs to stay on top of this problem or it will become

unmanageable. The City could prohibit the selling of unlivable homes, including the formaldehyde mobile homes, which would put an end to a portion of these problems.

Wilkinson: The City has the authority to require owners to board up abandoned homes; however, when the boarding needs replacing, the City can only keep pestering them to keep them boarded up. The City cannot take the property.

Moore clarified that the City has adopted the International Property Maintenance Code (IPMC), 2003, which categorizes homes, and even walls, in term of their danger. If there is immediate danger, the City can remove the danger – level the home – and put a lien on the property. More often than not, however, there is no immediate danger, but abandoned homes are being used by gangs. The City can force them to be boarded up against any use. That is about the extent of what the City can do in such cases. In terms of unsanitary conditions, there are four different categories of situations that the City can cite an owner for. If an individual is convicted in court, the judge can sentence him to jail for violating the court order. Each case has its own facts and the facts determine what can and cannot be done, especially given that Arizona has strong property rights protections.

Discussion Highlights

- State Health Department regulations prohibit moving mobile homes that were manufactured prior to 1985. This prevents more mobile homes from coming in, but does not apply to those already in place.
 - People have bought those mobile homes with the intent of moving them and then find out they can't.
- Could the City use Community Development Block Grants (CDBG) to remove homes – homes that the owners can't afford to remove?
 - The focus of CDBG funding is to create livable conditions.
 - There are too many problem homes to fund – too many in both categories - abandoned and in need of repair. One problem is an entire mobile home with multiple units all in the same condition.
- Could Capital Improvement Program (CIP) funds be used?
 - Neighborhood Services funds would be used first and then, General Fund money would have to be used.
- There needs to be some thought and effort given to identifying structures that may be historic in nature; historic structures should be flagged for preservation.
- The IPMC, Section 106.1 states it is unlawful for anyone to be in conflict with or in violation of any of its provisions. Further, in Section 107.5, it prohibits the transfer of ownership any unit or structure that has been cited for a violation. There is an appeals process and an emergency situation process.
 - The IPMC covers inoperable vehicles
 - Once abandoned vehicles are reported, the City generally takes action very quickly.
 - One community addressed abandoned vehicles as a recycling project and used grant funding.
 - The IPMC also addresses the accumulation of rubbish and garbage, weeds and uncared for swimming pools, spas and hot tubs, which can become mosquito breeding grounds.
- Thus, the IMPC gives the City the authority to take care of a number of problems; however, the question is how strict is the City going to be, especially on people who have no financial means to mitigate the problems?
- The City shouldn't spend an inordinate amount of staff resources on the same properties that keep coming back over and over.

- Once a year, AWC athletic programs participants do community cleanup; it is known as the Day of Champions. The Boys and Girls Club perform cleanup activities and Habitat for Humanity builds new homes.
- Members of the City Council need to be mindful that there have been and will be times when City staff takes action on a severe problem and it creates a community flap; staff will make sure the City Council is aware of its actions.
- Perhaps the way to address this is in phases, over time; it is going to take years to completely address these problems:
 - 1st Phase: Aggressive, accelerated neighborhood cleanup – moving large dumpsters into neighborhoods for 30, 60 or 90 days to allow the neighbors to get rid of trash.
 - 2nd Phase: Concentrate on the actual structures that need repair, working with the homeowners; create an incentive get them to leave the home if it cannot be rescued.
- The big picture incentive is a clean, safe and attractive community – one that attracts businesses and is safe for all - one that attracts developers to build on those lots that have been made vacant by the removal of unsound homes – raising the standard of living or quality of life. These infill lots would not require impact fees because the infrastructure is already in place.
- The City needs to make sure it isn't targeting homes that are just not maintained as pristine as some others – those that perhaps just don't have curb appeal.
- The City itself has neglected its own property; some City properties have these problems.
- When a home has to be demolished, the City isn't taking the property. The homeowner – or a new owner – can rebuild on the site.
- Addressing these problems will require the partnership of Code Enforcement, the Yuma County Health Department, the Police Department and the Fire Department.
- City staff is working on a plan to dispose of unneeded City properties. In some instances, the effort is being approached as a redevelopment project rather than just selling a lot here and a lot there. The City owns property at prime intersections – 4th Avenue and 16th Street, for example – that should be managed to promote high quality redevelopment. A number of other lots are too small for redevelopment or need some thought as to how to make them worth developing. There is no overall plan at this time, but staff is working to address the issue.
 - The 4th Avenue and 16th Street project is a good idea, but selling off properties just because they aren't needed at this time may be a mistake. Prices have fallen and their selling price may be half of what the City paid for it originally.
 - That may be the reason a solid plan has not been put in place in the past; staff may have been waiting for the real estate market to improve.
 - By the same token, now is the time to buy whatever right-of-way the City knows it will need.

V. CITY COUNCIL GOALS FOR 2011-2012

- Future goals of the City
- Future City projects
- Street Projects
- Changes in policy/procedures
- New initiatives
- Legislative Initiatives
- Priorities for the City
- Financial and funding issues

- Medical Marijuana
- Fireworks
- Graffiti

Mayor Krieger explained that the above goals have been listed for discussion at the City Council's discretion. City Councilmembers expressed their opinions with regard to future goals; highlights follow:

- **Stuart:** The current economic downturn won't be over for another five years. The City should revisit the possibility of collecting sales taxes in-house and in so doing, make Yuma more business-friendly, improve unemployment and enhance the City's image.
- **Johnson:**
 - The condition of arterial roads must be addressed. The arterial roadways should be completely repaved, including replacement of the base material, because surface repairs don't last.
 - The City needs to make good on the projects it promised to voters when the Road Tax was passed.
 - The City should work to reduce traffic congestion wherever possible.
 - State and local revenues that support road improvements continue to fall. Careful prioritization is needed to use the scant available funding where it will do the most good for the greatest number of residents.
 - The City should actively push for the creation of a Regional Transit Authority with its own source of funding. If that doesn't occur, the City could experience \$2 million annually in lost revenues.

Wilkinson: The City has currently 15 miles of major arterials that need repair; the City does not have the money to make those repairs. Staff is working on this issue and the next Capital Improvement Program budget will reflect recommended priorities.

- **Mendoza:**
 - The City should make every effort to do a better job of maintaining and cleaning up its own vacant properties. Allowing some non-profit or school to use the area for street art or landscaping projects would help with beautification.
 - Communication with the community and impacted businesses about street repair projects is good at the present time, being a source of contention in some recent projects. But it needs to be a priority for every project; staff should take responsibility for problems where appropriate.
 - The City Council just rejected all bids for private operation of the Desert Hills Golf Course. The costs for maintaining and operating the golf course must continue to be offset by revenues, without General Fund subsidy.
 - City Administration should continue to carefully monitor spending per the Budget.
 - The City should do all it can to retain good employees.
 - The new gang prevention effort (Gant Resistance Education And Training – GREAT) is good, but more funds should be allocated to make it more effective.
- **Beeson:**
 - The State of Arizona offers a \$3,000 incentive to attract new business to the state. It is anticipated that amount will be increased to \$9,000, but New Mexico offers incentives up to \$46,000. If the City could partner with the State and piggy back on its incentives to match them, it would make Yuma much more attractive to corporations looking to expand or relocate.
 - The City needs a credible Triple AAA baseball team. The Scorpions have not lived up to their promises and it's hurting baseball in Yuma. On particular individual is paying a major part of the

Scorpions' costs out of his own pocket; Yuma needs to continue its efforts to find and attract quality baseball to the community.

- Tourism should be a main focus. The City could partner with the Caballeros de Yuma to make Yuma a bigger part of its Territorial Marathon and get Yuma noticed on the running circuit.
- City employees need a raise; raises have been delayed for multiple years and everything should be done to find the money necessary to give them raises.
- The Equipment Replacement Program (ERP) needs to be re-funded and reinstated as soon as possible.
- Pacific Avenue at 32nd Street needs two left-turn lanes going east. The current through lane could be made a through/left-turn lane, which would help reduce traffic congestion at the intersection.
- **McClendon:**
 - Business and Commercial Development: Development/impact fees need to be revisited with an eye to easing the burden on commercial development. Incentives should be considered.
 - Staff should continue to work cooperatively with Yuma County; people in the community don't separate the two and are happy to see both working on projects to improve the community.
 - Utilize the Clean and Beautiful Commission to address community beautification – use the commission to survey the community for ideas and help.
 - Revisit corridor beautification. A visitor's first view of the community looking north coming out of the airport is not an attractive reflection of the community; this needs to change.
 - It's important to widen streets and repair them. Although the City is growing and more outlying roads are being built, the City shouldn't forget the ones that have already been built. Perhaps funding could be split to accommodate both new and old street needs.
 - Some thought should be given to how to better utilize and market Desert Hills Golf Course and the Yuma Civic Center. Perhaps the two could be packaged together. The Yuma Civic Center facility needs to be updated and some repairs are needed. The City should see to that.
 - In terms of using vacant City-owned properties, the City should consider partnering with non-profits to help them.
 - Amberly's Place is supported by the City and needs a larger facility. Perhaps some arrangement could be made for them to use City-property.
 - Other communities have developed cat sanctuaries where volunteers oversee the care of the animals and operate a spay/neutering and vaccination program. Empty lots could be used in this way – not those in prime locations, but in other areas.
 - City staff needs to continue the good job they are doing of improved communications.
 - The GREAT program needs continued support because it works with the youth, which is where change happens.
- **Brooks** agreed with many of the items already mentioned. In addition, she added the following:
 - The creation of a City of Yuma museum. A number of community members have valuable and historic items that they would like to see displayed; it would provide another attraction to the area.
 - A community cleanup workforce should be developed. It could be composed of local school students, AWC students and/or even juvenile offenders. They should be given some sort of credit for their service.
 - Desert Hills Golf Course revenues need to be increased.
 - The biggest issue is local preference; the City needs to work on affording local preference in its bidding processes.
- **Mayor Krieger:**

- The top priority is City finances and funding issues, especially from a long-term, sustainability perspective.
 - In an effort to become more efficient, privatization of some City functions should be reviewed. Contracting out retention basin maintenance and parks maintenance, for example, would lessen the obligation on the City and the contract would be taxed.
- The City must continue to strongly communicate with the State Legislature about issues that will affect the City's financial position, including the State's propensity to dictate unfunded mandates. This can only be accomplished collectively statewide; the League of Arizona Cities and Towns serves that purpose and Yuma should continue to be actively involved.
- A suggestion box should be put in the lobby for citizen recommendations and similar suggestion boxes put in City departments. Those suggestions that result in cost saving initiatives should receive an appropriate reward.
- Cost efficiency must be pursued in every way possible.
 - Specifically, the City's fleet needs to be reviewed in this regard.
- Yuma's image needs to be addressed. It doesn't take long to get into a deteriorating neighborhood just off Yuma's main highways. At what point will the City make an honest commitment to upgrading its neighborhoods and improving the standard of living, that is, quality of life of residents? The City shouldn't trample private property rights, but it should develop programs and plans that help residents upgrade their properties and make the community more attractive to business. Better, safer, cleaning housing mitigates crime, graffiti and gang activity.
- The GREAT program should continue to be a focus. The community needs to simply decide it will not put up with repeated graffiti and work through the TAGS program and schools to bring about the change.
- The City should recruit large developers to develop infill projects to avoid the inevitable stagnate neighborhoods that will occur in 20 years if that's not done.
- Everyone involved in City government must commit to integrity as their first priority. Departmental values and goals need to be reassessed to find out why each one does what it does and how they are doing it. Building a better community means being responsible and accountable to the taxpayer.
- Hard choices will have to be made because of the City's financial situation. Levels of service will undoubtedly have to be cut. Departments will need to assess what they can no longer sustain.

Wilkinson commented:

- The City's Administrative Regulations are being re-written and Employee Conduct, Core Values are first, integrity, and second, commitment.
- Most of the items brought up are also issues for staff – issues that are currently being worked on.
- A new Administrative Management Analyst will begin employment in November and recruitment for an Economic Development Program Manager is ongoing. Both of these positions should help in addressing issues.
- Administration is reviewing ways to reward employees without giving raises; employees are carrying heavier work loads. At this juncture, it appears that no additional layoffs or furloughs will not be needed. A personnel committee is looking into areas where the City may have cut back too far.
- An ERP committee is looking at ways to address vehicle needs; the City cannot return to the former ERP because it constituted a \$6 million annual outlay.
- Streets are under discussion; staff is working to prioritize projects and allocations to best fit needs. Personnel and equipment are also being prioritized to make the most of their availability. The CIP

process is being reworked; the program needs to be flexible enough to take advantage of opportunities that arise. The City Council will be given a prioritized list that can be used to guide for staff as far as the resources will go.

Wilkinson stated he would review the list in detail and highlight for the City Council staff's specific activity on relevant items. Although the City's financial situation is not good; it is better than expected. It remains to be seen how the State will fare and how it will affect Yuma.

Mayor Krieger thanked the City Councilmembers for their contributions to the discussion and staff for their attention. There being no further discussion, **Mayor Krieger** adjourned the meeting at 12:08 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Alan L. Krieger, Mayor

DRAFT

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
November 30, 2010
5:00 p.m.

CALL TO ORDER

Deputy Mayor Johnson called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, McClendon, Brooks and Deputy Mayor Johnson
Councilmembers Absent: Beeson and Mayor Krieger
Staffmembers Present: City Administrator, Greg Wilkinson
Various department heads or their representatives
City Clerk, Lynda Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF DECEMBER 1, 2010 - None

Deputy Mayor **Johnson** moved directly to item III on the agenda.

III. YUMA REGIONAL MEDICAL CENTER

Pat Walls, CEO of Yuma Regional Medical Center (YRMC) recognized the Council and thanked them for the opportunity to come and talk with them tonight. He further stated that, although some of the information may be repetitious for some, as a big player in the City of Yuma and Yuma County he would like to share what is going on so everyone is aware and can work together when opportunities arise.

Walls provided a PowerPoint presentation on YRMC as follows:

- YRMC offers a 333 bed acute care facility which is a good size for this community.
- Not-For-Profit organization.
- The only hospital in town. As such, YRMC feels the need to be responsible to the community and does so by offering services that don't generate a lot of revenue, but are services that are appropriate for the community.
- YRMC started as Parkview Baptist in 1958.
- In 2004 YRMC finished a 6-story tower.
 - 3 floors are shell space that YRMC felt, with the continued growth of the community, would be filled by now.
 - YRMC is holding off on the additional floors until needed due to the economy nationwide and here in Yuma which has caused their volumes to stagnate.
- In 2004 YRMC added Open Heart Surgery.
 - There were only 3 Cardiologists and 1 Cath Lab prior to the Open Heart Surgery in 2004. There are now 9 Cardiologists, 2 Thoracic Surgeons and they are working on putting in a 4th Cath Lab. This is a lot of business that is able to stay in the community.
 - There physicians who work in the hospital 24 hours/7 days per week watching over the patients.

- YRMC has no shareholders. Any income earned after expenses, is put back into the community –patient care services and finding new services.
- YRMC does not levy any taxes and does not plan to do so in the near future. YRMC relies on patient revenues and community support.
 - 48% of YRMC’s business is sponsored by Medicare patients
 - 22% is Arizona Health Care Cost Containment System (AHCCCS)
 - AHCCCS was only 15% 6 years ago
 - YRMC believes the increase is due to the economy and YRMC’s ability to get people eligible.
 - YRMC has eligibility workers who help get those eligible on the program.
- The Arizona Hospital Association did an economic impact study about 5-years ago.
 - The study found that 11.5 billion is contributed to the Arizona Gross State Product (about 5.3% of the Arizona GSP) or \$223.2 million to Yuma County (including all Multiplier Effects).
- Volumes:
 - 18,629 IP Discharges
 - 90,855 Outpatient Visits
 - 3,520 Deliveries
 - 72,057 ED Visits. YRMC is the 10th largest in the State in ED visits.
 - A large part of patients in YRMC’s emergency department are due to lack of primary care in the community.
 - The Emergency Room was built for about 40,000 visits a year. This is an issue that will have to be addressed soon.
- Women & Children Services was completed about 5-years ago.
- The OB Hospitalists program was added in October of this year.
 - The OB Hospitalists program brings an OB Physician in-house 24-hours/day 7-days/week to do deliveries. Prior to this program a patient would have to wait for or call ahead for a physician to meet them there.
- 2 Full-Time Neonatologists
 - YRMC offers Level 3 services that do not generate profit, but is a beneficial service for the community. It allows the families to stay in town which is very important.
- YRMC owns the Children’s Rehabilitative Services contract.
 - For special needs kids with spinal bifida or spinal cord illness.
 - Families would normally have to go to Phoenix or Tucson to be cared for.
- YRMC People:
 - 2,000 Employees
 - 300+ Physicians
 - 400+ Volunteers
- Yuma Regional Medical Plaza (down the hill from the hospital facility)
 - Imaging Center
 - Outpatient Surgery Center
 - Medical Lab

- Medical Office Space
- Recently opened Pediatric Specialty Clinic
 - YRMC works with Cardon Children's Hospital in Phoenix and Diamond Children's Hospital in Tucson to bring in specialists 2-3 days per month who rent by the day.
- A new Cardiac Rehab Facility will open December 2011.
 - Formerly they shared space with the YMCA
 - The new facility will double the size and expand by approximately 100 new patients who are on a waiting list.
- YRMC also owns these facilities outside of the hospital:
 - Foothills Campus – Urgent Care, Imaging & Lab
 - Outpatient Surgery Center on Avenue B
 - Corporate Business Center (non-patient care)
 - Sonora Sunset Staff Housing
 - 84-Unit Apartment Complex
 - Houses Nurses and other traveling staff brought in 6-months out of the year to accommodate the winter visitors.
 - Houses the consultants.
 - Reduced YRMC's housing costs by 50%
- YRMC has 4 Strategic Goals:
 - Physician Access
 - Recruiting Physicians
 - Yuma County has 180 Physicians per 100,000 population. Nationally, that number is about 290.
 - YRMC sponsors physicians and fellowships
 - Clinical Care Development
 - Core Service Lines – one example is cancer.
 - YRMC is working with our Oncologist to combine into a Cancer Center that offers all levels of service, including oncology and radiation, so you don't have to go to Phoenix or Tucson for these services.
 - Physician Residency Program
 - Starting 3 physician residencies:
 - Family Practice
 - Emergency Department
 - Internal Medicine
 - YRMC believes this is one way to grow the physician population because about 50% of the residents stay where they go to residency
 - YRMC would like to develop OB and Pediatrics within the next 3 years
 - Quality, Safety & Service Excellence
 - Patient Safety – In order to survive under health care reform, YRMC needs to do a better job of keeping the patients out of the hospital and getting patients into the appropriate level of care.
 - YRMC is implementing the electronic health record and investing more than 70 million dollars in this electronic health record.
 - YRMC is planning to put the electronic health record in as many doctors' offices as they possibly can.

- Financial Sustainability
 - YRMC is fiscally strong even though they are non-profit.
 - YRMC believes a strong balance sheet is essential to their success.
 - Due to YRMC's strong balance sheet, when the economic crisis hit and interest rates skyrocketed, YRMC was able to buy back bonds and re-issue them in the same amount and not pay more than 2% interest because they were tied to a letter of credit.
 - Expanding Hospital Facilities
 - YRMC is in the planning stages for a \$50 million ED
 - 4 years ago YRMC started a Wound Care Expansion Facility with 1 Hyperbaric Chamber and 3 or 4 treatment rooms. Today YRMC is up to 4 Chambers and a dozen treatment rooms. This has been a huge need in the community
 - YRMC has just broken ground on a State of the Art IT Training Center to house this \$70 million in medical records and emergency room expansion re-design.
 - Health Care Reform is affecting YRMC's future.

Discussion

Mendoza reported that the hospital gets mixed representation depending on who you speak with but in a recent personal experience he and his family was treated with respect and dignity and they were satisfied. **Mendoza** thanked Mr. Wells for his presentation. **Wells** stated that YRMC has a local and dedicated 15-member community board to make sure the hospital represents the needs of the community.

There being no further questions Deputy Mayor Johnson returned to item II on the Agenda.

II. LEGISLATIVE UPDATE

Chuck Coughlin, President of Highground, Inc., introduced himself and his colleague, Anne Hamilton. **Coughlin** reported that he enjoyed his day in Yuma and meeting with the City Administrator, City staff and recently elected Councilmembers. **Coughlin** recognized the City's struggle with the State economy and local economy and the need to still provide essential City services. Highground is proud and honored to work on behalf of the City and our community at the Arizona State Legislature as they have done for over 10 years.

Coughlin reported that the City of Yuma has a history of sending very fine people to the Legislature to represent the community; people who are problem solvers, consensus builders and people who keep their community first. Although Amanda Aguirre will be missed he looks forward to working with Don Shooter and believes he will continue in that tradition as well. Highground has also worked well with Lynne Pancrazi and Russ Jones.

Coughlin reflected back to last year when the discussion was on the election cycle and budget solutions. He discussed the Governor's continuing effort to try and get the sales tax referral to the ballot and her success in getting that done.

Coughlin reported on the election and how the legislative make-up has changed. Out of the 90 members in the Legislature, there will be 31 new freshman legislators coming to represent various

parts of the state. There will now be 21 (rather than 18) Republican member majority and 9 Democrats in the Senate and in the House; it went from 35 to 40 Republican members and 20 Democrats in the house. Leadership changes are as follows:

- Senate:
 - Russell Pearce, Senate President
 - Scott Bundgaard, Majority Leader
 - Steve Pierce, Majority Whip
 - David Schapira, Minority Leader
 - Leah Landrum Taylor, Assistant Minority Leader
 - Paula Aboud, Minority Whip

- House of Representatives:
 - Kirk Adams, Speaker of the House
 - Andy Tobin, Majority Leader
 - Debbie Lesko, Majority Whip
 - Chad Campbell, Minority Leader
 - Steve Farlay, Assistant Minority Leader
 - Matt Heinz, Minority Whip

Coughlin provided the following budget information:

- 2011 - Arizona is facing an \$825-million budget deficit in this current year. A few of the contributing factors are listed as follows:
 - Voters did not pass the two ballot initiatives which would have repealed the (1) First-Things-First measure and the (2) Land Conservation Fund for a combined total of \$469-million that the legislature was counting on this fiscal year.
 - Arizona was shorted about \$150-160 million in funding for AHCCCS that they had counted on from the Federal Government.
- 2012 budget deficit issues:
 - Expiration of Federal Stimulus funds on both AHCCCS and K-12 Education.
 - This accounts for about \$1 billion dollars of that AHCCCS funding and the K-12 Education funding that is no longer available from the Federal Government.
 - The Governor campaigned on Prop 100 to preserve cuts to education
 - We are at a point where some decisions will have to be made on possibly eligibility requirements on AHCCCS or in the education field.
 - Believes the Governor has ruled out any additional tax increases.

State Shared Revenues:

- Coughlin does not believe cities/towns are likely to be a target
- It would take a 2/3rds vote of both bodies to change the way cities are funded.
- The best defense is a good offense. He recommends talking with the 31 new members and leadership.

Other than budget issues this year **Coughlin** expects:

- Discussions on a Model City Tax Code – creating some more uniformity on tax code issues.
- Impact Fees – there is currently a freeze in place on impact fees.
 - There has been discussion on annexation and corporation statutes as it relates to growth in the Pinal County area.

Coughlin reported that in 2010 Highground was successful working with the City on legislation regarding:

- Audit provisions on debt capacity and getting some changes made to State Statutes which relieved some burden from the City.
- Defeating legislation which would have prohibited Cities from using the GIPLET tax incentive package.
- State Shared Revenue issues
- ADOT funding issues.
- The 16th Street funding project – successful at securing some additional resources for the community for that project with your Legislators support.
- Continuing to work on legislation that has allowed churches and schools to overturn existing case law regarding the downtown area and development in the downtown area.
- Securing some funding for communication services from RICO funds of about \$2-million.
- Working with Fire Chief on Certificate of Necessity and hope to have good news to report on.

Coughlin concluded his report and was ready for any questions.

Deputy Mayor Johnson reported on a discussion that he had with Jim Rounds of Elliott Pollack and Company whose firm is working with the legislature to change some statutes to attract “base industries” that give tax incentives to businesses to come to town. The businesses will come to town because they have the business, not because of the tax incentives. He asked whether Coughlin thought there was any hope of changing this in this session of the Legislature. **Coughlin** answered that the Governor announced today that she has retained Don Cardon as her Commerce Authority Head. The Governor, by Executive Order, privatized her Department of Commerce last year. The Governor is committed to the notion that we are not going to hand out tax policy which instantaneously increases our deficit. The Governor is focused on job-creation technology or job-creation programs. The Governor, the Speaker and a majority of the members in the Senate are committed to getting a “jobs bill” out which will create a restructured incentive program for companies that want to bring high-wage jobs in those industries to Arizona that can sustain and grow as core industries.

Deputy Mayor Johnson: Mr. Rounds stated that a lot of jobs (i.e. the tourist industry and restaurant industry) were asked to do a study which showed how SB1070 had caused the loss of \$9.7 Million in tax revenue for the various taxing entities in the State. The point was that those are low wage jobs and those jobs generate less tax than the cost of the services that you have to provide for them and Rounds was very emphatic about going with this high wage base industry. **Deputy Mayor Johnson** further stated that he is concerned that the revenues seem to be continuing to fall. After attending a State Transportation Board meeting last month, he is concerned that there will be no money for projects/roadway improvements and any money remaining will go to the larger counties. Can there be anything done to have an equitable distribution of the extremely scarce highway funds that we have? **Coughlin** Arizona has one of the best infrastructure systems of any state that he has visited. The City is in a

unique position to determine, as the economy grows, how we want to position this community with relation to the border and border infrastructure, jobs and economic opportunity.

Deputy Mayor Johnson expresses Council's appreciation to Highground for their hard work.

IV. Additional Items for Possible Discussion - None

V. ADJOURNMENT/EXECUTIVE SESSION

Motion (Mendoza/McClendon): To adjourn the meeting. Voice vote: **adopted 5-0**. The meeting adjourned at 5:50 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Alan L. Krieger, Mayor

DRAFT



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Special Event Liquor License: Yuma Visitors Bureau

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Kristan D. Sheppard, on behalf of the Yuma Visitors Bureau, for the Harvest Dinner and the 2011 Yuma Lettuce Days event. The event will be held at the Yuma Quartermaster Depot State Historic Park located at 201 N. 4th Avenue, on March 10, 2011 from 6:00 p.m. to 10:00 p.m.; March 11, 2011 from 12:00 p.m. to 5:00 p.m.; March 12, 2011 from 10:00 a.m. to 5:00 p.m.; and March 13, 2011 from 10:00 a.m. to 3:00 p.m. (SP11-18)

REPORT:

Kristan D. Sheppard, on behalf of the Yuma Visitors Bureau, has applied for a Special Event Liquor License for the Harvest Dinner and the 2011 Yuma Lettuce Days event. The event will be held at the Yuma Quartermaster Depot State Historic Park located at 201 N. 4th Avenue, on March 10, 2011 from 6:00 p.m. to 10:00 p.m.; March 11, 2011 from 12:00 p.m. to 5:00 p.m.; March 12, 2011 from 10:00 a.m. to 5:00 p.m.; and March 13, 2011 from 10:00 a.m. to 3:00 p.m.

The application has been sent to Community Development, Police Department, Fire Department, Risk Management, and Heritage Area, 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		2/23/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		2/23/2011	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		2/14/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		2/14/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Special Event Liquor License: Yuma Fine Arts Association, Inc.

SUMMARY RECOMMENDATION:
Approve a Special Event Liquor License application submitted by Carolyn Bennett, on behalf of the Yuma Fine Arts Association, Inc. for "A Taste of Fine Art." The fundraiser event will be held at the Yuma Art Center, 254 S. Main Street, on March 18, 2011 from 6:00 p.m. to 9:00 p.m. (SP11-18)

REPORT:
Carolyn Bennett, on behalf of the Yuma Fine Arts Association, Inc., has applied for a Special Event Liquor License for "A Taste of Fine Art." The fundraiser event will be held at the Yuma Art Center, 254 S. Main Street, on March 18, 2010, from 6:00 p.m. to 9:00 p.m.

As per State Liquor License requirements, the Yuma Art Center has agreed to suspend a portion of their liquor license that covers the Yuma Art Center complex on the date and time listed above.

The application has been sent to Community Development, Police Department, Fire Department, Risk Management and Parks & Recreation 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.			
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	Richard W. Files for Steven W. Moore		2/23/2011	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		2/14/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		2/14/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011
DEPARTMENT: Finance
DIVISION: Purchasing

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

TITLE:
Bid Award: Service Vehicles

SUMMARY RECOMMENDATION:

Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Service Vehicles. Approximately twenty (20) vehicles (Impalas) will be purchased during the first year of the contract at an estimated cost of \$425,019.00 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with the following firms:

- 1) Fisher Chevrolet Yuma, Arizona
- 2) Camelback Ford Phoenix, Arizona

(Fleet Services - #2011000256 - Joel Olea)

REPORT:

This contract will allow the City of Yuma Fleet Services to purchase mid-size and full-size four-door sedans as needed for various City departments on an as-needed basis. Prospective vendors were given the bid with a list of minimum specifications the vehicles had to meet. The recommended vehicle models met those specifications. At this time, the City intends to purchase approximately twenty (20) vehicles under this contract, and additional units would be purchased at a later date based on budgeting. Funding will come from the various departments to whom the vehicles will be assigned. Staff intends to return to City Council for approval of all subsequent purchases.

VENDOR BID STATISTICS	TOTAL	LOCAL
Notices Sent Out	6	4
Bid Packages Distributed	6	4
Bids Received	3	2

This recommendation has the concurrence of the Fleet Manager.

FISCAL REQUIREMENTS	CITY FUNDS: \$425,019.00	BUDGETED: \$425,100.00
	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: Accounts will vary by dept.
	TOTAL: \$425,019.00	
	FISCAL IMPACT STATEMENT: Purchases will be made by various departments based on available funding.	
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: Gregory K. Wilkinson	DATE: 2/23/2011
	REVIEWED BY CITY ATTORNEY: Richard W. Files for Steven W. Moore	DATE: 2/23/2011
	RECOMMENDED BY (DEPT/DIV HEAD): Pat Wicks	DATE: 2/14/2011
	WRITTEN/SUBMITTED BY: Peggy Hayes / Bill Pfannenstiel	DATE: 02/05/2011

**CITY OF YUMA
Service Vehicles
Bid # 2011000256**

	BILL ALEXANDER YUMA , AZ	CAMELBACK FORD PHOENIX, AZ	FISHER CHEVROLET YUMA, AZ
1. Fusion SE / 2011 mid-size sedan	\$24,361.58	\$17,934.00	
Price with 5% Local Preference Applied	\$23,143.50	n/a	
3 year - 36,000 mile standard warranty	n/c	n/c	
5 Year 100,000 mile extended warranty		\$1,360.00	
5 Year 125,000 mile extended warranty		\$1,720.00	
6 Year 100,000 mile extended warranty	\$2,040.00	\$1,445.00	
6 Year 125,000 mile extended warranty		\$1,835.00	
7 Year 100,000 mile extended warranty		\$1,555.00	
7 Year 125,000 mile extended warranty		\$2,090.00	
2. Taurus SE / 2011 / Full-size sedan	\$25,308.29	\$20,228.00	
Price with 5% Local Preference Applied	\$24,042.88	n/a	
3 year - 36,000 mile standard warranty	n/c	n/c	
5 Year 100,000 mile extended warranty		\$1,360.00	
5 Year 125,000 mile extended warranty		\$1,720.00	
6 Year 100,000 mile extended warranty	\$2,040.00	\$1,445.00	
6 Year 125,000 mile extended warranty		\$1,835.00	
7 Year 100,000 mile extended warranty		\$1,555.00	
7 Year 125,000 mile extended warranty		\$2,090.00	
3 Malibu / 2011 mid-size sedan			\$23,347.00
Price with 5% Local Preference Applied			\$22,179.65
3 year - 36,000 mile standard warranty			n/c
4 Impala / 2011 - Full-size Sedan			\$19,425.00
Price with 5% Local Preference Applied			\$18,453.75
3 year - 36,000 mile standard warranty			n/c
		R	R

R=Recommended

This information is not the official results but is for informational purposes only. Please contact the Purchasing Division for further information.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011
DEPARTMENT: Finance
DIVISION: Purchasing

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

TITLE:
Bid Award: Motorcycles / Traffic Units

SUMMARY RECOMMENDATION:

Award to the lowest responsive/responsible bidders a one-year contract with the option to renew for four additional one-year periods, one period at a time, for Motorcycles / Traffic Units. Approximately eight (8) motorcycles (Harleys) will be purchased during the first year of the contract at an estimated cost of \$223,377.21 (includes tax) with additional units being purchased on an as-needed basis depending on the appropriation of funds and satisfactory contract performance with the following firms:

- 1) Bobby's Territorial Harley-Davidson Yuma, Arizona
- 2) Victory Police Motorcycles, LLC Tucson, Arizona

(Police Department - #2011000280) (Chief Geier)

REPORT:

This contract will allow the City of Yuma Police Department to purchase police traffic unit motorcycles on an as-needed basis. Prospective vendors were given the bid with a list of minimum specifications the motorcycles had to meet. The recommended models met those specifications. At this time, the City intends to purchase eight (8) motorcycles under this contract and additional units would be purchased at a later date based on budgeting. Staff intends to return to City Council for approval of all subsequent purchases.

VENDOR BID STATISTICS	TOTAL	LOCAL
Notices Sent Out	8	4
Bid Packages Distributed	8	3
Bids Received	2	1

This recommendation has the concurrence of the Chief of Police.

FISCAL REQUIREMENTS	CITY FUNDS:	\$223,377.21	BUDGETED:	\$223,400.00
	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: 51160125709013	
	TOTAL:	\$223,377.21		
	FISCAL IMPACT STATEMENT: Purchases will be made based on funding from equipment replacement, budget and grant funds as available during the course of the contract.			
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		2/23/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		2/23/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		2/14/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Peggy Hayes / Bill Pfannenstiel		2/10/2011		

CITY OF YUMA
Motorcycles / Traffic Units
Bid #2011000280

**BOBBYS TERRITORIAL
HARLEY DAVIDSON**
Yuma, AZ

**VICTORY POLICE
MOTORCYCLES**
Tucson, AZ

1. Harley Davidson 2011 Police Motorcycle
Option 1 Lighting Configuration

\$25,522.99

2. Harley Davidson 2011 Police Motorcycle
Option 2 Lighting Configuration

\$27,194.47

3. Victory 2012 Police Motorcycle

\$26,596.00

R = Recommended

R

R



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011
DEPARTMENT: Finance
DIVISION: Purchasing

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

TITLE:
Bid Award: Police Evidence Storage Facility

SUMMARY RECOMMENDATION:

Award to the lowest responsive/responsible bidder for the Police Evidence Storage Facility, at a total cost of \$257,767.40 to:

LoCoco-Pilkington Construction dba LPC Yuma, Arizona

(City Engineering-Bid #2011000132) (Paul Brooberg)

REPORT:

This project is to make needed repairs to these two facilities; City-owned properties at the former ALSCO site on Gila Street and the former 360 Network site at 28th Street and Kyla Avenue. These facilities will be utilized to store police impound vehicles and other evidence for extended periods of time. The Police Department is currently utilizing the Figueroa Water Reclamation Facility open-air parking area for storage of impounded vehicles/equipment, which offers no protection from the elements and minimal security.

The bid was distributed for solicitation as follows:

BID STATISTICS	TOTAL	LOCAL VENDORS
Notices Sent Out	5	5
Bid Packages Distributed	41	21
Bids Received	4	2

This recommendation has the concurrence of the C.I.P. Program Manager.

FISCAL REQUIREMENTS	CITY FUNDS:	\$257,767.40	BUDGETED:	\$270,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: FY 2011 4.0502	
	TOTAL:	\$257,767.40		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		2/23/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		2/23/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		2/14/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Robin R. Wilson/Bill Pfannenstiel		2/11/2011		

**CITY OF YUMA
 BID SUMMARY
 BID NO 2011000132
 POLICE EVIDENCE STORAGE FACILITY**

	LoCoco-Pilkington Construction dba LPC Yuma, AZ	Pilkington Commercial Co., Inc. Yuma, AZ	John H. Wright & Company, Inc. Casa Grande, AZ	Spire Engineering, LLC Mesa, AZ
Bid (Lump Sum)	\$234,334.00	\$246,158.00	\$263,556.00	\$290,000.00
10% Contingency	\$23,433.40	\$24,615.80	\$26,355.60	\$29,000.00
TOTAL BID	\$257,767.40	\$270,773.80	\$289,911.60	\$319,000.00

R = Recommend	R
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City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011

DEPARTMENT: Finance

DIVISION: Purchasing

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

TITLE:
Request for Qualifications (RFQ): Professional Engineering and Related Services.

SUMMARY RECOMMENDATION:

Authorize staff to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for Professional Engineering and Related Services on a Delivery Order Basis on City Of Yuma Projects Requiring Arizona Department of Transportation (ADOT) / Federal Highway Administration (FHWA) Project Experience and Miscellaneous Grant Services with the following firms:

- | | |
|--------------------------------------|------------------|
| 1) Principle Engineering Group, Inc. | Yuma, Arizona |
| 2) HDR Engineering, Inc. | Phoenix, Arizona |
| 3) Dibble Engineering | Phoenix, Arizona |

(City Engineering Department - Bid # 2011000207) (Paul Brooberg)

REPORT:

This contract will provide Professional Engineering, Project Management, Construction Administration, Grant Services, and other related services on projects requiring an emphasis on ADOT or FHWA experience as found to be necessary by the City, in accordance with and as may be regulated by current State of Arizona Board of Technical Registration Code and Rules.

The City of Yuma intends to utilize the services of these consulting firms as needed to include: project scoping documents, grant applications and administration, studies, project design, bid assistance, construction inspection, administration and post-construction documentation and analysis, land survey, field testing, environmental determinations, special inspection and other related services.

An RFQ process was initiated to obtain proposals from various qualified firms to perform the services under a delivery order form of contract. Each project identified by the City will be authorized by a delivery order specifying the scope of services required, the maximum time allowed for the services, and the fee. The maximum value of the contract shall be \$500,000.00 for a twelve (12) month period. The City will not guarantee that each delivery order will be any specific amount or that the firm will receive a minimum number of delivery orders. Exact delivery order amounts will vary. An individual delivery order may not exceed \$200,000.00 in total value without prior written approval of the City Engineer or designee. In no event shall a single delivery order be issued in excess of \$300,000.00 without City Council authorization.

The RFQ was distributed for solicitation as follows:

BID STATISTICS	TOTAL	LOCAL VENDORS
Notices Sent Out	58	9
Bid Packages Distributed	54	8
Bids Received	7	3

An evaluation committee comprised of City staff reviewed and rated the proposals received. Staff requests City Council authorization to negotiate and execute contracts for *Professional Engineering and Related Services on a Delivery Order Basis on City Of Yuma Projects Requiring (ADOT) / (FHWA) Project Experience and Miscellaneous Grant Services*, as indicated above.

This recommendation has the concurrence of the Evaluation Committee and the CIP Program Manager.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$500,000.00
	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: FY 2011 C.I.P. and OPS Budgets	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT: Funds are included for various projects in the Capital Improvement Program Budget and Departmental Operating Budgets.				
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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	Richard W. Files for Steven W. Moore		2/23/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		2/14/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Bill Pfannenstiel		2/14/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

March 2, 2011

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Infrastructure & Services Report: Annexation Area A2010-07 Johnson Trust

SUMMARY RECOMMENDATION:

Approve an Infrastructure and Services Report for Annexation Area No. A2010-07, identified as the Johnson Trust Annexation, located at the southeast corner of Avenue 8½E and 32nd Street.

REPORT:

The annexation area consists of approximately 15.8 acres. The properties are currently 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.

Section 9-471 of the State’s annexation law requires that, “On or before the date the governing body adopts the ordinance annexing territory, the governing body shall have approved a plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within ten years after the date when the annexation becomes final pursuant to Subsection D of this Section.”

Approval of this Infrastructure and Services Report will fulfill the statutory requirement to have an approved plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within ten years of annexation.

The General Plan (adopted July 3, 2002, R2002-34) establishes the foundational blueprint and policies for providing infrastructure and services to all property within the City of Yuma. The following policy and plans will provide the lands within newly annexed areas with an appropriate level of infrastructure and services within ten years of annexation.

Plan and Policy for Roads

City Council policy is to require the dedication of needed rights-of-way and appropriate contributions toward the construction of arterials and collectors, linear parks or pathways, when warranted by proposed development projects. The dedications and contributions will be consistent with the City of Yuma’s adopted 2005 Major Roadways Plan (adopted April 20, 2005, R2005-41 as amended) and 2009 Bicycle Facilities Master Plan (adopted April 1, 2009, R2009-23).

Arterial roads: Deficiencies in rights-of-way can be corrected via dedications as adjacent land is rezoned or subdivided for development, as warranted. Fair-share contributions for the improvement of existing roadways can be collected from development projects as they are approved by the City of Yuma, as warranted. The annexation area is adjacent to Avenue 8½E and 32nd Street which are identified as major roadways.

Plan and Policy for Water and Sewer Systems

Water Systems: The site is currently served by City water and is within the service area of the Agua Viva Water Treatment Plant. All development projects must have approved water systems available to serve the project, consistent with the City of Yuma's Integrated Master Plan (developed August 2008). The extension of any water mains to serve a proposed development project will be paid for by the development project seeking the water service.

Sewer Systems: The site is currently served by City sewer and is within the service area of the Desert Dunes Water Pollution Control Facility. All development projects must have approved sewer treatment available to serve the project, consistent with the City of Yuma's 208 Wastewater Facilities Plan (adopted February 3, 1999, R99-08). The extension of any sewer mains to serve a proposed development project will be paid for by the development project seeking the sewer service.

Plan and Policy for Emergency Services

Fire and Emergency Medical Services will be provided in a manner consistent with the City of Yuma Fire Services and Facilities Plan (adopted February 20, 2008, R2008-33). The site is within the current service area of Fire Station #5. Future response to the site would be from Fire Station #7.

Public Safety services will be provided in a manner consistent with the City of Yuma 2002 General Plan (adopted July 3, 2002, R2002-34). The site is within the service area of the City of Yuma Police Department located at 1500 S. 1st Avenue. Future response to the site would be from the East Mesa Sub-Station. Construction of that facility will be coordinated as development occurs in the area.

Plan and Policy for Parks

Park sites will be acquired consistent with the City of Yuma's adopted Parks and Recreation Facility Plan (adopted July 18, 2007, R2007-38), subject to the availability of funds. City Council policy is to require the dedication of needed rights-of-way and appropriate contributions toward the construction of linear parks or pathways when warranted by the development of the parcels of land

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		2/23/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		2/23/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		2/15/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jennifer L. Albers		1/27/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

March 2, 2011

DEPARTMENT:

City Administration

DIVISION:

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

TITLE:

Reconsideration of Construction Start Date: Watermain and Pavement Replacement at 5th Avenue

SUMMARY RECOMMENDATION:

Approval to reconsider the construction start date of the new 12" Watermain and Pavement Replacement Project on 5th Avenue, from 8th Street to 16th Street that was awarded to DPE Construction, Inc.

REPORT:

At the Regular City Council meeting of September 15, 2010 the bid award to DPE Construction, Inc. was moved to continue so that staff could provide further information to City Council. When the item was brought back to City Council at the Regular City Council meeting of September 29, 2010, the bid was awarded to DPE Construction, Inc. with a motion that the construction start date would not begin prior to April 4, 2011.

Pursuant to Article 3: Time of Commencement and Completion, of the agreement the "*Contractor must begin work within 10 calendar days of the date established by the Notice to Proceed.....*" Per the motion on September 29, 2010, the Notice to Proceed has not been released. It is the contractor's request that the delay be reconsidered and the Notice to Proceed be released so that he may start the project earlier than April 4, 2011.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
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	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

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<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	2/23/2011
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files for Steven W. Moore	2/23/2011
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Gregory K. Wilkinson	2/23/2011	
WRITTEN/SUBMITTED BY:	DATE:	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: DEPARTMENT: DIVISION:	March 2, 2011 City Administration	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
TITLE: Animal Control Regulations		
SUMMARY RECOMMENDATION: Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulation within city limits.		
REPORT: <p><i>NOTE: Animal Control Ordinance No. O2011-03 was presented to City Council at the Special City Council Meeting/Roundtable on February 1, 2011 and the Regular City Council meeting of January 19, 2011. Motions were made at both meetings to amend the ordinance and at the Special City Council Meeting/Roundtable it was approved for introduction. The attached ordinance contains amendments from approved motions made at both the above stated meetings.</i></p> <p><u>Amendments of February 1, 2011</u></p> <ul style="list-style-type: none"> ○ At Subsection 130-003(B) replace the word “animal” with the word “dog” at any place where the word “animal” appears. ○ At Section 130-006 to add the following language to the end of the paragraph: “The Code Enforcement Officer, at his/her discretion, may issue a warning for the first offense. It is not a violation of this section for any person to feed or shelter feral cats while working with a licensed veterinarian, animal control agency, or similar group registered with the City to spay or neuter feral cats, which may be referred to as “fix and feed”.” ○ At Section 130-110 replace the section in its entirety with the following language: “All rights, duties, responsibilities and authorities to enforce this Chapter may be delegated by the City Council. The City Enforcement Agent shall be designated by contract, or appointed by motion or resolution of the City.” <p><u>Amendments of January 19, 2011</u></p> <p>At Section 130-022 to add the words “dogs in service with a law enforcement agency nor to” after the words “shall not apply to”; and,</p>		

At Section 130-025 to add the words “except when a dog or cat is inside a residential dwelling” at the end of the sentence; also adding the following language at the end of the sentence, “Cats may be exempted from this provision provided the cat is implanted with a microchip by a veterinarian, or a person working under the supervision of a veterinarian.”; and,

At Section 130-096 to add Section C to read as follows: “Exclusions: The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency.”

Original Report

On December 20, 1978, the Yuma City Council adopted Ordinance No. 1798 as the general police ordinance of the City of Yuma. Section 4, Chapter 1, of Ordinance No. 1798 deals with animal control regulations.

To better meet the needs of the citizens of the community and to more effectively handle animal regulations within the Yuma City limits, it is necessary to amend the animal control regulations including policies on feral cats. Public meetings were held on January 10, 11 and 12 to meet with and gather input from citizens of the Yuma community regarding the City’s new animal control regulations.

The changes made to the Yuma City Code by action of this Ordinance:

- Additional Sections
 - 130-006 Unlawful Feeding of Dogs and Cats
 - 130-029 Kennel License
 - 130-084 Stray Animals
 - 130-090 Reduction of Feral Cats
 - 130-091 Unlawful Release of Cats
 - 130-092 Cats – Trap, Neuter, Release (TNR)
(Existing sections renumbered appropriately)
- Additions to Existing Section
 - 130-001 Definitions
 - Breeder
 - Cat
 - Feral
 - Kennel
 - Poultry
 - Rodent
 - Stray
 - Wild Animal
- Removed Section
 - 130-079 Unlicensed Animals
 - This section was absorbed into subsection 130-083
- Amended Sections
 - The term animal replaces the word “dog” to include both dogs and cats throughout the revised code
 - 130-003 (B) (3) (v and vi) was amended to add further exclusions from animals at large
 - 130-008 was amended to change the language from kill and slain to dispose of or destroy
 - 130-010 was amended to change the language for the poisoning of animals
 - 130-011 (C) was amended to reduce the amount of time the owner has to claim an

- animal removed from hazardous conditions from ten (10) days to five (5) business days.
- 130-011 (D) was amended to reduce the time before attempting to contact an owner to claim an animal removed from hazardous conditions from five (5) days to three (3) business days.
 - 130-020 was amended to adjust the language
 - 130-021 was amended to reflect that the City will charge a fee to license a dog or cat.
 - 130-026 was amended to state that an animal may be licensed for up to three (3) years.
 - 130-040 (3) was amended to include posting a sign for the sale of an animal as an unlawful activity and to add a provision to address the sale of animals on residential property, which was not addressed in the current code.
 - 130-040 (A) was amended to include that a proper City business license is required
 - 130-041 (D) was amended to add dog shows as an exclusion to the unlawful sale of animals (Section 130-140)
 - 130-085 was amended to state that an animal must be spayed or neutered when adopted from a pound.
 - 130-088 was amended to add language that states a cat trap may be obtained from the City Enforcement Agent and that failure to return the trap within 15 days will result in a charge on the citizen's monthly utility bill.
 - 130-095 was amended to state that vaccinations performed on impounded animals must be by a veterinarian licensed to practice in the State of Arizona
 - 130-097 (A) was amended to increase the confinement period for biting animals from seven (7) days to fourteen (14) days as recommended by professionals to ensure that the animal does not have rabies
 - 130-097 (B) was amended to allow impoundment of caged rabbits in the home of the owner
 - 130-099 was amended to state that an animal bite must be reported to the City Enforcement Agent immediately
 - 130-110 was amended to simplify the City Enforcement Agent appointment process
 - 130-111 was amended to adjust the language of the administrator of establishing charges and fees
 - 130-999 was amended to modify the fee structure. The first change addresses the penalty if any of the provisions in this chapter are violated with a class 2 misdemeanor punishable with a fine that does not exceed \$750 and imprisonment for not more than five (5) days. The punishment for stray animals was amended to include increased monetary penalties with increases in the number of offenses from first offense increased from \$10 to \$50, second offense from \$15 to \$100, third offense from \$50 to \$200, and decreases the fines for offenses thereafter from \$500 to \$300

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SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/27/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/27/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Gregory K. Wilkinson		1/27/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Brant Hanson		1/27/2011		

ORDINANCE NO. O2011-03

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

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

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

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

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

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

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

General Provisions

§ 130-001 DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

a private, charitable not-for-profit humane society or any animal adoption activity that a pound or humane society conducts off site at any pet store or other commercial enterprise. § 44-1799

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

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

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

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

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

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

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

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

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

§ 130-002 Application of State Law

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

§ 130-003 Animals At-large

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

(B) A dog is not deemed to be at-large:

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

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

(3) If a dog is:

- i. being used for hunting purposes.
- ii. being exhibited at an American Kennel Club approved show.
- iii. engaged in races approved by the Arizona Racing Commission.
- iv. actively engaged in livestock control.
- v. in service with a law enforcement agency.
- vi. in a posted dog park.

§ 130-004 Warning for Offense

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

§ 130-005 Animals Disturbing the Peace

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

§ 130-006 Unlawful Feeding of Dogs or Cats

It shall be unlawful to feed any stray dog or cat, except pending return to a lawful owner or immediate transfer to the City Enforcement Agent. The Code Enforcement Officer, at his/her discretion, may issue a warning for the first offense. It is not a violation of this section for any person to feed or shelter feral cats while working with a licensed veterinarian, animal control agency, or similar group registered with the City to spay or neuter feral cats, which may be referred to as "fix and feed". The Code Enforcement Officer, at his/her discretion, may issue a warning for the first offense. It is not a violation of this section for any person to feed or shelter feral cats while working with a licensed veterinarian, animal control agency, or similar group registered with the City to spay or neuter feral cats, which may be referred to as "fix and feed".

§ 130-007 Posting of Sign Warning of Dangerous Animal

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

§ 130-008 Destruction of Dangerous Animals

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

§ 130-009 Poisoning Animals

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

§ 130-010 Rescue from Vehicles

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

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

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

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

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

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

Licensing

§ 130- 020 Required

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

§ 130-021 City to Charge License Fees

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

§ 130-022 Exclusions

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

§ 130-023 Antirabies Vaccination Required; Clinics.

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

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

§ 130-024 Issuance of License; by Veterinarians.

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

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

§ 130-025 Collar and License Tag to be Worn

Every owner shall provide each dog or cat with a collar or a harness to which the license tag must be affixed and shall ensure that the collar or harness and tag are constantly worn except when a dog or cat is inside a residential dwelling. Cats may be exempted from this provision provided the cat is implanted with a microchip by a veterinarian, or a person working under the supervision of a veterinarian.

§ 130-026 Duration

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

§ 130-027 Transfer

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

§ 130-028 Misuse of License and Tag

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

§ 130-029 Kennel License

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

Unlawful Sale of Animals

§ 130-040 Unlawful Sale of Animals

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

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

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

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

§ 130-041 Exclusions

Section 130-040 does not apply to:

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

Keeping Animals

§ 130-050 Definition

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

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

§ 130-051 Unlawful Keeping

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

§ 130-052 Inspection

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

§ 130-053 State Law Regulations Applicable

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

§ 130-054 Sanitary Conditions

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

§ 130-055 Removal of Wastes

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

§ 130-056 Swine Prohibited

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

§ 130-057 Reptiles or Wild Animals

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

§ 130-058 Area Limitations

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

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

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

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

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

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

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

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

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

§ 130-059 Proximity to Dwelling

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

Keeping Poultry and Rodents

§ 130-070 Keeping Unlawful

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

§ 130-071 Proximity to Residences

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

§ 130-072 Use of Front Yards

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

§ 130-073 Enclosures Required

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

§ 130-074 Maintenance of Enclosures

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

§ 130-075 Number and Area Ratio

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

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

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

§ 130-076 Male Poultry Restricted

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

Impoundment

§ 130-080 Impoundment Authorized

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

§ 130-081 Notice

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

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

§ 130-082 When Destruction Authorized

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

§ 130-083 Licensed Dogs and Cats

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

§ 130-084 Stray Animals

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

§ 130-085 Adoption

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

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

§ 130-086 Assessment of Costs

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

§ 130-087 Destruction if Not Claimed

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

§ 130-088 Cat Impoundment Authorized

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

§ 130-089 Reclaiming Cats

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

§ 130-090 Reduction of Feral Cats

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

§ 130-091 Unlawful Release of Cats

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

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

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

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

Rabies Control

§ 130-095 Vaccination of Impounded Dogs and Cats

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

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

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

(B) *Unlicensed.* An unlicensed or unvaccinated dog that bites any person shall be confined and quarantined in a pound at the owner's expense, or upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than 10 days.

(C) *Exclusions.* The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency.

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

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

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

§ 130-098 Destruction of Wild Animals

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

§ 130-099 Report of Bites

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

City Enforcement Agent

§ 130-110 Appointment

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

§ 130-111 Duties of City Administrator

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

§ 130-112 Enforcement Alternatives

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

§ 130-113 Right of Entry

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

§ 130-114 Interference with City Enforcement Agent

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

§ 130-999 Penalty

(A) Unless otherwise specifically provided for in this chapter, it shall be unlawful for any person, firm, or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm, or corporation violating any of the provisions in this ordinance shall be guilty of a class two misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$750 or by imprisonment for not more than five days or by both such fine or imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

(B) Any violation of § 130-003 Animals At-large or § 130-006 Unlawful Feeding of Dogs or Cats, of this chapter shall be a Class 3 Misdemeanor; and upon conviction for a first offense, the fine to be imposed may be up to and including \$50. For each additional offense within a twelve month period, the following fines shall be mandatory:

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

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

Adopted this _____ day of _____, 2011.

APPROVED:

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: DEPARTMENT: DIVISION:	March 2, 2011 Community Development Community Planning	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input checked="" 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.			
ADDITIONAL INFORMATION	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		1/19/2011		
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. A non-profit medical marijuana dispensary may contain cultivation, infusion, and/or dispensing of medical marijuana, or any combination thereof, at one location.
- 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.

- 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 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:

March 2, 2011

DEPARTMENT:

City Engineering

DIVISION:

Administration

- Motion
 Resolution
 Ordinance - Introduction
 Ordinance - Adoption
 Public Hearing

TITLE:

Conveyance of Easement: Arizona Public Service Company

SUMMARY RECOMMENDATION:

Authorize the conveyance of an easement to Arizona Public Service Company for a powerline along 1st Avenue.

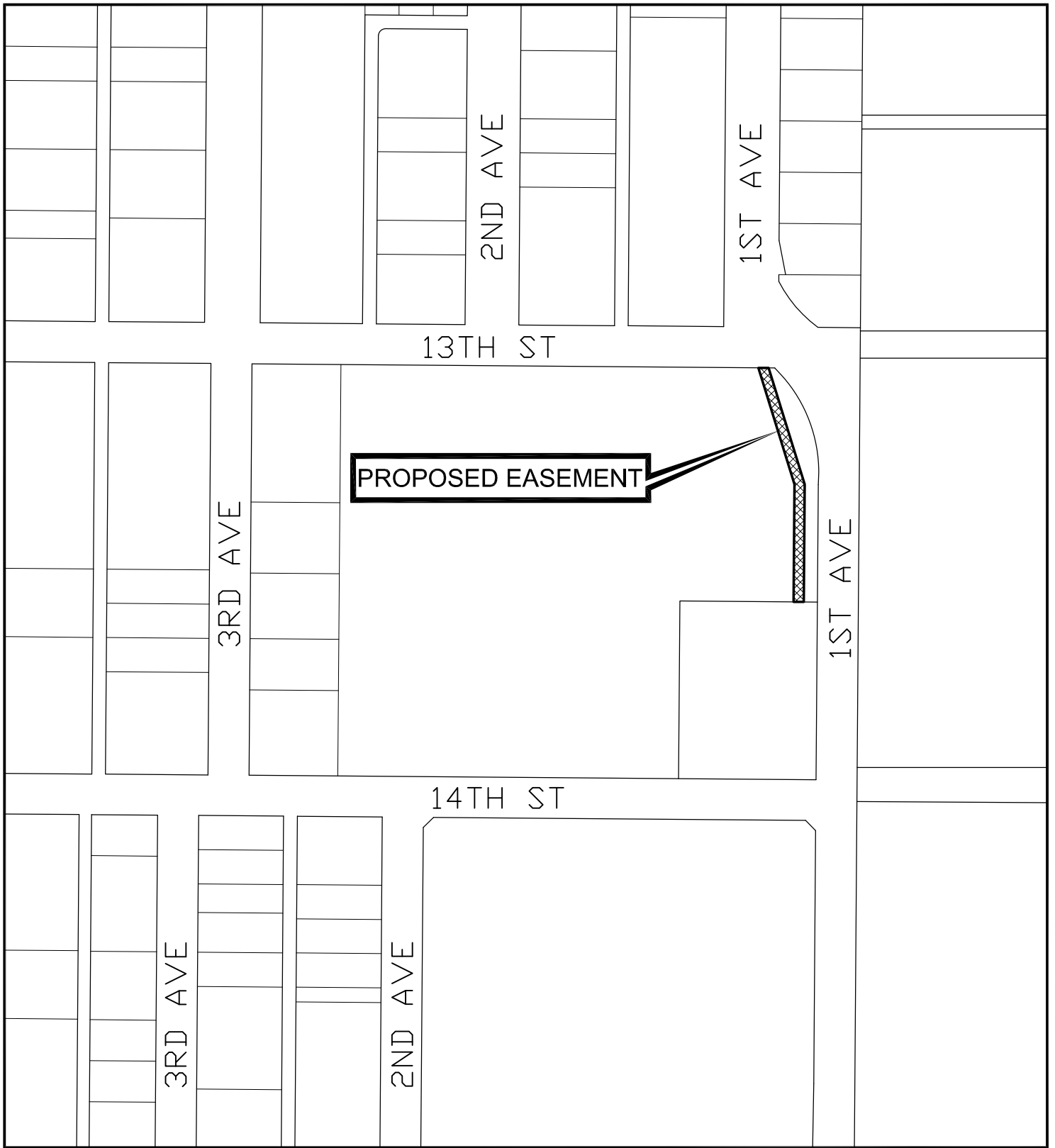
REPORT:

Arizona Public Service Company (APS) presently has a powerline in a private, ten-foot wide easement along the western side of 1st Avenue, between its Quechan Substation at 14th Street and 13th Street.


City of Yuma Capital Improvement Program Project No. 5.9602: 1st Avenue Improvements (12th Street to 16th Street) will require the relocation of this powerline to a new alignment outside of the present easement. The relocation will allow the street to be reconstructed to reduce the severity of the roadway curvature near its 13th Street intersection.

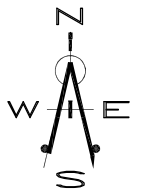
APS has requested that the City provide it with a new ten-foot wide easement, for the relocation, operation and maintenance of the facilities that are to be constructed outside of City right-of-way. A location map showing the requested easement site is attached.

FISCAL REQUIREMENTS	CITY FUNDS:	\$20.00	BUDGETED:	\$50.00
	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. 5.9602	
	TOTAL:	\$20.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			2/7/2011
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			2/7/2011
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Paul Brooberg			1/21/2011	
WRITTEN/SUBMITTED BY:			DATE:	
Teresa Blackburn			1/18/2011	



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

Proposed Easement = 



LOCATION MAP

Prepared by: SERGIO PEÑUÑURI	CITY OF YUMA CITY ENGINEERING DEPARTMENT	DATE: 1-14-11	CIP NO. 5.9602
Checked by: PAUL BROOBERG		SCALE: N.T.S.	
	REVISED:		

ORDINANCE NO. O2011-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT A CERTAIN PARCEL OF REAL PROPERTY, HEREINAFTER DESCRIBED, BE CONVEYED BY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY BY THE CITY OF YUMA, FOR THE REASON THAT SUCH EASEMENT IS REQUIRED FOR THE RELOCATION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF ARIZONA PUBLIC SERVICE COMPANY POWERLINE UTILITY INFRASTRUCTURE

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 Arizona Public Service Company has been determined to be necessary for and beneficial to the relocation, reconstruction, operation and maintenance of certain Arizona Public Service Company powerline utility infrastructure, in conjunction with the reconstruction of City of Yuma 1st Avenue roadway and utility facilities.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, Arizona that City staff is hereby authorized and directed to execute such easement for the property shown in Exhibit 1, attached hereto and by this reference made a part hereof, as such easement is necessary for the relocation, reconstruction, operation and maintenance of Arizona Public Service Company powerline utility infrastructure for the public interest and would be of public benefit.

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

A portion of Parcel 1 of the Quechan Substation Lot Tie and Lot Split, as recorded in Book 17, Page 72, of Survey Plats Fee# 2001-12081, dated May 3, 2001, Records of the Yuma County Recorder, being a portion of the West Half of the Southeast Quarter of Section 28, Township 8 South, Range 23 West, of the Gil & Salt River Base & Meridian, City of Yuma, Yuma County, Arizona, and being more particularly described as follows:

Beginning at the Southeast Corner of the Northwest Quarter of the Southeast Quarter of said Section 28; thence North 00 26'39" East along the East Line of the Northwest Quarter of the Southeast Quarter a distance of 291.85 feet to the intersection of said East Line and the easterly prolongation of the recalculated North Line of Parcel 2 of the said Quechan Substation Lot Tie and Lot Split; thence North 89 52'20" West along said prolongation and the recalculated North Line of Parcel 2 a distance of 67.03 feet to the TRUE POINT OF BEGINNING; thence North 00 26'39" East along a long parallel with the said East Line of the Northwest Quarter of the Southeast Quarter a distance of 13.79 feet to the beginning of a curve concave to the left having a radius point bearing of north 89 33'21" West, a Radius of 466.50 feet, Tangent of 70.12 feet, Chord Length of 138.68 feet, Chord Bearing of north 08 06'03" West, Delta of 17 05'48", along said curve a distance of 139.20 feet; thence North 16 27'30" West a distance of 171.97 feet to a point being 150.94 feet West of the East Line of the Northwest Quarter of the Southeast Quarter and 43.81 feet South of the centerline of 13th Street; thence North 54 25'25" West a distance of 16.26 feet; thence South 16 27'30" East a distance of 184.79 feet; thence South 08 06'23" East a distance of 135.75 feet to a point 77.03 feet West of the East Line of the Northwest Quarter of the Southeast Quarter of Said Section 28; thence South 00 26'39" West a distance 13.87 feet to a point on the recalculated North Line of said Parcel 2; thence South 89 59'20" East along said recalculated North Line of Parcel 2 A distance of 10.00 feet to a point being 67.03 feet West of the East Line of the Northwest Quarter of the Southeast Quarter and the TRUE POINT OF BEGINNING.

Containing 3,758.99 square feet.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	March 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: Annexation Area No. A2010-07: Johnson Trust		
SUMMARY RECOMMENDATION: Authorize annexation of property generally located at the southeast corner of Avenue 8½E and 32nd Street.		
REPORT: The City received the requisite annexation petitions and is proceeding with completion of an annexation action for the area designated in the annexation map A2010-007. In accordance to Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the County Recorder on January 6, 2011. There was a 30-day waiting period after recording the map and petition with the County Recorder before the signatures could be obtained. During that time, a public hearing for annexation A2010-07 was held by the City Council on February 2, 2011, to comply with the State annexation law, Section 9-471 of the Arizona Revised Statutes. All appropriate and necessary notice and posting requirements have been met. After a 30-day waiting period and the public hearing the following procedures were followed: 1. The signatures of the property owners were obtained such that at least one-half of the value of the real and personal property is represented AND such that more than one-half of the parcel owners are represented. No modifications, including increases or decreases to the territory to be annexed, were made after the first property owners in the area signed the annexation petition. 2. Within one year after the last day of the 30-day waiting period, these completed petitions were received and recorded with the office of the Yuma County Recorder. Following the recording of the completed petitions, an ordinance must be adopted by the City Council changing the City boundaries to include the annexation area.		

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	2/23/2011
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files for Steven W. Moore	2/23/2011
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie Lineberry	2/15/2011	
WRITTEN/SUBMITTED BY:	DATE:	
Jennifer L. Albers	2/15/2011	

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
------	-----------	-----------------	-----------------------------

(Legal description can be Lot/Block/Subdivision; Book/Map/Parcel; or Metes and Bounds)

Print Name of Property Owner: _____

ORDINANCE NO. O2011-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ANNEXING TO SAID CITY A PORTION OF SECTION 11 OF TOWNSHIP 9 SOUTH, RANGE 22 WEST OF THE GILA AND SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA AND PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO

WHEREAS, a petition in writing (“Petition”), accompanied by a map or plot of said property, having been filed and presented to the Mayor and City Council of the City of Yuma, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Yuma in the event of annexation of the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of Yuma and not now embraced within its corporate limits, asking that the property more particularly hereinafter described be annexed to the City of Yuma, and to extend and increase the corporate limits of the City of Yuma so as to embrace the same; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, are desirous of complying with said petition and extending and increasing the corporate limits of the City of Yuma to include said territory; and,

WHEREAS, said Petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Yuma and had attached thereto at all times an accurate map of the territory desired to be annexed; and,

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after said Petition had been signed by any owner of real and personal property in such territory; and,

WHEREAS, the provisions of A.R.S. § 9-471, Arizona Revised Statutes, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of City Clerk of the City of Yuma, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the Yuma County Recorder; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AS FOLLOWS:

SECTION 1. That the following described territory be, and the same hereby is, annexed to the City of Yuma, and that the present corporate limits be, and the same hereby are, extended and increased to include the following described territory contiguous to the present City of Yuma corporate limits, to wit:

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 (NW¹/₄NE¹/₄) 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 (NW¹/₄NE¹/₄) 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 (SE¹/₄NW¹/₄NE¹/₄) 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.

SECTION 2. That a copy of this ordinance, together with an accurate map of the territory hereby annexed to the City of Yuma, certified by the Mayor of the City of Yuma, be forthwith filed and recorded in the office of the County Recorder of Yuma County, Arizona.

Adopted this _____ day of _____, 2011.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

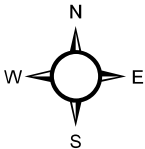
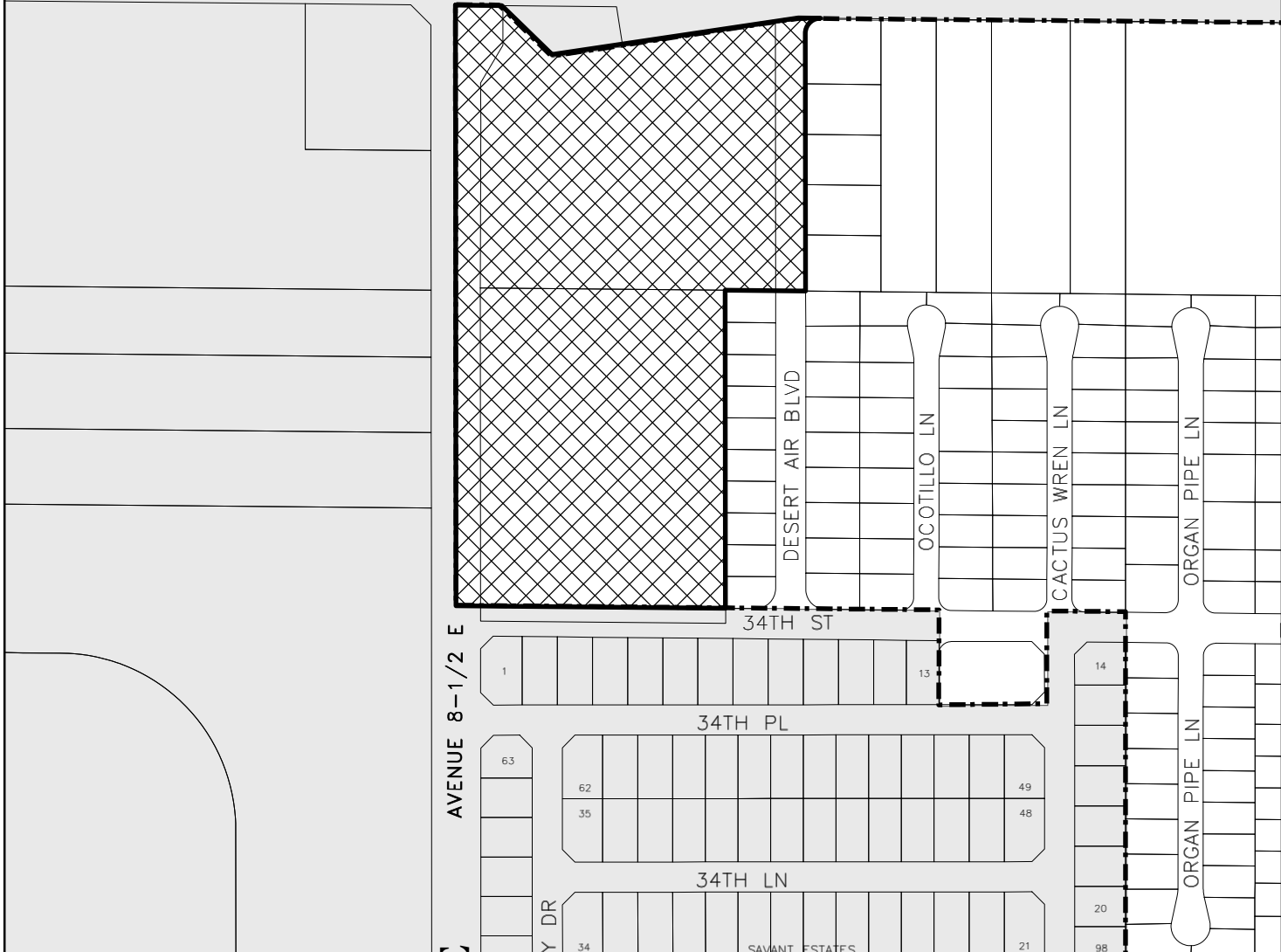
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

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



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 2, 2011

DEPARTMENT: City Administration

DIVISION: Economic Development

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

TITLE:
Draft 2011-2015 City of Yuma Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2011 CDBG Action Plan

SUMMARY RECOMMENDATION:
Public hearing for the Draft Yuma 2011-2015 Consolidated Plan, the Draft 2011-2015 Analysis of Impediments to Fair Housing Choice (AI) and the Draft 2011 Community Development Block Grant (CDBG) Action Plan. This is a conditional reservation of funds subject to the satisfactory completion of National Environmental Protection Act (NEPA)/Part 58 environmental review.

REPORT:
Participation in the Community Development Block Grant (CDBG) program requires that the City have a current approved Consolidated Plan and AI. These plans guide the use of CDBG Entitlement funds by the City for benefit of low and moderate-income persons. The current 2007-2010 Consolidated Plan and AI end on June 30, 2011.

The draft Yuma 2011-2015 Consolidated Plan and AI were developed following the City's Citizen Participation Plan that provides the opportunity for citizens to participate in the process and offer comments following the creation of the draft plans. Three stakeholder meetings, a written and online survey and a public hearing were held during development of the plans. The draft Consolidated Plan was available for review on the City website and at six public locations since late December, 2010. To date, no comments have been received.

The 2011 CDBG Action Plan is an integral part of the five-year Consolidated Plan and this one-year plan identifies the individual proposed activities and recommended funding for the 2011 CDBG program year. The Draft Action Plan includes funding recommendations for \$1,013,563 of 2011 CDBG Entitlement funds and an estimated \$25,000 program income. The proposed plan allocates the total of \$1,038,563 to eligible activities.

Recommendations were presented to City Council at the regular Worksession on March 1, 2011.

All of the proposed activities in the plan are eligible and meet a National Objective of the CDBG Program. The plan is in compliance with all federal statutes, regulations and requirements of the CDBG Program including mandatory thresholds for benefit to low and moderate-income persons and maximum amounts allowable for general administration and public service activities.

The proposed plans will be published in English in the *Yuma Sun* and in Spanish in *Bajo el Sol* on March 11, 2011. A required minimum 30-day public comment period will start after the publication.

The public will have another opportunity for comments on the 2011-2015 Consolidated Plan, 2011-2015 Analysis of Impediments to Fair Housing Choice, and 2011 Action Plan during a final public hearing on April 20, 2011 just prior to approval by City Council.

The City Council-approved plans will be sent to the Department of Housing and Urban Development (HUD) for final approval and grant funds will be available July 1, 2011.

This is a conditional reservation of funds subject to the satisfactory completion of NEPA/Part 58 environmental review and prohibits the City and any subrecipient or contractor from undertaking or committing any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to obtaining the Notice to Proceed (or equivalent).

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$1,038,563.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$1,013,563.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$25,000.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$1,038,563.00		
	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. Draft of 2011-2015 Consolidated Plan 2. Draft of 2011-2015 Analysis of Impediments to Fair Housing Choice 3. Citizen Participation Plan 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		2/23/2011	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		2/23/2011	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
WRITTEN/SUBMITTED BY:		DATE:		
Nikki Hoogendoorn		2/15/2011		