



**CITY OF YUMA  
REGULAR CITY COUNCIL MEETING AGENDA  
COUNCIL CHAMBERS – YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
WEDNESDAY, SEPTEMBER 3, 2014  
5:30 P.M.**

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**FINAL CALL** for submission of Speaker Request Forms for agenda related items.

**PRESENTATIONS**

- Pinning Presentation - Certified Emergency Paramedics
- Presentation by the Clean and Beautiful Commission for promotion of bike paths

**I. MOTION CONSENT AGENDA**

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

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

- 7. 1. Special Worksession/Roundtable March 11, 2014
- 12. 2. Special Worksession/Budget Meeting April 29, 2014
- 22. 3. Regular City Council Meeting June 4, 2014
- 29. 4. City Council Citizen's Forum June 17, 2014
- 30. 5. Special City Council Meeting July 8, 2014
- 31. 6. Special City Council Meeting July 11, 2014

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)

**32. 2. Liquor License: TownePlace Suites**

Approve a New License #10 Beer and Wine Store, Liquor License application, submitted by Randy D. Nations, agent for Yuma Hospitality Group II LLC dba TownePlace Suites, located at 1726 S. Sunridge Drive, Yuma, Arizona. (LL14-18) (City Administration/City Clerk) (Lynda L. Bushong)

**34. 3. Liquor License: Red Lobster #6333**

Approve an Interim Permit/New License #12 Restaurant, Liquor License application, submitted by Richard Scott Teel, agent for Red Lobster Hospitality, LLC dba Red Lobster #6333, located at 1521 S. Yuma Palms Parkway, Yuma, Arizona. (LL14-19) (City Administration/City Clerk) (Lynda L. Bushong)

**36. 4. Special Event Liquor License: Yuma Fine Arts Association - The Opening Seasons Reception**

Approve a Special Event Liquor License application submitted by David L. Woodward, on behalf of the Yuma Fine Arts Association, for The Opening Seasons Reception. The reception will be held at the Yuma Art Center, located at 254 S. Main Street, on Friday, September 19, 2014 from 5:00 p.m. to 10:00 p.m. (SP14-21) (City Administration/City Clerk) (Lynda L. Bushong)

**38. 5. Cooperative Purchase Agreement: Recycled (Hot In Place) Asphalt Paving**

Authorize the use of a Cooperative Agreement through City of Scottsdale, Arizona to purchase Recycled (Hot in Place) Asphalt Paving service for an estimated cost of \$450,000.00 with the following company: Cutler Repaving, Inc., Lawrence, Kansas. (Public Works/Engineering - Bid #2015-200000006) (Kevin Eatherly)

**40. 6. Declaration of Surplus: Sale of Firearms**

Declare firearms from the Police Department, consisting of forfeited evidence, unclaimed and abandoned safekeeping and found firearms, as surplus. (Police Department - Bid #2015-20000050) (John Lekan)

**44. 7. Appointment of Acting City Administrator**

Designation of the Acting City Administrator during the absence or disability of the City Administrator, pursuant to the Yuma City Charter, Article VIII, Section 3. (City Administration)

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

M/\_\_\_\_\_ S/\_\_\_\_\_ VV/\_\_\_\_\_

**II. 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.

**47. A. Resolution R2014-30 Development Agreement: Yuma County Intergovernmental Public Transportation Authority**

Authorize the City Administrator to execute a Development Agreement that contains an advertising license and a lease of City of Yuma right-of-way (Agreement) with Yuma County Intergovernmental Public Transportation Authority (YCIPTA) for bus stop locations in the City of Yuma right-of-way. (Community Development/Administration) (Laurie Lineberry)

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

M/\_\_\_\_\_ S/\_\_\_\_\_ RV/\_\_\_\_\_

**III. 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.

**64. A. Ordinance O2014-26 Rezoning of Property: Southeast corner of Avenue C and 16th Street, Yuma, AZ**

Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16th Street, Yuma, AZ. (ZONE-6465-2014) (Community Development/Community Planning) (Laurie Lineberry)

**SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:**

M/\_\_\_\_\_ S/\_\_\_\_\_ RV/\_\_\_\_\_

**IV. 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.

**83. A. Ordinance O2014-27 Declaration of Surplus and Authorization of Transfer of Land: Arizona Department of Veteran's Services**

Declare certain property at the southeast corner of Avenue 6E and the 34th Street alignment as surplus and authorize conveyance of the property to the State of Arizona, Department of Veterans' Services, which will automatically revert to the City if certain conditions are not met. (City Administration/Administration) (Ricky Rinehart)

**V. PUBLIC HEARINGS & RELATED ACTIONS**

*There are no Public Hearing Items scheduled at this time.*

**FINAL CALL** for submission of Speaker Request Forms for Call to the Public.

## **VI. ANNOUNCEMENTS AND SCHEDULING**

Discussion and possible action on the following items:

1. 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 August 27, 2014 through September 3, 2014. 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.
2. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

## **VII. 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.

## **VIII. 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.

## **IX. EXECUTIVE SESSION**

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (3 and/or 4) and the following items:

1. Discussion, consultation with and/or instruction to legal counsel regarding City of Yuma v. Q & M Entertainment. (A.R.S. 38-431.03 A3 & A4)

## **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, Yuma, Arizona 85364-1436; (928) 373-5125 or TTY (928) 373-5149.

**MINUTES**  
**SPECIAL WORKSESSION/ROUNDTABLE**  
 CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
 CONFERENCE ROOM 190, YUMA CITY HALL  
 ONE CITY PLAZA, YUMA, ARIZONA  
**March 11, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:31 p.m.

Councilmembers Present: Wright, Knight, McClendon, Thomas, Craft and Mayor Nicholls  
 Councilmembers Absent: Beeson  
 Staffmembers Present: City Administrator, Gregory K. Wilkinson  
 Human Resources Director, Jack Dodd  
 Various Department Heads or their representative  
 City Attorney, Steven W. Moore  
 City Clerk, Lynda L. Bushong

**I. COMPENSATION STUDY**

**Dodd** stated that the last Compensation Study was done in 2006. The City contracted with Public Sector Personnel Consultants in 2011-2012 to conduct a Classification Study that made sure everybody was classified properly; the Compensation Study is the second step of the process.

Matt Weatherly, the President of Public Sector Personnel Consultants, presented the following:

- Public Sector Personnel Consultants
  - Conducts studies for State and local government offices, cities/towns and counties, school districts and other special districts throughout the United States.
  - Home base is Tempe Arizona
- Tasks
  - Market survey and compare salary offerings to other comparable employers
  - Develop a compensation plan to match the City’s future/philosophy/policies
  - To ensure the City’s ability to attract and retain skilled staff
  - Develop implementation recommendations for consideration in the City’s upcoming budget year(s)
- Comparators
  - Comparison answers the question of “where are we” and “are we competitive”
  - Market model compares cities within reason of similar size
  - Some local employers in the public sector
  - Those municipalities/agencies considered in the comparison:

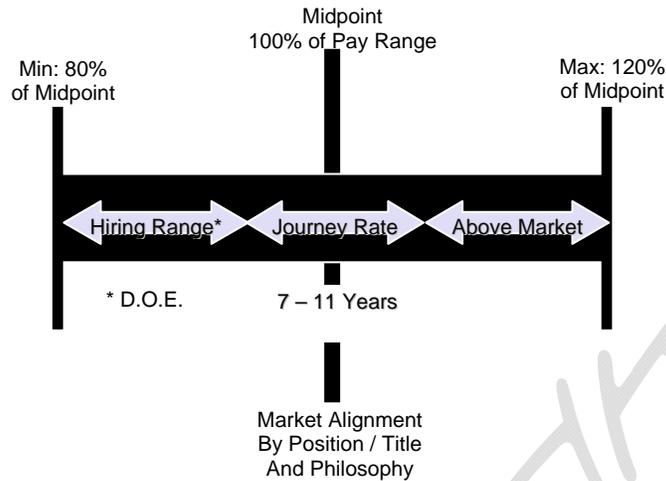
Avondale	Flagstaff	Maricopa	Surprise	Yuma County
Buckeye	Goodyear	Oro Valley	Tempe	
Bullhead City	Lake Havasu	Peoria	Tucson	
Casa Grande	Marana	Sierra Vista	Yuma Union High School District	

- Utilized mid-point figures and compared to averages of other employers and comparable jobs
- Used job descriptions, not job titles so that salaries were comparing apples to apples
- Data based on past 3-5 years so that it captures figures/positions as the economy has changed
- Summary of Findings
  - 85 job titles were surveyed (7 had limited data)
  - Only 14% of the city’s current pay ranges are competitive (within 5% of the prevailing rates)
  - Comparisons and summary are made at the midpoint range, rather than actual salaries
  - Actual salaries of employees, as well as actual salaries of employees in other cities, vary from the midpoint based on tenure, previous experience, etc.
- Recommended Compensation Plan
  - Updated pay ranges have been proposed to ensure all positions are placed in a pay range at a consistent market relationship, s/a 50<sup>th</sup> percentile or within 5% of the prevailing rates for each job
  - Factors that influence the City’s ability to recruit and retain quality staff should be discussed, and may include:
    - Geography: local or regional competition for staff
    - Staff performance expectations
    - Staffing levels
    - Budget
    - Constituent understanding and service level expectations
  - Pay ranges have been proposed for all job classifications, using the market data collected, the City’s organizational structure and reporting relationships
  - We recommend any salary below the proposed pay range minimum, be brought up to minimum
  - Further notes:

Quartile of Pay Range	#ee	Avg Tenure/years
1 <sup>st</sup> Q: 79% - 89% of Midpoint	819	4.9
2 <sup>nd</sup> Q: 90% - 99% of Midpoint	223	11.9
3 <sup>rd</sup> Q: 100% - 109% of Midpoint	135	17
4 <sup>th</sup> Q: 110% - 120% of Midpoint	37	19

- If the City adopts the proposed salary ranges, implementation of the proposed salary ranges would require moving 526 employees up to the proposed minimum of their pay range and totals an estimated \$1,283,439 or 2.79% of base payroll costs.
- Additional in-range adjustments could be performed, perhaps over multiple budget years, to move employees with more than 4 years in their job out of (for example) the 1<sup>st</sup> quartile.
- These “market” adjustments would not typically replace any other budgeted COLA, merit, etc, and would not affect all employees.

## Pay Range Illustration



### Summary

- This study does not address general increases or COLA's but provides a solid foundation for an equitable and competitive pay structure to attract and retain high quality employees.
- The City will have the tools, reference materials, and support necessary to perform prescribed updates for plan maintenance based on future changes in market values.

### Discussion

- Employees in the 1<sup>st</sup> quartile with 4.9 years experience are considered still in the 'hiring range'
- Ideally journey level people are paid as close to market as possible
- Aligning the midpoint to the middle of the pay structure ensures we are being competitive
- The numbers are not adjusted based on cost of living.
  - There may not be a direct correlation in terms of cost of living.
    - The City should defer to hiring managers and HR to pare up what the data is telling us.
- Managerial level positions and above are more likely to relocate than entry level positions
- The 85 jobs surveyed include a wide sampling/levels of jobs accounted for
- This data in this compensation study can be applied to a fixed pay scale
  - The pay scale will not change but rather the placement of the jobs on the scale
  - "Job families" are studied as well
- It takes approximately 16 years to move through the pay scale
  - Depending on raises or lack thereof
- The purpose of the compensation study is to help us be more competitive

## II. 2014-2015 BUDGET

**Wilkinson** touched on several budget priorities as follows:

- Equipment Replacement Pool
  - Funded for items over \$30,000
    - Purchases this year include:
      - Street Sweeper (\$252,000)
      - Servers, PC's and switches (\$147,000 which is 1/3 of the cost which will be spread out over 3 years)
      - Ambulance(s)
- Air Packs (including masks, charging equipment and compressors) at a cost of \$1.2 million
- Bullet Proof Vests
- Tasers
- Roof Repairs at City Buildings
- Additional positions (26 new positions and 6 upgrades from part-time to full-time)
  - About ½ are in public safety
  - An Assistant City Prosecutor position that would also double as an advisor to the Police Department
  - A Building Inspector
  - Upgrading some part-time positions to full-time positions
    - Monitoring part-time employees to not go over 30 hours due to the Affordable Health Care Act which takes effect January 1, 2015.
- Compensation Recommendations:
  - Implement to beginning of recommended pay range
  - 2.5% increase to those already in the range to help with compression
  - Do away with the 2.5% increase at the end of the probation period for new employees

**Wilkinson** outlined 6 areas he would like feedback on:

- All employees, with the exception of part-time employees, will receive a 2.5% pay increase or be brought to the beginning of the new recommended ranges as determined by the compensation study.
- Seasonal employees such as lifeguards and referees and Cadet pay will not increase
- Postpone implementation to after July 1<sup>st</sup>
- Adding 26 new positions and 6 upgrades from part-time to full-time.
- Do away with the 2.5% increase after successful completion of probation
- Requiring Departments to stay within their budgets including payroll and overtime

### Discussion

- It will cost \$1.8 million to give every employee a 2.5% increase OR bring them to the minimum of their new range per the compensation study.
  - Last year's 2.5% increase across the board cost \$1.2 million
- This proposal is based upon keeping the tax levee the same

- Funding is already in the budget to cover the equipment replacement previously mentioned
- Budget projections indicate that there will be enough funds to cover the increases
- The only increases to fees for services being considered include: (1) delinquency payments and reconnect fees in utilities and (2) Development Fees.
- Police and Fire personnel are back up to and ahead of the number of employees that there were before the economic downturn and cuts.
  - As such, Public Safety is now able to be more proactive
- Benefits such as medical and retirement were not compared in the study
  - However, Arizona State Retirement and Public Safety Retirement are the same for everyone.
- The City of Yuma offers 3 medical plans; Plan A, Plan B and High Deductible.
  - The City's medical plans are comparable to other cities.
- Over the last several years, the City has replaced approximately 20 police vehicles mainly using public safety tax monies.
- The Mayor's priorities include paying a fair wage and not imposing additional taxes, whether through an increase or through fees, to the taxpayer.
- The City of Yuma is always looking at ways to save money and be more efficient

**Mayor** adjourned the meeting at 7:22 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

**MINUTES**  
**SPECIAL WORKSESSION/BUDGET MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CONFERENCE ROOM 190, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**April 29, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council Special Worksession to order at 5:30 p.m.

Councilmembers Present: Wright, Knight, Beeson, Thomas, Craft and Mayor Nicholls  
Councilmembers Absent: McClendon  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Finance Director, Pat Wicks  
Various Department Heads or their representative  
City Attorney, Steven W. Moore  
City Clerk, Lynda L. Bushong

**I. CITY OF YUMA 2013-2014 AND 2014-2015 BUDGETS**

**Wicks** provided the following budget overview:

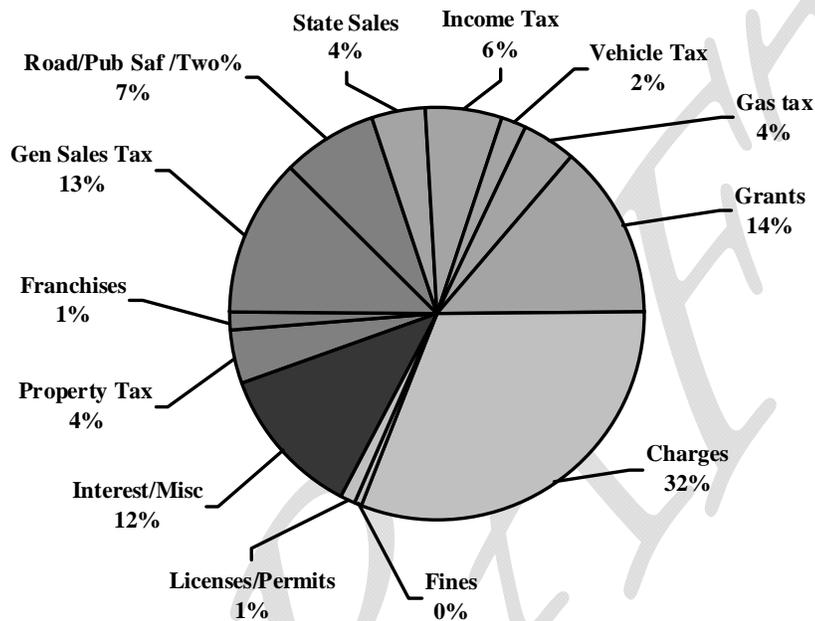
Revenues

- Types of revenues
  - Taxes - Broad-based revenues over larger tax bases to cover services for which the ultimate user is difficult to determine for fee purposes, i.e., police services
  - Charges and fees - Various fees for whom the ultimate beneficiary of service is readily determined; intended to cover all or part of service provided
    - Licenses and permits
    - Utility charges
    - Golf fees
    - Recreation fees
- Sources of revenues
  - State-shared revenues
    - Sales Tax – 25% of total tax base (less certain classifications) distributed to cities and towns based on their population to total population of all incorporated cities and towns in the state using the last decennial or special census (Yuma is roughly 1.8%). Unrestricted other than for municipal purposes.
    - Income Tax – Established by voter initiative in 1972 at 15% of total personal and corporate income tax collected two years earlier and distributed to cities and towns on same basis as sales tax. Unrestricted other than to municipal purposes.

- Vehicle license tax – 25% of taxes paid at new or renewal vehicle registrations distributed on same basis as sales tax. Unrestricted other than to municipal purposes.
- Gas tax – 27.5% of gas tax collections in the state allocated to cities and towns. One-half of allocation uses same basis as sales tax and one-half is based on the percentage of sales in “county of origin” and distributed based on city’s population to total city and town population in the county. Restricted to highway and street purposes.
- Lottery – A maximum of \$23 million from the Lottery is distributed to cities and towns in a similar manner as sales tax and is restricted to street construction or public transportation needs of cities (10% may be expended on cultural activities if matched by outside donors)
- Local revenues
  - Property tax – For any government purpose—not directed to a particular service; limited by state constitution
  - Sales tax
    - General – no time limit; 1% of tax base; general government purpose
    - Road – no time limit; 0.5% of tax base; maintenance and construction of roads
    - Public Safety – renewed in 2010 to 2035; 0.2% of tax base; public safety facilities and equipment
    - 2% - begun in 1971; renewed for 15 years in 1994 and again in 2009; smaller tax base of bars, hotels, restaurants; restricted to recreation complex, golf courses, Yuma Crossing area (Heritage area), Art Center, parks and recreation, and conventions/tourism
  - Franchise fees
    - General revenue
    - Amount determined by periodic negotiation with City Council
      - Arizona Public Service
      - Southwest Gas
      - Adelphia Cable
    - Allows use of City right-of-way
  - Business licenses – General revenue covering part of cost of administering license program for those doing business within the City limits; set by type of business
  - Fines and forfeitures – Municipal Court fines determined primarily by Arizona Supreme Court; general revenues retained by City no longer cover cost of court operations
  - Permits
    - Set by City Council
      - Building permits
      - Planning/zoning fees
  - Charges for services
    - Intended to cover all or portion of related service
      - Utility charges

- Golf fees
- Solid waste fees
- Recreation fees
- Federal/State grants and entitlements
  - West Wetlands
  - Interoperability communications project
  - Community Development Block Grant (CDBG)

Revenues – All Funds



Fund Accounting

- Governments separate the accounting of revenue sources because of internal or external requirements and restrictions
  - General Fund – Accounts for unrestricted or general purpose revenues
  - Special Revenue Funds – Individual funds that account for internally or externally restricted revenues, i.e., Highway User Revenue Fund (gas tax), Solid Waste Fund, Two Percent Tax Fund
  - Enterprise Funds – Funds that account for business-type activities that are intended to be self-supporting using accounting methods similar to business enterprises: Golf Courses, Water, Wastewater
  - Other Funds – Capital Projects, Debt Service, Internal Service

Department/Fund relationship

Revenues		General	Special Revenue	Enterprise
S h a r e d	State sales tax	X		
	State income tax	X		
	Vehicle license tax	X		
	Gas tax		X	
	Lottery		X	
	Grants/entitlements		X	
L o c a l	Property tax	X		
	Sales taxes:			
	<i>General</i>	X		
	<i>Public Safety</i>		X	
	<i>Road</i>		X	
	Licenses/permits	X		
	Franchise fees	X		
	Fines	X		
	Charges for Services:			
	<i>Utility fees</i>			X
	<i>Golf courses</i>			X
	<i>Recreation fees</i>	X		
	<i>Rents/concessions</i>	X	X	X
	<i>Solid waste</i>			X
	Expenditures			
D e p t s	Police	X	X	
	Fire	X	X	
	Parks	X	X	X
	Public Works	X	X	X
	Utilities			X
	Com Development	X	X	
	Administrative	X	X	X

**Wilkinson** explained the proposed budget changes for FY2014-2015 related to the labor market salary adjustment:

Budget Changes

- Minimum 2.5% increase for all employees with the exception of cadets and probationary employees
- Labor market salary adjustment (one-time adjustment)
  - Movement to new pay range based on the results of the labor market study
    - To be implemented over a two-year period
      - Half on July 1, 2014; Half on July 1, 2015

- Minimum pay to be offset by 2% per year for time in position, up to the mid-point, to address compression
- Future considerations
  - Incentive pay
    - Internal committee has been meeting to develop a new evaluation form, which will go into effect July 1, 2014
    - 0.5% of the salaries of each department would be allocated to incentive pay as part of next year's budgeting
      - Department heads would have the ability to distribute the incentive pay budget amongst the top 25% plus one of the department
  - Cost of living step increases
    - 2% to be implemented beginning in 2015

**Discussion:**

- When, in terms of time in grade, does an employee generally top out in their salary range?
  - Using 2% as a benchmark, generally around 16 to 17 years.
- Will the City be able to continue to sustain proposed increases related to salary adjustments, cost of living increases, and pay-for-performance, after 2015?
  - Based on projected revenues, it appears that the budget will sustain the proposed increases for at least the next two years. The pay-for-performance plan wouldn't go into effect until next year, after the new evaluation forms have been implemented. Nevertheless, employees have already been informed that there are no guarantees any of these increases will be approved.

**Wilkinson** explained the following budget changes related to new positions:

New Positions

- City Administration – 1; Custodian
- City Attorney – 2; 1 Legal Assistant/1 Attorney
- Community Development – 2; 1 Assistant/1 Building Inspector
- Parks and Recreation – 6; Various positions
- Police – 13; 8 Police Officer Positions on grant/1 corporal position/2 custodian positions converted to full-time/1 Dispatch Supervisor/1 Dispatcher
- Public Works – 1; Electrician
- Utilities – 1; Instrumentation Tech
- Overstaffing
  - 5 positions at YPD to compensate for academy and training time
  - 3 positions at YFD to offset planned retirements and attrition

**Wicks** commented on additional budget changes:

- Retirement system contribution change
  - Arizona State Retirement System: < 1% increase
  - Public Safety: 1% increase

- Elected Officials: 1% increase
- Approximately 3% increase in health insurance allowance to cover the increase to employees for the Plan B and the High Deductible Plan; Plan A will continue to require employee contributions for the employee portion of the premium

Discussion:

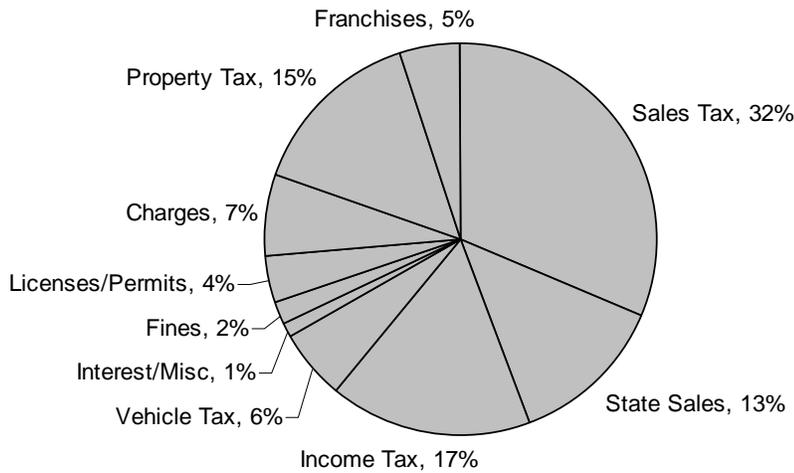
- **Wicks** clarified the following:
  - The City offers three health insurance plans (Plan A, Plan B, and the High Deductible Health Plan) and each plan has four tiers:
    - Employee
    - Employee/Spouse
    - Child(ren) only; and
    - Family Coverage
  - The 3% adjustment to the health insurance premiums is for medical coverage only, not dental.
    - Plan A actually increased by 12%; however, the City will only bear the first 3% of that increase. The remaining 9% will be the employee's responsibility
    - The City covers 100% of the employee's portion of the premium for Plan B and the High Deductible Health Plan (HDHP). Until last year, the City covered 100% of Plan A, but Plan B was added to segment coverage.
  - The City is part of the Yuma Area Benefit Consortium (YABC), which consists of two local school districts, the community college district and the City of Yuma. Belonging to a consortium helps to gain buying power and increase influence in the medical market.
    - The YABC Board, which includes two representatives from each participating entity, sets the costs for the various plans. The appointed members from the City are Pat Wicks (Finance Director) and Jack Dodd (Director of Human Resources).
  - The HDHP is a concerted effort to get consumers to pay attention to the cost of their health care by making the individual pay a higher deductible. As a benefit, the consumer is able to accumulate money into a tax-free health savings account (HSA), which can be used toward the deductible.
    - The City adopted the HDHP three years ago. Since then, the average cost of a HDHP member of YABC has been less than half the cost of Plan A. The City attempted to get a majority of the employees to move to the HDHP last year. Employees on the HDHP receive a \$1,500 pre-paid insurance allowance at a rate of \$125 a month, which is deposited into the employee's HSA. The \$1,500 is the difference between the Plan A and HDHP premiums.
    - As of last year, the rates on the High Deductible remained stable for three years; however, they are being raised this year due to rising costs. The increase of the HDHP was limited to 3%, but the burden was shifted to Plan A in another attempt to get employees to move from the lower deductible/higher cost plan into either Plan B or the HDHP.

**Wicks continued:**

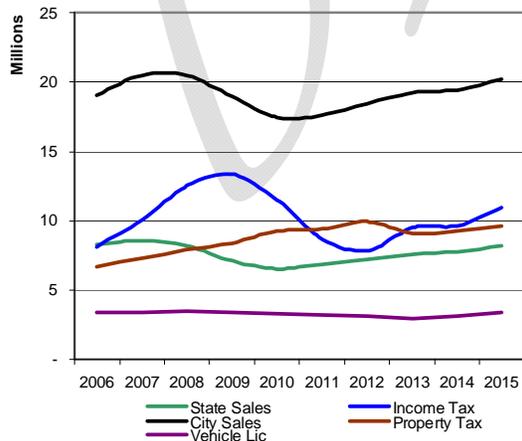
How Much is the Budget?

	2012-2013 Actual	2013-2014 Budget	2013-2014 Estimate	2014-2015 Request	Change
Personal Services	\$65,286,624	\$67,822,793	\$67,342,538	\$71,914,038	6.03%
Materials and Supplies	42,889,115	51,377,840	45,698,203	57,457,756	11.83%
Debt	29,240,027	28,278,839	29,246,384	28,416,023	0.49%
Capital Outlay	3,675,784	7,862,249	3,930,659	6,352,320	-19.20%
<b>Total Operational</b>	<b>141,091,550</b>	<b>155,341,721</b>	<b>146,217,784</b>	<b>164,140,137</b>	<b>5.66%</b>
Capital Improvements	11,999,584	33,795,383	12,870,449	36,357,200	7.58%
<b>Total Budget</b>	<b>\$ 153,091,134</b>	<b>\$ 189,137,104</b>	<b>\$ 159,088,233</b>	<b>\$ 200,497,337</b>	<b>6.01%</b>

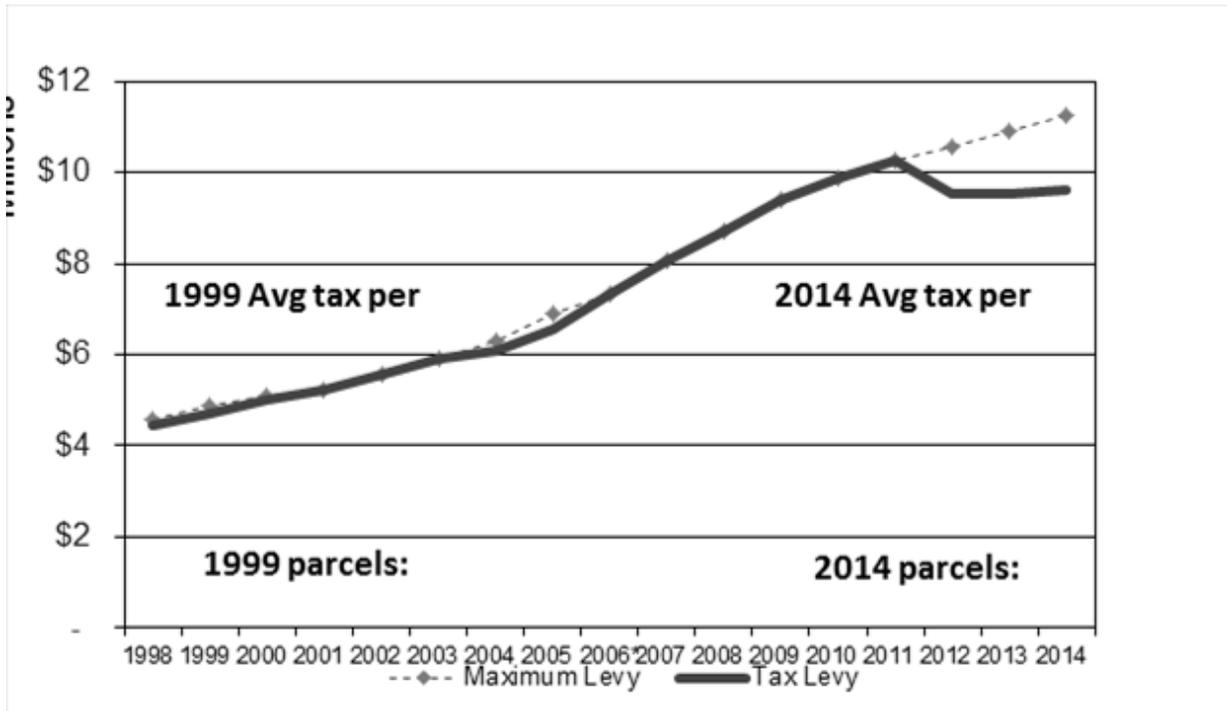
General Fund Revenues



Major Revenues – General Fund



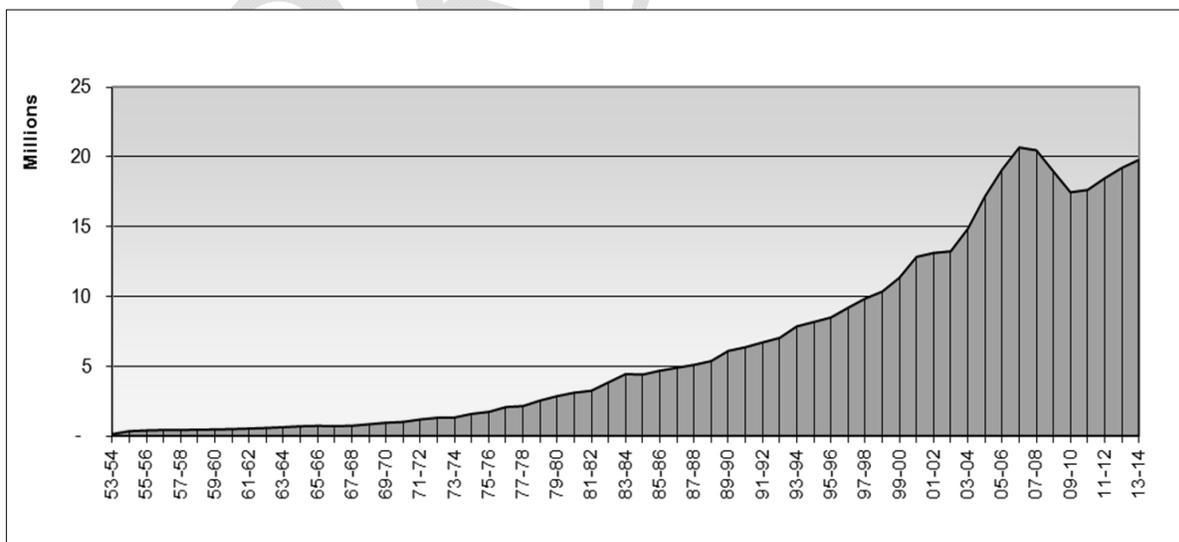
Property Taxes



Sales Tax

- Retail Sales Tax has shown steady improvement following the recession.
- Construction sales tax has shown a slight improvement, rising to just over \$2 million to date in FY2013-2014.

History of Sales Tax Collections



General Fund

<b>General Fund</b>	<b>2012-2013 Actual</b>	<b>2013-2014 Budget</b>	<b>2013-2014 Estimate</b>	<b>2014-2015 Request</b>
Unassigned Fund Balance July 1,	16,659,904	13,921,351	17,956,780	16,470,841
Sources:				
Estimated Revenues	61,190,850	61,113,268	60,912,678	63,715,373
<b>Total Sources</b>	<b>61,190,850</b>	<b>61,113,268</b>	<b>60,912,678</b>	<b>63,715,373</b>
Uses:				
Expenditures				
Personnel	46,923,228	48,151,502	48,492,237	50,825,180
Operating	9,572,777	10,043,311	9,706,270	12,233,429
Capital Outlay	156,758	35,764	65,993	30,000
Capital Improvements	-	-	-	-
Transfers Out:				
Yuma Mall Maintenance Fund	22,073	108,910	96,602	100,605
Radio Communicaton Fund	-	-	137,735	-
Debt Service Fund	3,219,138	4,269,279	3,903,780	4,269,280
Total Transfers Out	3,241,211	4,378,189	4,134,117	4,369,885
<b>Total Uses</b>	<b>59,893,974</b>	<b>62,608,766</b>	<b>62,398,617</b>	<b>67,458,494</b>
Unassigned Fund Balance June 30,	17,956,780	12,425,853	16,470,841	12,727,720

- \$12,727,720 is a target figure, which represents roughly 20% of estimated revenues for the year. The purpose of this target is to ensure that the following year has a sufficient fund balance to make operations work.

Public Safety Tax

<b>Public Safety Tax Fund</b>	<b>2012-2013 Actual</b>	<b>2013-2014 Budget</b>	<b>2013-2014 Estimate</b>	<b>2014-2015 Request</b>
Unassigned Fund Balance July 1,	1,578,236	744,007	612,607	50,425
Sources:				
Estimated Revenues	3,857,498	3,961,000	3,927,125	4,082,526
From Debt Service Reserve	-	-	-	-
<b>Total Sources</b>	<b>3,857,498</b>	<b>3,961,000</b>	<b>3,927,125</b>	<b>4,082,526</b>
Uses:				
Expenditures				
Personnel	68,169	7,051	15,295	7,126
Operating	756,298	1,154,219	1,120,799	1,153,616
Capital Outlay	1,056,109	500,000	400,000	-
Capital Improvements	-	-	-	-
Transfers Out:				
Debt Service Fund	2,942,551	2,970,312	2,953,213	2,970,312
Total Transfers Out	2,942,551	2,970,312	2,953,213	2,970,312
<b>Total Uses</b>	<b>4,823,127</b>	<b>4,631,582</b>	<b>4,489,307</b>	<b>4,131,054</b>
Unassigned Fund Balance June 30,	612,607	73,425	50,425	1,897

Wicks explained that the police department and the fire department both rely on the Public Safety Tax fund heavily. The \$7,126 is an allocation of cost on some CIP labors that go into building things. As such, the fund balance can drop a little lower than normal, but is not anticipated to get down that far. Generally speaking we don't spend 100% of our budgets but that one differs because we do not have a large number of people relying, for payroll purposes, on the cash flow of this fund.

One issue we might notice here is that there is Debt Service transfer payments of \$2.9 million for the next few years. That number represents bonds that were used to build the police station, municipal court, a number of fire stations and a public safety training facility. It is going to collect roughly \$4 million in revenue. We have roughly \$4 million in expenditures for next year.

**II. EXECUTIVE SESSION** - Executive Session was not held.

**ADJOURNMENT** - The meeting was adjourned at 6:45 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

DRAFT

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JUNE 4, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:33 p.m.

**INVOCATION/PLEDGE**

**Stephen McClenahan**, Pastor of Connecting Point of the Nazarene, gave the invocation. **Sharon Willoughby**, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Wright, Knight, Beeson, Thomas, Craft, and Mayor Nicholls  
Councilmembers Absent: McClendon  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Deputy City Administrator, Ricky Rinehart  
Director of Community Development, Laurie Lineberry  
Various Department Heads or their representative  
City Attorney, Steven W. Moore  
Deputy City Clerk, Janet L. Pierson

**FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

**PRESENTATIONS**

**Mayor Nicholls** took the presentations out of order to accommodate a scheduling conflict for members of the Elks #476.

Presentation by Elks #476 to Parks and Recreation

On behalf of the Yuma Elks #476, **Bob Stull** presented the City of Yuma Parks and Recreation Department a \$4,000 check to help with the Kennedy Pool free swim program this summer. The Elks lodge focuses on activities for youth and veterans. The Elks Lodge recently awarded seven scholarships to local high schools. They have been awarding scholarships for 15 years.

Centennial Beach Video

**Rinehart** noted that on April 10, 2014 the City of Yuma attempted to break two world records and also held the dedication for the City's new Centennial Beach located next to the West Wetlands Park.

**I. MOTION CONSENT AGENDA**

**Motion** (Knight/Thomas): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

Regular City Council Meeting	March 5, 2014
Citizen's Forum	March 18, 2014
Regular Worksession	March 18, 2014
Regular City Council Meeting	March 19, 2014

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. Authorize the City Administrator to execute a one-year contract with Trojan Ultraviolet System Parts, with the option to renew for four additional one-year periods, or as extended by the award of Sole Source contract in accordance with the Yuma City Code, Section 36-39. Sole Source Procurement for Trojan Ultraviolet System Parts at an estimated annual expenditure of \$100,000.00, depending on the appropriation of funds and satisfactory performance, as needed to the following: D C Frost Associates, Inc., Walnut Creek, California. (Utilities, WPCF - Bid #2014-20000224)
3. Authorize City Administrator to execute a one-year contract for Professional Real Estate Services with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, as needed with the following firm: Realty Executives McConnaughay, Yuma, Arizona. (Admin/Property Acq & Mngmnt - RFP #2014-20000187)
4. Authorize payment of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Underground Storage Tanks, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for Fiscal year 2014-2015 in the total amount of \$688,019. (Attny/RM)
5. Authorize the execution of the second amendment to the Yuma Fine Arts Association Agreement with the City of Yuma. (P&R/Arts and Culture)

**II. RESOLUTION CONSENT AGENDA**

**Motion** (Knight/Thomas): To amend Resolution R2014-19, Proposed League of Arizona Cities and Towns 2014 Resolutions, in the first paragraph after the enacting clause, to read as follows:

*The City Administrator or his designee is authorized to submit the proposed resolutions to LEAGUE for adoption and inclusion in the 2015 platform:*

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

**Motion** (Beeson/Thomas): To adopt the Resolution Consent Agenda as amended.

**Pierson** displayed the following title(s):

**Resolution R2014-19**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing City sponsorship of resolutions for adoption by the League of Arizona Cities and Towns (League) for inclusion in the 2015 League platform**

(Proposed League of Arizona Cities and Towns 2015 Resolutions) (Admin)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA - None**

**IV. INTRODUCTION OF ORDINANCES**

**Pierson** displayed the following title(s):

**Ordinance O2014-17**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereafter described, be acquired by the City of Yuma through an exchange for City-owned property, hereafter described, for the reason that the property to be acquired is necessary to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, vacating a portion of a City alley to the adjacent property owner while reserving particular necessary easements to the City, and authorizing payment of certain costs for the acquisition and exchange in accordance with the real property exchange agreement**

(Real Property Exchange) (Admin)

**V. PUBLIC HEARINGS**

**A. Ordinance O2014-15 Zoning Reversion: 2545 W. 8<sup>th</sup> Street**

**Mayor Nicholls** opened the public hearing at 5:50 p.m.

**Lineberry** explained that usually when a zoning expires City Council is presented with a statutory compliance hearing after the owner satisfies all the conditions of approval. In this particular case the property owner does not want to satisfy the conditions of approval they rather have the property go back to the previous zoning. This property was previously zoned multi family, then the zoning changed to commercial. It went back to multi family zoning and now the property owner is looking to get the zoning changed back to commercial. After consulting with legal counsel, staff was informed that the City has the ability to grant a zoning reversion.

**Motion** (Beeson/Knight): To close the Public Hearing. Voice vote: **approved** 6-0; Public Hearing closed at 5:52 p.m.

**Pierson** displayed the following title(s):

**Ordinance O2014-15**

**An ordinance of the City Council of the City of Yuma, Arizona, repealing Ordinance O2013-03, to revert the zoning of certain property from the Conditional High Density Residential (COND. R-3) District to its former classification of Limited Commercial/Aesthetic Overlay (B-1/AO) District, and amending the zoning map to conform thereto**

(Zoning Reversion: 2545 W. 8<sup>th</sup> Street) (CD/Planning)

**VI. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND 2014-2015 CITY OF YUMA BUDGET**

**A. Resolution R2014-18 The Capital Improvement Program Budget for Fiscal Years 2015 through 2019**

**Motion** (Knight/Thomas): To adopt Resolution R2014-18 as recommended.

**Pierson** displayed the following title(s):

**Resolution R2014-18**

**A resolution of the City Council of the City of Yuma, Arizona, adopting the Capital Improvement Program for Fiscal Years 2015 through 2019**

(The Capital Improvement Program Budget for Fiscal Years 2015 through 2019) (Admin/Admin)

Roll call vote: **adopted** 5-0-1; Mayor Nicholls declared a conflict of interest due to his firm's involvement with capital improvement projects.

[Mayor Nicholls returned to chair the meeting.]

**B. Preliminary Budget: Fiscal Year 2014-2015**

Speaker

**Linda Morgan** thanked City Council for the City's continued support of the Yuma Visitors Bureau's (YVB) programs. YVB recently nominated the City of Yuma Centennial Celebration for the Best Special Event in urban designation award. The City has been selected as a finalist for this award. The winner will be announced at the Governor's Conference on Tourism in July.

**Motion** (Thomas/Craft): To approve the Fiscal Year 2014-2015 Preliminary Budget for the Yuma Visitors Bureau in the amount of \$650,000. Voice vote: **approved** 5-0-1; Beeson declared a conflict of interest.

**Motion** (Thomas/Knight): To approve the Capital Improvement Program Preliminary Budget for Fiscal Year 2014-2015 in the amount of \$36,302,200. Voice vote: **approved** 5-0-1; Mayor Nicholls declared a conflict of interest due to his firm's involvement with capital improvement projects.

[Mayor Nicholls returned to chair the meeting.]

**Mayor Nicholls** explained that the motions being made tonight will simply set the Preliminary Budget which is the maximum amount that City will be able allocate in the final budget. Budget discussions will continue through next month.

**Motion** (Craft/Thomas): To approve the Fiscal Year 2014-2015 Preliminary Budget, for an amount of \$163,540,136 which excludes the Capital Improvement Program and Yuma Visitors Bureau as approved through prior motions.

Discussion

**Wright** expressed concern regarding the budget amount being too ambitious. The budget should reflect the City's slow growth rate and high unemployment rate. New employees should only be added to public safety. Every time new employees are added future budgets are enlarged with the cost related to the addition.

**Mayor Nicholls** stated that during last night's presentation Chief of Police Lekan and Captain Hamilton informed City Council that in order to add new employees to public safety support staff must also be added. Based on historical numbers the projected amounts look to be fairly reasonable. **Mayor Nicholls** further opined that he is comfortable with the initial projections for a Preliminary Budget.

**Wright** disagrees with the priorities set by this budget. The City is no longer receiving Highway User Revenue Funds (HURF). There are many residential roads that need to be repaired otherwise we are going to have to replace them. The City really needs to monitor expenses.

**Craft** outlined the following information obtained from various publications highlighting Yuma's economic recovery:

- Nation wide
  - Durable good orders are up
  - Manufacturing is up and gaining momentum
  - Consumer confidence index is rising and year over year the change is up 11.8%
- Yuma
  - The Consumer Price Index is up over 4 points compared to April of last year.
  - Transaction Privilege Tax collection is 3.7% over last year.
  - Residential permits are up.
  - Bankruptcy filing is down 35% from this time in 2013
  - May 2014 foreclosures are at a seven year low for a single month.
  - Unemployment overall year decreased by 3.93%.
  - Taxable sales have increased 2.17% with bars and restaurants leading the way at 6.7%.

Virtually every economic indicator points to Yuma's growth and my hope is that if we show faith in this town the momentum will start building. The City has been stagnant for the last couple of years and now we have the opportunity to be leaders in this community. My hope is to change the perception and assist the media to put good news about Yuma on the front page. I believe that showing that we are positive about expansion even if it is in a small amount can send ripples of positive throughout the community. The increase we are discussing seems to be something that we should be celebrating not criticizing. The majority of the budget increases is for the addition of police and fire protection. The other increases include pay raises for employees that have had no or minimal pay raises in almost six years. We need to pay our good employees in order to retain them.

**Wright** noted that the City has bond debt to pay. The City should focus on reducing the balances for the water treatment plants and City Hall building. We should have an aggressive ambitious plan in which to reduce our debt in order to make it more affordable and reduce impact fees. The City has the highest impact fees in the State.

**Beeson** opined that staff has been very responsible and diligent in their projections for the Preliminary Budget being presented. It is difficult to maintain quality employees when you don't pay for it.

**Thomas** stated that City employees are just as important as other citizens in the community. City Council makes decisions and passes policies but City employees are the ones that get the job done. I think as a local government we would be negligent if we don't care for our City employees just as we do for the remainder of the City. It is our job as a local government to create an environment for the private sector to do what it does best which is supply demand, create jobs, and to make a profit.

**Knight** stated that he would like to find revenue to put towards road maintenance in the upcoming budget discussions. As previously stated the City does not have the same HURF funds as before but our roads continue to deteriorate and they are extremely important to the City's infrastructure. **Thomas** added that it was stated in a previous Roundtable discussion that staff is looking at other alternatives to address road maintenance.

**Mayor Nicholls** pointed out that in the City's historical budget performance staff has done a great job to come under budget. **Mayor Nicholls** noted that Councilmember Wright expressed conflicting points of view. If we are concerned about money and we want to lower projections but we want to pay off debt and pave roads it seems like those are counter opposite requests. One request is to not budget the money but the other is to budget to spend the money. So I am having a hard time following some of that logic and that position. Tonight we are simply setting a ceiling for the budget; therefore, the discussion needs to focus on what the ceiling will be. In upcoming budget meetings we will be able to adjust line items as necessary.

Voice vote: **approved** 5-0-1; Wright voting Nay.

#### **FINAL CALL**

**Mayor Nicholls** made a final call for the submission of Speaker Request Forms from members of the audience for the Call to the Public agenda item.

#### **VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

##### Appointments

**Motion** (Beeson/Knight): To re-appoint Thomas Rushin and Ron Hayes to the Design and Historic Review Commission with term expirations of December 31, 2018. Voice vote: **approved** 6-0.

**Motion** (Knight/Thomas): To re-appoint Luis Acle to the Water and Sewer Commission with a term expiration of December 31, 2018. Voice vote: **approved** 6-0.

##### Announcements

City Council reported on the following events:

##### **Wright**

- Participated in a Yuma Police Department night time ride along
- Attended the Dennis Donnelly Memorial Slow-Pitch Softball Tournament
- May 26, 2014: Had lunch with the Veterans at the VFW Club
- June 4, 2014: Attended the Leadership Academy at Castle Dome Middle School
- Visited the Yuma County Food Bank

##### **Thomas**

- May 28, 2014: Attended the Republican Women's Luncheon

##### **Beeson**

- May 29, 2014: Attended the Yuma Metropolitan Planning Organization meeting in San Luis with Councilmember Knight. The City of Yuma will be hosting the next meeting. **Knight** added that Mayor Porchas from Somerton was elected to the Arizona Sonora Bi-national Matters.

**Mayor Nicholls**

- June 4, 2014: Attended the Change of Command for the Colonel at MCAS-Yuma with Councilmember Craft and Knight

**Knight**

- May 29, 2014: Attended the Greater Yuma Port Authority (GYPA) meeting
  - We are one step closer to working out a compromise with GYPA for the City to become a voting member again.
- June 4, 2014: Attended the Yuma County Investing and Manufacturing Communities Partnership

**VIII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** announced the following upcoming events:

- June 7, 2014: Miss Yuma County Scholarship Pageant Trunk Show at the Yuma Art Center
- June 7, 2014: Monster's University will be showing at Desert Sun Stadium
- June 7, 2014: Indoor Swap Meet at the Yuma Civic Center

**IX. CALL TO THE PUBLIC – NONE**

**X. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:44 p.m. No Executive Session was held.

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

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

**MINUTES**  
**CITY COUNCIL CITIZEN'S FORUM**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**June 17, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Citizen's Forum to order at 5:31 p.m.

Councilmembers Present: Wright, Knight, McClendon, Thomas, Craft and Mayor Nicholls  
Councilmembers Absent: Beeson  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various department heads or their representatives  
City Attorney, Steven W. Moore  
Deputy City Clerk, Janet L. Pierson

**I. PUBLIC ART AWARENESS**

**Judy Phillips**, Vice-Chair of the Parks Arts and Recreation Commission and Chairman of the Parks Arts Recreation Commission Ad-Hoc Public Art Committee (Public Art Committee) stated the Arts Center has facilitated multiple collaborations with local merchants, schools and art groups which resulted in the art displays through out the City of Yuma. Some of the artists used in the past, and being used for future projects are pulled from the Public Art Registry. Funding for these projects come from a variety of sources. **Phillips** states her main goal is to update the City Council on public art and bring awareness to the art committees. She would like to be able to work on future projects, which will enhance how the City looks, with an established budget.

**II. SECURITY ALARMS**

**Paul Arteche** of Aron Security advised the City Council there were 3,973 false alarms requiring police response from July 2012-July 2013. **Arteche** brought up the idea of utilizing private security for the nuisance alarm calls. Police departments through out the country are currently working with private security; this allows for police personnel to focus on the urgent/critical calls. Pairing with private security has been saving the departments thousands of dollars each year. The private security officers are licensed and permitted to carry weapons, but are limited on what they can participate in, in the event they catch illegal activities going on.

**III. ADJOURNMENT/EXECUTIVE SESSION**

**Mayor Nicholls** adjourned the Citizen's Forum at 6:06 p.m.

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Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JULY 8, 2014**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Special City Council Meeting to order at 5:30 p.m.

Councilmembers Present: Wright, Knight, Beeson, McClendon, Thomas, Craft and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various department heads or their representatives  
City Clerk, Lynda Bushong

**VI. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Beeson/Knight): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0.  
The meeting was adjourned to Executive Session at 5:31 p.m.

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

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JULY 11, 2014**  
**11:00 a.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Special City Council Meeting to order at 11:00 a.m.

Councilmembers Present: Knight, Beeson, McClendon, Craft and Mayor Nicholls  
Councilmembers Absent: Wright, Thomas  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various department heads or their representatives  
City Clerk, Lynda Bushong

**VI. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Beeson/Craft): To adjourn the meeting to Executive Session. Voice vote: **adopted** 5-0. The meeting was adjourned to Executive Session at 11:01 a.m.

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

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014  
**DEPARTMENT:** City Administration  
**DIVISION:** City Clerk

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

**TITLE:**  
 Liquor License: TownePlace Suites

**SUMMARY RECOMMENDATION:**

Approve a New License #10 Beer and Wine Store, Liquor License application, submitted by Randy D. Nations, agent for Yuma Hospitality Group II LLC dba TownePlace Suites, located at 1726 S. Sunridge Drive, Yuma, Arizona. (LL14-18)

**REPORT:**

Randy D. Nations, agent for Yuma Hospitality Group II LLC dba TownePlace Suites, located at 1726 S. Sunridge Drive, Yuma, Arizona, has applied for a New License #10 Beer and Wine Store Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of this license have been received.

The application has been reviewed by Community Development, Police Department, Fire Department, and Business Licensing. No objections have been received.

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

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application Fee \$250.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. New License #10 Beer and Wine Store 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 checked="" type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/26/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		8/18/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		8/18/2014		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014  
**DEPARTMENT:** City Administration  
**DIVISION:** City Clerk

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

**TITLE:**  
 Liquor License: Red Lobster #6333

**SUMMARY RECOMMENDATION:**

Approve an Interim Permit/New License #12 Restaurant, Liquor License application, submitted by Richard Scott Teel, agent for Red Lobster Hospitality, LLC dba Red Lobster #6333, located at 1521 S. Yuma Palms Parkway, Yuma, Arizona. (LL14-19)

**REPORT:**

Richard Scott Teel, agent for Red Lobster Hospitality, LLC dba Red Lobster #6333, located at 1521 S. Yuma Palms Parkway, Yuma, Arizona, has applied for an Interim Permit/New License #12 Restaurant Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of this license have been received.

The application has been reviewed by Community Development, Police Department, Fire Department, and Business Licensing. No objections have been received.

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

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT: Application Fee \$250.00				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Interim Permit/New License #12 Restaurant 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 checked="" type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/26/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		8/18/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		8/18/2014		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014

**DEPARTMENT:** City Administration

**DIVISION:** City Clerk

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

**TITLE:**  
Special Event Liquor License: Yuma Fine Arts Association - The Opening Seasons Reception

**SUMMARY RECOMMENDATION:**  
Approve a Special Event Liquor License application submitted by David L. Woodward, on behalf of the Yuma Fine Arts Association, for The Opening Seasons Reception. The reception will be held at the Yuma Art Center, located at 254 S. Main Street, on Friday, September 19, 2014 from 5:00 p.m. to 10:00 p.m. (SP14-21)

**REPORT:**  
David L. Woodward, on behalf of the Yuma Fine Arts Association, has applied for a Special Event Liquor License for The Opening Seasons Reception. The reception will be held at the Yuma Art Center, located at 254 S. Main Street, on Friday, September 19, 2014 from 5:00 p.m. to 10:00 p.m.

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

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, City Engineering (Traffic), and Parks and Recreation for 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	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
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 checked="" type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/26/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		8/18/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		8/18/2014		



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014  
**DEPARTMENT:** Finance  
**DIVISION:** Purchasing

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

**TITLE:**  
 Cooperative Purchase Agreement: Recycled (Hot In Place) Asphalt Paving

**SUMMARY RECOMMENDATION:**  
 Authorize the use of a Cooperative Agreement through City of Scottsdale, Arizona to purchase Recycled (Hot in Place) Asphalt Paving service for an estimated cost of \$450,000.00 with the following company:

Cutler Repaving, Inc. Lawrence, Kansas

(Public Works/Engineering - Bid #2015-200000006) (Kevin Eatherly)

**REPORT:**  
 This request is to secure a purchase order for the purchase and delivery of Recycled (Hot In Place) Asphalt Paving. This commodity is necessary for the Public Works Department Streets Division, to perform the pavement reconstruction work that is needed on Pacific Avenue, from 24<sup>th</sup> Street to 32<sup>nd</sup> Street.

Staff is requesting authorization to utilize a cooperative agreement originated by the City of Scottsdale with Cutler Repaving, Inc. to perform the pavement reconstruction work needed on this segment of Pacific Avenue. All work performed under this agreement will be accomplished in accordance the Cutler Repaving, Inc. agreement with the City of Scottsdale.

Local subcontractors may be used.

FISCAL REQUIREMENTS	CITY FUNDS: \$450,000.00	BUDGETED: \$900,000.00
	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: CIP 0160-Road
	TOTAL: \$450,000.00	
	FISCAL IMPACT STATEMENT: Funding is available in the FY2015 Budget to cover the expenditures for this contract.	
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.	
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded	
SIGNATURES	CITY ADMINISTRATOR: Gregory K. Wilkinson	DATE: 8/26/2014
	REVIEWED BY CITY ATTORNEY: Steven W. Moore	DATE: 8/26/2014
	RECOMMENDED BY (DEPT/DIV HEAD): Pat Wicks	DATE: 8/18/2014
	WRITTEN/SUBMITTED BY: Mary Roman/Robin R. Wilson	DATE: 8/18/2014



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014

**DEPARTMENT:** Finance

**DIVISION:** Purchasing

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

**TITLE:**  
Declaration of Surplus: Sale of Firearms

**SUMMARY RECOMMENDATION:**  
Declare firearms from the Police Department, consisting of forfeited evidence, unclaimed and abandoned safekeeping and found firearms, as surplus.  
  
(Police Department - Bid #2015-20000050) (John Lekan)

**REPORT:**  
Arizona Revised Statutes §12-945(B) and §13-3105 requires that unclaimed firearms in the custody of the City are to be sold within one year after its forfeiture to any business that is authorized to receive and dispose of the article under federal and state law. The Police Department has 63 firearms slated for sale by Request for Offer (RFO). The firearms will be made available for sale in accordance with City Code Section 38-02: *Disposition of Unclaimed Property*. State and federal computer systems were checked and none of the firearms to be sold are listed as stolen or missing. Staff determined that all of the firearms on the list are suitable for disposition as per City and State laws. Staff will prepare a Request for Offer and advertise in the local paper and on City’s website that the City will use the following process:

- Require vendors to submit current Federal Firearms License Certification to receive the RFO
- Conduct a pre-bid viewing allowing only qualified vendors to view firearms
- Require a 10% bid deposit

Staff recommends that City Council declare the firearms as surplus and authorize the sale of weapons and return to the City Council permission to award based on the highest offers 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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Revenue generated from the sale of firearms will be deposited into the General Fund.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
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SIGNATURES	CITY ADMINISTRATOR:		DATE:	
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	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		8/18/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Mary E. Roman / Robin R. Wilson		8/14/2014		

## SALE OF FIREARMS

LOT	Make/Model/Style	Type	Finish (Blue, Chrome, Stainless, etc.)	Caliber	Barrel Length (inches)	Serial Number	Condition (Excellent, Good,Fair, Poor), INOP= Inoperable
1	Taurus	Revolver	Stainless	.38	4	ML881450	Good
	S&W Model 10-5	Revolver	Blue	.38	4	D514951	Fair
	Lorcin Model L25	Pistol	Chrome	.25	2	108384	INOP
	H & R Model 929	Revolver	Black	.22	2	AE48163	Fair
	Kel Tec PF9	Pistol	Black	9mm	3.5	SG904	INOP
	Rohm Rg 14	Revolver	Black	.22	2	276422	Fair
	Hopkins & Allen Blue Jacket	Revolver	Chrome	.32	3	3796	Poor
	Belgium LaBrazilena	Revolver	Chrome	.32	4	765BR	Poor
	H&R Model 622	Revolver	Black	.22	2.5	AD62594	Good
	Taurus	Revolver	Black	.38	2.5	FA20001	Good
Taurus	Revolver	Black	.357	4	VF951446	Good	
2	Springfield 1911-A1	Pistol	Chrome	.38	5.5	N473670	Good
	Phoenix Arms Raven	Pistol	Stainless	.25	2	3155681	Fair
	Kel Tec P-11	Pistol	Black	9mm	2	26163	Good
	Phoenix Arms Raven	Pistol	Blk/Stainless	.25	2	3171520	Good
	New England Firearms	Shotgun	Black	12 ga	27.5	NN 237047	Good
	Glock 38	Pistol	Black	.38	3	HCE317	Good
	Glock 17	Pistol	Black	9mm	3.25	CV421	Fair
	Glock 19	Pistol	Black	9mm	4	MYL939	Good
	Smith&Wesson SW40VE	Pistol	Blk/Stainless	.40	4	RCA9388	Good
	Hi-Point Firearms C9	Pistol	Black	9mm	3	P1289543	Good
Smith and Wesson 29-2	Revolver	Nickel	.44	6	N665168	Poor	
3	CZ 52	Pistol	Black	9mm	3.5	K08841	Fair
	Raven Arms P-25	Pistol	Stainless	.25	3	461560	Fair
	Glock	Pistol	Blue	.45	4	BSG507	Good
	Springfield XDM40	Pistol	Nickel	.40	5	MG136781	Good
	FIE model Titan II E22	Pistol	Blue	.22 LR	3.5	AB22104	Good
	Hi Point C9	Pistol	Black	9mm	4	P180981	Good
	Jennings T380	Pistol	Stainless	380	3	1471713	Good
	Jennings Bryco 380	Pistol	Black	380	2	461459	Good
	Hi-Point Firearms C9	Pistol	Black	9mm	2.5	P1374918	Good
	Lorcin L380	Pistol	Black	380	2.5	100185	Good
Smith and Wesson 44 Mag	Revolver	Black	.44	6	BEU8024	Good	

## SALE OF FIREARMS

LOT	Make/Model/Style	Type	Finish (Blue, Chrome, Stainless, etc.)	Caliber	Barrel Length (inches)	Serial Number	Condition (Excellent, Good,Fair, Poor), INOP= Inoperable
4	Ruger P94	Pistol	Black	9mm	3	308-42185	Good
	Para-Ordnance P16-40	Pistol	Black	.40	3.75	SJ3760	Good
	EIG	Pistol	Stainless	.22	2.5	91666	Fair
	Ruger P89	Pistol	Black	9mm	3	309-72438	Good
	Springfield SA-9	Pistol	Black	9mm	3	US9898	Good
	Raven Arms P-25	Pistol	Chrome	.25	2.5	590964	Good
	Taurus PT100	Pistol	Chrome	.40	5	SE079299	Good
	Smith & Wesson M&P 9c	Pistol	Black	9mm	4	DSM9422	Good
	Jennigs Arms	Pistol	Black	9mm	2.5	1368121	Poor
	Smith & Wesson SW9F	Pistol	black	9mm	5	PAC6607	Good
	Ruger	Pistol	Black	.45	3	664-46492	Good
Ruger Mark II	Pistol	Black	.22	6	1962513	Good	
5	Norinco SKS	Rifle	Blue	7.62	19.5	24007864	Fair
	Mossberg 9200	Shotgun	Black	12 ga	27	SH0162	Fair
	Parker Brothers	Shotgun	Stainless	12 ga	30	184633	INOP
	Remington - NO barrel	Shotgun	Blue	12 ga	N/A	7701764V	INOP
	Coast to Coast/Master Mag	Shotgun	Black	12 ga	30	H224035	Fair
	Winchester Model 74 22 short	Rifle	Black	.22	24	7440	Fair
	Stevens	Rifle	Black	.22	24	None	Fair
	Remington 870 Express	Shotgun	Black	12 ga	27.5	X043063M	Good
	Winchester 1300	Shotgun	Black	12 ga	28	L2479481	Good
	Maverick Model 88	Shotgun	Blue	12 ga	18.5	MV03909E	Good
6	Ruger P345	Pistol	Blk/Stainless	.45	3	664-30003	Good
	Marlin 15YN	Rifle	Black	.22	16	10696652	Fair
	Marlin Model 60	Rifle	Black	.22 LR	22	4189140	Good
	Stevens Savage Arms Model 840	Rifle	Black	.22 LR	24	None	Good
	Remington 870 Express	Shotgun	Black	20 ga	25	A963656U	Good
	Winchester Model 37A	Shotgun	Blue	12 ga	36	C950700	Fair
	Winchester 1300	Shotgun	Black	20 ga	27	L3456562	Good
	Remington 870 Express (Receiver & Barrel Only)	Shotgun	Nickel	12 ga	12	A543001M	Fair



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014  
**DEPARTMENT:** City Administration  
**DIVISION:**

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

**TITLE:**  
Appointment of Acting City Administrator

**SUMMARY RECOMMENDATION:**

Designation of the Acting City Administrator during the absence or disability of the City Administrator, pursuant to the Yuma City Charter, Article VIII, Section 3.

**REPORT:**

Article VIII, Section 3, of the Yuma City Charter, in part states:

*The city administrator shall designate as acting city administrator, subject to the approval of the city council, a qualified city officer to exercise the powers and perform the duties of city administrator during his absence or disability. The designation shall be by letter filed with the city clerk.*

To comply with the Charter provision, the letter to be filed with the City Clerk is submitted to the City Council for approval.

The City officers designated by the City Administrator, during absence or disability are:

1. Ricky Rinehart, Deputy City Administrator
2. John Lekan, Yuma Police Chief
3. Donald 'Pat' Wicks, Finance Director

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/26/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
RECOMMENDED BY (DEPT/DIV HEAD):			DATE:	
WRITTEN/SUBMITTED BY:			DATE:	
Lynda L. Bushong			08/04/2014	



CITY ADMINISTRATION

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

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August 22, 2014

Mayor and City Council

RE: Position of Acting City Administrator

Dear Mayor and Council:

This letter is prepared in order to comply with the provisions of Article VIII, Section 3, of the Yuma City Charter regarding the appointment of Acting City Administrator. I designate, subject to the approval of the City Council, the following qualified City officers, in descending order, to exercise the powers and perform the duties of the City Administrator during my absence or disability:

- Ricky Rinehart, Deputy City Administrator
- John Lekan, Yuma Police Chief
- Donald 'Pat' Wicks, Finance Director

Therefore, if I am absent or disabled, I will ask one of the above indicated officers to act in my place and assume the duties of City Administrator.

I also direct the City Clerk to file this letter together with appropriate documents showing approval by the City Council of the foregoing designees.

Respectfully,

A handwritten signature in black ink, appearing to read "G. K. Wilkinson".

Gregory K. Wilkinson  
City Administrator



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014

**DEPARTMENT:** Community Development

**DIVISION:** Administration

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

**TITLE:**  
Development Agreement: Yuma County Intergovernmental Public Transportation Authority

**SUMMARY RECOMMENDATION:**  
Authorize the City Administrator to execute a Development Agreement that contains an advertising license and a lease of City of Yuma right-of-way (Agreement) with Yuma County Intergovernmental Public Transportation Authority (YCIPTA) for bus stop locations in the City of Yuma right-of-way.

**REPORT:**  
Background: On October 20, 2010, Resolution R2010-58 authorized the City Administrator to take the necessary steps to petition the Yuma County Board of Supervisors to form an Intergovernmental Public Transportation Authority (IPTA) with City participation in the IPTA until either: (1) the IPTA is no longer eligible to receive operational funding through the United States Department of Transportation (USDOT) or (2) a Regional Transportation Authority is formed and the issue of a transportation excise tax is submitted to the qualified electors of Yuma County. The City of Yuma and other local government participation in the formation of an IPTA led to the creation of YCIPTA, which is the administrator and operator of the Yuma County Area Transit (YCAT) public transportation system.

The purpose of this Agreement is to lease City of Yuma right-of-way for placement of shaded bus shelters, benches, and bus stops at City-approved locations to serve users of the YCAT public transportation system. The City will seek to leverage the fair market rent of the City right-of-way lease as a like-kind contribution for additional federal transportation funding.

As a second part to the Agreement, YCIPTA seeks a license from the City for the placement of commercial advertising on bus shelters and benches, without having to obtain individual sign permits for each and every advertising location. Yuma City Code, Section 154-17.06(A)(10) allows signs on public property through an approved development agreement.

In addition to the lease of City right-of-way, the Agreement grants YCIPTA a license to place advertising on bus benches and shelters at other locations within the municipal boundary, subject to the terms and conditions in the Agreement. Any profits from the advertising license are restricted to YCIPTA's use within the City of Yuma limits, for the benefit of City of Yuma residents. Through this Agreement, YCIPTA may also sublicense its right to place commercial advertisements on bus benches and shelters, on City property at approved sites, or located elsewhere at approved sites within the municipal boundaries.

The City of Yuma supports the use of public transportation as one of many ways to reduce traffic congestion and motorized vehicle emissions and the resulting pollutants of the air, water, and natural environment. The City seeks to improve the municipal transportation system including roads, highways, bicycle and pedestrian pathways, while serving the transportation needs of City residents in an efficient, affordable and safe manner.

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 <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			8/26/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			8/26/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			8/18/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Brant Hanson			12/9/2013	

**RESOLUTION NO. R2014-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING AN ADVERTISING LICENSE, DEVELOPMENT AGREEMENT, AND LEASE OF CITY OF YUMA RIGHT-OF-WAY WITH YUMA COUNTY INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY FOR PLACEMENT OF BUS SHELTERS, BENCHES AND STOPS AND THE AUTHORITY TO ADVERTISE ON BUS SHELTERS AND BENCHES**

WHEREAS, the City of Yuma (City) supports the use of public transportation as one of many ways to reduce traffic congestion and motorized vehicle emissions and the resulting pollutants of the air, water, and natural environment; and,

WHEREAS, the Yuma County Intergovernmental Public Transportation Authority (YCIPTA) is the administrator and operator of the public transportation system serving the City of Yuma and surrounding cities and towns known as the Yuma County Area Transit (YCAT); and,

WHEREAS, the City seeks to improve the municipal transportation system including roads, highways, bicycle and pedestrian pathways, while serving the transportation needs of City residents in an efficient, affordable and safe manner; and,

WHEREAS, YCIPTA seeks to lease City right-of-way for placement of bus shelters, benches and stops which will benefit users of the public transportation system; and,

WHEREAS, YCIPTA also seeks to place commercial advertising on the bus shelters and benches as a means of partially offsetting the cost of providing public transportation; and,

WHEREAS, Yuma City Code, Section 154-17.06(A)(10) allows signs on public property through an approved development agreement; and,

WHEREAS, the attached *Yuma County Intergovernmental Public Transportation Authority Advertising License, Development Agreement and Lease of City of Yuma Right-of-Way For Placement of Bus Shelters, Benches and Stops* includes a lease of City rights-of-way, which the City may seek to leverage as a like kind contribution when applying for federal transportation grants; and,

WHEREAS, the agreement also grants YCIPTA a license to advertise on bus shelters and benches, and permits YCIPTA to sublicense such advertising on the condition that profits generated through the license are spent for the benefit of City residents and restricted to YCIPTA's use within the City of Yuma limits.

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

SECTION 1: The *Yuma County Intergovernmental Public Transportation Authority Advertising License, Development Agreement and Lease of City of Yuma Right-of-Way for Placement of Bus Shelters, Benches and Stops* attached and incorporated as Exhibit A is approved in accordance with its terms.

SECTION 2: The City Administrator is authorized and directed to execute the approved agreement on behalf of the City of Yuma.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

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

**EXHIBIT A**  
**YUMA COUNTY INTERGOVERNMENTAL**  
**PUBLIC TRANSPORTATION AUTHORITY ADVERTISING LICENSE,**  
**DEVELOPMENT AGREEMENT AND LEASE OF CITY OF YUMA RIGHT-OF-WAY**  
**FOR PLACEMENT OF BUS SHELTERS, BENCHES AND STOPS**

This Advertising License, Development Agreement, and Lease of City of Yuma Right-of-way (“Agreement”), in accordance with Arizona Revised Statutes (“A.R.S.”) § 9-500.05, is by and between the Yuma County Intergovernmental Public Transportation Authority (“YCIPTA”), a corporate body and Arizona political subdivision, and the City of Yuma (“City”), an Arizona municipal corporation. The terms “party” and “parties” as used herein shall refer to YCIPTA, City or both as may be appropriate.

**RECITALS**

WHEREAS, YCIPTA is the administrator and operator of the Yuma County Area Transit known as YCAT; and,

WHEREAS, YCIPTA seeks to lease City of Yuma right-of-way for placement of shaded bus shelters, benches, and stops at City approved sites, to serve users of the YCAT public transportation system; and,

WHEREAS, YCIPTA also seeks a license from the City for the placement of commercial advertising on bus shelters and benches, without having to obtain individual sign permits for each and every advertising location; and,

WHEREAS, as part of its advertising license, YCIPTA needs the ability to sublicense, subject to the terms and conditions in this Agreement, the placement of commercial advertising on bus shelters and benches, located within City right-of-way or on City property at “Approved Sites” (defined in Section 3 hereof), or located elsewhere within the municipal boundaries; and,

WHEREAS, the City of Yuma supports the use of public transportation as one of many ways to reduce traffic congestion and motorized vehicle emissions and the resulting pollutants of the air, water, and natural environment; and,

WHEREAS, the City seeks to improve the municipal transportation system including roads, highways, bicycle and pedestrian pathways, while serving the transportation needs of City residents in an efficient, affordable and safe manner; and,

WHEREAS, the City agrees to lease certain approved rights-of-way to YCIPTA for the installation of bus shelters, benches, bus stops and, upon either party obtaining a federal or state grant for construction, bus turnouts and other transportation amenities; and,

WHEREAS, the Yuma City Code, Section 154-17.06(A)(10) allows signs on public property through an approved Development Agreement; and,

WHEREAS, the City is willing to grant YCIPTA a license to place advertising on bus shelters and benches in City rights-of-way and at other locations within the municipal boundary, subject to the limitations of this Agreement; and,

WHEREAS, YCIPTA may sublicense its right to advertise on bus shelters and benches in accordance with the terms described herein.

NOW THEREFORE, in consideration of the recitals above and the terms and conditions herein, the parties covenant and agree as follows:

**1. Incorporation of Recitals.** YCIPTA and the City agree the Recitals set forth above are true and accurate, and are hereby incorporated by reference.

**2. Purpose.** This Agreement is both a license to advertise on bus shelters and benches in compliance with the Yuma City Code and a lease of City rights-of-way for the placement of bus shelters, benches and stops. The purpose of this Agreement is to: (1) establish the terms and conditions for lease of specific City of Yuma rights-of-way to YCIPTA for the placement of shaded bus shelters, benches, and stops for the YCAT public transportation system; (2) agree upon a method for valuing the fair market rent of City rights-of-way leased to YCIPTA for use as shaded bus shelters, benches, and stops (including sites approved by the City in this Agreement, as well as the valuation of additional right-of-way that may be approved by the City for use by YCIPTA in the future); (3) to memorialize, pursuant to Title 49, Code of Federal Regulations § 18.24, a method of accounting for the value of the fair market rent of City rights-of-way that will be used for the placement of shaded bus shelters, benches, and stops; (4) pursuant to Yuma City Code Section 154-17.06(A)(10), to license YCIPTA to approve and contract for advertising signs to be placed by YCIPTA (or its sub-licensee), on shaded bus shelters and benches in City rights-of-way and at other locations in the City, without requiring individual sign permits; and (5) to allow YCIPTA to retain all revenues generated through YCIPTA's, or its sub-licensee's, advertising activities with the condition that the revenue generated be used within the City of Yuma limits, for the benefit of City of Yuma residents, and with the input of the City through its City Administrator or his/her designee. If the City fails to provide input to YCIPTA on the proposed revenue spending within forty-five (45) calendar days of YCIPTA's notice of intent to make the expenditure, the City shall be deemed to have waived any right of input on the noticed, intended expenditure.

**3. Lease of City Rights-of-Way.** All sites for the installation of bus shelters, benches, and stops shall be approved in writing by the City prior to any installation or use by YCIPTA. For a period of ten (10) years (the "Lease Term") beginning upon the date of execution of this Agreement by both parties (the "Effective Date"), YCIPTA agrees to lease from the City and the City approves and agrees to lease to YCIPTA, the list of approved bus benches and shelter sites attached as Exhibit 1 and incorporated by reference as though fully set forth herein ("Approved Sites") as may be amended from time-to-time as set forth herein. Any additional sites not listed in Exhibit 1 shall be subject to written approval by the City Administrator or the City Administrator's designee; such review shall not be unreasonably delayed.

a. Extension of Lease Term. Upon mutual agreement of the parties, the Lease Term of this Agreement may be extended for a single, additional five (5) year period.

b. No Sublease of City Right-of-Way or City Property. YCIPTA may license the use of the Approved Sites, but shall not sublease, transfer, or assign any of YCIPTA's rights as the lessee under this lease. Any such license shall comport with the requirements of this Agreement.

c. Rent. Fair market rent for City property at Approved Sites shall be calculated and set through the appraisal process described in Federal Transit Administration (FTA) Circular FTA C 5010.1D or any successor provision thereof, which shall be conducted and funded, as necessary, by the City. To the extent permitted by federal law and Title 49, Code of Federal Regulations § 18.24, the fair market rent for the Approved Sites shall be treated as an in-kind contribution towards any grant or local match for which it is eligible and approved by the FTA in addition to any cash local match that may be approved by the City Council and provided by the City to YCIPTA on an annual basis. The in-kind contribution is not intended to limit or replace any annual appropriation that may be approved by the City Council.

d. Maintenance and Restoration. If the Lease Term is not extended as outlined in Subsection 3(a), or if YCIPTA ceases to exist, ceases to operate a bus transit system, or no longer uses the bus shelters, benches, and stops installed in City-owned rights-of-way during the Lease Term of this Agreement, the City shall have a first right of refusal to purchase the bus shelters, benches and stops on a site-by-site basis at YCIPTA's negotiated cost, less wear and tear and depreciation, if any. Should the City choose not to purchase any bus shelters, benches, and/or stops, YCIPTA shall have sixty (60) calendar days from the date of the notification by the City to remove the shelters, benches, and stops. If not removed within the sixty-day period, the bus shelters, benches, and stops shall become the property of the City. Any purchase, installation, or operation agreement between YCIPTA and its sub-licensee shall contain a provision making this Section 3(d) effective. If the shelters, benches, and stops are removed, YCIPTA shall bear all costs to restore the area as close as reasonably possible to the condition existing prior to the installation of the shelters, benches and stops. Each restoration must be inspected and approved by the City, and the City's approval shall not be unreasonably withheld or delayed.

e. Emergency. In the case of imminent and serious peril or danger to the City of Yuma community, the City Engineer, Traffic Engineer, Chief of Police, Fire Chief, or the City Administrator may immediately suspend YCIPTA's lease of any City-owned Approved Site with reasonable notice as determined by the circumstances. In such a case, YCIPTA's damages shall be limited to the fair market rent ascribed to that particular Approved Site in Section 3(c).

f. Inspection and Relocation of Bus Shelter, Benches, or Stops. Once a bus shelter, bench, or stop placement is completed at an Approved Site, the City Engineer or his designee will inspect such placement in order to grant final, written approval for the placement. Once said inspection and approval is granted, the right to use that particular placement shall vest in YCIPTA for the Lease Term. However, the City reserves the right to require YCIPTA to relocate any bus shelter, bench or stop to an alternate Approved Site at the City's sole expense.

**4. Placement of Shelters, Benches and Stops.** Prior to placement of any bus shelter, bench, or stop, YCIPTA shall submit a structural design and site plan of the shelter, bench, stop, and foundation for City approval. The design shall clearly depict all dimensions of the shelter, bench, stop, setbacks, the anticipated footprint upon placement, Americans with Disabilities Act (ADA) clearance and compliance, any impact on American Association of State Highway and Transportation Officials (AASHTO) sight standards, and wind loading. Each placement of bus shelters, benches, and stops will require a site inspection and final, written approval of the City as an Approved Site prior to use by the public. All bus shelters will require a building permit issued by the Building Division of the City. Solar lighting is encouraged and any non-solar lighting shall require an appropriate electrical permit prior to commencing installation. The City shall not unreasonably delay or withhold such inspection(s) and approval(s).

**5. Advertising License.** For a period of ten (10) years beginning on the Effective Date (the "License Term"), the City of Yuma hereby licenses YCIPTA to place advertising on bus shelters and benches within the City at Approved Sites and at other locations not on City property but subject to City advertising license requirements ("Off-Site"), subject to the terms, time, manner and placement restrictions contained in this Agreement. This license includes the right to sub-license YCIPTA's rights herein to a sub-licensee, and shall be revocable as to any individual site upon thirty (30) days written notice to YCIPTA, or revocable under and subject to the emergency provision of Subsection 3(e) herein.

a. Extension of License Term. Upon mutual agreement of the parties, the License Term of this Agreement may be extended for a single, additional five (5) year period.

b. Authority. This advertising license is granted through this City Council-approved Development Agreement as required by Yuma City Code Section 154-17.06(A)(10). No individual review or permitting for Off-Site signage shall be required by the City, as long as the advertising contemplated herein is located at an Approved Site, as listed in Exhibit 1 or as later approved, on a bus shelter or bench that has the inspection, and final written approval of the City Engineer and any required building permit. This advertising license includes the right to advertise on Off-Site bus benches and shelters within the City limits, where a separate lease or right to locate is granted by the owning or controlling person or entity other than the City. In such case, YCIPTA or its sub-licensee shall provide satisfactory evidence thereof and, after submission of the design, lease, any required building permit, and site plan described in Section 4, the City Engineer shall inspect and if approved, issue a final, written approval of the location and placement of the bus shelter and/or bench as an Approved Site not on City right-of-way.

c. Disclosure of Advertising Revenues. No later than 30 days after the end of the quarter, YCIPTA shall disclose the quarterly advertising revenues to the City of Yuma, One City Plaza, Yuma, Arizona 85364-1436, stating net monthly revenues from all advertisement placement and activity within the City. Net profits from such revenues shall be restricted to YCIPTA's use within the City of Yuma limits for the benefit of City of Yuma residents, and with the input of the City through its City Administrator or his/her designee. If the City fails to provide input to YCIPTA on the proposed revenue spending within forty-five (45) calendar days

of YCIPTA's notice of intent to make the expenditure, the City shall be deemed to have waived any right of input on the noticed, intended expenditure.

**6. Uses and Criteria.** YCIPTA and its sub-licensee shall conduct advertising under the following criteria:

a. All advertising shall comply with Federal, State and local laws and regulations and the terms of this Agreement ("applicable laws").

b. Advertising in the form of non-commercial speech is prohibited. Within all advertising, a commercial transaction must be proposed and must be adequately displayed on the transit advertising panel.

c. YCIPTA shall develop and sublicense, if desired, the advertising space in accordance with accepted advertising principles as defined in Section 6(f) below. YCIPTA may sublicense its right to advertise on bus shelters and benches within the City limits under this Agreement provided that the sub-licensee requires the sub-licensee to comply with all applicable laws, all terms of this Agreement, and that the sub-licensee agrees to indemnify and defend the City, and name the City of Yuma as an additional insured pursuant to Sections 7 and 8 of this Agreement.

d. All contracts for the use of advertising space or facilities shall be between YCIPTA, or its designated sub-licensee, and the advertiser or the advertiser's representatives. Upon request, YCIPTA shall provide copies of all contracts to the City after approval and execution. In no event shall YCIPTA, or its designated sub-licensee, enter into advertising contracts with individual advertisers for a period greater than ten (10) years from the Effective Date.

e. The size, form, wording, illustration and style of all proposed bus bench and shelter advertisements, solicited pursuant to this Agreement, shall at all times be subject to the approval of the City, and the City reserves the right to reject any such advertisement. The City shall not unreasonably delay or withhold such approval, and any such approval process shall not unreasonably interfere with YCIPTA's and/or its sub-licensee's ability to generate revenue under this Agreement. Upon reasonable request by the City, YCIPTA or its sub-licensee shall remove any advertisement of an objectionable character.

f. Advertising is subject to rejection or removal, pursuant to Section 5(e) above, if it displays advertising that:

- Is false, misleading or deceptive;
- Relates to an illegal activity under any applicable laws;
- Advertises or depicts the use of tobacco or smoking products;
- Advertises or depicts the use of alcohol;
- Represents, by language or graphics, violence or antisocial behavior;

- Advertises or depicts language, gestures, conduct, or graphical representations that are obscene, pornographic, vulgar, profane or scatological;
- Represents, by language or graphics, a nude or seminude person, as those terms are defined in Arizona Revised Statutes (“A.R.S.”) § 11-811(D)(14) and (16), or the exposed buttocks of any person;
- Depicts, relates to or references a website or other medium that relates to specified sexual activities or specified anatomical areas as those terms are defined in A.R.S. § 11-811(D)(17) and (18); or,
- Is related to instruments, devices, items, products or paraphernalia that are designed for use in connection with sexual or drug-related activities.

7. **Indemnification.** Each party (as “indemnitor”) agrees to indemnify, defend and hold harmless the other party, its officers, officials, agents, employees or volunteers (as “indemnitee”) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorneys’ fees) (hereinafter referred to as “claims”) arising out of bodily injury, including death, to any person and/or property damages or copyright infringement, to the extent that such claims are caused by the act, omission, negligence, misconduct or other fault of the indemnitor, its officers, officials, agents, sub-licensee, employees or volunteers.

8. **Insurance.** YCIPTA, or its sub-licensee, shall provide, and keep in force for the term of this Agreement, a Commercial General Liability policy (occurrence form only) that provides coverage for personal injury, bodily injury, death and property damage, in amounts not less than \$1 million per occurrence and \$2 million general aggregate.

The Commercial General Liability policy shall name the City of Yuma as a PRIMARY ADDITIONAL INSURED. The City of Yuma’s general liability policy will be excess and non-contributory. At the time of execution of this Agreement, YCIPTA shall furnish a Certificate of Insurance (ACCORD 25 2010/05) and all necessary endorsements (CG 20 10 10 01 and CG 20 37 10 01) to the City showing that the required insurance is in force. The issuer(s) of the policy or policies shall provide thirty (30) days advance, written notice to the City regarding any reduction in the policy coverage, cancellations or other adverse amendments to the policy or policies impacting the risks covered. YCIPTA agrees to waive subrogation against the City, and the policy shall be endorsed to provide a waiver of subrogation against the City by the insurer. Insurance coverage shall be maintained with insurance underwriters authorized to do business in the State of Arizona and which are reasonably satisfactory to the City.

If, in the City’s opinion, the minimum limits of the insurance coverage herein required become inadequate during the term of this Agreement, YCIPTA agrees that it will increase such minimum limits by reasonable amounts upon reasonable request of the City.

9. **Obligations of the City.** For the duration of this Agreement, the City shall have the following obligations:

a. The City shall permit YCIPTA, or its sub-licensee, to install advertising on any bus shelters and/or benches at Approved Sites within the City limits. The City shall permit

agents and employees of YCIPTA, or its sub-licensee, to have access to the bus shelters and benches within City rights-of-way, at reasonable times and places, for the purposes of displaying, advertising, maintaining or repairing the signs on the bus shelters and/or benches.

b. During the term of this Agreement, the City agrees to provide YCIPTA with the exclusive right to procure commercial displays, advertising and advertisers for advertising on bus shelters and benches at Approved Sites where an inspection and final written approval of the bus shelter placement has been granted by the City Engineer, such approval shall not be unreasonably delayed or withheld.

**10. Obligations of YCIPTA.** YCIPTA or its sub-licensee shall inspect the signs on the bus benches and shelters at least once every month, and has the sole responsibility to install, keep, maintain and operate all display units and improvements in good condition. This includes keeping the area immediately surrounding the bus benches and shelters free of trash, gum, and untrimmed grass and weeds. YCIPTA or its sub-licensee shall promptly, within thirty (30) days of the date discovered, replace or repair any signs which have been destroyed and any bus shelters or benches that are in disrepair. To the extent such replacement or repair cannot be completed within the thirty (30) days, YCIPTA and/or its sub-licensee shall not be in default of this Section if it/they have commenced said replacement or repair within that time. YCIPTA or its sub-licensee shall bear the sole cost and expense of maintaining, repairing and replacing said signs, bus shelters and benches, except when damage and/or disrepair was occasioned by the City, its officers, officials, agents, employees or volunteers. YCIPTA shall also ensure that advertising is kept current and up-to-date as reasonably determined by YCIPTA. Throughout the Lease Term, YCIPTA shall have a continuous responsibility to keep the bus shelters and benches in the locations approved by the City as described herein.

**11. Termination of Agreement.**

a. The Lease of City owned rights-of-way shall terminate at the end of the Lease Term described in Section 3 without notice by any party, unless otherwise extended pursuant to Section 3(a). A holding over by YCIPTA beyond the expiration date of the term shall not be permitted without the written consent of the City and then only on a month-to-month basis. No holding over of the License Term shall be permitted without extension or amendment of this Agreement as set forth in Section 5(a).

b. This Agreement shall be subject to cancellation by the City in the event that YCIPTA defaults in the performance of any of the covenants and conditions required pursuant to this Agreement to be kept and performed by YCIPTA, if such default continues for a period of thirty (30) days after written notice of the default is given by the City to YCIPTA of the specified covenants and conditions at issue. In the event that the default cannot be cured within said 30 days, YCIPTA shall not be in default of this Agreement if it commences performance within the 30 day-period and diligently prosecutes the same to completion.

c. The failure of the City to declare this Agreement terminated, or to reenter and take possession, upon default of YCIPTA for any of the reasons set out in the thirty (30) day cure notice, shall not operate to bar or destroy the right of the City to declare this Agreement

terminated by reason of any subsequent violation of the terms of this Agreement, so long as the proper thirty (30) day notice is provided as set forth in Section 10(b) above.

d. This Agreement or any extensions hereof may be terminated by either party upon thirty (30) days prior, written notice of termination to the other party.

**12. City Use of Sign Space.** The City shall have the right to use, at no charge other than the City to bear the cost for design and installation, any unsold sign spaces on the bus shelters and benches. To facilitate such use, the City shall provide YCIPTA or its sub-licensee with a fifteen (15) business day written notice requesting use of such unsold sign spaces and, in exercising its right to use the unsold sign space, the City shall not interfere with YCIPTA's and/or its sub-licensee's ability to generate revenue under this Agreement. Accordingly, if the sign space is sold prior to the expiration of the City's 15 business-day notice, the City shall not install any signs or otherwise use said sign space(s) on the bus shelters and benches. Likewise, if the sign space is subsequently sold, the City shall promptly remove its sign unless it pays YCIPTA or its sub-licensee the current rate for said sign space. In such an event, YCIPTA or its sub-licensee shall give the City a ten (10) calendar day written notice to remove or buy the sign space.

**13. Attorney's Fees.** Should either party employ an attorney(s) or utilize the service of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this Agreement, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorney's fees, including fees for in-house attorneys, expended or incurred in connection therewith as determined by the court.

**14. Nondiscrimination.** YCIPTA, for itself, its personal representatives, successors in interest, licensees and sub-licensees, assigns and subcontractors, as a part of the consideration hereof, does hereby covenant and agree that no persons on the ground of race, color, creed, political ideas, sex, age, or physical or mental handicap shall be excluded from: (a) participation, denied the benefits of, or be otherwise subjected to discrimination in the construction of any improvements on behalf of YCIPTA or (b) the furnishing of advertising service hereunder.

**15. Right to Inspect and Audit.** YCIPTA will make available to the City, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday inclusive, all records, books and other pertinent information as may be reasonably required for audit purposes to verify the monthly sales reports and other contract compliance issues upon three (3) business days' written notice to YCIPTA. The City may audit YCIPTA's advertising sales and revenues generated under the advertising license, in such an event YCIPTA shall timely cooperate with such audit.

**16. Notices.** All notices, demands or other communications relative to this Agreement must be in writing and are deemed duly delivered upon personal delivery, or as of the second business day after mailing by United States mail, postage prepaid, registered or certified, return receipt requested, addressed as follows:

CITY: City Administrator  
City of Yuma  
One City Plaza  
Yuma, Arizona 85364-1436

YCIPTA: Transit Director  
Yuma County Intergovernmental  
Public Transportation Authority  
2715 East 14<sup>th</sup> Street  
Yuma, Arizona 85365

17. **Successors, Licensees and Sub-licensee.** All of the terms, covenants and agreements herein contained or as amended from time-to-time, shall be binding upon and shall inure to the benefit or burden of the successors, licensees, and sub-licensees of the respective parties hereto.

18. **Conflict of Interest.** This Agreement is subject to the conflict of interest and cancellation provision of A.R.S. § 38-511, as may be amended from time-to-time, and the provisions of which are incorporated by reference herein.

19. **Scrutinized Business Operations.** By entering into this Agreement, YCIPTA certifies to the City that it does not have, and will not have for the duration of this Agreement, 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.*

20. **Severability.** If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.

21. **Amendments.** No modifications, waiver, amendment, discharge or change of this Agreement shall be valid unless in writing and signed by both parties after approval of the City Council, where necessary.

22. **No Partnership or Third-Party Beneficiary.** This Agreement does not create, and is not intended to imply, a partnership or joint venture between YCIPTA and the City. No person or entity shall be a third-party beneficiary to this Agreement, except for any designated licensee or sub-licensee of YCIPTA as permitted pursuant to this Agreement, and to the extent that the licensee or sub-licensee assumes the rights and/or obligations of YCIPTA under this Agreement.

23. **Dispute Resolution.** If a dispute arises between the parties regarding the interpretation or enforcement of this Agreement, the parties agree to work together in good faith to resolve such dispute. If the parties mutually agree in writing, claims, disputes or other matters in question may be submitted for arbitration according to the Arizona Uniform Rules of Procedure for Arbitration. Written requests for arbitration must be filed with the other party to this Agreement.

24. **Governing Law.** The laws of the State of Arizona govern this Agreement as to validity, interpretation and performance.

25. **Venue.** The parties must institute and maintain any legal actions or other judicial proceedings arising out of this Agreement in the Superior Court of Yuma County, Arizona.

26. **Waiver.** If either party fails to require the other party to perform any provision of this Agreement, that failure does not prevent the party from later enforcing that provision. Neither party is released from any responsibilities or obligations imposed by law or this Agreement if the other party fails to exercise a right or remedy.

27. **Entire Agreement.** This Agreement contains the entire agreement between the parties and no oral or written statement, promises or inducements made by either party or agent of either party that is not contained in this written Agreement, or specifically referred to in the written Agreement, shall be valid or binding.

28. **Counterpart Execution.** This Agreement may be executed by the parties in any number of counterparts and each fully executed copy shall be an original for all purposes, and all copies taken together shall be one Agreement.

[Remainder of Page Intentionally Blank]

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

City of Yuma

Yuma County Intergovernmental Public  
Transportation Authority

By \_\_\_\_\_  
Gregory K. Wilkinson  
City Administrator

By \_\_\_\_\_  
John C. Andoh  
Transit Director

ATTEST:

ATTEST:

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

By \_\_\_\_\_  
Carol Perez  
Administrative Assistant

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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

By \_\_\_\_\_  
Wayne C. Benesch  
YCIPTA Legal Counsel

## EXHIBIT 1 APPROVED SITES

The City Engineer has approved each of the locations listed below as Approved Sites subject to the terms of this lease:

Type Facility	Location
1, 2, 3, 4, 5, 6	12 <sup>th</sup> Street & East behind Harkins Theater, Palms Shopping Center; bus travels East bound
1, 2, 3, 4, 5, 6	24 <sup>th</sup> Street & Avenue 7 ½E; bus travels West bound
4,5	24 <sup>th</sup> Street & College Avenue; bus travels West bound
1, 2, 3, 4, 5, 6	24 <sup>th</sup> Street @ East of Castle Dome Middle School; bus travels West bound
1, 2, 3, 4, 6, 7	Yuma Library & 21 <sup>st</sup> Dr; bus travels South bound
1, 2, 3, 4, 6	Yuma Library & 21 <sup>st</sup> Dr; bus travels North bound
1, 2, 3, 6, 9	County Health/Juvenile Center & 23 <sup>rd</sup> Avenue; bus travels South bound
1, 2, 3, 4, 6	County Health/Juvenile Center & 23 <sup>rd</sup> Avenue; bus travels North bound
8, 10	16 <sup>th</sup> Street & 3 <sup>rd</sup> Avenue @ Mesa Shopping Center; bus travels South bound
1,2,3,4, 6	16 <sup>th</sup> Street and 31 <sup>st</sup> Drive
1, 2, 3, 4, 6, 9	4 <sup>th</sup> Avenue south of 37 <sup>th</sup> Street
1, 2, 3, 4, 5, 6, 7, 8	Castle Dome Avenue & Yuma Palms Parkway (West of Target Parking lot)

### Bus Stop Amenities:

- 1) Bench
- 2) Shelter
- 3) Trash
- 4) Sign
- 5) Bus Stop
- 6) Infopost
- 7) Pole
- 8) Banner-Poster
- 9) YCAT Service Discontinued – YCIPTA may resume service at its discretion
- 10) YCAT Service Discontinued – YCIPTA may only resume operations at this location upon compliance with the procedures described in Section 3 and Section 4 of this Agreement.



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014  
**DEPARTMENT:** Community Development  
**DIVISION:** Community Planning

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

**TITLE:**  
 Rezoning of Property: Southeast corner of Avenue C and 16th Street, Yuma, AZ.

**SUMMARY RECOMMENDATION:**  
 Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16th Street, Yuma, AZ. (ZONE-6465-2014)

**REPORT:**  
 On July 28, 2014, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Underhill absent and one vacancy) of the request to rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District for property located at the southeast corner of Avenue C and 16th Street, subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner/Developer shall provide a raised median covenant for Avenue C frontage and 16th Street frontage except two median breaks: one to support full subject property ingress & egress at the 37th Avenue alignment and one to support subject property ingress and egress that aligns with the YPIC property driveway/intersection located to the north, subject to concurrence with the City Traffic Engineer.

5. The Owner/Developer shall dedicate Avenue C and 16<sup>th</sup> Street right-of-way along the parent parcel in conformance with the roadways plan in effect at the time of dedication. Dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.
7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.
9. With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

**PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF**

“**David Koopmann – Planning and Zoning Commissioner**, asked if the majority of the property was to be a school. **Joy Everett – Senior Planner**, said it would be 14 acres used for the school. **Koopmann** asked if it was not being zoned to public because it was not a public school. **Laurie Lineberry – Community Development Director**, stated that the school on the northwest corner was zoned residential. The Public portion was an overlay only and the property still was required to have a base zoning.

“**Del Cave – Planning and Zoning Commissioner**, asked where the school site would be placed. **Everett** showed where the school would be located on the overhead projector.

“**Koopmann** said he liked to see the preliminary site plan because it answered questions that he had regarding access points and wanted to know if 16<sup>th</sup> Lane would be a through street. **Lineberry** said 16<sup>th</sup> Lane was emergency access only, including no student access. Staff was concerned that 16<sup>th</sup> Lane would create traffic issues in Picacho Subdivision by parents looking for a shortcut.

“**Chris Hamel – Planning and Zoning Commissioner**, asked if the access to the school was only off of 16<sup>th</sup> Street. **Everett** said yes. **Hamel** asked if Staff thought only one access point would be a problem. **Everett** said staff worked with the school to design the site. **Andrew McGarvie – Assistant City Engineer**, stated that this was the only way to guarantee full access. **Koopmann** said Condition 5 appeared to have been removed from the revised Conditions of Approval and asked what Staff was going to do regarding acceleration/deceleration lanes, right turn lanes and sight triangles. **McGarvie** said Staff called out the 2005 Roadways Plan, but by the time this comes to dedication there should be a new roadways plan adopted.

**APPLICANT / APPLICANT’S REPRESENTATIVE**

“**Ryan Hackman, 2476 S. 32<sup>nd</sup> Avenue, Yuma, Arizona**, said the school was a public charter school, and was available for questions.

“**Koopmann** asked if the public overlay would be placed over this property. **Lineberry** said that was a possibility.

**OPEN PUBLIC COMMENT**

None

**CLOSE PUBLIC COMMENT**

**MOTION**

“**Motion by Koopmann, second by Hamel, to APPROVE Case Number ZONE-6465-2014, subject to the revised Conditions of Approval in Attachment A. Motion carried unanimously (5-0).**”

**Planning Commission Staff Report - Attached**

Note: Between the time the P&Z staff report was completed and distributed, the applicant met with City Engineering to resolve the disagreement on five (5) of the Conditions of Approval in the P&Z staff report. Revised conditions were presented to the Commission at their meeting. Those revised conditions were adopted by the P&Z Commission at their meeting, in place of the conditions in this staff report.

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		8/20/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/20/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		8/5/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Stephanie Joy Everett		7/7/2014		



**City of YUMA**

# MEMORANDUM

Department of Community Development/Planning

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**DATE:** July 28, 2014  
**TO:** Planning and Zoning Commission  
**FROM:** Joy Everett, Senior Planner  
**SUBJECT:** ZONE-6465-2014 Revised Conditions of Approval

The Applicant and City staff met and agreed to the following Revised Conditions of Approval.

## **ATTACHMENT A REVISED CONDITIONS OF APPROVAL**

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

### **Department Of Community Development Conditions: Laurie Lineberry, Community Development Director (928) 373-5175:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

### **City Engineering Conditions: Andrew McGarvie, Assistant City Engineer, (928) 373-5000 x3044:**

4. The Owner/Developer shall provide a raised median covenant for Avenue C frontage and 16th Street frontage except two median breaks: one to support full subject property ingress & egress at the 37th Avenue alignment and one to support subject

property ingress and egress that aligns with the YPIC property driveway/intersection located to the north, subject to concurrence with the City Traffic Engineer.

5. The Owner/Developer shall dedicate Avenue C and 16<sup>th</sup> Street right-of-way along the parent parcel in conformance with the roadways plan in effect at the time of dedication. Dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.

**Community Planning Conditions: Joy Everett, Senior Planner, (928) 373-5000 x3034:**

7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.
9. With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

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



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

**Hearing Date:** July 28, 2014

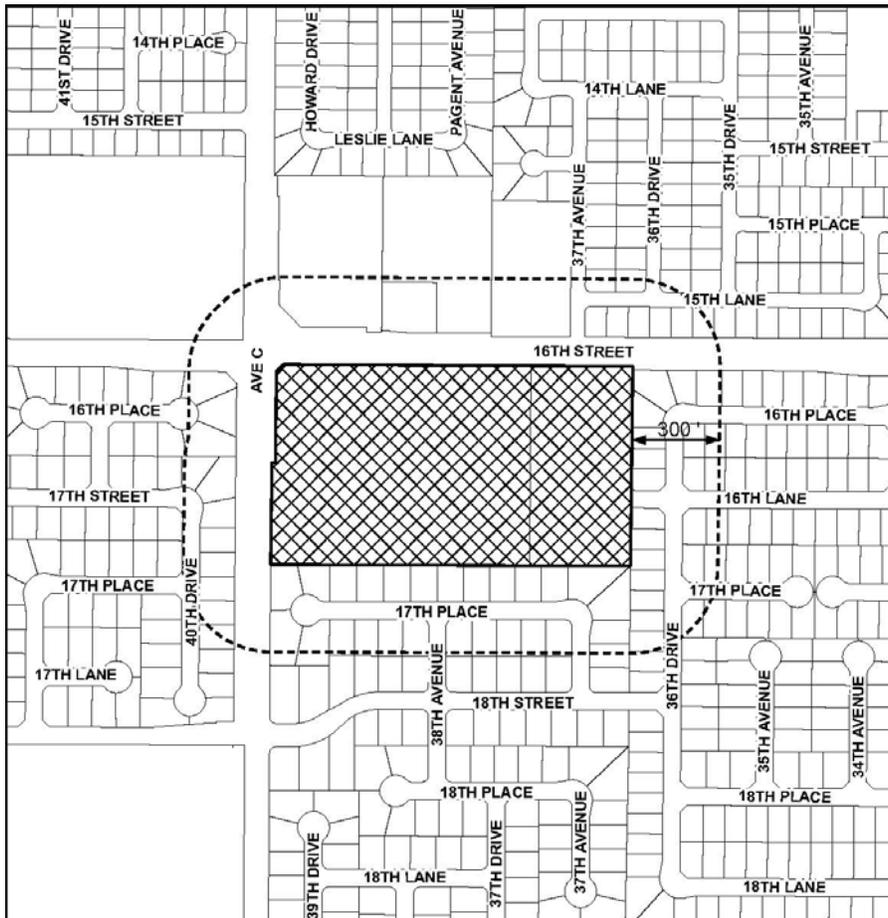
**Case Number:** ZONE-6465-2014

**Project Description/Location:**

Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16<sup>th</sup> Street, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Land Use Designation</b>
<b>Site</b>	Agriculture (AG)	Agriculture field	Low Density Residential
<b>North</b>	Transitional (TR), Low Density Residential (R-1-6)	Oasis Church, Suncrest Office Plaza, Single Family Dwellings	Mixed Use, Low Density Residential
<b>South</b>	Low Density Residential (R-1-8)	Single Family Dwellings	Low Density Residential
<b>East</b>	Low Density Residential (R-1-6)	Single Family Dwellings	Low Density Residential
<b>West</b>	Low Density Residential (R-1-8)	Single Family Dwellings	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. 2212 (July 21, 1984); Rezone: Agriculture upon annexation; and Subdivision: Pietro's/Phillips Lot Split (December 9, 2006).

**Staff recommendation:** Staff recommends APPROVAL of the rezoning of the property from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A, because the request is in conformance with the General Plan.

**Suggested Motion:** Move to **APPROVE** the rezoning of the property from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A, because the request is in conformance with the General Plan.

**Staff Analysis:** The subject property was annexed into the City of Yuma on July 21, 1984 and rezoned to the Agriculture (AG) District upon annexation. The property is currently used for agriculture production.

The subject property was created from a larger parent parcel by the Pietro's/Phillips Lot Split. The subject property consists of approximately 19.39 acres with frontage on 16<sup>th</sup> Street and Avenue C. The Rose Lateral runs adjacent to the north property line.

The request is to rezone the property from Agriculture (AG) to Low Density Residential (R-1-6). The applicant is proposing to develop the eastern 14 acres with a school. There are no development plans for the remaining six acres.

A neighborhood meeting was held on June 25th and 5 property owners attended. Comments from those in attendance included:

1. Want assurances that the 10' south setback and 7' east side yard setback will have appropriate landscaping to be an effective buffer.
2. Want the internal roads/driveway to be paved.
3. Concerned about lighting of the ball fields.
4. Opposed to commercial or high density residential development occurring on the future remnant parcel.
5. Concern about construction hours. Applicants ensured the neighbors that construction would not occur at night and anticipate the hours to be 7:00am to 4:00pm.

**1. Does the proposed zoning district conform to the Land Use Element?**

Yes

**2. Are there any dedications or property easements identified by the Transportation Element?**

Yes

Transportation Element	Planned	Existing	Difference	Requested
Avenue C – Principal Arterial	62 FT H/W	50 FT H/W	12 FT H/W	12 FT H/W
16 <sup>th</sup> Street – Principal Arterial	62 FT H/W	50 - 65 FT H/W	-3 - 12 FT H/W	-3 - 12 FT H/W
Median Covenant	Required for Avenue C and 16 <sup>th</sup> Street			

**3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?**

Yes

**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes

**5. Does the proposed rezoning conform to Council’s prior approval of rezonings, development agreements or subdivisions for this site?**

Yes

**Public Comments Received:** None Received.

**External Agency Comments:** See Attachment B.

**Neighborhood Meeting Comments:** See Attachment C.

**Proposed conditions delivered to applicant on:** June 23, 2014

**Final staff report delivered to applicant on:** July 16, 2014

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on:
<input checked="" type="checkbox"/>	Applicant did not agree with the following conditions of approval: Condition #4: The applicant requests a provision of 2 access points / median cuts: 1 for the proposed school site and 1 for the proposed remainder parcel at the locations discussed with City Engineering. Condition #5: The applicant requests that the right-of-way dedication be defined and occur with each (school and remainder parcel) approved development plan. Condition #6: The applicant requests that the right-of-way dedication be defined and occur with each (school and remainder parcel) approved development plan. Condition #7: The applicant requests that the one-foot non access easement be defined and provided with the approved development plan. Condition #9: The applicant requests to retain its irrigation use water right until the entire property (school and remainder parcel) is developed.
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments**

A	B	C	D
Staff Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo

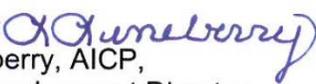
**Project Planner:** Joy Everett, Senior Planner 373 -5000 #3034 [Joy.Everett@YumaAZ.gov](mailto:Joy.Everett@YumaAZ.gov)

**Prepared By:**   
Joy Everett, Senior Planner

**Date:** 7/15/14

**Reviewed By:**   
Bobette Bauermann, Principal Planner

**Date:** 7/15/14

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

**Date:** 7.15.14

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

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

**Department Of Community Development Conditions: Laurie Lineberry, Community Development Director (928) 373-5175:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**City Engineering Conditions: Andrew McGarvie, Assistant City Engineer, (928) 373-5000 x3044:**

4. The Developer/Owner shall provide a raised median covenant for Avenue C frontage and 16th Street frontage.
5. The Owner shall dedicate Avenue C right-of-way along the parent parcel, so that the City realizes a full 52.50 - foot half-width right-of-way (same as provided by Falls Ranch Unit No. 1, in Book 15 of Plats, page 96 & 97) and flares for Avenue C, plus corner triangle as specified in Figure 3 of the 2005 MRP as amended, with Avenue C downgraded to a minor arterial Street. Dedication shall be by plat or warranty deed.
6. The Owner shall dedicate 16th Street right-of-way along the parent parcel, so that the City realizes a full 61- foot half-width right-of-way (same as provided by Picacho Village Unit No. 1 subdivision, recorded in Book 19 of Plats, page 61 to 63). Dedication shall be by plat or warranty deed.
7. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages accept for approved access locations. The 1-ft non-access easement shall be provided by plat or easement.

**Community Planning Conditions: Joy Everett, Senior Planner, (928) 373-5000 x3034:**

8. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
9. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is converted from irrigation to domestic use by the Yuma County Water Users Association. A portion of the converted water may be retained for landscaping if flood irrigation facilities are provided.

10. With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

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

**ATTACHMENT B  
EXTERNAL AGENCY COMMENTS**

**From:** Omar Penunuri [openunuri@ycwua.org]  
**Sent:** Thursday, June 12, 2014 11:38 AM  
**To:** Everett, Stephanie (Joy) - Senior Planner  
**Cc:** openunuri@ycwua.org; Ed Carpenter  
**Subject:** Re: Request for Comments ZONE-6465-2014  
**Attachments:** T8SR23W Sec 29,30,31,32 PG30.TIF

Hi Joy,

Please include the Rose Lateral Rights of Way on the south side of 16th Street. Also, keep YCWUA in the loop for any further progress of the development. We suppose the school will retain irrigable water rights to irrigate the soccer / baseball field?

Let me know about any questions.

Thanks

Omar Peñuñuri  
Yuma County Water Users' Association  
Sr. Engineering Tech  
Lands and Right-of-Way  
Bus: (928) 627-8824 Ext. 25  
Cell: (928) 581-5200  
Fax: (928) 627-3065

Office:  
3800 W. County 15th Street  
Somerton, Arizona 85350  
Mail: P.O. Box 5775  
Yuma, Arizona 85366-5775

\*\*\*\*\*

COMMENT       NO COMMENT

*Enter comments below:*

Should a project be developed as a result of this proposed land use change action, YCIPTA (Yuma County Intergovernmental Public Transportation Authority) would request consideration towards the establishment of a bus stop on westbound 16th Street @ Avenue C, farside. The bus stop developed should conform to YCIPTA revised standards with includes a pole with a YCAT bus stop sign, plus provision for placement of a bus bench and/or shelter.

DATE: 6/13/14      NAME: John Andoh      TITLE: Transit Director  
AGENCY: YCIPTA  
PHONE: 928.539.7076 ext 237  
RETURN TO: Joy Everett  
Joy.Everett@YumaAZ.gov

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 06/25/14

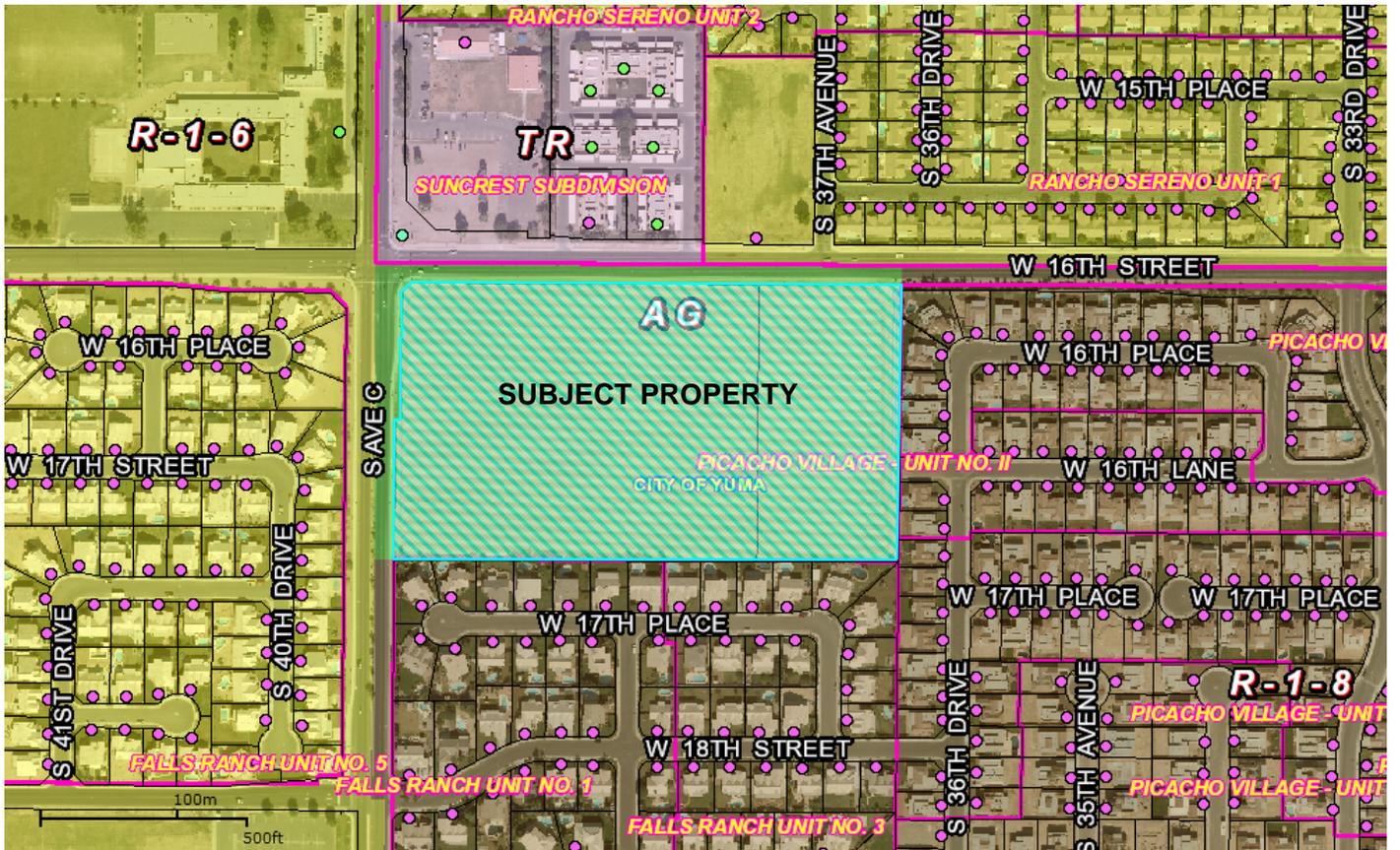
**Location:** Oasis Church at 1545 S. Avenue C

**Attendees:** David Bentley, Owner Agent; Kevin Dahl, Engineer; Carolyn McKelvey, Real Estate Agent; Ken Skinner, Project Manager; Ryan Hackmann, Carpe Diem Schools; Rick Ogston, Carpe Diem Schools; Shelly Hook, Development Project Coordinator; Joy Everett, Senior Planner; and five neighbors in attendance.

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **CONCERNED THAT THE INTERNAL ROAD/DRIVEWAY IS CLOSE TO THE RESIDENTIAL LOTS AND WANT TO MAKE SURE THAT THE 10' SOUTH SETBACK AND 7' EAST SETBACK ARE DENSELY LANDSCAPED TO BE A BUFFER.**
- **WANT THE INTERNAL ROADS/DRIVEWAY TO BE PAVED.**
- **DO NOT WANT LIGHTING ON THE BALL FIELD AREAS WHICH ARE LOCATED CLOSE TO THE EXISTING RESIDENTIAL DEVELOPMENTS. THERE IS CONCERN THAT IF OUTSIDE GROUPS USE THE FIELDS FOR PRACTICE, THEN LIGHTING FOR EVENING USE WILL BECOME AN ISSUE.**
- **DO NOT WANT COMMERCIAL OR APARTMENTS DEVELOPED ON THE REMAINING 6 ACRE LOT AT THE CORNER OF AVENUE C AND 16<sup>TH</sup> STREET.**
- **CONCERNED ABOUT CONSTRUCTION HOURS. APPLICANTS ENSURED THE NEIGHBORS THAT CONSTRUCTION WOULD NOT OCCUR AT NIGHT AND ANTICIPATE THE HOURS TO BE 7:00AM TO 4:00PM.**

ATTACHMENT D  
AERIAL PHOTO



**ORDINANCE NO. O2014-26**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, REZONING CERTAIN PROPERTY HEREINBEFORE LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on July 28, 2014 in Zoning Case No: ZONE-6465-2014 in the manner prescribed by law for the purpose of rezoning a parcel of property hereinafter described to the Low Density Residential (R-1-6) District as provided for in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on July 4, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-6465-2014 and finds that the recommendation complies with and conforms to the goals and objectives of the City of Yuma 2012 General Plan, as amended.

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

SECTION 1: That the following described real property, depicted in Exhibit A attached and by this reference made a part hereof:

That portion of Lot 1(NW1/4 NW1/4) and the Northeast quarter of the Northwest quarter, Section 31, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

More particularly described as follows:

The North 735.15 feet of Lot 1 (NW1/4 NW1/4) of said Section 31, including the following described parcel;

That portion of the Northeast quarter of the Northwest quarter (NE1/4 NW1/4) of said Section 31;

Beginning at the Northwest corner of said Northeast quarter of the Northwest quarter(NE1/4 NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING; thence N89° 54' 22"E along the North line of said Section 31 a distance of 25.50 feet;

thence S 00°11'28"W a distance of 735.15 feet;

thence S89°54'22"W parallel with the North line of said Section 31 a distance of 23.01 feet;

thence N00°00' 11"W along the West line of said Northeast quarter of the Northwest quarter(NE1/4 NW1/4) of said Section 31, a distance of 735.15 feet and the TRUE POINT OF BEGINNING.

EXCEPT that portion of the North 735.15 of Lot1 (NW1/4NW1/) of said Section 31 described as follows;

Beginning at the Northeast corner of Lot 1 (NW1/4NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING;  
thence S89°54'22"W parallel with the North line of said Section 31, a distance of 1285.31 feet;  
thence S00°00'32"W along the West line of said Section 31, a distance of 735.15 feet;  
thence N89°54'22"E parallel to and 735.15 feet Southerly of the North line of said Section 31 , a distance of 52.50 feet to the East right of way line of Avenue "C";  
thence N00°00'32"E parallel to and 52.50 feet Easterly of the West line of said Section 31 along East right of way line of Avenue "C", a distance of 420.15 feet to a point 387.00 feet Southerly of the North line of said Section 31:  
thence N89°54'22"E parallel to the North line of said Section 31, a distance of 12.50 feet to a point 65.00 Westerly of the West line of said Section 31;  
thence N00°00'32"E parallel to and 65.00 feet Easterly of the West line of said Section 31 along East right of line of Avenue "C", a distance of 315.00 feet to a point 72.00 feet Southerly of the North line of said Section 31;  
thence N44°57'22"E a distance of 35.39 feet to a point 90.00 feet Westerly of the West line and 47.00 feet Southerly of the North line of said Section 31 and along the South right of way line of 16th Street ;  
thence N89°54'22"E parallel to and 47.00 feet Southerly of the North line of said Section 31, a distance of 1195.32 feet to a point on the East line of said Lot 1 (NW1/4NW1/4) of said Section 31;  
thence N00°00'11"W along the West line of said Lot 1(NW1/4NW1/4) of said Section31, a distance of 47.00 feet to the Northeast corner of said Lot 1(NW1/4NW1/4) and the TRUE POINT OF BEGINNING.

EXCEPT that portion of the Northeast quarter of the Northwest quarter(NE1/4NW1/4) of said Section 31, described as follows:

Beginning a the Northwest corner of the Northeast quarter of the Northwest quarter(NE1/4NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING;  
thence S00°00'11"E along the West line of the Northeast quarter of the Northwest quarter of said Section 31, a distance of 47.00 feet to a point on the South right of way line of 16th Street;  
thence N89°54'22"E along the South right of way line and 47.00 feet South of the North line of said Section 31, a distance of 25.34 feet;  
thence N00°39'54"E a distance of 47.00 feet to a point on the North line of said Section 31;  
thence S89°54'22"W along the North line of said Section 31 and the TRUE POINT OF BEGINNING.

Also Known as Parcel B( Accessor's Parcel # 664-33-217 & 218) of Pietro's/ Phillips Lot Split, Book 15, Pages 1-2 of Plats as recorded in the Yuma County Records Office, Yuma, Arizona. Except for that portion describe in Warranty Deed AFN 1998-22770 as recorded in the Yuma County Records Office Yuma, Arizona.

Containing 115,898 square feet or 19.46 acres, more or less.

be placed in the Low Density Residential (R-1-6) District, as defined by Chapter 154 of the Yuma City Code, as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Residential (R-1-6) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended to show that the real property described in this Ordinance will be located within the Low Density Residential (R-1-6) District.

**SECTION 2:** That the following condition(s) must be met and/or completed in order for this rezoning to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized “Waiver of Claims under the Private Property Rights Protection Act.” The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner shall provide a raised median covenant for Avenue C frontage and 16<sup>th</sup> Street frontage except two median breaks on 16<sup>th</sup> Street. A median access break will be provided at 37<sup>th</sup> Avenue and 16<sup>th</sup> Street with full turning movements. A second median access break will be provided at the alignment with the west most driveway on Assessor’s Parcel Number 664-25-131, located on the north side of 16<sup>th</sup> Street, with ingress and egress turning movements as approved by the City Traffic Engineer.
5. The Owner shall dedicate Avenue C, the corner visibility triangle, and 16<sup>th</sup> Street rights-of-way along the real property described in Section 1, in its entirety and in conformance with the roadways plan in effect at the time of dedication. The dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.
7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.

8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS 9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

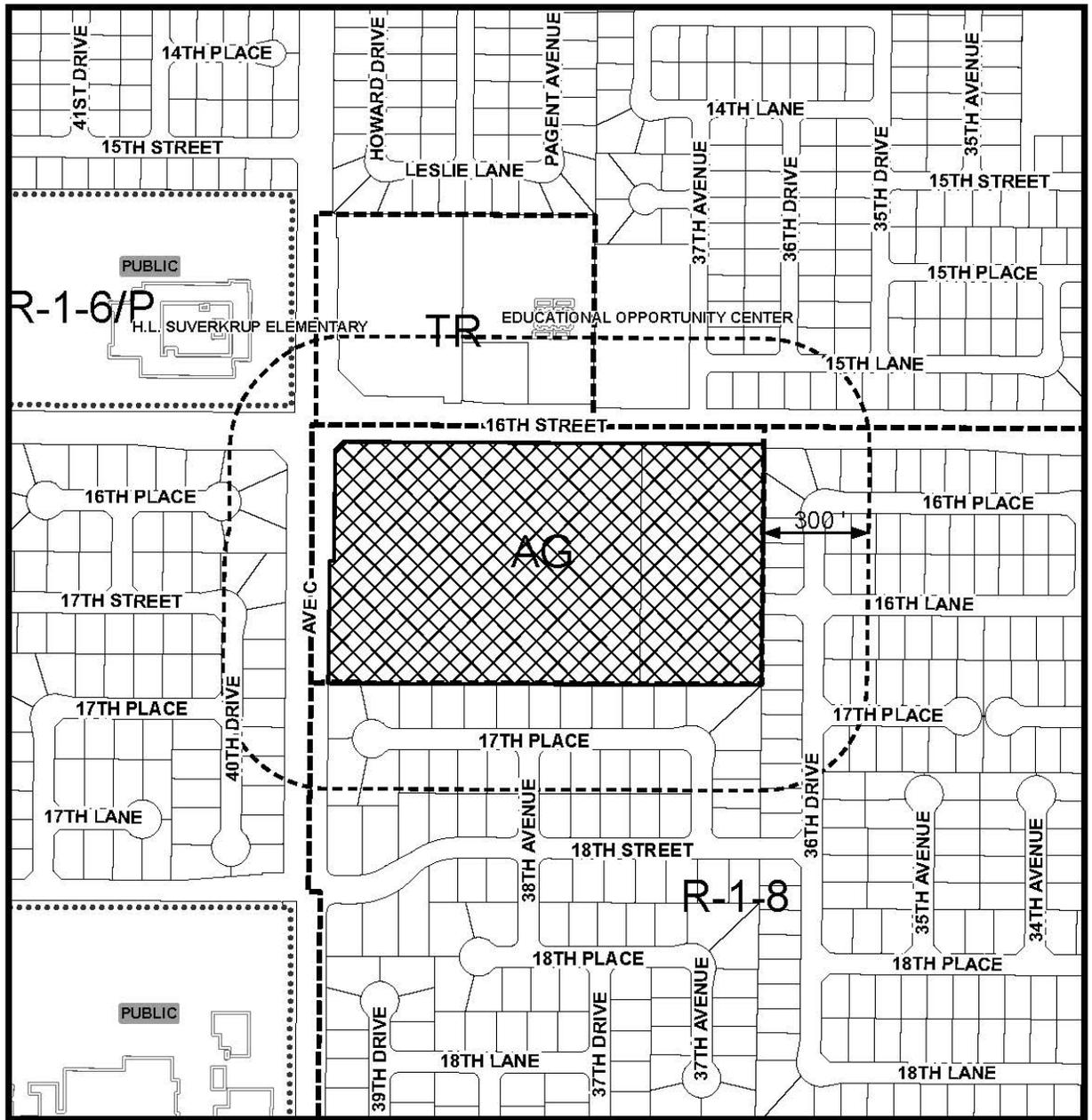
ATTESTED:

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

APPROVED AS TO FORM:

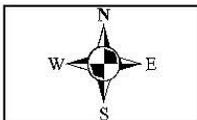
\_\_\_\_\_  
Steven W. Moore  
City Attorney

Exhibit A



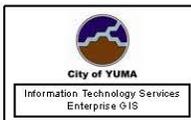
## LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: J.W.B.

Checked by:



Date: 06-04-14

Revised:

Revised:

Case #:

ZONE-6465-2014



City of YUMA

# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** September 3, 2014

**DEPARTMENT:** City Administration

**DIVISION:** Administration

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

**TITLE:**  
 Declaration of Surplus and Authorization of Transfer of Land: Arizona Department of Veteran's Services

**SUMMARY RECOMMENDATION:**  
 Declare certain property at the southeast corner of Avenue 6E and the 34th Street alignment as surplus and authorize conveyance of the property to the State of Arizona, Department of Veterans' Services, which will automatically revert to the City if certain conditions are not met.

**REPORT:**  
 The Arizona Department of Veterans' Services is proposing the construction of a 60-bed nursing care facility to be located in Yuma, Arizona. If approved by the Veterans' Administration (VA), construction funding for this project will be made available through the VA's State Home-Construction Grant Program and the State of Arizona, which is characterized by a joint cost-sharing agreement between the VA and the State of Arizona.

The proposed 65,000 square-foot Arizona State Veteran Home will house three, 15-bed long term care units and one, 15-bed dementia secure unit. It will serve La Paz and Yuma counties. The facility will be designed in accordance with the Community Living Center (CLC) concept, and include a separate Alzheimer's unit, a skilled nursing unit with Medicare certified beds, a gift shop, a barber/beauty shop, and a meditation room for the use of the residents and family members. Veterans Benefits Counselors will be available to assist residents in obtaining their benefits. Social services will also be available to provide support for residents and their families.

The Arizona Department of Veterans' Services has requested that the City of Yuma provide an 8-acre parcel of land, described in Exhibit A attached to the proposed ordinance and depicted on the attached Location Map, for construction of the Facility.

In order to accomplish the conveyance, City Council must first declare the site surplus property, then authorize transfer of the property by deed to the State of Arizona, Department of Veterans' Services.

The deed will have an automatic reversion clause and may contain benchmarks that revert the property to the City of Yuma if the Arizona Department of Veterans' Services fails to meet the benchmarks or build the facility as proposed. The deed will also contain a restriction limiting the property's use to the proposed veterans care facility.

The current estimated fair market value of the property is approximately \$400,000.

For the reasons addressed above, it is requested that City Council adopt the attached ordinance, declaring the described property surplus for City use, and authorizing conveyance of the property by deed to the State of Arizona, for the purpose of construction of a veteran care facility.

FISCAL REQUIREMENTS	CITY FUNDS:	\$5,000.00	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:	\$5,000.00		
	FISCAL IMPACT STATEMENT: Costs include recording fees and legal fees associated with the legal review of deed language.			
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 <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/26/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/26/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Ricky Rinehart		8/21/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Teresa Blackburn/Deb Vining		8/13/2014		

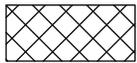
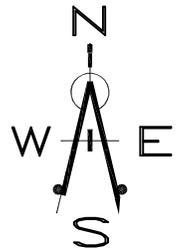
32ND STREET

NOT A PART

AVENUE 6E

8.069 Acres

PARCEL  
197-09-002



PROPOSED VA  
HOME LOCATION

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

# LOCATION MAP

Prepared by: JOHN NYE

Checked by: CRAIG GRANQUIST

CITY OF YUMA  
DEPARTMENT OF  
PUBLIC WORKS  
ENGINEERING DIV.

DATE: 8-12-2014

SCALE: N.T.S

REVISED: 8-14-2014

CIP NO.

**ORDINANCE NO. O2014-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A CERTAIN PARCEL OF REAL PROPERTY, HEREAFTER DESCRIBED, SURPLUS FOR USE BY THE CITY AND AUTHORIZING CONVEYANCE OF THE PROPERTY TO THE STATE OF ARIZONA, DEPARTMENT OF VETERANS' SERVICES, FOR THE PURPOSE OF CONSTRUCTING A VETERAN'S CARE FACILITY**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, the City is the owner of vacant real property located at the southeast corner of the Avenue 6E and 34<sup>th</sup> Street alignment; and,

WHEREAS, the State of Arizona, Department of Veterans' Services, has requested that the City of Yuma convey 8 acres of vacant City-owned property to the State of Arizona, Department of Veterans' Services, for the construction of a veteran's care facility; and,

WHEREAS, the military is an integral part of the City's economy and community, and the City Council seeks to ensure veterans receive quality medical care in the Yuma community; and,

WHEREAS, subsequent to the conveyance of the described real property, the construction, operation and maintenance of the veteran's care facility, will enhance the economic stability and growth of the City and serve to benefit the health, safety and welfare of Yuma's citizens.

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

SECTION 1: The City Council finds that use of the eight acres of City-owned real property (Property), described in Exhibit A attached and by this reference made a part of this ordinance, as a veteran's care facility is a public use that serves the public interest of the City of Yuma and would be of public benefit.

SECTION 2: In consideration of the proposed public use, the Property is declared surplus for use by the City, so long as the Property shall not be subject to transfer from the grantee, State of Arizona, Department of Veteran's Affairs, to any party other than the City of Yuma.

SECTION 3: Conveyance of the Property by deed from the City of Yuma as grantor, to the State of Arizona, Department of Veteran's Affairs, as grantee, is authorized under the condition that fee title to the Property automatically reverts to the City of Yuma in four years from the effective date of this ordinance if the proposed veterans' care facility is not constructed on the Property.

SECTION 4: The City Administrator is authorized to include additional reversion clauses in the form of covenants that the Property shall only be used as a veteran's care facility, and shall not be transferred from the State of Arizona, Department of Veteran's Affairs, to any party other than the City of Yuma.

SECTION 5: The City Administrator is authorized to include in the deed, other conditions of reversion such as design, construction and funding benchmarks that the City Administrator determines are in the best interest of the City prior to signing the deed on behalf of the City.

SECTION 6: That City staff is authorized and directed to take the necessary actions to convey the described real property to the State of Arizona, Department of Veterans' Services in accordance with the conditions of this ordinance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Douglas J Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

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

## Exhibit A

### VA HOME LEGAL DESCRIPTION

A Portion of the North 640 feet of the Southwest quarter(SW1/4) of the Northwest quarter(NW1/4) Section 9, Township 9 South, Range 22 West, Gila & Salt River Base & Meridian, Yuma County, State of Arizona, more particularly described as follows:

Commencing at the West Quarter (W1/4) of said Section 9;

thence N.00° 17' 11"W. for 672.58 FT along the West line of said Section 9;

thence N.89° 52' 24"E. for 50.00 FT along the South line of the North 640 feet of Southwest quarter(SW1/4) of the Northwest quarter(NW1/4) of said Section 9, to a Point on West Right-of-Way line of Avenue 6 E and The True Point of Beginning;

thence N.89° 52' 24"E. for 586.05 FT;

thence N.00° 17' 11"W. for 610.00 FT;

thence S.89° 52' 24"W. for 408.05 FT;

thence S.00° 07' 36"E. for 4.00 FT;

thence S.89° 52' 24"W. for 120.00 FT;

thence S.44° 47' 07"W. for 56.48 FT;

thence S.00° 17' 11"E. for 210.00 FT;

thence S.89° 42' 49"W. for 18.00 FT;

thence S.00° 17' 11"E. for 355.95 FT,

to the True Point of Beginning,

the Area being 8.069 Acres more or less