



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, JANUARY 18, 2012
5:30 P.M.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

I. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

II. MOTION CONSENT AGENDA

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

A. Approval of minutes of the following City Council meeting(s):

- 8. 1. Regular City Council Meeting December 7, 2011

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)

18. 2. Special Event Liquor License: Yuma Crossing National Heritage Area Corporation

Approve a Special Event Liquor License application submitted by Christine F. Clark, on behalf of the Yuma Crossing National Heritage Area Corporation, for the Centennial Fandango. The event will be held at the 200-300 blocks of Main Street on Tuesday, February 14, 2012 from 5:00 p.m. to 11:00 p.m. (SP12-01) (City Administration/City Clerk) (Lynda L. Bushong)

20. 3. Special Event Liquor License: Yuma County Historical Society

Approve a Special Event Liquor License application submitted by Bruce Allen Gwynn, on behalf of the Yuma County Historical Society, for the Redondo Days Centennial Celebration. The event will be held at the Molina Block located at 272 Madison Avenue on Saturday, February 11, 2012 from 5:30 p.m. to 10:30 p.m. (SP12-09) (City Administration/City Clerk) (Lynda L. Bushong)

22. 4. Special Event Liquor License: Hospice of Yuma, Inc.

Approve a Special Event Liquor License application submitted by John E. Williams, on behalf of the Hospice of Yuma for the 2012 Roping Round Up. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Saturday, February 4, 2012 from 1:00 p.m. to 11:00 p.m. (SP12-10) (City Administration/City Clerk) (Lynda L. Bushong)

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

Approve a Special Event Liquor License application submitted by Cecilia F. Dowd, on behalf of the Rotary Club of Yuma North End, for the Renaissance Faire. The event will be held at the West Wetlands Park located at 2200 Water Street on Friday, February 3, 2012 from 12:00 p.m. to 10:00 p.m., Saturday, February 4, 2012 from 10:00 a.m. to 12:00 a.m., and Sunday, February 5, 2012 from 12:00 p.m. to 7:00 p.m. (SP12-11) (City Administration/City Clerk) (Lynda L. Bushong)

26. 6. Special Event Liquor License: Yuma Jaycee's Silver Spur Rodeo

Approve a Special Event Liquor License application submitted by Wayne A. Leeds, on behalf of the Yuma Jaycee's for the annual Silver Spur Rodeo. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Friday, February 10, 2012 from 10:00 a.m. to 1:00 a.m., Saturday, February 11, 2012 from 10:00 a.m. to 1:00 a.m., and Sunday, February 12, 2012 from 10:00 a.m. to 1:00 a.m. (SP12-13) (City Administration/City Clerk) (Lynda L. Bushong)

28. 7. Contract Increase: Avenue 3E Reconstruction 24th Street to 32nd Street & 24th Street Pavement Replacement Industrial Avenue to 23rd Lane

Approve a contract increase in the amount of \$506,696.70 (16.90%) to DPE Construction, Inc. (City Engineering - Bid #2010000291) (Paul Brooberg)

30. 8. Cooperative Purchase Agreement: Industrial Supplies and Equipment

Authorize Staff to utilize the Cooperative Purchasing Agreement originated by the City of Tucson through National Intergovernmental Purchasing Alliance (National IPA) for Industrial Supplies and Equipment for an estimated annual expense of \$65,000.00. to: W W Grainger, Inc., Phoenix, Arizona. (Admin/Facilities Management - Bid #2012-20000161) (Richard Nichols)

32. 9. Amendment: 2011-2015 Community Development Block Grant (CDBG) Consolidated Plan and 2011 Action Plan

Approve an amendment to the City of Yuma 2011-2015 CDBG Consolidated Plan and 2011 Action Plan that uses unprogrammed and unspent funds from cancelled and completed activities to add funds to current activities. (City Administration/Economic Development) (Brant Hanson)

35. 10. Agreement Extension: City Attorney

Authorize extension of the agreement with Steven W. Moore to serve as City Attorney for the City of Yuma. (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.

38. A. Resolution R2012-02 Preannexation Development Agreement: First Assembly of God Church of Yuma, Arizona

Authorize a Preannexation Development Agreement with the First Assembly of God Church of Yuma, Arizona for property located at the northwest corner of Avenue B and the 30th Street alignment. (Community Development/Community Planning) (Laurie Lineberry)

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.

There are no adoptions scheduled at this time.

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.

There are no introductions scheduled at this time.

VI. PUBLIC HEARINGS & RELATED ACTIONS

The following Public Hearing may result in the adoption of the related Resolutions R2012-03 and R2012-04, should the City Council decide to do so.

54. A. Public Hearing: Resolution R2012-03 Resolution: Finding of Necessity

Following a public hearing, approve a Resolution (Finding of Necessity) by a two-thirds majority vote, that for the Yuma North End Redevelopment Area of 16th Street and 4th Avenue (more particularly described and depicted in the proposed Resolution or referred to in this staff report as the "Survey Areas") meets the state statutory requirements for a redevelopment area and is designated the "Yuma North End - 16 Street and 4th Avenue Redevelopment Area." (City Administration/Yuma Crossing National Heritage Area) (Charles Flynn)

SUGGESTED MOTION: To adopt Resolution R2012-03 as recommended:

M/_____ S/_____ RV/_____

60. B. Resolution R2012-04 Resolution: Designating a Portion of the City of Yuma as a Central Business District

Authorize the designated portion of the City located within the combined and contiguous boundaries of the existing Yuma North End Redevelopment Area and the newly designated Yuma North End - 16th Street and 4th Avenue Redevelopment Areas of the City of Yuma as a Central Business District and an area determined to be in need of tax incentives to encourage private investment. (City Administration/Yuma Crossing National Heritage Area) (Charles Flynn)

SUGGESTED MOTION: To adopt Resolution R2012-04 as recommended:

M/_____ S/_____ RV/_____

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

- 1. Appointments:
 - Merit System Board: 1 re-appointment to expire 12/31/16
- 2. Announcements:
 - City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of January 5, 2012 through January 18, 2012. 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. CITY COUNCIL TRAVEL POLICY

As requested by City Council at the Regular City Council Meeting on January 4, 2012, this item is to discuss and possibly take action to set policy for the authorization and approval of travel paid for out of the Mayor and City Council travel fund.

IX. YUMA CITY CHARTER ARTICLE VII, SECTION 10: CITY COUNCIL POWER TO INVESTIGATE

As requested by City Council at the Regular City Council Meeting on January 4, 2012, this item is to discuss and possibly take action on City Charter Article VII, Section 10: City Council Power to Investigate.

X. 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.

XI. EXECUTIVE SESSION

An Executive Session may be held during this meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. Section 38-431.03 A(1), (3), (4), & (7). An agenda will be posted 24 hours in advance.

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, PO Box 13012, Yuma, Arizona 85366-3012; (928) 373-5125 or TTY (928) 373-5149.

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 7, 2011
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Phil Courtney, Pastor of First Presbyterian Church, gave the invocation. **Joel Olea**, Director of Field Operations, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, Brooks, Johnson, and Mayor Krieger
Councilmembers Absent: McClendon
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Principal Planner, Jennifer Albers
City Attorney, Steven W. Moore
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS

Wilkinson recognized Yuma Catholic High School football team, Head Coach Rhett Stallworth, and Monsignor Richard O'Keeffe for winning the Division 5 State Football Championship.

Mayor Krieger reminded the audience that today, December 7, 2011, is the 70th Anniversary of the attack on Pearl Harbor, Hawaii; one of the deadliest attacks in American history.

I. CALL TO THE PUBLIC

Ken Rosevear, Yuma County Chamber of Commerce (Chamber), 180 W. 1st Street, expressed his opposition to the Aesthetic Overlay (AO) depicted in the General Plan, Transportation Element: Major Roadways Plan. In previous discussions, he felt there was a consensus among the City Council to either reduce AO or do away with it altogether. The map included in the Major Roadways plans indicated that all areas qualify for AO, which is what the business community was trying to avoid due to the significantly higher cost associated with the additional requirement. The building guidelines in place are sufficient and do not warrant an additional level of design. If the Chamber's membership were asked if they were willing to pay extra money to be in one of the AO corridors, they would say no. He urged City Council to reconsider this action.

II. MOTION CONSENT AGENDA

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

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

Regular Worksession	September 20, 2011
Regular Worksession	October 4, 2011
Regular City Council Meeting	October 19, 2011

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Ronald P. Craven, on behalf of the Bikers Fighting Cancer, for the 1st Annual Yuma Children's Ride. The event will be held in the parking lot of the Palm Plaza, 2241 S. Avenue A, on Saturday, December 17, 2011 from 10:00 a.m. to 6:00 p.m. (SP11-35) (Admin/Clerk)
3. Award to the highest responsive/responsible offer for the Sale of Firearms (161) for a total of \$29,122.00 to Sierra Auction Management, Inc., Phoenix, Arizona. (RFO #2012-20000069) (Fin/Pur)
4. Declare as surplus and authorize sale of equipment through the online auction utilizing the cooperative purchase agreement between the City of Tucson and the City of Yuma with Public Surplus, LLC, Provo, Utah. (Bid # 2012-20000090) (Fin/Pur)
5. Award a sole source maintenance contract for a three-year maintenance agreement (one year at a time) for the Private Branch Exchange (PBX) Telephone System in accordance with the Yuma City Code, Section 36-39, Sole Source Procurement in the total amount of \$120,538.08 to: Avaya Inc., Phoenix, Arizona. (Bid #2012-20000138) (ITS)
6. Award to the lowest responsive/responsible bidder for the 4th Avenue Waterline Crossings at a total cost of \$662,499.47 to Yuma Valley Contractors, Inc., Yuma, Arizona. (Bid #2012-20000099) (Eng)
7. Authorize the purchase of four Variable Frequency Drives (VFD's) utilizing the cooperative purchase agreement between the National Intergovernmental Purchasing Alliance with the City of Tucson (W.W. Grainger) and the City of Yuma at an estimated total cost of \$104,578.24 (including tax). (Bid #2012-20000130) (Utilities/WTP)
8. Authorize the City Administrator to execute a contract with the Arizona Governor's Office of Highway Safety for highway safety projects in accordance with Arizona's Federal Fiscal Year 2012 Highway Safety Plan. (YPD/Patrol)

9. Removed for separate consideration; see below.
10. Authorize execution of an Intergovernmental Agreement with Yuma Elementary School District No. 1 for the 2011-2012 School Safety Program for the period of one year. (YPD/Patrol)
11. Approve the Final Plat of the Desert Plaza Shopping Center Subdivision, subject to conditions 1 through 11. The property is located at the northwest corner of Palo Verde Street and Pacific Avenue. The applicant is Dahl, Robins & Associates, on behalf of Pacific & Palo Verde Investments, LLC. (S2011-001-01) (DCD/Planning)

Motion Consent Agenda Item Removed for Separate Consideration

- B.9. Authorize execution of an Intergovernmental Agreement with Crane School District No. 13 for the 2011-2012 School Safety Program for the period of one year. (YPD/Patrol)

Motion (Stuart/Mendoza): To amend Motion Consent agenda item B.9 by changing the effective date of the Intergovernmental Agreement for the School Safety Program with Crane School District No. 13, from the '1st day of September, 2011' to the '1st day of August, 2011.' Voice vote: **approved** 6-0.

Motion (Johnson/Brooks): To approve Motion Consent Agenda Item B.9, as amended. Voice vote: **approved** 6-0.

III. RESOLUTION CONSENT AGENDA

Motion (Johnson/Stuart): To continue Resolution R2011-37, Preannexation Development Agreement with Jim D. Smith to the Regular City Council Meeting on February 1, 2012 at the request of the applicant. Voice vote: **approved** 6-0.

Motion (Beeson/Johnson): To adopt the Resolution Consent Agenda as recommended, with the exception of R2011-37.

Bushong displayed the following titles:

Resolution R2011-34

A resolution of the City Council of the City of Yuma, Arizona, authorizing the application for State Housing Funds, certifying that the application meets the community's housing and community development needs and the requirements of the State Housing Programs, and authorizing all actions necessary to implement and complete the activities outlined in the application
(Grant Application: \$300,000) (Admin/EcDev)

Resolution R2011-38

A resolution of the City Council of the City of Yuma, Arizona, to change the name of Yuma Cemetery to Yuma Pioneer Cemetery
(Property generally located between the 1200 block and 1400 block on the east side of 1st Avenue) (Admin)

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

IV. ADOPTION OF ORDINANCES CONSENT AGENDA - none

V. INTRODUCTION OF ORDINANCES

Motion (Mayor Krieger/Beeson): To remove Ordinance O2011-42, O2011-43, and O2011-44 for discussion in Executive Session. Voice vote: **approved** 6-0.

Bushong displayed the following titles:

Ordinance O2011-41

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property

(Union Pacific right-of-way: Avenue 3E Overpass) (Eng)

Ordinance O2011-45

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Agriculture (AG) District to Light Industrial/Aesthetic Overlay (L-I/AO) District and amending the zoning map to conform thereto

(Property located: 3265 S. Avenue 3 ¾E; Z2011-004) (DCD/Planning)

Ordinance O2011-46

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 15, Chapter 157 of the Yuma City Code, to repeal Section 157-08, the Sanitation Facilities Development Fee, and Section 157-12, the Public Works Facilities Development Fee

(Eng/Dev. Eng)

VI. PUBLIC HEARINGS & RELATED ACTIONS

Resolution R2011-39 General Plan Amendment: City of Yuma 2012 General Plan – The Planning and Zoning Commission recommended that City Council approve the request to adopt the City of Yuma 2012 General Plan, September 1, 2011, Hearing Draft (GP2011-001).
(DCD/Planning)

Mayor Krieger opened the Public Hearing at 5:53 p.m.

Albers presented the following information:

What is a General Plan?

- Identifies what the community wants for the City's future; provides vision, goals, and standards.
- Provides maps of planned development and parks, roads, and waterlines.
- The Plan outlines the policies and action plans on how we get there.

- Provides a Guiding Policy - A document that details planning and decision making
 - General Plan Transportation Element's goal is to provide a complete transportation system
 - The Facility Planning – Major Roadways Plan's goal provides roadway standards and maps
 - Implementation – Capital Improvement Program provides for roadway construction
- The General Plan is an amendable, living document
 - Comprehensive Updates
 - 1953, 1983, 1996, 2002, 2012
 - Facility Planning
 - Major Roadways Plan (2005) – 2013
 - Gateway and Scenic Routes have been topics of discussion
 - Aesthetic Overlay (AO) was discussed during joint Worksessions, and may not be applicable to all the roadways.
 - Parks and Recreation Facility Plan (2006)
 - Fire Services and Facilities (2007)
 - Land Use Map Amendments
 - By Property Owners
 - Changing Needs and Priorities

2012 Updates

- Technical Update
 - Change in demographics
 - City Council Direction
 - Facility Construction and Planning
- Change in State Requirements
 - Neighborhood Preservation Element
 - Energy Element
 - Aggregate Mining
- Major Land Use Amendments
 - Estancia
 - Laurel
- Change in demographics
 - 2010 Census
 - American Community Survey
 - Employment and Housing Activity
- Development Projects
 - Yuma Palms
 - Cielo Verde
- City Council Direction
 - Roadway Alignments and Design
 - Facility Construction and Planning
 - Capital Improvement Program
 - Facility Construction Plans

State Mandates

- Neighborhood Preservation & Revitalization Element
 - Included in Chapter 6 - Redevelopment
 - Promote home ownership & property maintenance
 - Safety and security of neighborhoods
- Energy Element
 - Included in Chapter 7 – Conservation and Environmental
 - Efficient use of energy
 - Renewable energy sources
- Aggregate Mining
 - Included in Chapter 2 – Land Use

Major Amendments

- Estancia
 - Area: 3,741 acres
 - Housing: 20,466 Units
 - Population: 57,300
- Laurel
 - Area: 240 acres
 - Housing: 1,169 Units
 - Population: 3,300
 - Zoning: Smart Growth Overlay

Proposed Changes

- Transportation Element
 - Yuma County Intergovernmental Public Transit Authority Updated Routing and Service
 - Text Update
 - Map 3-4
 - Identification of Hazardous Cargo Routes and Temporary Hazardous Cargo Routes
- Public Services Element
 - School Map Correction
 - Map 8-1

Participation

- Citywide Update
 - Every Department
 - Direct Participation – Mapping, Outreach
 - Facilities and Services
- Interagency Effort
 - Address needs and coordination
- Public Participation
 - Community Input through open houses, Public Hearings, and comments via the City’s website

What’s Next?

- Newsletters
 - Winter, Spring and Summer 2012
- Speaking Engagements
- Election
 - August 28, 2012

Discussion

Mayor Krieger stated that he is confused in the process of why the plan is being presented to City Council for approval then placed before the voters on the ballot, when it is liable to change due to public and City Council comments indicating changes are needed. **Albers** stated there is a timeframe in which staff has to get the final document approved by City Council and placed on the ballot. Through a joint worksession with City Council and the Planning and Zoning Commission, the application of AO on gateway and scenic corridors was identified as an issue; staff implemented applying AO where appropriate versus requiring it along all routes. Currently, the Community Development Department is working on amending where AO is applied and updating the Major Roadways Plan. **Mayor Krieger** asked when does “where appropriate” rise

to the level of City Council making the decision if AO should be applied? The planners/developers should not be required to spend money on plans that are going to be changed later. **Albers** explained that City Council makes the final decision on where the AO is applied. In addition, Laurie Lineberry, Director of Community Development, has been working on identifying intersections that would warrant AO, which would still require City Council action. Since there has been no action on this issue, it is not reflected in the General Plan. Staff desires to make sure that the discussion is reflected, and to leave it open for future amendments.

Mayor Krieger stated that it has been at least 90 days since there has been discussion on AO and requested Wilkinson address why there hasn't been opportunity to correct the issue and incorporate it into the plan. **Wilkinson** stated there are currently three issues with the Transportation Element of the General Plan: 1) Temporary Hazardous Material (HazMat) routes, 2) the application of AO, and 3) intersections. If there is clear direction from City Council to staff on the desired amendments, the plan can be changed to also be reflected to incorporate these changes. When the AO was previously discussed, staff recommended reducing the area in which AO would be applied; however, there was still a lot of discussion occurring and no action was taken. AO was originally implemented by [a previous] City Council to help upgrade certain areas within the City. If City Council is now requesting AO be reduced, eliminated or modified, City Council would need to take action to allow staff to do so. Wilkinson recommended a City Council give staff clear direction through a motion, and then delay the General Plan for two weeks so the changes can be incorporated into the plan.

Mayor Krieger asked if City Council takes out the HazMat Routes and AO tonight, would there be an ability to implement those in the design process? **Wilkinson:** If it is the consensus of City Council to remove temporary HazMat routes, you can do so. His recommendation would be to leave the AO in place so that City council can utilize this option at their discretion. If City Council chooses to remove the AO to eliminate any predetermined AO Districts, than the authority to apply the overlay could be approved by a later vote. **Mayor Krieger** stated that he would rather delay the General Plan for a couple of weeks to work through the issues. Staff will need to meet with Councilmembers within that time to get a handle on their concerns. **Wilkinson** stated that staff is ready to recommend the temporary HazMat routes be removed tonight, but action will be needed in order to incorporate the change into the General Plan. **Mayor Krieger** stated he wants to avoid making multiple motions to limit the confusion, and asked if the General Plan can be delayed for two weeks. **Wilkinson** explained that staff's goal is to obtain approval on the plan before the beginning of the year.

Johnson pointed out there appears to be four motions on the dais to correct the plan, but the plan hasn't been adopted; why can't staff make the corrections, then present it to City Council instead of going through the procedural motions? **Wilkinson** explained the motions provide solid guidance from City Council to staff. **Mayor Krieger** agreed; City Council needs to provide clear direction and proposed Councilmember Johnson go through the motions to provide an explanation of the intent behind the corrections. **Johnson** stated he is not the source of the amendments; they appear to be from staff. He pointed out that the General Plan is required to go to the voters every ten years, per state law. The last time the plan went to the voters, City Council approved the plan approximately four months before the 2002 General Election. Now staff is asking for the plan to be approved eight months in advance, therefore, he doesn't see any harm in continuing the Public Hearing to the next Regular City Council Meeting. The motions appear to be technical corrections, which could be worked out between now and the next meeting. **Mayor Krieger** stated if the motions were generated by staff, he could assume staff got the message and can implement the changes in the General Plan.

Wilkinson reminded City Council that a Public Hearing is required as part of the General Plan process. **Johnson** asked if it would be appropriate to make a motion continuing the Public Hearing to the Regular City Council Meeting of December 21, 2011. **Mayor Krieger** replied that it would be. **Albers** noted the Public Hearing has to be opened and closed as part of the process. If City Council makes the motions tonight to correct the plan, a revised document could be ready in two weeks. However, in order to do that, the Public Hearing would need to be closed and a motion could be made to continue the item in two weeks. **Mayor Krieger** asked if Albers implied closing the Public Hearing and having another one in two weeks. **Albers** stated the item would be a consideration of the resolution in two weeks, not necessarily another Public Hearing.

Moore clarified that the City Council is free to continue the Public Hearing to the next regularly scheduled City Council meeting, but because a Public Hearing is required for the General Plan. This Public Hearing either needs to be closed and another one scheduled, or it needs to be continued. **Mayor Krieger** recommended the City Council go through the motions to provide staff clear direction.

Motion (Johnson/Beeson): To amend the City of Yuma 2012 General Plan by replacing map 3-4 dated September 1, 2011, with map 3-4 dated December 5, 2011, in order to accurately reflect the current transit routing of the Yuma County Intergovernmental Public Transit Authority. Voice vote: **approved 6-0.**

Motion (Johnson/Mayor Krieger): That the Public Transit subsection of the Transportation Element of the City of Yuma 2012 General Plan be amended as set forth in the draft dated December 5, 2011, provided to the City Council, made available at the City Clerk's Office, and also displayed on the overhead screens. Voice vote: **approved 6-0.**

Motion (Johnson/Brooks): To amend the City of Yuma 2012 General Plan by replacing map 8-1 dated September 1, 2011, with map 8-1 dated December 5, 2011 to accurately reflect current school locations. Voice vote: **approved 6-0.**

Motion (Johnson/Beeson): To continue the Public Hearing on Resolution R2011-39 to the Regular City Council meeting of December 21, 2011. Voice vote: **approved 6-0.**

Mayor Krieger closed the Public Hearing at 6:18 p.m.

B. Annexation Area No. A2011-04: Yuma Community Food Bank A Public Hearing to consider the annexation of property located at 2404 E. 24th Street. (A2011-004) (DCD/Planning)

Mayor Krieger opened the Public Hearing at 6:18 p.m.

Albers provided the following information:

- The annexation area is approximately 7.68 acres and contains one parcel.
- The application is at the request of the Food Bank.
- There is a one year period in which the applicant can sign the petition for annexation
- Staff is anticipating adopting the ordinance at the Regular City Council meeting of January 4, 2012.

Mayor Krieger closed the Public Hearing at 6:20 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Brooks/Mendoza): To appoint Lorna Brooks to an unexpired term on the Water and Sewer Commission with a term expiration of July 6, 2012. Voice vote: **approved** 6-0.

Motion (Brooks/Mendoza): To appoint Thomas N. Rustad to an unexpired term on the Water and Sewer Commission with a term expiration of July 6, 2013. Voice vote: **approved** 6-0.

Announcements

Johnson asked when the ordinances were removed for discussion in Executive Session, was it the intent to have an Executive Session tonight? **Mayor Krieger** stated yes, he will incorporate that when the meeting adjourns.

Stuart reported the following:

- Saturday, November 12 – gave a welcoming speech at the “Welcome Back Winter Visitors” event held on Main Street
- Monday, November 14 - Chamber of Commerce Legislative Affairs Committee Meeting
- Tuesday, November 15 –
 - A ribbon cutting at the San Luis Region Detention Center, which reported 45 new jobs; and,
 - The Chamber of Commerce regularly scheduled Board meeting
- Wednesday, November 16 - lunch and reception aboard the Union Pacific Centennial Train
- Thursday, November 17 – Yuma Library Foundation Board of Directors regular meeting
 - The Board approved a check be written to the Yuma County Library District for the Centennial Park Project at the Yuma Main Library
- Friday, November 18 - Marine Corps Ball
- Monday, November 21 - Dinner with Anne Woosley, Executive Director of the Arizona Historical Society
 - The Rio Colorado Chapter was discussed, along with the budget allocated to the Yuma division where it was revealed Prescott receives 5 times the amount of Yuma’s \$123,000 appropriation.

Beeson reported attending a meeting hosted by BetterYuma.org along with City Administrator Wilkinson; there was a strong desire from the business community to move local preference up. He proposed the issue be placed on several worksession agenda in order to resolve issues related thereto. **Mayor Krieger** suggested placing local preference on the City Council Retreat agenda scheduled for January.

Johnson reported that he would be attending a Transportation Forum hosted by the Arizona House of Representatives Transportation Committee on December 14, 15, and 16, along with other transportation related meetings in Prescott.

Mayor Krieger reported attending Yuma Metropolitan Planning Organization’s (YMPO) monthly meeting. A letter was presented from Leslie Rogers, Regional IV Administrator for the Federal Transit

Administration, which cited its findings of YMPO's financial management oversight; there still seems to be a lot of work needed at YMPO. This morning he attended an event at the American Legion to commemorate and remember the attack on Pearl Harbor.

VIII. SUMMARY OF CURRENT EVENTS

Wilkinson stated the City is holding a Street Dedication in honor of Jim Gillaspie at 11:00 a.m. on December 16, 2011.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Mayor Krieger/Beeson): To adjourn to Executive Session to discuss agenda items O2011-42, O2011-43, and O2011-44; and personnel issues.

Moore explained that as the motion is stated, the meeting hasn't been adjourned; therefore, the City Council will have to reconvene to either take action on those three items or continue them, but they can still be discussed in Executive Session. **Mayor Krieger** stated it was his understanding that when he initially made the motion to remove the ordinances from the agenda, they could adjourn the meeting to Executive Session to discuss the ordinances. **Moore** asked if there was a date Mayor Krieger wanted to bring the items back, or table the items. **Mayor Krieger** stated the ordinances could be brought back at the next regularly scheduled City Council Meeting. **Moore** suggested amending the motion to include a continuance of the ordinances to the next meeting.

Amended Motion (Mayor Krieger/Beeson): To continue Ordinance O2011-42, O2011-43 and O2011-44 to the next Regular City Council Meeting of December 21, 2011; and, to adjourn to Executive Session to discuss agenda items O2011-42, O2011-43, and O2011-44; and personnel issues. Voice vote: **approved** 6-0; the meeting adjourned to Executive Session at 6:33 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Alan L. Krieger, Mayor



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 18, 2012

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Yuma Crossing National Heritage Area Corporation

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Christine F. Clark, on behalf of the Yuma Crossing National Heritage Area Corporation, for the Centennial Fandango. The event will be held at the 200-300 blocks of Main Street on Tuesday, February 14, 2012 from 5:00 p.m. to 11:00 p.m. (SP12-01)

REPORT:

Christine F. Clark, on behalf of the Yuma Crossing National Heritage Area Corporation, has applied for a Special Event Liquor License for the Centennial Fandango. The event will be held at the 200-300 blocks of Main Street on Tuesday, February 14, 2012 from 5:00 p.m. to 11:00 p.m.

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

Upon City Council's recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 18, 2012

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Yuma County Historical Society

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Bruce Allen Gwynn, on behalf of the Yuma County Historical Society, for the Redondo Days Centennial Celebration. The event will be held at the Molina Block located at 272 Madison Avenue on Saturday, February 11, 2012 from 5:30 p.m. to 10:30 p.m. (SP12-09)

REPORT:

Bruce Allen Gwynn, on behalf of the Yuma County Historical Society, has applied for a Special Event Liquor License for the Redondo Days Centennial Celebration. The event will be held at the Molina Block located at 272 Madison Avenue on Saturday, February 11, 2012 from 5:30 p.m. to 10:30 p.m.

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

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 18, 2012

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Special Event Liquor License: Hospice of Yuma, Inc.

SUMMARY RECOMMENDATION:
Approve a Special Event Liquor License application submitted by John E. Williams, on behalf of the Hospice of Yuma for the 2012 Roping Round Up. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Saturday, February 4, 2012 from 1:00 p.m. to 11:00 p.m. (SP12-10)

REPORT:
John E. Williams, on behalf of the Hospice of Yuma, has applied for a Special Event Liquor License for the 2012 Roping Round Up. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Saturday, February 4, 2012 from 1:00 p.m. to 11:00 p.m.

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

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

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 18, 2012

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Special Event Liquor License: Rotary Club of Yuma North End

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Cecilia F. Dowd, on behalf of the Rotary Club of Yuma North End, for the Renaissance Faire. The event will be held at the West Wetlands Park located at 2200 Water Street on Friday, February 3, 2012 from 12:00 p.m. to 10:00 p.m., Saturday, February 4, 2012 from 10:00 a.m. to 12:00 a.m., and Sunday, February 5, 2012 from 12:00 p.m. to 7:00 p.m. (SP12-11)

REPORT:

Cecilia F. Dowd, on behalf of the Rotary Club of Yuma North End, has applied for a Special Event Liquor License for the Renaissance Faire. The event will be held at the West Wetlands Park located at 2200 Water Street on Friday, February 3, 2012 from 12:00 p.m. to 10:00 p.m., Saturday, February 4, 2012 from 10:00 a.m. to 12:00 a.m., and Sunday, February 5, 2012 from 12:00 p.m. to 7:00 p.m.

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

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			

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

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	1/11/2012
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files for Steven W. Moore	1/10/2012
RECOMMENDED BY (DEPT/DIV HEAD):	DATE:	
Lynda L. Bushong	12/30/2011	
WRITTEN/SUBMITTED BY:	DATE:	
Jasmin Rodriguez	12/30/2011	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 18, 2012

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Yuma Jaycee's Silver Spur Rodeo

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Wayne A. Leeds, on behalf of the Yuma Jaycee's for the annual Silver Spur Rodeo. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Friday, February 10, 2012 from 10:00 a.m. to 1:00 a.m., Saturday, February 11, 2012 from 10:00 a.m. to 1:00 a.m., and Sunday, February 12, 2012 from 10:00 a.m. to 1:00 a.m. (SP12-13)

REPORT:

Wayne A Leeds, on behalf of the Yuma Jaycee's, has applied for a Special Event Liquor License for the Silver Spur Rodeo Annual Rodeo. The event will be held at the Yuma County Fairgrounds located at 2520 E. 32nd Street on Friday, February 10, 2012 from 10:00 a.m. to 1:00 a.m., Saturday, February 11, 2012 from 10:00 a.m. to 1:00 a.m., and Sunday, February 12, 2012 from 10:00 a.m. to 1:00 a.m.

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

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

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
Lynda L. Bushong		12/30/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/30/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 18, 2012

DEPARTMENT: Finance

DIVISION: Purchasing

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

TITLE:
 Contract Increase: Avenue 3E Reconstruction 24th Street to 32nd Street & 24th Street Pavement Replacement Industrial Avenue to 23rd Lane

SUMMARY RECOMMENDATION:
 Approve a contract increase in the amount of \$506,696.70 (16.90%) to DPE Construction, Inc.

(City Engineering - Bid #2010000291) (Paul Brooberg)

REPORT:
 The work accomplished under this contract consisted of widening and improving Avenue 3E, from 24th Street to 32nd Street, and replacing 24th Street pavement, along with minor widening, from Avenue 3E to 23rd Lane.

During the construction, it was discovered that part of the work on 24th Street had been omitted from the original bid items. Those quantities consisted of 15,415 square yards each of Grading Under Base Course, Aggregate Base Course, Asphalt Concrete Pavement, and Asphalt Concrete Friction Course.

The original Contract award amount on the Project was \$2,999,005.02. An administrative change order to cover a portion of the omitted items was issued to DPE Construction in the amount of \$265,908.00, elevating the value of the contract to \$3,264,913.02, which has been paid to the contractor. The final construction cost for the project was \$3,505,701.72, which requires a second change order of \$240,788.70, making the total change \$506,696.70 or 16.9% increase.

City Code Section 36-34(I), *Competitive Sealed Bidding-Change Orders*, requires that all contract increases of ten percent (10%) or more be approved by City Council.

FISCAL REQUIREMENTS	CITY FUNDS:	\$240,788.70	BUDGETED:	\$240,800.00
	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:	\$240,788.70	FY 2012 CIP Budget	
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		12/28/2011		
WRITTEN/SUBMITTED BY:		DATE:		
Robin R. Wilson		12/27/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 18, 2012
DEPARTMENT: Finance
DIVISION: Purchasing

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

TITLE:
 Cooperative Purchase Agreement: Industrial Supplies and Equipment

SUMMARY RECOMMENDATION:

Authorize Staff to utilize the Cooperative Purchasing Agreement originated by the City of Tucson through National Intergovernmental Purchasing Alliance (National IPA) for Industrial Supplies and Equipment for an estimated annual expense of \$65,000.00. to:

W W Grainger, Inc. Phoenix, Arizona

(Admin/Facilities Management - Bid #2012-20000161) (Richard Nichols)

REPORT:

The City of Tucson competitively bid the contract for Industrial Supplies and Equipment through National IPA. The City of Yuma makes these purchases as needed for many of the items in support of daily operations.

A wide variety of contract items are purchased on-line by Facility Maintenance personnel. Items include lamps, lighting and ballasts, motors, pumps and air filters. Prices range from 10% to 81.5% off list price, and many specialized items not available locally. Grainger also offers free training and supports the safety programs.

Staff has determined that sufficient savings and the most current contract prices can be obtained by utilizing this cooperative agreement. This agreement will provide cost saving opportunities due to volume purchasing and save on administrative overhead costs by not having to bid the same commodity.

FISCAL REQUIREMENTS	CITY FUNDS:	\$65,000.00	BUDGETED:	\$65,000.00
	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: Various funds	
	TOTAL:	\$65,000.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			1/11/2012
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files for Steven W. Moore			1/10/2012
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Pat Wicks			1/3/2012	
WRITTEN/SUBMITTED BY:			DATE:	
Sherial Magallanes/Robin R. Wilson			12/30/2011	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 18, 2012

DEPARTMENT:

City Administration

DIVISION:

Economic Development

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

TITLE:

Amendment: 2011-2015 Community Development Block Grant (CDBG) Consolidated Plan and 2011 Action Plan

SUMMARY RECOMMENDATION:

Approve an amendment to the City of Yuma 2011-2015 CDBG Consolidated Plan and 2011 Action Plan that uses unprogrammed and unspent funds from cancelled and completed activities to add funds to current activities.

REPORT:

The City of Yuma 2011-2015 CDBG Consolidated Plan and each Annual Action Plan, approved by City Council, are the planning documents for the use of CDBG funds. Any substantial change in the use of these funds requires an amendment to the Action Plan and Consolidated Plan.

Unprogrammed funds, funds from cancelled activities and unspent funds from completed activities will be added to existing activities. The total amount being reprogrammed into the activities below is \$426,372.77. The activities being increased meet a CDBG national objective and are eligible activities within the CDBG Program. All activities address objectives and strategies of the 2011-2015 Consolidated Plan and are located within the City of Yuma.

Sources of funds:

- Crossroads Mission, Family Shelter Predevelopment Project – Reduced to actual project expenditures from \$225,374 to \$115,885.85
- Yuma Neighborhood Development Organization, Government Fee Reduction Program – Reduced from \$30,000 to zero.
- Regional Center for Border Health, Learn More, Know More Program – Reduced to actual project expenditures from \$30,000 to \$18,522.58
- Additional funds from unprogrammed program income, unprogrammed entitlement funds and reductions in activities not requiring an amendment - \$275,407.20

Funding Increases to existing activities:

- City of Yuma, Housing Rehabilitation Programs - increase from \$300,000 to \$601,372.77
- Yuma Neighborhood Development Organization, Affordable Acquisition for Rehabilitation Program – increase from \$113,000 to \$238,000.

Land Exchange:

4.77 acres of land adjacent to Valley Aquatics Center, otherwise known as the Cibola Property, will be exchanged for two residential lots on the northeast corner of the intersection of Avenue A and 16th Street. The City of Yuma owns all of the parcels; however, the land near the Cibola Property was originally approved by City Council to be used for affordable housing, a CDBG-eligible activity. The City of Yuma Parks and Recreation has now targeted the land for future park expansion, which is not CDBG-eligible in this area. The properties on Avenue A and 16th Street will be granted to the Yuma Neighborhood Development Organization, a nonprofit Community Based Development Organization (CBDO) to construct two new affordable homes that will be sold to low-and moderate-income families, thereby meeting CDBG national objectives.

Detailed information concerning this amendment was provided to the City Council on December 6, 2011. The proposed amendment was published in The Sun and the Bajo el Sol December 16, 2011. The required thirty (30) day public comment period ended on January 16, 2012 and no comments were received.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: CDBG Fund 161-1018-xxxx	
		\$0.00		
		\$0.00		
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. 2011-2015 CDBG Consolidated Plan 2. Annual Action Plans 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		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/11/2012	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Brant Hanson		1/3/2012		
WRITTEN/SUBMITTED BY:		DATE:		
Nikki Hoogendoorn		12/21/2011		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 18, 2012

DEPARTMENT:

City Administration

DIVISION:

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

TITLE:

Agreement Extension: City Attorney

SUMMARY RECOMMENDATION:

Authorize extension of the agreement with Steven W. Moore to serve as City Attorney for the City of Yuma.

REPORT:

Article VI, Section 3(c) of the Yuma City Charter provides that the City Attorney be appointed by the City Administrator with the approval of the City Council. City Attorney Steven W. Moore was appointed by the City Administrator, as a City employee, and approved by the City Council in 1991.

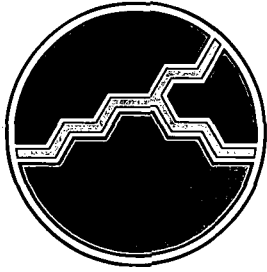
During his tenure as City Attorney, Steven W. Moore has had contracts, both in private practice and as a City employee. The existing agreement extends through June 30, 2012.

As an honor to Steven W. Moore's long-term dedication to the City, with the City's support, Steven W. Moore was elected and committed to International Municipal Lawyers Association (IMLA) to become president and hold the respective offices. This is a three-year commitment to expire at the end of 2014. The City of Yuma encourages professional development and these positions reflect well nationally and internationally on the City of Yuma.

The City Administrator desires to extend the agreement to December 31, 2014, on the same terms and conditions. The terms and conditions of the extension include:

1. Requirement of full-time City Attorney services.
2. Performance as a City Department Head and accorded the same treatment and benefits as other Department Heads or Deputy City Administrators.
3. Provision for private practice six months prior to voluntary leave, with City work as first priority.
4. If the City gives notice under the contract, the working arrangement shifts from "regular employee" status to a two-year contractual arrangement at then current annual salary for 800 billed hours per year held available for City work.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Gregory K. Wilkinson		1/11/2012		
WRITTEN/SUBMITTED BY:		DATE:		



CITY ADMINISTRATION

One City Plaza
Yuma, AZ 85364
928-373-5011 (phone)
928-373-5012 (fax)

City of YUMA

January 11, 2012

Mr. Steven W. Moore
City Attorney
One City Plaza
P.O. Box 13012
Yuma, Arizona 85366-3012

Dear Steve,

The employment agreement between you and the City of Yuma is due to expire. I would like to extend your contractual agreement with the City of Yuma for City Attorney services through December 31, 2014. The existing arrangement has been a positive and beneficial experience for the City and I support its extension.

In addition, with the City's support, you were elected and committed to International Municipal Lawyers Association (IMLA) to become president and hold the respective offices. This is a three-year commitment to expire the end of 2014. The City of Yuma encourages your professional development and these positions reflect well nationally and internationally on the City of Yuma.

You will continue to provide full-time City Attorney services without change to current treatment and benefits and be accorded at least the same treatment and benefits in the future as Department Heads or Deputy City Administrators.

As currently exists, if you voluntarily leave your employment with the City of Yuma you will give at least six months' notice. While the City needs will be first priority, you are permitted to take private clients during this period.

If the City should choose to give you notice, then your working arrangement would shift from a "regular employee" status back to a two-year contractual agreement for your then current annual salary rate for approximately 800 billed hours per year and you will hold that amount of time available.

This agreement is intended to continue all other matters as outlined in the City of Yuma's letter agreement with you dated July 12, 2007 from former City Administrator Mark S. Watson.

Regards,

Gregory K. Wilkinson
City Administrator

Accepted:

Date: _____



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: DEPARTMENT: DIVISION:	January 18, 2012 Community Development Community Planning	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
TITLE: Preannexation Development Agreement: First Assembly of God Church of Yuma, Arizona		
SUMMARY RECOMMENDATION: Authorize a Preannexation Development Agreement with the First Assembly of God Church of Yuma, Arizona for property located at the northwest corner of Avenue B and the 30 th Street alignment.		
REPORT: <p>The First Assembly of God Church of Yuma, Arizona, is the owner of two parcels located at the northwest and southwest corners of Avenue B and the 30th Street alignment (APN 105-33-090 and APN 105-33-074). The First Assembly of God Church is located at 3000 S. Avenue B (APN 105-33-074) (inside the city limits), whereas APN 105-33-090, the subject property, is located north and west of the church parcel and contains support facilities. The support buildings and facilities include: a ramada, ball field/stormwater retention, restrooms, and storage containers. The church is installing a private sewer line across the subject property to provide a sewer connection to the existing church building, which is on a septic system. Following sewer connection, the owner intends to abandon the septic system, split the subject property, and sell the portion of the subject property fronting on Avenue B. The septic system is located such that it crosses the property line between the parcels.</p> <p>The attached resolution authorizes a Preannexation Development Agreement with the property owner to provide for sewer service.</p>		

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 checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		1/10/2012	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/4/2012		
WRITTEN/SUBMITTED BY:		DATE:		
Jennifer L. Albers		12/13/2011		

RESOLUTION NO. R2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH THE OWNER OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF AVENUE B AND THE 30TH STREET ALIGNMENT

WHEREAS, the City is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the City adopted its General Plan in 2002, and the use and development of the subject property is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the property is located in unincorporated lands which is territory that is desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the property owner desires certain assurances and commitments from the City prior to and upon annexation of the property into the City of Yuma.

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

Section 1: That the Preannexation Development Agreement between First Assembly of God Church of Yuma, Arizona, and the City of Yuma attached hereto as Exhibit A and by this reference incorporated herein is approved according to its terms.

Section 2: That the City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma.

Adopted this _____ day of _____ 2012.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

RESOLUTION NO. R2012-02

**EXHIBIT A
PREANNEXATION DEVELOPMENT AGREEMENT**

This Preannexation Development Agreement (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between the First Assembly of God Church of Yuma, Arizona (“Owner”) of the real property located at the northwest corner of Avenue B and the 30th Street alignment, more particularly described and depicted in **Exhibit 1** attached hereto and incorporated herein (the “Property”), and the City of Yuma, an Arizona municipal corporation (“City”). Owner and City shall collectively be referred to herein as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, the City adopted its General Plan in 2002, and the use and development of the Property is consistent with and in conformance to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, Owner desires to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and use of the Property upon the terms and conditions contained herein.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05 and, on the condition that all of the terms and covenants hereof are complied with in a prompt and timely manner, shall constitute a contractual commitment of the City to furnish sewer service outside of the City’s municipal boundaries pursuant to the holding in *Yuma Valley Land Co., LLC. v City of Yuma*, 227 Ariz. 228, 256 P.3d 625 (2011).

2. Term. In consideration of the City’s commitment to furnish sewer connection of the Owner’s Property to the City’s municipal sewer system, it is the intent of the Parties that this Agreement will commence and become operative upon the date of its execution (the “Effective Date”), and will terminate when the obligations of the parties with respect to annexation and dedication of public rights-of-way are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first.

3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1. Owner and any subsequent owners agree that within 10 days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners will sign an annexation

petition seeking to annex any part or portion of the Property into the City of Yuma municipal boundaries. Upon receipt of the signed annexation petition, City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 et seq. and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the corporate limits of the City.

3.2. Upon annexation of the Property into the municipal boundaries, pursuant to A.R.S. § 9-471(L), the Property, or portion thereof, will be designated Limited Commercial (B-1) zoning district with the Aesthetic Overlay (AO) zoning district, as set forth in Chapter 154 in the Yuma City Code.

4. Development Standards. The development and use of the Property shall be subject to all applicable city, county, state and federal laws, regulations, rules, policies and fees in effect at the time of such development ("Applicable Laws").

5. Citywide Development Fees, Payment in Lieu of Tax and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City sewer service available to the Owner's Property on the same terms and conditions as any other development within the City.

5.1. Beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all Citywide Development Fees for any new construction (defined as any building construction commenced within two years prior or anytime after the Effective Date), including the transportation development fee, the police facilities development fee, the fire and emergency medical services development fee, the general government facilities development fee, the public works facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, and any water or sewer payback amounts.

5.2. A payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due.

5.3. Upon annexation of the Property, water and sanitary sewer service to the Property shall be available in accordance with Applicable Laws, and Citywide Development Fees, water and sanitary sewer capacity and connection fees, water system development charges, the sanitary sewer interceptor charge, and City tax on construction activity shall be collectable by the City in accordance with Applicable Laws and this contract provision. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Right of Way Dedications. Owner hereby covenants and agrees that prior to issuance of a water meter, sewer connection, issuance of any City building permit for the Property, or conveyance of any part or portion of the Property, Owner or Owner's successors shall dedicate the following rights of way to the City in fee simple, either by deed, recorded lot tie/lot split, or by plat:

6.1 Avenue B. Owner shall dedicate right-of-way to provide 16 feet of additional Avenue B right-of-way along the length of the Property.

6.2 Dedications Free and Clear. All right-of-way dedications shall be made to the City, free and clear of all liens and encumbrances. All existing easements in any rights-of-way to be dedicated, shall be vacated prior to or concurrently with the right-of-way dedication. Notwithstanding the foregoing, Owner may specifically request approval of an existing easement located within a proposed dedication or grant by submitting a written request to the City, and receiving from the City, in connection with City's acceptance of the right-of-way dedication, written approval of the City Engineer accepting title to the right-of-way subject to the specifically presented existing easement.

6.3 Non-Access Easements. In connection with the dedication of Avenue B right-of-way, Owner shall grant any required non-access easements to the City except for approved driveway locations. Such non-access easements shall prohibit vehicular access to and from the Property, but shall allow utility and pedestrian access.

6.4 Environmental Requirements. All right-of-way dedications shall be accompanied by a copy of Owner's Phase 1 environmental site assessment to show that the property being accepted by the City is free of contamination. Prior to the acceptance of any dedication, the City reserves the right to conduct a Phase 1 environmental site assessment on the Property and Owner agrees to cooperate with such Phase 1 environmental site assessment.

6.5 Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

- a. A median covenant notifying future owners that a median may be constructed within the public right-of-way which may limit turning motions into and out of their lot or parcel, and
- b. An avigation easement against title to the Property.

6.6 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the "Permitting Agency") through the Permitting Agency's normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Public Improvements

7.1 Construction of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City's normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner's construction and installation of public improvements shall occur with the time-frames specified under

Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water and sanitary sewer franchise service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for any required Notice of Intent to Discharge, the City will issue the appropriate “Authorization To Connect to Public Sewer” and “Authorization to Connect to Public Water Service” letters for both water and sewer service.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Utility Lines To Service Property. Owner agrees to connect the Property to City sewer service in accordance with City of Yuma Utility Regulations and this Agreement. Owner, at Owner’s sole cost and expense, shall secure all necessary easements, consents and rights-of-way needed for Owner’s construction and connection of Owner’s private water and sewer lines of sufficient capacity to service the Property. The City shall permit connection to the City’s water system and wastewater disposal system in accordance with the City of Yuma Utility Regulations, Applicable Laws, and the terms of this Agreement. Owner and City acknowledge that any extension of a sewer service line necessary to serve the Property or Owner’s adjacent property (APN 105-33-074), shall be a private sewer line, and that Owner or Owner’s successors in interest shall be solely responsible for all costs, inspections, and maintenance associated with installation of the private sewer service extension.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given hereunder, shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:
City Administrator
One City Plaza
Yuma, AZ 85364

To Owner:
President
First Assembly of God Church of Yuma, Arizona
3000 S. Avenue B
Yuma, AZ 85364

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either party defaults (the "Defaulting Party") with respect to any of such party's obligations, then the other party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above, the Non-defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any

such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the non-defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Representations

12.1 Owner Representations. Owner represents and warrants that:

a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.

e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.

g. Owner has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.

h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City representations. City represents and warrants to Owner that:

a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.

e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.

g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

16. Successors and Assigns. All of the provisions hereof shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D, and will run with the land during the Term of the Agreement as defined in Section 2 or such longer period where the covenant expressly survives the termination of this Agreement.

18. Miscellaneous.

18.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (or, as may be appropriate, in the Justice

Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 18.1.

18.2 Sudan/Iran Investments and Business Operations. By entering into this Agreement, Owner certifies to the City that Owner does not have scrutinized business operations in Iran or Sudan as those terms are defined in A.R.S. § 35-391 *et seq.* and § 35-393 *et seq.*

18.3 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

18.4 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either party or its agents not contained or specifically referred to in this Agreement is valid or binding.

18.5 Recordation. City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

18.6 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

18.7 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

18.8 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

18.9 Exhibits and Recitals. Any exhibit attached hereto shall be deemed to have been incorporated herein by this reference with the same force and effect as if fully set forth in the body hereof. The Recitals set forth at the beginning of this Agreement are hereby acknowledged and incorporated herein and the Parties hereby confirm the accuracy thereof.

18.10 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

18.11 Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

18.12 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of

action hereunder, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement.

18.13 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

18.14 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

18.15 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

18.16 Individual Nonliability. No City Council member, officer, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach, or for any amount which may become due to a Party or its successor, or with respect to any obligation under the terms of this Agreement.

18.17 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval thereof. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

{Remainder of page intentionally left blank}

IN WITNESS WHEREOF, the parties have executed this Agreement through their authorized representatives.

Dated this _____ day of _____, 2012.

APPROVED:

CITY OF YUMA

FIRST ASSEMBLY OF GOD CHURCH OF
YUMA, ARIZONA

By _____
Gregory K. Wilkinson
City Administrator

By _____
Paul Killingsworth, President

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Steven W. Moore
City Attorney

ACKNOWLEDGEMENTS

State of _____)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ of _____, 2012 by Paul Killingsworth, President, on behalf of the First Assembly of God Church of Yuma, Arizona.

My commission expires:

By: _____
Notary Public

EXHIBIT 1

Legal Description and Depiction of the Property

A portion of the East half of the Southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows,

Lot 2 of the FIRST ASSEMBLY OF GOD CHURCH LOT TIE/LOT SPLIT (LOT LINE ADJUSTMENT) plat recorded in Book 6 of surveys, Page 50, dated March 7, 2008, Yuma County Records.

Containing 6.5946 acres.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 18, 2012
DEPARTMENT: City Administration
DIVISION: Yuma Crossing National Heritage Area

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

TITLE:
 Resolution: Finding of Necessity

SUMMARY RECOMMENDATION:

Following a public hearing, approve a Resolution (Finding of Necessity) by a two-thirds majority vote, that for the Yuma North End Redevelopment Area of 16th Street and 4th Avenue (more particularly described and depicted in the proposed Resolution or referred to in this staff report as the "Survey Areas") meets the state statutory requirements for a redevelopment area and is designated the "Yuma North End - 16 Street and 4th Avenue Redevelopment Area."

REPORT:

At the September 20th, 2011 work session, staff presented a proposal to have City Council consider expanding the North End Redevelopment Area south along 4th Avenue to include the larger intersection of 4th Avenue and 16th Street. The purpose is to help facilitate new private investment in combination with needed intersection improvements. The first step was to conduct a survey of the properties and to report back to City Council. This report summarizes the survey results and proposes the next step in the process

A property survey was completed by Nielsen-Fackler Planning & Development (NFPD), in collaboration with RSP Architects during October 2011. Each of the 275 individual properties within the Survey Areas was inventoried and the current observable conditions present were documented. The results of the Survey indicate that approximately sixty-one percent (61%) of the properties surveyed, to a greater or lesser degree, met the required definitions under State Statute. In addition, approximately another twenty-eight percent (28%) of the surveyed properties were either vacant or underutilized, which may present a blighting influence on adjacent properties. Given these observed conditions, the Survey Areas qualify as redevelopment areas under the State Statute definitions.

Resolution of Necessity:

Completion of the Survey to establish that the conditions present within the Survey Areas qualify the Areas as potential redevelopment areas is the necessary first step toward the establishment of a redevelopment area. However, State Statutes require that the City follow a specific procedure toward the establishment of the redevelopment area. These required procedures are prescribed in State Statute ARS 36-1473 as follows:

36-1473. Finding of necessity by local governing body

A. A municipality shall not exercise any of the powers conferred on municipalities by this article until its local governing body adopts a resolution by a two-thirds vote finding both of the following:

1. One or more slum or blighted areas exist in the municipality.
2. The redevelopment of that area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

B. A municipality must notify the owner of real property that is within the boundaries of a proposed redevelopment area of the time, date and location of a public meeting concerning the findings.

The municipality must provide this notice by first class mail to the address stated on the most recent records of the county assessor.

The above State Statute requires the City to do two things to establish a redevelopment area. First, the City Council is required to pass and adopt, by a two-thirds vote, a Resolution of Necessity making the findings required by ARS 36-1473(A)(1&2). Second, the City must notify, by first class mail, the owners of real property within the boundaries of the proposed redevelopment area of the time, date and place of the public meeting at which the City Council will review and consider the findings contained in the Resolution of Necessity.

In accordance with state law, a notification to all property owners was mailed on November 22, 2011, inviting them to an open house on December 12, 2011. The open house was held at City Hall from 5-7PM, at which time a briefing was provided and input was received from the property owners who attended. The notice also described the public hearing process which included a presentation to City Council at the January 17th City Council Work Session of the findings of the Property and Building Conditions Survey, and the public hearing leading to a proposed Resolution on a "Finding of Necessity" at the January 18th regularly scheduled City Council Meeting.

Limits on Powers of Eminent Domain

This proposed Resolution of Necessity makes the required findings prescribed by the statute. However, mindful of concerns about respecting private property rights, this Resolution of Necessity also includes a provision limiting the City's power of eminent domain in the Survey Areas. Specifically, the Resolution commits the City to **not** exercise its powers of eminent domain granted within the statutes when such use is solely for the purpose of acquisition of property within the redevelopment area for economic development. The City retains its eminent domain powers for the acquisition of property for public purpose uses such as road and intersection improvements.

The Survey Areas Qualify for Redevelopment Area Status

The boundaries of the Survey Areas were established for the purposes of inventorying the current property conditions within that boundary to determine if the Survey Areas would qualify as a Redevelopment Area. The Survey Areas qualify under Statute for the establishment as a Redevelopment Area. The proposed Resolution therefore designates the Survey Areas as the Yuma North End – 16th Street and 4th Avenue Redevelopment Area. This will effectively amend and modify the boundaries of the existing North End Redevelopment Area to include the Survey Areas.

In a separate and concurrent action on this City Council agenda, there is a resolution to amend the North End Redevelopment Area's existing designation as the City's single Central Business District (CBD), pursuant to ARS 42-6209(A)(1), to include the boundaries of the Survey Areas. As explained in the accompanying staff report, this CBD designation will make certain economic development incentives available as part of the City's redevelopment efforts.

Redevelopment Plan

The proposed Resolution also authorizes and directs City staff to prepare a redevelopment plan for the Survey Areas.

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. The Yuma North End 16 th Street and 4 th Avenue Study Areas report 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/11/2012	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		1/11/2012	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Charles Flynn		1/11/2012		
WRITTEN/SUBMITTED BY:		DATE:		
Noah Cullis		12/5/2012		

RESOLUTION NO. R2012-03

A RESOLUTION OF FINDING OF NECESSITY BY THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, FINDING THE EXISTENCE OF A SLUM OR BLIGHTED AREA IN THE COMMUNITY AND THAT REDEVELOPMENT OF THE AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS OR WELFARE OF THE RESIDENTS OF THE MUNICIPALITY AND DIRECTING CITY STAFF TO PREPARE A REDEVELOPMENT PLAN.

WHEREAS, Title 36-1471 *et seq.* of the Arizona Revised Statutes provides for the establishment of slum or blighted redevelopment areas within municipalities; and,

WHEREAS, such statutes require that certain findings be made by the governing body of a municipality prior to the exercise of powers granted thereby; and,

WHEREAS, the predominance of structures and properties that exist within the boundaries of the area shown on the map in the attached Exhibit A are deficient by reason of building or improvement dilapidation, deterioration, age or obsolescence, inadequate provision of street improvements, improper or obsolete platting, unsanitary or unsafe conditions, or the existence of conditions that endanger life or property by fire and other causes; and,

WHEREAS, the City has caused to be researched city and county records and the collection of field data indicating that the area within the boundaries of the map in Exhibit A meets the criteria for redevelopment as stated in Arizona Revised Statutes §36-1471; and,

WHEREAS, the City has given proper notice to the owners of record of real property within the proposed redevelopment area as prescribed in Arizona Revised Statutes §36-1473.

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

Section 1: That there exists in the City of Yuma a slum or blighted area which constitutes a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the City of Yuma. Such area is delineated on the map in Exhibit A, attached hereto and made part of hereof by reference.

Section 2: That the redevelopment of the area which is delineated on the map attached as Exhibit A, is necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Yuma.

Section 3: That the conditions within this area are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Arizona Revised Statutes.

Section 4: That the improvement or elimination of the slum or blighted conditions that qualify the area as a redevelopment area or preventing the recurrence of these conditions in the area, the removal of structures and improvement of sites, and any assistance which may be given by the City of Yuma in connection with these activities are public uses and purposes for which public money may be expended.

Section 5: That the necessity in the public interest for the provision and designation of this redevelopment area described in Exhibit A as the Yuma North End - 16th Street and 4th Avenue Redevelopment Area is declared as a matter of legislative determination by the Yuma City Council, and that City staff is hereby directed to develop or cause to be developed a redevelopment plan for the Yuma North End – 16th Street and 4th Avenue Redevelopment Area.

Section 6: That it is determined to be in the public interest that within this Yuma North End - 16th Street and 4th Avenue Redevelopment Area, the use of the City's power of eminent domain for solely economic development purposes is expressly prohibited.

Adopted this _____ day of _____, 2012.

APPROVED:

Alan L. Krieger
Mayor

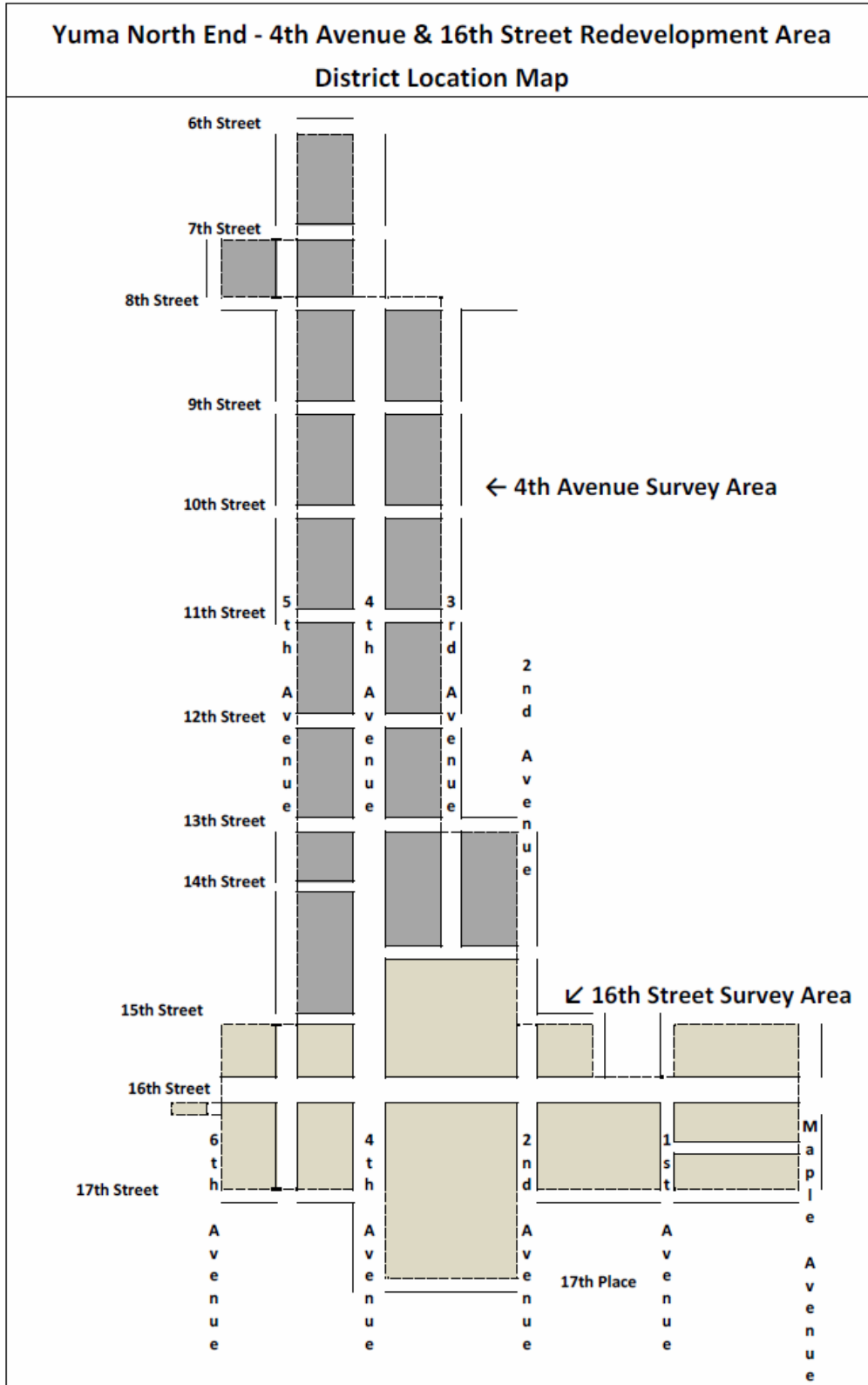
ATTEST:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit "A"





City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	January 18, 2012	<input type="checkbox"/> Motion
DEPARTMENT:	City Administration	<input checked="" type="checkbox"/> Resolution
DIVISION:	Yuma Crossing National Heritage Area	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:
 Resolution: Designating a Portion of the City of Yuma as a Central Business District

SUMMARY RECOMMENDATION:
 Authorize the designated portion of the City located within the combined and contiguous boundaries of the existing Yuma North End Redevelopment Area and the newly designated Yuma North End – 16th Street and 4th Avenue Redevelopment Areas of the City of Yuma as a Central Business District and an area determined to be in need of tax incentives to encourage private investment.

REPORT:

During October 2011, a survey was completed by Nielsen-Fackler Planning & Development (NFPD), in collaboration with RSP Architects. A total of 275 individual properties along the 3rd, 4th and 5th Avenue corridors within the survey areas was inventoried and the current observable conditions present were documented.

Concurrent with this action, the City Council is considering an extension of the redevelopment area. This action would extend the Central Business District within the same boundaries as the redevelopment area pursuant to Arizona Revised State Statute, ARS 42-6209(A)(1).

The statutes provide, an economic development incentive, for the abatement of the government property lease excise tax (GPLET) on privately developed and leased government-owned land and improvements within the community’s designated Central Business District which is also been designated as a Redevelopment Area, by statute. Including these new properties within the North End Redevelopment and Central Business District will provide the basis for the potential use of the GPLET as an important economic development incentive. The State Statute ARS 42-6209 provides that:

- a) The City shall not designate more than one central business district within the community.
- b) The City shall not approve or enter into a development agreement or lease for a government property improvement within one year after the designation of the central business district in which the improvement is located.
- c) “Central Business District” means a single and contiguous geographical area designated by resolution of the City Council and meeting the following requirements:
 - i) The Central Business District is located entirely within a Redevelopment Area established pursuant to Title 36, Chapter 12, Article 3 of the Arizona Revised Statutes.

ii) The Central Business District is geographically compact and no larger than the greatest of five percent of the total land area (3,849 acres for Yuma) within the exterior boundaries of the City or six hundred acres. Note: the combined areas of the existing North End Redevelopment Area when combined with the 4th Avenue and 16th Street Survey Areas will total only 565 acres.

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:			
	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	1/11/2012
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files for Steven W. Moore	1/11/2012
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Charles Flynn	1/11/2012	
WRITTEN/SUBMITTED BY:	DATE:	
Noah Cullis	12/5/2011	

RESOLUTION NO. R2012-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DESIGNATING A PORTION OF THE CITY OF YUMA AS A CENTRAL BUSINESS DISTRICT AND AN AREA DETERMINED TO BE IN NEED OF TAX INCENTIVES TO ENCOURAGE PRIVATE INVESTMENT IN THE CONSTRUCTION OF SUBSTANTIAL NEW IMPROVEMENTS.

WHEREAS, it is deemed to be in the best interest of the City of Yuma that certain property located within the combined and contiguous boundaries of the existing Yuma North End Redevelopment Area and the newly designated Yuma North End – 16th Street and 4th Avenue Redevelopment Areas of the City of Yuma, as shown on Exhibit “A”, attached hereto and incorporated herein, should be improved with new construction, rehabilitation of existing properties, development and redevelopment; and

WHEREAS, Arizona Revised Statutes §42-6209 authorizes certain tax abatements for certain property improvements within the Central Business District and Redevelopment Areas established in accordance with Arizona Revised Statutes §36-1471 *et seq.*

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

Under Arizona Revised Statutes §42-6209, the combined boundaries of the existing North End Redevelopment Area and the newly designated Yuma North End – 16th Street and 4th Avenue Redevelopment Areas of the City of Yuma, as shown on the attached Exhibit “A”, are hereby designated as the Central Business District of the City of Yuma, Arizona, and that there are certain properties located within this Central Business District that may be in need of tax incentives to encourage private investment and reinvestment in the construction of substantial new improvements.

Adopted this _____ day of _____, 2012.

APPROVED:

Alan L. Krieger
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Steven W. Moore
City Attorney

Exhibit "A"

City of Yuma Central Business District District Boundaries Map

