



**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, JANUARY 07, 2015
5:30 P.M.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

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

PRESENTATIONS

- Recognition of Emergency Civilian Actions
- Recognition of Long-Term Retiring Employee

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):

- 10. 1. City Council Citizen's Forum October 14, 2014
- 11. 2. Regular Worksession October 14, 2014
- 17. 3. City Council Citizen's Forum November 4, 2014
- 18. 4. Regular Worksession November 4, 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)

- 24. **2. Liquor License: The Hills Restaurant Patio & Bar**

Approve a Person/Location Transfer #6 Bar, Liquor License application, submitted by Frank Maisano, agent for Frank's Family Dining of Yuma 2, LLC dba The Hills Restaurant Patio & Bar, located at 1245 Desert Hills Drive, Yuma, Arizona. (LL15-01) (City Administration/City Clerk) (Lynda L. Bushong)

- 26. **3. Special Event Liquor License: Yuma County Historical Society - Redondo Days Dinner & Auction**

Approve a Special Event Liquor License application submitted by Yanna L. Kruse, on behalf of the Yuma County Historical Society, for the Redondo Days Dinner & Auction. The event will be held at the Sanguinetti House Museum, located at 240 Madison Avenue, on Saturday, February 7, 2015 from 3:00 p.m. to 12:00 a.m. (SP15-04) (City Administration/City Clerk) (Lynda Bushong)

28. 4. Special Event Liquor License: Country Roads RV Village Property Owners Association Inc. - 30th Anniversary Celebration

Approve a Special Event Liquor License application submitted by Valeri J. Shoemaker, on behalf of the Country Roads RV Village Property Owners Association Inc., for the 30th Anniversary Celebration. The event will be held at the Country Roads RV Village Ballroom, located at 5707 E. 32nd Street, on the following dates/times in January 2015:

- Sunday, January 18th - 4:00 p.m. to 11:59 p.m.
 - Monday, January 19th through Wednesday, January 21st- 12:00 p.m. to 11:59 p.m.
 - Thursday, January 22nd and Friday, January 23rd - 9:00 a.m. to 11:59 p.m.
- (SP15-05) (City Administration/City Clerk) (Lynda L. Bushong) (City Administration/City Clerk) (Lynda L. Bushong)

30. 5. Special Event Liquor License: Southwest Performing Arts Foundation - Dancing with the Yuma Stars

Approve a Special Event Liquor License application submitted by Danielle Renee Duran, on behalf of the Southwest Performing Arts Foundation, for the Dancing with the Yuma Stars event. The event will be held at the Gowan Building, located at 370 S. Main Street, on Saturday, February 14, 2015 from 6:00 a.m. to 11:59 p.m. (SP15-06) (City Administration/City Clerk) (Lynda Bushong)

32. 6. Special Event Liquor License: Fort Yuma Rotary Club Inc. - Mardi Gras

Approve a Special Event Liquor License application submitted by Annette Lagunas, on behalf of the Fort Yuma Rotary Club Inc., for the Mardi Gras event. The event will be held in Downtown Yuma, in the 100 block through the 300 block of South Main Street, on Friday, February 13, 2015 from 4:00 p.m. to 12:00 a.m. (SP15-07) (City Administration/City Clerk) (Lynda Bushong)

34. 7. Special Event Liquor License: City Parks and Recreation Department - River Daze / Boogie, Brews and Blues Festival 2015

Approve a Special Event Liquor License application submitted by Joe Cox, on behalf of the City Parks and Recreation Department, for the River Daze / Boogie, Brews and Blues Festival 2015 event. The event will be held at Gateway Park, located at 259 N. Gila Street, on Saturday, February 7, 2015 from 11:00 a.m. to 7:00 p.m. (SP15-09) (City Administration/City Clerk) (Lynda Bushong)

36. 8. Agreements: Installation; Measurements and Verification

Authorize the City Administrator to execute an Installation Agreement and a Measurements and Verification Agreement to upgrade the energy efficiency of 20 City-owned facilities as identified in the scope of work, by utilizing a cooperative purchase agreement with the State of Arizona and the following firm: Climatec, LLC, Phoenix, Arizona. (Administration) (Ricky L. Rinehart)

38. 9. Declaration of Surplus and Approval of Intergovernmental Agreement: Apache Junction Water Utilities Community Facilities District

Declare surplus of water treatment equipment and authorize the City Administrator or his designee to execute an intergovernmental agreement ("IGA") with the City of Apache Junction Water Utilities Community Facilities District (WUCFD). (Utilities/Administration) (Jay Simonton)

52. 10. Agreement: Arizona Department of Homeland Security

Authorize the City Administrator or his designee to execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage for activities in support of Operation Stonegarden. (Police/Patrol) (John Lekan)

72. 11. Amendment: City Administrator Agreement

Authorize an amendment to the City Administrator's agreement. (Mayor and Council)

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.

74. A. Resolution R2015-01 Public Record Declaration: 2013 Amendments to the Tax Code of the City of Yuma

Declare a certain document titled "2013 Amendments to the Tax Code of the City of Yuma," a public record and order three copies to remain on file with the City Clerk. (Finance/Administration) (Pat Wicks)

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.

77. A. Ordinance O2015-01 Real Property Acquisition: 3401 S. 18th Avenue and 1771 W 34th Street

Authorize the purchase of two parcels of real property to resolve water drainage issues with the Desert Hills Golf Course. (City Attorney) (Steven W. Moore)

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.

81. A. Ordinance O2015-02 Amendment to the Yuma City Code: Chapter 37 Taxation

Amend City Code Section 37-02(F) setting a new repeal date for the two-level tax rate. (Finance/Administration) (Pat Wicks)

84. B. Ordinance O2015-03 Amend Yuma City Tax Code

Amend the City of Yuma (City) Tax Code to transfer the collection of the City's special two percent (2%) tax to the Arizona Department of Revenue (ADOR). (Finance/Administration) (Pat Wicks)

88. C. Ordinance O2015-05 Zoning Code Text Amendment: Off-site Signs

Amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 17.04 (A) for off-site signs. (ZONE-7851-2014). (Community Development/Community Planning) (Laurie L. Lineberry)

V. PUBLIC HEARINGS & RELATED ACTIONS

96. A. Annexation Area No. ANEX-7505-2014: Ranchos el Toreo

This is a public hearing to consider the annexation of property located at the southwest corner of 36th Street and Avenue 10E. (ANEX-7505-2014). (Community Development/Community Planning) (Laurie Lineberry)

SUGGESTED MOTION: To close the public hearing.

M/_____ S/_____ VV/_____

The following Public Hearing may result in the introduction of Ordinance O2015-04 should the City Council vote to do so.

101. B. Ordinance O2015-04 Rezoning of Property: 12th Street and 14th Avenue

The Planning and Zoning Commission by a 6-0 vote, recommend approval of rezoning of approximately .49 acres located on the southwest corner of 12th Street and 14th Avenue from Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District. (ZONE-7532-2014). (Community Development/Community Planning) (Laurie Lineberry)

SUGGESTED MOTION: To close the public hearing.

M/_____ S/_____ VV/_____

The following Public Hearing may result in the adoption of Resolution R2015-02 should the City Council vote to do so.

118. C. Resolution R2015-02 Water and Wastewater Utility Rates and Fees

Pursuant to Arizona Revised Statutes, Section 9-511.01, adopt by Resolution the recommended water and wastewater utility rates and fees adjustments, by staff. (Utilities/Administration) (Jay Simonton)

SUGGESTED MOTION: To close the public hearing.

M/_____ S/_____ VV/_____

SUGGESTED MOTION: To adopt Resolution R2015-02 as recommended.

M/_____ S/_____ RV/_____

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 December 18, 2014 through January 7, 2015. 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 the following agenda items:
 - Agreements: Installation; Measurements and Verification
 - Ordinance O2015-02 Amendment to the Yuma City Code: Chapter 37 Taxation
 - Ordinance O2015-03 Amend Yuma City Tax Code
2. Discussion, consultation with and/or instruction to legal counsel, regarding Evangelista claim. (A.R.S. 38-431.03 A3 and A4)
3. Discussion, consultation with and/or instruction to legal counsel, regarding GPLET Lease with Zee Tacos. (A.R.S. 38-431.03 A3 and 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
CITY COUNCIL CITIZEN'S FORUM
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
October 14, 2014
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession 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
City Clerk, Lynda Bushong

I. There were no speakers scheduled at this time.

II. ADJOURNMENT/EXECUTIVE SESSION

Motion (Knight/McClendon): To adjourn the meeting to Executive Session. Voice vote: approved 6-0. The meeting adjourned to Executive Session at 5:32 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
October 14, 2014
6:00 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 6:01 p.m.

Councilmembers Present: Wright, Knight, McClendon, Thomas, Craft and Mayor Nicholls
Councilmembers Absent: Beeson
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Parks & Recreation Director, Debbie Wendt
Various department heads or their representatives
City Attorney, Steven W. Moore
City Clerk, Lynda L. Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF OCTOBER 15, 2014

Introduction of Ordinances Item A: Ordinance O2014-30 Rezoning of Property: Southwest corner of Maple Avenue and 16th Street, Yuma, AZ.

Wilkinson explained the City is responsible for the cosmetic cleanup of the site. However, the previous owner would be responsible for any cleanup needed resulting from fuel leaks or related issues that might arise.

Motion Consent Agenda Item B.6.: Outside Agency Agreement Amendment: Greater Yuma Economic Development Corporation

Wilkinson stated the City's prorated share of the \$28,121 to bring on a part-time, Spanish and English speaking, Cultural Coordinator for one year will be \$13,029.00. This amount is based on population and will be in addition to the outside agency agreement funding.

II. TRANSPORTATION MASTER PLAN

Mark Hoffman, ADOT Multimodal Planning Division, introduced Senior Project Engineer Amy Moran, consultant from Wilson and Company retained by ADOT to conduct and provide updates on the City of Yuma Transportation Master Plan Study.

Amy Moran presented the following information:

Study Background

- Study is federally funded through the ADOT Planning Assistance for Rural Areas (PARA) Program
- Wilson and Company is conducting the study in partnership with City staff and local agencies

- The 2005 Major Roadways Plan and 2009 Bicycle Facilities Master Plan are outdated
- Planning efforts are needed to address pedestrian facilities, transit service enhancements, and airport coordination
- Study Area includes the entire municipal planning boundaries

Primary Objectives

- Develop a Multimodal Transportation System Master plan that addresses the needs of the City of Yuma within its regional context for 5-year, 10-year and buildout horizons
- Identify potential multimodal improvements to meet the growing population and changing land uses
- Actively solicit input from stakeholders and the public and incorporate their priorities into the plan and program form improvements

Improvement Strategies

- Alleviate congestion on existing study area roadways
- Provide additional roadway connectivity in the study area
- Provide additional roadway connectivity between the study area and regional destinations
- Identify needed traffic signal improvements
- Improve connectivity and safety of pedestrian and bicycle facilities
- Incorporate short-term transit needs and identify potential service routes based on buildout conditions

Recommended Networks

- Roadway Network
 - Additional travel lanes on I-8
 - Improved capacity and connectivity for east-west travel.
 - Additional capacity surrounding MCAS
 - Respects constraints to roadway widening in areas of established development.
 - New roadways to serve future developments
 - Foothills
 - Estancia
- Truck Routing
 - Truck routes
 - Overweight truck routes
 - Hazardous cargo routes
- Transit Network
 - Available today.
 - Short range 5-year transit plan
 - Possible route extensions
- Bicycle Facilities
 - Loops
- Pedestrian Needs
 - Identified priority corridors where sidewalks do not exist

Implementation Plan

- Near-Term Roadway Improvements
 - Projects currently underway and/or being designed
 - Projects for which right-of-way has already been acquired
 - Projects addressing existing deficiencies
 - Projects identified in the YMPO Regional Transportation Plan for 2014-2018
 - Pedestrian Projects
 - Sidewalk Improvements
 - Avenue A between Rosewood Drive and 32nd Street
 - West side of 4th Avenue north of 1st Street
 - 4th Avenue between 32nd Street and 40th Street
 - Arizona Avenue between 10th Street and 16th Street
 - Pacific Avenue between 8th Street and 12th Street
 - East side of Pacific Avenue between Crowder Avenue and 24th Street
 - Pacific Avenue between Palo Verde Street and 32nd Street
 - 32nd Street between Big Curve and Avenue 3 E
 - Avenue 3 E between 16th Street and the B Canal/24th Street
 - Development of an American's with Disability Act (ADA) Transition Plan
 - Roadway Safety Audits
 - 8th Street between Avenue B and 4th Avenue
 - 16th Street between Avenue A and Arizona Avenue
 - 4th Avenue between 3rd Street and 12th Street
- Mid-Term (10-Year) Improvements
 - Roadway Projects
 - Widening of 32nd Street between Avenue B and Big Curve as a 6-lane Principal Arterial
 - Construction of Avenue 3½ E between Avenue 3 E and 48th Street as a 4-lane Minor Arterial
 - Reconstruction/construction of 40th Street between Avenue 3 E and Avenue 10 E as a 4-lane Minor Arterial
 - Intersection Projects
 - 24th Street and Pacific Avenue
 - 32nd Street and Pacific Avenue
- Long-Term (10+ Years)
 - Primarily consist of projects providing capacity and connectivity to future growth areas

Discussion

- The five-foot sidewalks were chosen to allow for a five-foot setback for public safety and to minimize the right-of-way footprint.
- Due to the size of the vehicles that are associated with the winter visitors, it is recommended to keep all lanes at a width of 12 feet.
- The design of the street cross section is flexible and the lane widths can be modified to meet all safety issues.
- Next will be an amendment to the General Plan to incorporate the final report in the transportation element.

III. DESERT SUN TENNIS COURTS

Wendt presented the following:

History

- Constructed in late 1979
- Eight courts
- One exhibition court

Improvements

- In the early 1990's courts were resurfaced using a technique called Slip Sheeting
 - Project Cost: \$100,000
- Court resurfaced again in 2003 with an acrylic overlay
 - Project Cost: \$50,000
 - Funding provided by Yuma Tennis Association
- Demolition and Reconstruction in 2010 of eight courts with reinforced concrete
 - Prior improvements were not effective due to soil in the ground causing shifting
 - Projected to last 15-20 years
 - Project Cost: \$383,710
- Landscaping
 - Completed at same time of demolition and reconstruction
 - Project Cost: \$6,000
 - \$2,600 was donated by the Pecan Grove Garden Club
- Restroom Replacement completed in 2012
 - Project Cost: \$241,500
- Warm-up Area/Pickleball Courts added in 2013
 - Project Cost \$5,500

Maintenance Schedule

- Monthly, Weekly & Bi-Weekly Schedule
 - Blow courts every Tuesday and Friday morning
 - Wash Courts 1-4 on 3rd Tuesday of the month
 - Wash Courts 5-8 on 3rd Friday of the month
 - Court lighting inspected every Friday
- Daily Maintenance
 - Inspect court surfacing
 - Inspect net cable tension.
 - Pick up trash and empty trash receptacles
 - Remove graffiti
 - Mopping (as needed)
 - Windscreen inspections

Vandalism

- Skateboards
- Rollerblades
- Bicycles
- Soccer/Kickball

- Softball/Baseball
- Tape on courts
- Bent tennis net poles
 - Caused by tightening of nets and by people sitting on nets
 - City's cost to replace = \$400 each set
- Tennis net theft
- Damage to court from cleats
- Graffiti and gum on court surfacing and restrooms

Efforts to Reduce Vandalism

- Installed signage on all courts
 - No skateboards, bikes, hitting or kicking balls
 - No taping courts
 - Tennis only
- 5+ years ago began locking all courts and restrooms by 11:00 pm
- On October 1, 2014 installed combination locks on all courts
 - Tennis players need to contact P&R and will be given the combination

Partnership & Communication

- Met with tennis players to adjust lights per their direction, changed bulbs and cleaned lenses, and are working to address their concerns about vandalism
 - Lighting is controlled by individual timers on each court. All lighting goes go off by 11:00 pm each night
- Asked for their assistance to inform other tennis players about the new locks on gates
- Installed new sign board
 - Post maintenance schedules
 - Informed players on issues that may be of concern
 - Post Parks and Recreation information on upcoming programs and events
 - Phone number to call regarding any issues or problems
- Call P&R or the police department if they see any vandalism or miss-use of courts and report any damage immediately

Future

- Further improvements include new lighting on all eight courts
 - Estimated Cost: \$200,000
- Ideas for Court nine
 - Turn into regular tennis court
 - Estimated Cost: \$75,000
 - Turn into Pickleball Courts (room for 3)
 - Estimated Cost: \$75,000

Discussion

- There is no fee for utilizing the courts
- Security cameras are an option but cost approximately \$95-\$100 each
- Locking the courts have reduced the vandalism, but has not entirely eliminated it
- It was suggested to have a volunteer patrol program

- A comment/suggestion box will be installed next to the information board

IV. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION - None

V. ADJOURNMENT/EXECUTIVE SESSION

Motion (Thomas/Wright): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0.
The meeting adjourned at 6:51 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

MINUTES
CITY COUNCIL CITIZEN'S FORUM
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
November 4, 2014
5:30 p.m.

CALL TO ORDER

Deputy Mayor Beeson called the Regular City Council Citizen's Forum to order at 5:33 p.m.

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

I. DESERT SUN TENNIS COURTS

Deputy Mayor Beeson welcomed Supervisor Russ Clark as a visiting dignitary.

Mike Spar and **Duncan Phillips** from the Yuma Tennis Federation stated their concerns with the maintenance of the public tennis courts as well as their desire to have Parks and Recreation develop more tennis programs and bring more tennis tournaments to Yuma.

II. ADJOURNMENT/EXECUTIVE SESSION

Deputy Mayor Beeson adjourned the Citizen's Forum at 6:01 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
November 4, 2014
6:00 p.m.

CALL TO ORDER

Deputy Mayor Beeson called the Regular City Council Worksession to order at 6:02 p.m.

Councilmembers Present: Wright, Knight, Beeson, Thomas, and Craft
Councilmembers Absent: McClendon and Mayor Nicholls
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Neighborhood Services Specialist, Tad Zavodsky
Various department heads or their representatives
City Attorney, Steven W. Moore
City Clerk, Lynda Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF NOVEMBER 5, 2014 - NONE

II. CABALLEROS DE YUMA ANNUAL REPORT

Ricky Rinehart, El Presidente of Caballeros de Yuma, presented the following information:

Colorado River Crossing Balloon Festival:

- 3 day event will be held November 21st – 23rd 2014.
- 30-35 hot air balloons and their crews come to Yuma.
 - Creating business at local hotels/restaurants
- Balloon launches are held at various locations within the city.
- Estimated 15,000 spectators will participate in the event.

Ken & Betty Borland Holiday Pageant & Tower Lighting Ceremony:

- Will be held on November 29, 2014 at Friendship Tower.
- Admission is free with a donation of a non-perishable food item.
- All food donations collected at the entrance will be distributed to local food organizations that help the needy in the community.

El Toro Bowl:

- National Junior College Athletic Association sanctioned bowl game.
- Will be held December 6, 2014 at Veterans Memorial Stadium.
- Weeklong event includes a day of community service with both participant teams.
- Sponsored by Sam's Club and Wal-Mart.
- Funds raised are used for athletic and educational scholarships for AWC students.

Yuma Territorial Marathon:

- Will be held on January 31, 2015.
- Runners come from all over the United States

- The marathon is a qualifier for the Boston marathon.
- Course starts at Cocopah and runs through Yuma County to San Luis and back to Cocopah.

Midnight at the Oasis:

- 3-day event will be held March 6th-8th 2015 at Desert Sun Stadium.
- The event has grown from 36 entries (1993) to over 1000 entries.
- The estimated attendance in 2014 was over 45,000.
- 80% of all vehicle entries were from out of town.
- Food concessions are provided by twelve local non-profit clubs/service organizations.
 - Over the past 22 years, approximately \$750,000 has been raised by the clubs/service organizations for the Yuma community.

Territorial River Regatta:

- Annual float down on the Colorado River to be held on June 27, 2015.
- Local businesses and non-profit organizations participate by constructing floats.
 - Floats were judged and trophies awarded in various categories.

Independence Day Flag Raising:

- Held every July 4th at Armed Forces Park.

Community Giving:

- Since the first donation of \$500 in 1962, the Caballeros have donated a total of \$3,057,024.85 to the community.
- In 2014 over \$130,000 was given to the community from the following events:
 - Midnight at the Oasis - \$51,325.
 - Miscellaneous Cash Donation - \$54,825.
 - Scholarships - \$12,150.
 - Yuma Marathon & Half Marathon - \$3,600
 - El Toro Bowl - \$8,000
 - Balloon Festival – 322
 - Holiday Pageant & Tower Lighting - \$303

III. MESA HEIGHTS NEIGHBORHOOD REVITALIZATION STRATEGY AREA

Zavodsky presented the following:

Definition:

- Neighborhood Revitalization Strategy Area (NRSA) is a comprehensive plan that is intended to impact the designated community both economically and socially with improved livability factors such as health, safety and welfare of the residents.

NRSA Requirements:

- Boundaries
 - Contiguous area
- Demographic Criteria
 - Primarily residential
 - High percentage of low/moderate income households
- Consultation with Stakeholders
 - Residents
 - Business owners
 - Financial institutions

- Non-profit organizations
- Community groups
- Assessment of economic conditions and opportunities
 - A detailed report of economic conditions that identifies likely problems to be encountered.
- Economic Empowerment Strategy
 - A realistic development strategy and implementation plan to promote economic progress.
 - Rehabilitated housing
 - Improved infrastructure
 - Anti-Crime programs
- Performance Measures:
 - Number of homes rehabilitated
 - Number of jobs created
 - Number of graduates from a job training program
 - Linear feed of streets that are repaired

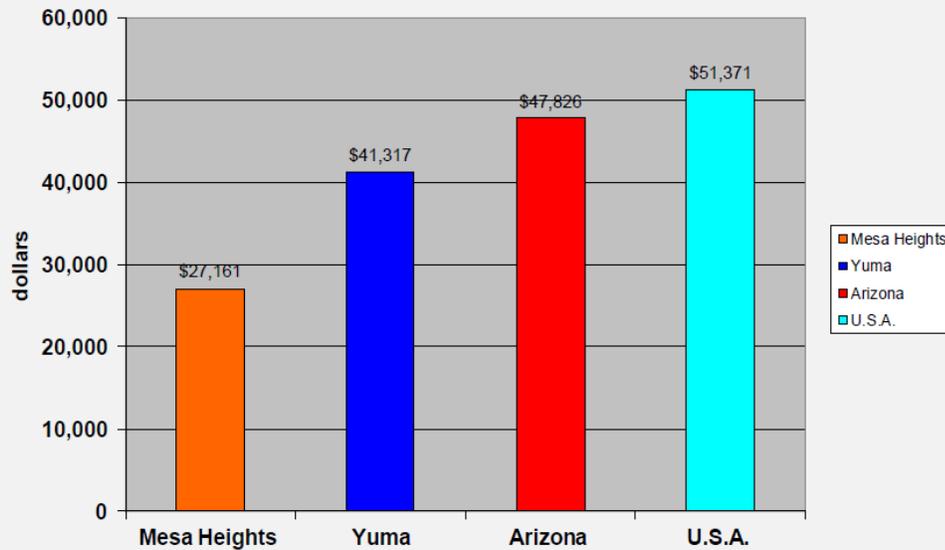
Carver Park NRSA:

- Constructed single family homes for low income families
- Constructed multi-family housing
 - Over 100 apartments built
- Rehabilitated existing substandard housing
 - CDBG funds used to assist in rehabilitation
- Developed Rental Inspection Program
 - Landlords required to have mandatory inspections every 3 years
- Implemented Pro-active Code Enforcement Program
 - Code Enforcement Specialist patrols neighborhood and cites property owners on code violations.
- Constructed Dr. Martin Luther King Jr Neighborhood Center
 - Facility is used as a youth center, computer lab, multipurpose room and by non-profit organizations
- Improved Carver Park
 - Installed water feature, fencing and landscaping
 - Reconditioned track
 - Rebuilt basketball courts
- Reduced Crime
 - Youth activities, programs and community awareness
 - Department of Justice Weed and Seed Grant
 - Deny for Youth – an anti-drug program
 - Teen Center; after school activities and computer lab.
- Small business start-ups
- Job Training Programs
 - AWS Building Trades Program
 - Youth Build

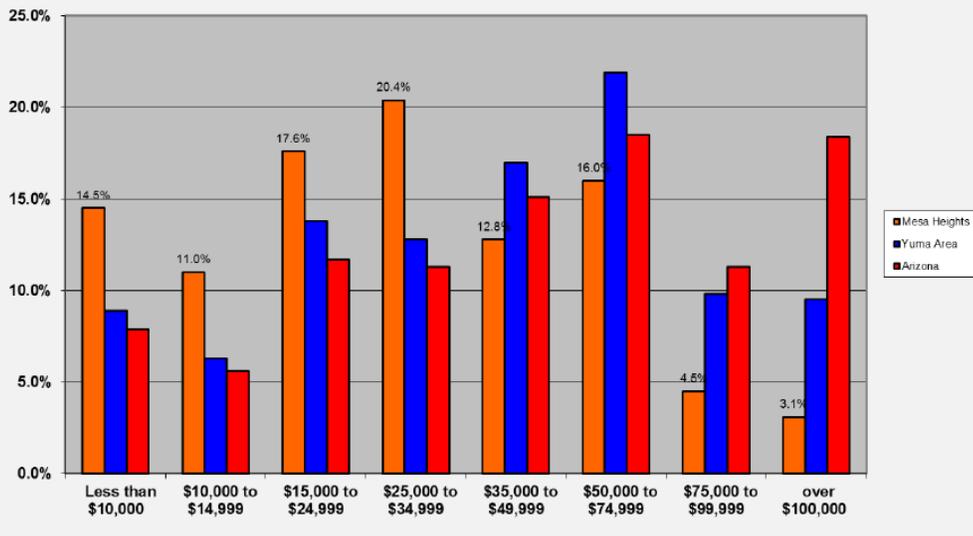
Mesa Heights Neighborhood

- Labeled Central Yuma, commonly known as “Okie Town”
- Predominately residential neighborhood
 - 70% are deteriorated single family homes
 - 20% are non-conforming multifamily housing
 - 10% are trailer parks
- Identified as eligible for CDBG activities in the 2012 General Plan
- Meets HUD requirements for revitalization strategy area
 - 70% low/moderate income level households
 - 38.5% Poverty rate (2012 ACS) is double of Yuma’s overall all poverty rate
- Income

Mesa Heights Median Income Comparison



Mesa Heights Income Range



- Encompasses Census track seven
- Currently there are 85 businesses within the revitalization area
- High Crime rate
- Gang-related issues
 - Graffiti
 - Drug activity
 - High Meth usage

- Results of 2009 Mesa Heights Neighborhood Survey with highest level of concern (information gathered for Weed & Seed Grant)
 1. Gangs
 2. Neighborhood not safe at night
 3. Drug abuse/Dealers
 4. Weeds, Litter, Junk Cars
 5. Robbery/Burglary
 6. Affordable Housing

- Proposal
 - Initiate Mesa Heights Neighborhood Revitalization Strategy Area
 - Community participation
 - Residents
 - Businesses
 - Other organizations
 - Collaboration of City Departments
 - Police
 - Fire
 - Public Works
 - Parks and Recreation
 - Public Affairs
 - Economic & Community Development
 - Assessment/analysis of conditions
 - Planning and documentation necessary to submit to HUD
 - Plan will be the catalyst for a five-year strategy focusing CDBG and additional private/government funding and efforts to bring dramatic improvement to the area.

- Timeline
 - Establish interdepartmental working group Nov 2014
 - Invite core partners/stakeholders to participate Nov 2014
 - Create Neighborhood Advisory Committee Nov 2014
 - Formed from stakeholders
 - Mail out resident surveys (required by HUD) Nov 2014
 - Incorporate new VISTA worker Nov 2014
 - Conduct neighborhood meetings Dec 2014 thru Jan 2015
 - Survey housing and commercial conditions Dec 2014
 - Analyze resident surveys Dec 2014
 - Develop 1st draft of plan Feb 2015
 - Present draft plan at neighborhood meeting Feb 2015

- | | |
|---|------------|
| ○ Present draft plan to City Council | March 2015 |
| ○ 45-day public comment period for draft plan | April 2015 |
| ○ City Council resolution | April 2015 |
| ○ Submit plan to HUD | April 2105 |

Discussion

- Any type of educational opportunities will be dependent on community involvement, as it is not a required component of NRSA.
- For the Carver Park NRSA, Yuma Neighborhood Development Organization administered a microenterprise program which helped create six small businesses in the area.
- Having a NRSA in place will aid in obtaining grants for the betterment of the community.
- The NRSA does not require a designated amount of community meetings, but does call for meaningful opportunity for the residents in the neighborhood to have input.
- The Housing Authority has indicated they want to be involved in the Mesa Heights NRSA.
- YPD will utilize the help of a VISTA employee to get surveys, education, setting up work groups, getting social organizations and churches involved when they kick off the States Anti-Meth Campaign, and are in the process of developing Crime Free Multi-Housing Groups within the Mesa Heights neighborhood.
- Under the NRSA, improvements on current infrastructures will be completed, but it is not known what type or if any community centers or facilities will be developed.
- Special street signs are designated for historic districts or special commemorative streets that were re-named.

IV. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION - NONE

V. ADJOURNMENT/EXECUTIVE SESSION

Deputy Mayor Beeson adjourned the meeting 6:50 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Liquor License: The Hills Restaurant Patio & Bar

SUMMARY RECOMMENDATION:

Approve a Person/Location Transfer #6 Bar, Liquor License application, submitted by Frank Maisano, agent for Frank's Family Dining of Yuma 2, LLC dba The Hills Restaurant Patio & Bar, located at 1245 Desert Hills Drive, Yuma, Arizona. (LL15-01)

REPORT:

Frank Maisano, agent for Frank's Family Dining of Yuma 2, LLC dba The Hills Restaurant Patio & Bar, located at 1245 Desert Hills Drive, Yuma, Arizona, has applied for a Person/Location Transfer of a #6 Bar Liquor License. The License is being transferred from Brice Thomas Zeller, agent for Mineshaft LLC dba Mineshaft.

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. Person/Location Transfer #6 Bar 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			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Lynda L. Bushong			12/15/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Jasmin Rodriguez			12/15/2014	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015

DEPARTMENT: City Administration

DIVISION: City Clerk

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

TITLE:
Special Event Liquor License: Yuma County Historical Society - Redondo Days Dinner & Auction

SUMMARY RECOMMENDATION:
Approve a Special Event Liquor License application submitted by Yanna L. Kruse, on behalf of the Yuma County Historical Society, for the Redondo Days Dinner & Auction. The event will be held at the Sanguinetti House Museum, located at 240 Madison Avenue, on Saturday, February 7, 2015 from 3:00 p.m. to 12:00 a.m. (SP15-04)

REPORT:
Yanna L. Kruse, on behalf of the Yuma County Historical Society, has applied for a Special Event Liquor License for the Redondo Days Dinner & Auction. The event will be held at the Sanguinetti House Museum, located at 240 Madison Avenue, on Saturday, February 7, 2015 from 3:00 p.m. to 12:00 a.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, and City Engineering (Traffic) 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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Lynda Bushong			12/15/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Jasmin Rodriguez			12/15/2014	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Country Roads RV Village Property Owners Association Inc. - 30th Anniversary Celebration

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Valeri J. Shoemaker, on behalf of the Country Roads RV Village Property Owners Association Inc., for the 30th Anniversary Celebration.

The event will be held at the Country Roads RV Village Ballroom, located at 5707 E. 32nd Street, on the following dates/times in January 2015:

- Sunday, January 18th - 4:00 p.m. to 11:59 p.m.
- Monday, January 19th through Wednesday, January 21st- 12:00 p.m. to 11:59 p.m.
- Thursday, January 22nd and Friday, January 23rd - 9:00 a.m. to 11:59 p.m.

(SP15-05) (City Administration/City Clerk) (Lynda L. Bushong)

REPORT:

Valeri J. Shoemaker, on behalf of the Country Roads RV Village Property Owners Association Inc., has applied for a Special Event Liquor License for the 30th Anniversary Celebration. The event will be held at the Country Roads RV Village Ballroom, located at 5707 E. 32nd Street, on Sunday, January 18, 2015 from 4:00 p.m. to 11:59 p.m., Monday, January 19, 2015 from 12:00 p.m. to 11:59 p.m., Tuesday, January 20, 2015 from 12:00 p.m. to 11:59 p.m., Wednesday, January 21, 2015 from 12:00 p.m. to 11:59 p.m., Thursday, January 22, 2015 from 9:00 a.m. to 11:59 p.m., Friday, January 23, 2015 from 9:00 a.m. to 11:59 p.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, and City Engineering (Traffic) 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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		12/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/15/2014		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Southwest Performing Arts Foundation - Dancing with the Yuma Stars

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Danielle Renee Duran, on behalf of the Southwest Performing Arts Foundation, for the Dancing with the Yuma Stars event. The event will be held at the Gowan Building, located at 370 S. Main Street, on Saturday, February 14, 2015 from 6:00 a.m. to 11:59 p.m. (SP15-06)

REPORT:

Danielle Renee Duran, on behalf of the Southwest Performing Arts Foundation, has applied for a Special Event Liquor License for the Dancing with the Yuma Stars event. The event will be held at the Gowan Building, located at 370 S. Main Street, on Saturday, February 14, 2015 from 6:00 a.m. to 11:59 p.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, and City Engineering (Traffic) 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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Lynda Bushong			12/16/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Jasmin Rodriguez			12/15/2014	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: Fort Yuma Rotary Club Inc. - Mardi Gras

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Annette Lagunas, on behalf of the Fort Yuma Rotary Club Inc., for the Mardi Gras event. The event will be held in Downtown Yuma, in the 100 block through the 300 block of South Main Street, on Friday, February 13, 2015 from 4:00 p.m. to 12:00 a.m. (SP15-07)

REPORT:

Annette Lagunas, on behalf of the Fort Yuma Rotary Club Inc., has applied for a Special Event Liquor License for the Mardi Gras event. The event will be held in Downtown Yuma, in the 100 block through the 300 block of South Main Street, on Friday, February 13, 2015, from 4:00 p.m. to 12:00 a.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, Engineering (Traffic), and Parks and Recreation. No objections have been received.

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

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda Bushong		12/16/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		12/15/2014		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

City Administration

DIVISION:

City Clerk

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

TITLE:

Special Event Liquor License: City Parks and Recreation Department - River Daze / Boogie, Brews and Blues Festival 2015

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Joe Cox, on behalf of the City Parks and Recreation Department, for the River Daze / Boogie, Brews and Blues Festival 2015 event. The event will be held at Gateway Park, located at 259 N. Gila Street, on Saturday, February 7, 2015 from 11:00 a.m. to 7:00 p.m. (SP15-09)

REPORT:

Joe Cox, on behalf of City Parks and Recreation Department, has applied for a Special Event Liquor License for the River Daze / Boogie, Brews and Blues Festival 2015 event. The event will be held at Gateway Park, located at 259 N. Gila Street, on Saturday, February 7, 2015, from 11:00 a.m. to 7:00 p.m.

The application has been sent to the following departments for review: Community Development, Police, Fire, Risk Management, and Parks and Recreation. No objections have been received.

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

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda Bushong		12/22/2014		
WRITTEN/SUBMITTED BY:		DATE:		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015

DEPARTMENT: Administration

DIVISION:

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

TITLE:
 Agreements: Installation; Measurements and Verification

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute an Installation Agreement and a Measurements and Verification Agreement to upgrade the energy efficiency of 20 City-owned facilities as identified in the scope of work, by utilizing a cooperative purchase agreement with the State of Arizona and the following firm: Climatec, LLC, Phoenix, Arizona.

REPORT:

Staff requests authorization to utilize the cooperative purchase agreement originated by the State of Arizona with Climatec, LLC, to upgrade the energy efficiency of 20 City-owned facilities as outlined within the Installation Agreement's scope of work. The proposed upgrades will include building automation systems, interior and exterior lighting upgrades and mechanical improvements. These proposed upgrades are projected to generate energy savings in the amount of \$6,228,879 over the next 15 years to the City.

Staff also requests authorization to utilize the cooperative purchase agreement originated by the State of Arizona with Climatec, LLC to enter into a Measurements and Verification Agreement which will ensure that the proposed savings within the Installation Agreement are realized at the level of 90% of the projected savings and is guaranteed in the amount of \$5,605,991. During the term of this Measurements and Verification Agreement, any shortfalls of savings as outlined within the agreement will be the responsibility of Climatec, LLC and payable to the City of Yuma under the terms of this agreement.

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	Equipment Replacement Program	
	FISCAL IMPACT STATEMENT: \$3,579,391.12 Equipment Replacment Program of FY 2015/2016			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Installation Agreement 2. Measurement & Verification Agreement 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Ricky L. Rinehart		12/12/2014		
WRITTEN/SUBMITTED BY:		DATE:		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015
DEPARTMENT: Utilities
DIVISION: Administration

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

TITLE:
 Declaration of Surplus and Approval of Intergovernmental Agreement: Apache Junction Water Utilities Community Facilities District

SUMMARY RECOMMENDATION:

Declare surplus of water treatment equipment and authorize the City Administrator or his designee to execute an intergovernmental agreement ("IGA") with the City of Apache Junction Water Utilities Community Facilities District (WUCFD).

REPORT:

Due to various upgrades at the City's Main Street Water Treatment Plant, the City has the following surplus equipment: a solids custom conveyor belt, the belt's supporting structure and accessories, and four (4) 7,500-gallon cone-bottom tanks with support stands and associated appurtenances for the treatment and disposal of filter residuals.

The WUCFD is in need of the equipment and offered to buy it from the City. Yuma City Code § 38-01(A) allows direct sales of its tangible property to other governmental entities such as WUCFD. Under this IGA, the WUCFD agrees to purchase the equipment for \$60,000.00, which is the estimated fair market value of the equipment.

By approving this motion, the Mayor and City Council declare the equipment surplus and authorize the City Administrator or his designee to execute an intergovernmental agreement ("IGA") between the City with the WUCFD for the sale of the equipment.

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: Funds received would be deposited in the water 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.			
	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			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Jay Simonton			12/15/2015	
WRITTEN/SUBMITTED BY:			DATE:	

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND
APACHE JUNCTION WATER UTILITIES COMMUNITY FACILITIES DISTRICT
FOR PURCHASE OF EQUIPMENT**

THIS AGREEMENT is made and entered into this _____ day of _____, 2014, by and between the CITY OF YUMA, ARIZONA, an Arizona municipal corporation (hereinafter referred to as “Yuma”), and the WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA), an Arizona Title 48 governmental entity (hereinafter referred to as “WUCFD”), referred to collectively as the “Parties” or individually as a “Party”.

RECITALS

A. Yuma is in possession of a used water facility conveyor and four (4) used 7,500 gallon cone-bottomed tanks and accompanying appurtenances (hereinafter referred to as “Equipment”).

B. WUCFD is in need of the Equipment.

C. WUCFD desires to purchase the Equipment.

D. This Intergovernmental Agreement (“IGA”) will promote efficiency in the use of public funds and will encourage future cooperation between both public entities.

E. Pursuant to Arizona Revised Statutes Annotated (“A.R.S.”) §§ 11-951 and 48-709, et seq., the Parties may enter into this IGA for the purposes of selling and buying tangible property.

F. Yuma City Code § 38-01(A) allows direct sales of its tangible property to other governmental entities such as WUCFD.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties to this IGA agree as follows:

1. **YUMA’S OBLIGATIONS:**

A. Sell to WUCFD the Equipment identified in Exhibit A, attached and incorporated by this reference.

B. Provide receipt of Equipment to WUCFD at the time of acceptance of Equipment by WUCFD.

2. WUCFD'S OBLIGATIONS:

- A. Pay Yuma for all the Equipment costs as set forth in Exhibit B, attached and incorporated by this reference, within thirty (30) days after WUCFD removes the Equipment from Yuma's water treatment facility.**
- B. Disassemble any and all Equipment at Yuma's facility, and then transport and deliver the Equipment from Yuma's facility to WUCFD's designated sites at WUCFD's sole cost.**

3. Indemnification and Insurance. To the fullest extent permitted by law, WUCFD covenants and agrees to fully indemnify, hold harmless and defend Yuma, its mayor, council, agents, officers and employees ("Indemnified Party") for, from and against any and all claims, liabilities, demands, damages, losses, and expenses, including attorneys' fees and litigation expenses, to which any such Indemnified Party may become subject, under any theory of liability whatsoever, ("Claims") whether real or asserted, resulting from and/or arising out of WUCFD's intentional, reckless, or negligent acts, mistakes, errors, or omissions in performance of this IGA, except to the extent such Claims arise out of or are based upon acts or omissions by the Indemnified Party. This indemnification provision shall apply to any and all any intentional, reckless, or negligent acts, mistakes, errors, or omissions of WUCFD's directors, officers, and employees, whether employed directly or indirectly by WUCFD.

The amount and types of insurance coverage required above does not limit the scope of indemnity in this paragraph.

4. Insurance. It is understood and agreed that WUCFD may elect to self-insure or obtain insurance through its pooling agreement with other governmental entities against any or all of the risks related this IGA. WUCFD shall provide Yuma with a current insurance certificate or other evidence of coverage as appropriate.

Before the commencement of any services, WUCFD shall name Yuma, and its employees as Additional Insured on all required insurance policies, except Workers' Compensation. Any insurance carried by Yuma, and its employees, is excess coverage, and not contributory coverage to that provided by WUCFD. All insurance policies are subject to approval by Yuma.

Failure to provide required coverage and failure to comply with the terms and conditions of this IGA shall not waive the contractual obligations herein. If the policy or policies are canceled or not renewed, the insurance company shall provide thirty (30) days written notice to Yuma prior to the effective date of such cancellation or termination.

The Certificate Holder must be named as follows: City of Yuma, Yuma, Arizona

All certificates are to be sent to:

City of Yuma, Purchasing Division

One City Plaza

Yuma, AZ 85364-1436 or purchasingweb@yumaaz.gov

Commercial General Liability

The policy shall include bodily injury, property damage, personal injury, and broad form contractual liability.

• General Aggregate	\$2,000,000
• Products – Completed Operations Aggregate	\$500,000
• Personal and Advertising Injury	\$500,000
• Blanket Contractual Liability – Written and Oral	\$500,000
• Fire Legal Liability	\$50,000
• Each Occurrence	\$1,000,000

The policy shall be endorsed to include the following additional language: “The City of Yuma, its officials, officers, employees, and agents shall be named as additional insured’s with respect to liability arising out of the activities performed by WUCFD”.

All policies shall contain a waiver of subrogation against the City, its officials, officers, employees, and agents for losses arising from work performed by or on behalf of WUCFD.

Business Automobile Liability

The policy shall include bodily injury and property damage for any owned, hired, leased, and/or non-owned vehicles used in the performance of this Agreement.

• Combined Single Limit (CSL)	\$500,000
-------------------------------	-----------

If hazardous materials or wastes are transported, CA 9948 endorsement must be included and \$1,000,000.00 per accident, limits for bodily injury and property damage will apply.

The policy shall be endorsed to include the following additional insured language: “The City of Yuma its officials, officers, employees, and agents shall be named as additional insured’s with respect to liability arising out of the activities performed by or on behalf WUCFD involving automobiles owned, leased, hired, or borrowed by WUCFD”. The policy shall contain a waiver of subrogation against the City, its officials, officers, employees, and agents for losses arising from work performed by or on behalf WUCFD.

Worker’s Compensation and Employers’ Liability

• Workers’ Compensation:	Statutory
• Employers Liability	
- Each Accident	\$100,000
- Disease – Each Employee	\$100,000
- Disease – Policy Limit	\$500,000

All policies shall contain a waiver of subrogation against Yuma, its officials, officers, employees, and agents for losses arising from work performed by or on behalf of WUCFD.

The policies of insurance required under this section are to be primary insurance policies and any insurance policy maintained by Yuma is considered excess insurance. The existence of excess insurance policies should in no way be construed to limit the requirements of insurance described herein.

In the event, any of the above insurance policies are written on a “claims made” basis, coverage must extend for two years past completion and acceptance of the work or services as evidenced by annual Certificates of Insurance.

5. **Duration of IGA/Termination.** This IGA shall be valid upon execution and shall continue for a term of one (1) year. It is agreed that WUCFD is purchasing the Equipment in “as-is” condition and Yuma does not warrant its functionality.

6. **Binding Effect.** The obligations and rights created in this IGA are binding upon and shall inure to the benefit of the Parties and their successors, assigns and legal representatives. Neither Party may assigns its rights under this IGA without the prior written approval of the other Party. Such successor or assignee shall assume, in writing, all duties and obligations hereunder of the prior Party and shall further agree to be bound by and to fully perform the terms of this IGA.

7. **Entire Agreement.** This instrument contains the entire agreement between the Parties hereto with respect to the subject matter contained in it and supersedes all prior and contemporaneous agreements, discussions and representations related thereto. No supplement, modification or amendment hereof shall be binding and effective unless in writing and signed by all of the Parties.

8. **Severability.** In the event that any sentence, paragraph, provisions or other portion of this IGA is declared by a court of competent jurisdiction to be void, such sentence, paragraph, provision or portion of this IGA shall be deemed severed from the remainder of this IGA and the balance of this IGA shall remain in effect.

9. Governing Law, Venue and Attorney Fees. The terms and conditions of this IGA shall be governed by and interpreted in accordance with the laws of the State of Arizona. Any action at law or in equity brought by either Party for the purpose of enforcing a right or rights provided for in this IGA shall be tried in a court of competent jurisdiction in Yuma County, Arizona. The Parties hereby waive all provisions of law providing for a change of venue in such proceeding to any other county. In the event either Party shall bring suit to enforce any term of this IGA or to recover any damages for and on account of the breach of any term or condition in this IGA, it is mutually agreed that the prevailing Party in such action shall recover all costs including reasonable attorney fees to be determined by the court in such action.

10. Notices. All notices and insurance certificates required under this IGA shall be sent as follows:

If to WUCFD: Frank Blanco, Water District Director
Water Utilities Community Facility District
300 E. Superstition Blvd.
Apache Junction, AZ 85119

And a Copy to: Richard J. Stern, District Attorney
300 E. Superstition Blvd.
Apache Junction, AZ 85119

If to Yuma: Gregory K. Wilkinson, City Administrator
One City Plaza
Yuma, AZ 85364

And a Copy to: Steven W. Moore, City
Attorney One City Plaza
Yuma, AZ 85364

11. Conflicts of Interest. The provisions of A.R.S. § 38-511 relating to cancellation of contracts due to conflicts of interest shall apply to this IGA.

IN WITNESS WHEREOF, the Parties hereto have caused this IGA to be duly executed as of the day and year first above written.

CITY OF YUMA, an Arizona municipal corporation

By: _____
Gregory K. Wilkinson,
City Administrator

**THE CITY OF APACHE JUNCTION,
ARIZONA, an Arizona Title 48
governmental entity**

**By: _____
Bryant Powell, Assistant City Manager**

COUNSEL APPROVAL AS TO FORM:

I have read this IGA and have determined such IGA is in proper form and is entered into within the powers of and authority granted under the laws of the State of Arizona.

Steven W. Moore, Yuma City Attorney

Date

I have read this IGA and have determined such IGA is in proper form and is entered into within the powers of and authority granted under the laws of the State of Arizona.

Richard J. Stern, WUCFD District Attorney

Date

EXHIBIT A

Equipment Description

The equipment includes: a solids custom conveyor belt, supporting structure and accessories ; and four 7,500 gallon cone bottom tanks with support stands to be used for WUCFD's proposed Central Arizona Project Water Treatment Plant per specifications on file with WUCFD . See attached photos.



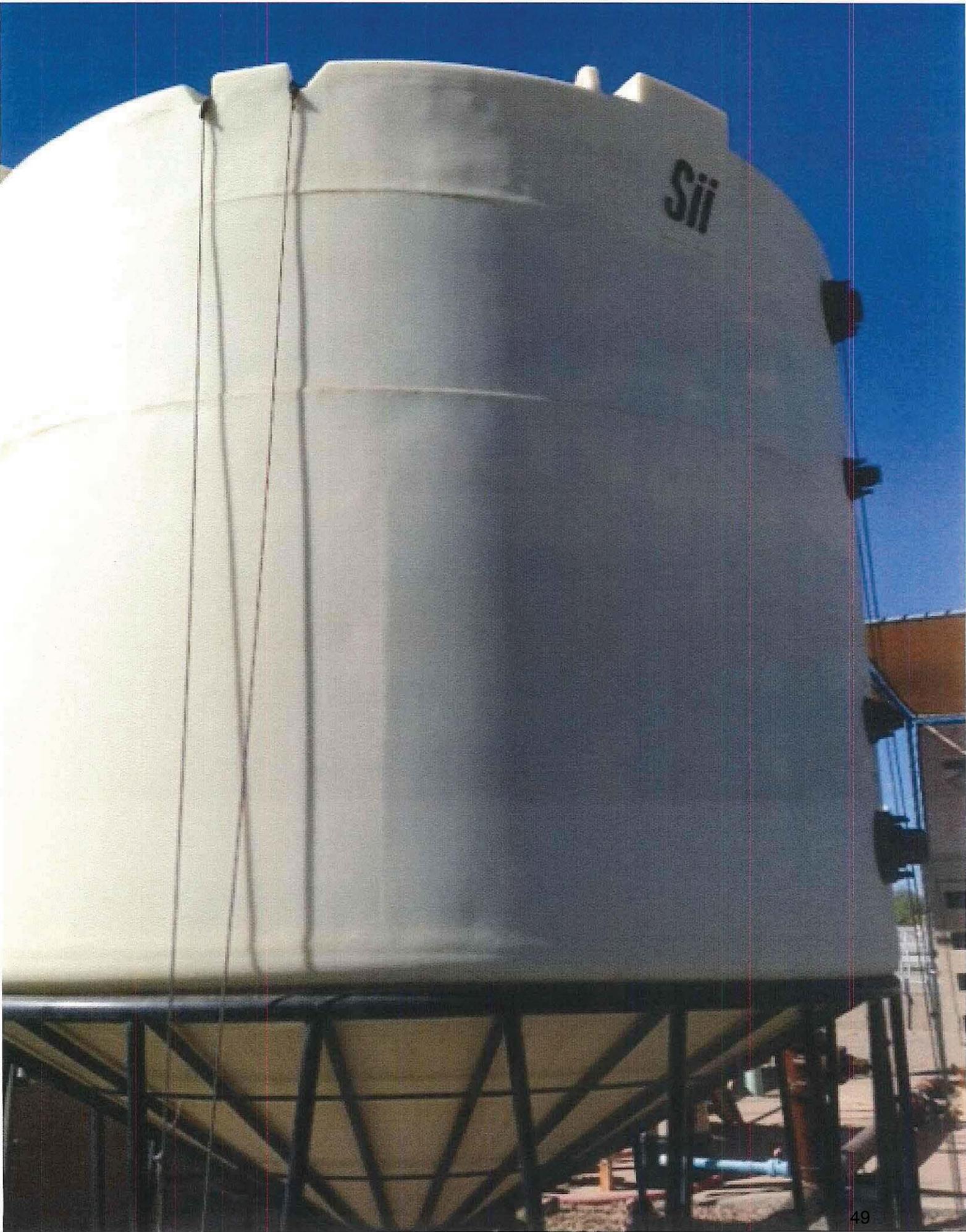




EXHIBIT B

Equipment Costs

1) Solids custom conveyor belt including support structure and accessories	\$40,000
2) 7500 Gallon Cone Bottom Tanks with support stands and accessories (Quantity- 4) \$5,000 each	\$20,000
	<hr/>
Total	\$60,000



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015

DEPARTMENT: Police

DIVISION: Patrol

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

TITLE:
 Agreement: Arizona Department of Homeland Security

SUMMARY RECOMMENDATION:
 Authorize the City Administrator or his designee to execute an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage for activities in support of Operation Stonegarden.

REPORT:
 Operation Stonegarden (OPSG) is a collaborative operational agreement between the Yuma Police Department (YPD) and the United States Border Patrol (USBP) Yuma Sector. OPSG supports the USBP's efforts to enhance border security through the interdiction of illegal activity.

YPD is one of several local agencies who partner with the USBP to develop and maintain a multi-tiered level of security along the United States-Mexico border.

Under this agreement, YPD would be reimbursed up to \$529,200.00 for overtime and mileage expenses spent in support of OPSG from December 1, 2014 to December 31, 2015. OPSG funds cannot supplant normal operations or funding.

By approving this motion, the Mayor and Council authorize the City Administrator or his designee to execute an agreement for YPD to be reimbursed for overtime and mileage expenses spent in support of OPSG.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$529,200.00	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:	\$529,200.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
John Lekan		12/16/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Claudia Leyva		12/3/2014		

SUBGRANTEE AGREEMENT
Operation Stonegarden Grant Program – Overtime

14-AZDOHS-OPSG-140408-02

Enter Subgrantee Agreement Number above (e.g., 140xxx-xx)

Between

The Arizona Department of Homeland Security
And
Yuma Police Department

Enter the Name of the Subrecipient Agency Above

WHEREAS, A.R.S. § 41-4254 charges the Arizona Department of Homeland Security (AZDOHS) with the responsibility of administering funds.

THEREFORE, it is agreed that the AZDOHS shall provide funding to the
Yuma Police Department

Enter the Name of the Subrecipient Agency Above

(subrecipient) for services under the terms of this Grant Agreement.

I. PURPOSE OF AGREEMENT

The purpose of this Agreement is to specify the responsibilities and procedures for the subrecipient's role in administering homeland security grant funds.

II. TERM OF AGREEMENT, TERMINATION AND AMENDMENTS

This Agreement shall become effective on **December 1, 2014** and shall terminate on **December 31, 2015**. The obligations of the subrecipient as described herein will survive termination of this agreement.

III. DESCRIPTION OF SERVICES

The subrecipient shall provide the services for the State of Arizona, Arizona Department of Homeland Security as approved in the grant application titled "**OPSG Overtime**" and funded at **\$ 529,200.00** (as may have been modified by the award letter).

Enter Funded Amount Above

IV. MANNER OF FINANCING

The AZDOHS shall:

- a) Provide up to **\$ 529,200.00** to the subrecipient for services provided under Paragraph III. Enter Funded Amount Above
- b) Payment made by the AZDOHS to the subrecipient shall be on a reimbursement basis only and is conditioned upon receipt of proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by the AZDOHS, to be submitted by the subrecipient. A listing of acceptable documentation can be found at www.azdohs.gov. Payments will be contingent upon receipt of all reporting requirements of the subrecipient under this Agreement.

V. FISCAL RESPONSIBILITY

It is understood and agreed that the total amount of the funds used under this Agreement shall be used only for the project as described in the application. Any modification to quantity or scope of

work must be preapproved in writing by the AZDOHS. Therefore, should the project not be completed, the subrecipient shall reimburse said funds directly to the AZDOHS immediately. If the project is completed at a lower cost than the original budget called for, the amount reimbursed to the subrecipient shall be for only the amount of dollars actually spent by the subrecipient in accordance with the approved application. For any funds received under this Agreement for which expenditure is disallowed by an audit exemption or otherwise by the AZDOHS, the State, or Federal government, the subrecipient shall reimburse said funds directly to the AZDOHS immediately.

VI. FINANCIAL AUDIT/PROGRAMATIC MONITORING

The subrecipient agrees to terms specified in A.R.S. § 35-214 and § 35-215.

- a) In addition, in compliance with the Federal Single Audit Act (31 U.S.C. par. 7501-7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104 to 156), the subrecipient must have an annual audit conducted in accordance with OMB Circular #A-133 ("Audits of States, Local Governments, and Non-profit Organizations") if the subrecipient expends more than \$500,000 from Federal awards. If the subrecipient has expended more than \$500,000 in Federal dollars, a copy of the subrecipient's audit report for the previous fiscal year and subsequent years within the period of performance is due annually to AZDOHS within nine (9) months of the subrecipients fiscal year end.
- b) Subrecipients will be monitored periodically by the AZDOHS staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. Monitoring can involve aspects of the work involved under this contract including but not limited to the review and analysis of the financial, programmatic, equipment, performance, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

VII. APPLICABLE FEDERAL REGULATIONS

The subrecipient must comply with the Funding Opportunity Announcement (FOA), Office of Management and Budget (OMB) Circulars, Code of Federal Regulations (CFR) and other Federal guidance including but not limited to:

- a) 44 CFR Chapter 1, Federal Emergency Management Agency, Department of Homeland Security at www.gpo.gov/fdsys/pkg/CFR-2007-title44-vol1/content-detail.html
- b) 2 CFR 225 Cost Principles for State, Local & Indian Tribal Governments (A-87 OMB Circular), at www.gpo.gov/fdsys/pkg/CFR-2007-title2-vol1/content-detail.html. Cost Principles: 2 CFR Part 225, State and Local Governments; 2 CFR Part 220, Educational Institutions; 2 CFR Part 230, Non-Profit Organizations; Federal Acquisition Regulation Subpart 31.2, Contracts with Commercial Organizations. OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, at www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf.
- c) 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (formerly OMB Circular A-102), at origin www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-part13.pdf. U.S. Department of Homeland Security Authorized Equipment List (AEL), at www.llis.dhs.gov/knowledgebase/authorizedequipmentlist.
- d) 2 CFR Part 215, Uniformed Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

- e) 28 CFR applicable to grants and cooperative agreements, including Part 18, Office of Justice Programs Hearing and Appeal Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 42, Non-discrimination; Equal Employment Opportunities; Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Part 66, Uniform Administrative Requirements for Grants and Co-operative Agreements to State and local Government. This CFR can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2001-title28-vol1/content-detail.html>.
- f) Where applicable and with prior written approval from AZDOHS/DHS/FEMA, program subgrantees using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. 3141 *et seq.*). Subrecipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor (DOL) wage determinations, is available from the following website <http://www.dol.gov/compliance/laws/comp-dbra.htm>.

Included within the above mentioned guidance documents are provisions for the following:

National Incident Management System (NIMS)

The subrecipient agrees to remain in compliance with National Incident Management System (NIMS) implementation initiatives as outlined in the applicable Funding Opportunity Announcement (FOA).

Environmental Planning and Historic Preservation

The subrecipient shall comply with all applicable Federal, State, and Local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Subrecipient shall not undertake any project having the potential to impact EHP resources without the prior approval of AZDOHS/FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Subrecipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the subrecipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the subrecipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Procurement and construction activities shall not be initiated prior to the full environmental and historic preservation review and approval.

Consultants/Trainers/Training Providers

Billings for consultants/trainers/training providers must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Consultant/trainer/training provider costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the subrecipient and 44 CFR Chapter 1, Part 13; and shall not exceed the maximum of \$450 per day per consultant/trainer/training provider unless prior written approval is granted by the AZDOHS. In addition to the per day \$450 maximum amount, the consultant/trainer/training provider may be reimbursed reasonable travel, lodging, and per diem not to exceed the state rate. Itemized receipts are required for lodging and travel reimbursements. The subrecipient will

not be reimbursed costs other than travel, lodging, and per diem on travel days for consultants/trainers/training providers.

Contractors/Subcontractors

The subrecipient may enter into written subcontract(s) for performance of certain of its functions under the contract in accordance with terms established in the OMB Circulars, Code of Federal Regulations, DHS Guidance/FOA, and DHS Program Guidance. The subrecipient agrees and understands that no subcontract that the subrecipient enters into with respect to performance under this Agreement shall in any way relieve the subrecipient of any responsibilities for performance of its duties. The subrecipient shall give the AZDOHS immediate notice in writing by certified mail of any action or suit filed and prompt notice of any claim made against the subrecipient by any subcontractor or vendor which in the opinion of the subrecipient may result in litigation related in any way to the Agreement with the AZDOHS.

Personnel and Travel Costs

All grant funds expended for personnel, travel, lodging, and per diem must be consistent with the subrecipient's policies and procedures; and the State of Arizona Accounting Manual (SAAM); must be applied uniformly to both federally financed and other activities of the agency; and will be reimbursed at the most restrictive allowability and rate. At no time will the subrecipient's reimbursement(s) exceed the State rate established by the Arizona Department of Administration, General Accounting Office Travel Policies: www.gao.az.gov.

Procurement

The subrecipient shall comply with all internal agency procurement rules/policies and must also comply with Federal procurement rules/policies as outlined in section VII and all procurement must comply with Arizona State procurement code and rules. The Federal intent is that all Homeland Security Funds are awarded competitively. The subrecipient shall not enter into a Noncompetitive (Sole or Single Source) procurement agreement, unless prior written approval is granted by the AZDOHS. The Noncompetitive Procurement Request Form and instructions are located on the AZDOHS website, www.azdohs.gov/grants/.

Training and Exercise

The subrecipient agrees that any grant funds used for training and exercise must be in compliance with the applicable FOA. All training must be approved through the ADEM/AZDOHS training request process prior to execution of training contract(s). All exercises must utilize the FEMA Homeland Security Exercise and Evaluation Program (HSEEP) Toolkit for exercise design, development and scheduling. Subrecipient agrees to:

- a) Submit the HSEEP Toolkit Exercise Summary to AZDOHS with all Exercise Reimbursement Requests.
- b) Post all exercises, documentation and After Action Reports/Improvement Plans via the HSEEP Toolkit.
- c) Within 60 days of completion of an exercise, or as prescribed by the most recent HSEEP guidance, the exercise host subrecipient is required to upload the AAR/IP into the HSEEP Toolkit and email the AAR/IP to the local County Emergency Manager, the FEMA Region IX Exercise POC, HSEEP@dhs.gov, the AZDOHS Strategic Planner, and the Arizona Department of Emergency Management (ADEM) Exercise Officer.

Nonsupplanting Agreement

The subrecipient shall not use funds to supplant State or Local funds or other resources that would otherwise have been made available for this program/project. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within thirty (30)

days. If the vacancy is not filled within thirty (30) days, the subrecipient must stop charging the grant for the new position. Upon filling the vacancy, the subrecipient may resume charging for the grant position.

E-Verify

Compliance requirements for A.R.S. § 41-4401—immigration laws and E-Verify requirement.

- a) The subrecipient warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program).
- b) A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the subrecipient may be subject to penalties up to and including termination of the Agreement.
- c) The AZDOHS retains the legal right to inspect the papers of any employee who works on the Agreement to ensure that the subrecipient is complying with the warranty under paragraph (a) above.

Property Control

Effective control and accountability must be maintained for all property. The subrecipient must adequately safeguard all such property and must assure that it is used for authorized purposes as described in the FOA, grant application, and Code of Federal Regulations (44 CFR 13.32). The subrecipient shall exercise caution in the use, maintenance, protection and preservation of such property.

- a) Equipment shall be used by the subrecipient in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal grant funds. Theft, destruction, or loss of property shall be reported to the AZDOHS immediately.
- b) Nonexpendable Property and Capital Assets:
 1. Nonexpendable Property is property which has a continuing use, is not consumed in use, is of a durable nature with an expected service life of one or more years, has an acquisition cost of \$300 (Three Hundred Dollars) or more, and does not become a fixture or lose its identity as a component of other equipment or systems.
 2. A Capital Asset is any personal or real property, or fixture that has an acquisition cost of \$5,000 (Five Thousand Dollars) or more per unit and a useful life of more than one year.
- c) A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. The subrecipient shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report. A Property Control Form can be located at www.azdohs.gov/Grants/. The subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.
- d) A physical inventory of the Nonexpendable Property and Capital Assets must be taken and the results reconciled with the Property Control Form at least once every two years.
 1. A control system must be developed to ensure adequate safeguards to prevent loss,

damage, or theft of the property. Any loss, damage, or theft shall be investigated and reported to AZDOHS.

2. Adequate maintenance procedures must be developed to keep the property in good condition.

- e) When Nonexpendable Property and/or Capital Assets are no longer in operational use by the subgrantee, an updated Property Control Form must be submitted to AZDOHS immediately. The disposition of equipment shall be in compliance with the AZDOHS Disposition Guidance. If the subgrantee is requesting disposition of Capital Assets for reasons other than theft, destruction, or loss, the subgrantee must submit an Equipment Disposition Request Form and receive approval prior to the disposition. The Equipment Disposition Request Form can be found at www.azdohs.gov/Grants/.

Allowable Costs

The allowability of costs incurred under this agreement shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable OMB Circulars, Code of Federal Regulations, authorized equipment lists and guidance documents referenced above.

- a) The subrecipient agrees that grant funds are not to be expended for any indirect costs that may be incurred by the subrecipient for administering these funds.
- b) The subrecipient agrees that grant funds are not to be expended for any Management and Administrative (M&A) costs that may be incurred by the subrecipient for administering these funds unless explicitly applied for and approved in writing by the AZDOHS and shall be in compliance with the applicable FOA.

VIII. DEBARMENT CERTIFICATION

The subrecipient agrees to comply with the Federal Debarment and Suspension regulations as outlined in the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions."

IX. FUNDS MANAGEMENT

The subrecipient must maintain funds received under this Agreement in separate ledger accounts and cannot mix these funds with other sources. The subrecipient must manage funds according to applicable Federal regulations for administrative requirements, costs principles, and audits. The subrecipient must maintain adequate business systems to comply with Federal requirements. The business systems that must be maintained are:

- Financial Management
- Procurement
- Personnel
- Property
- Travel

A system is adequate if it is 1) written; 2) consistently followed – it applies in all similar circumstances; and 3) consistently applied – it applies to all sources of funds.

X. REPORTING REQUIREMENTS

Regular reports by the subrecipient shall include:

- a) Programmatic Reports
- The subrecipient shall provide quarterly programmatic reports to the AZDOHS within fifteen (15) working days of the last day of the quarter in which services are provided. The subrecipient shall use the form provided by the AZDOHS to submit quarterly programmatic reports. The report shall contain such information as deemed necessary by the AZDOHS.

The subrecipient shall use the Quarterly Programmatic Report form, which is posted at www.azdohs.gov/Grants/. If the scope of the project has been fully completed and implemented, and there will be no further updates, then the quarterly programmatic report for the quarter in which the project was completed will be sufficient as the final report. The report should be marked as final and should be inclusive of all necessary and pertinent information regarding the project as deemed necessary by the AZDOHS. Quarterly programmatic reports shall be submitted to the AZDOHS until the entire scope of the project is completed

- b) Quarterly Programmatic Reports are due:
January 15 (period October 1– December 31)
April 15 (period January 1 – March 31)
July 15 (period April 1 – June 30)
October 15 (period July 1 – September 30)
- c) Final Quarterly Report:
The final quarterly report is due no more than fifteen (15) days after the end of the performance period. The Property Control Form and Grant Funded Typed Resource Report are due with the final quarterly report (if applicable).
- d) Property Control Form – if applicable:
The subrecipient shall provide AZDOHS a copy of the Property Control Form with the final quarterly report.
 - a. In case of equipment disposition:
The Property Control Form shall be updated and a copy provided to AZDOHS no more than forty-five (45) calendar days after equipment disposition, if applicable. The disposition of equipment must be in compliance with the AZDOHS Disposition Guidance.
- e) The Grant Funded Typed Resource Report – if applicable:
The subrecipient shall email the AZDOHS Strategic Planner a copy of the Grant Funded Typed Resource Report with the final quarterly report. The Grant Funded Typed Resource Report and instructions are located at www.azdohs.gov/Grants/.
- f) Financial Reimbursements
The subrecipient shall provide as frequently as monthly but not less than quarterly requests for reimbursement. Reimbursements requests are only required when expenses have been incurred. Reimbursements shall be submitted with the Reimbursement Form provided by the AZDOHS staff. The subrecipient shall submit a final reimbursement for expenses received and invoiced prior to the end of the termination of this Agreement no more than **forty-five (45) calendar days** after the end of the Agreement. Requests for reimbursement received later than the forty-five (45) days after the Agreement termination will not be paid. The final reimbursement request as submitted shall be marked FINAL.

The AZDOHS requires that all requests for reimbursement are submitted via U.S. mail (United States Postal Service), FedEx, UPS, etc...or in person. Reimbursements submitted via fax or by any electronic means will not be accepted.

The AZDOHS reserves the right to request and/or require any supporting documentation it feels necessary in order to process reimbursements.

All reports shall be submitted to the contact person as described in Paragraph XL, NOTICES, of this Agreement.

XI. ASSIGNMENT AND DELEGATION

The subrecipient may not assign any rights hereunder without the express, prior written consent of both parties.

XII. AMENDMENTS

Any change in this Agreement including but not limited to the Description of Services and budget described herein, whether by modification or supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representative of the subrecipient and the AZDOHS. The AZDOHS shall have the right to immediately amend this Agreement so that it complies with any new legislation, laws, ordinances, or rules affecting this Agreement.

Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the subrecipient's compensation if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding sentence. The subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.

XIII. US DEPARTMENT OF HOMELAND SECURITY AGREEMENT ARTICLES

Article A – Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

Article B - Compliance with Funding Opportunity Announcement

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the applicable FOA.

Article C - DHS Specific Acknowledgements and Assurances

All recipients of financial assistance must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings,

pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.

6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

Article D - Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article E - USA Patriot Act of 2001

All recipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

Article F - Trafficking Victims Protection Act of 2000

All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.

In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient —

1. Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
2. Procures a commercial sex act during the period of time that the award is in effect; or
3. Uses forced labor in the performance of the award or subawards under the award.

Full text of the award term is provided at 2 CFR § 175.15.

Article G - Non-supplanting Requirement

All recipients must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Applicants or award recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

Article H - Lobbying Prohibitions

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

Article I - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225(a), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225.

Article J - Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. §41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

Article K - Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.

Article L - False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

Article M - Duplication of Benefits

State, Local and Tribal recipients must comply with 2 CFR Part §225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.

Article N - Drug-Free Workplace Regulations

All recipients must comply with the Drug-Free Workplace Act of 1988 (412 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. These regulations are codified at 2 CFR 3001.

Article O - Debarment and Suspension

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

Article P - Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

Article Q - Best Practices for Collection and Use of Personally Identifiable Information (PII)

All award recipients who collect PII are required to have a publicly-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments guidance and template located at:

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf

and

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf, respectively.

Article R - Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article S - Acknowledgement of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article T - Assurances, Administrative Requirements and Cost Principles

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this form may not be applicable to your project or program, and the awarding agency may require applicants to certify to additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements that apply to DHS award recipients originate from two sources:

- Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the “A-102 Common Rule”). These A-102 requirements are also located within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13.
- OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to 2 CFR Part 215.

The cost principles that apply to DHS award recipients through a grant or cooperative agreement originate from one of the following sources:

- OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220.
- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, relocated to 2 CFR Part 225.
- OMB Circular A-122, Cost Principles for Non-Profit Organizations, relocated to 2 CFR Part 230.

The audit requirements for State, Local and Tribal recipients of DHS awards originate from:

- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

Article U - Age Discrimination Act of 1975

All recipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article V - Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

Article W - Title VI of the Civil Rights Act of 1964

All recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Article X - Civil Rights Act of 1968

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR § 100.201).

Article Y - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article Z - SAFECOM

Recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency

Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article AA - Title IX of the Education Amendments of 1975 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19.

Article AB - Rehabilitation Act of 1973

All recipients of must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

XIV. OFFSHORE PERFORMANCE OF WORK PROHIBITED

Due to security and identity protection concerns, all services under this Agreement shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by subcontractors at all tiers.

XV. AGREEMENT RENEWAL

This Agreement shall not bind nor purport to bind the AZDOHS for any contractual commitment in excess of the original Agreement period.

XVI. RIGHT TO ASSURANCE

If the AZDOHS in good faith has reason to believe that the subrecipient does not intend to, or is unable to perform or continue performing under this Agreement, the AZDOHS may demand in writing that the subrecipient give a written assurance of intent to perform. If the subrecipient fails to provide written assurance within the number of days specified in the demand, the AZDOHS at its option may terminate this Agreement.

XVII. CANCELLATION FOR CONFLICT OF INTEREST

The AZDOHS may, by written notice to the subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to A.R.S. § 38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the State or its subdivisions (unit of Local Government) is an employee or agent of any other party in any capacity or a consultant to any other party to the Agreement with respect to the subject matter of the Agreement. Such cancellation shall be effective when the parties to the Agreement receive written notice from the AZDOHS, unless the notice specifies a later time.

XVIII. THIRD PARTY ANTITRUST VIOLATIONS

The subrecipient assigns the State of Arizona any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to subrecipient toward fulfillment of this Agreement.

XIX. AVAILABILITY OF FUNDS

Every payment obligation of the AZDOHS under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If the funds are not allocated and available for the continuance of this Agreement, the AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to

the AZDOHS in the event this provision is exercised, and the AZDOHS shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph, including purchases and/or contracts entered into by the subrecipient in the execution of this Agreement.

XX. FORCE MAJEURE

If either party hereto is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.

XXI. PARTIAL INVALIDITY

Any term or provision of this Agreement that is hereafter declared contrary to any current or future law, order, regulation, or rule, or which is otherwise invalid, shall be deemed stricken from this Agreement without impairing the validity of the remainder of this Agreement.

XXII. ARBITRATION

In the event of any dispute arising under this Agreement, written notice of the dispute must be provided to the other party within thirty (30) days of the events giving the rise to the dispute. The subrecipient agrees to terms specified in A.R.S. § 12-1518.

XXIII. GOVERNING LAW AND CONTRACT INTERPRETATION

- a) This Agreement shall be governed and interpreted in accordance with the laws of the State of Arizona.
- b) This Agreement is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms in this document.
- c) Either party's failure to insist on strict performance of any term or condition of the Agreement shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object.

XXIV. ENTIRE AGREEMENT

This Agreement and its Exhibits constitute the entire Agreement between the parties hereto pertaining to the subject matter hereof and may not be changed or added to except by a writing signed by all parties hereto in conformity with Paragraph XII, AMENDMENTS. The subrecipient agrees to comply with any such amendment within ten (10) business days of receipt of a fully executed amendment. All prior and contemporaneous agreements, representations, and understandings of the parties, oral, written, pertaining to the subject matter hereof, are hereby superseded or merged herein.

XXV. RESTRICTIONS ON LOBBYING

The subrecipient shall not use funds made available to it under this Agreement to pay for, influence, or seek to influence any officer or employee of a State or Federal government.

XXVI. LICENSING

The subrecipient, unless otherwise exempted by law, shall obtain and maintain all licenses, permits, and authority necessary to perform those acts it is obligated to perform under this Agreement.

XXVII. NON-DISCRIMINATION

The subrecipient shall comply with all State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including the Americans with Disabilities Act, in accordance with A.R.S. title 41, Chapter 9, Article 4 and Executive Order 2009-09.

XXVIII. SECTARIAN REQUESTS

Funds disbursed pursuant to this Agreement may not be expended for any sectarian purpose or activity, including sectarian worship or instruction in violation of the United States or Arizona Constitutions.

XXIX. SEVERABILITY

The provisions of this Agreement are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the Agreement.

XXX. ADVERTISING AND PROMOTION OF AGREEMENT

The subrecipient shall not advertise or publish information for commercial benefit concerning this Agreement without the written approval of the AZDOHS.

XXXI. OWNERSHIP OF INFORMATION, PRINTED AND PUBLISHED MATERIAL

The AZDOHS reserves the right to review and approve any publications funded or partially funded through this Agreement. All publications funded or partially funded through this Agreement shall recognize the AZDOHS and the U.S. Department of Homeland Security. The U.S. Department of Homeland Security and the AZDOHS shall have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all materials prepared under this Agreement.

The subrecipient agrees that any report, printed matter, or publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the subrecipient describing programs or projects funded in whole or in part with Federal funds shall contain the following statement:

"This document was prepared under a grant from U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security."

The subrecipient also agrees that one copy of any such publication, report, printed matter, or publication shall be submitted to the AZDOHS to be placed on file and distributed as appropriate to other potential subrecipients or interested parties. The AZDOHS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the subrecipient.

The AZDOHS and the subrecipient recognize that research resulting from this Agreement has the potential to become public information. However, prior to the termination of this Agreement, the subrecipient agrees that no research-based data resulting from this Agreement shall be published or otherwise distributed in any form without express written permission from the AZDOHS and possibly the U.S. Department of Homeland Security. It is also agreed that any report or printed matter completed as a part of this agreement is a work for hire and shall not be copyrighted by the subrecipient.

XXXII. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS

Any television public service announcement that is produced or funded in whole or in part by the subrecipient shall include closed captioning of the verbal content of such announcement.

XXXIII. INDEMNIFICATION

Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona, (State Agency) is self-insured per A.R.S. 41-621.

In addition, should subrecipient utilize a contractor(s) and subcontractor(s) the indemnification clause between subrecipient and contractor(s) and subcontractor(s) shall include the following:

Contractor shall defend, indemnify, and hold harmless the (insert name of other governmental entity) and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

XXXIV. TERMINATION

- a) All parties reserve the right to terminate the Agreement in whole or in part due to the failure of the subrecipient or the grantor to comply with any term or condition of the Agreement, to acquire and maintain all required insurance policies, bonds, licenses, and permits or to make satisfactory progress in performing the Agreement. The staff of either party shall provide a written thirty (30) day advance notice of the termination and the reasons for it.
- b) If the subrecipient chooses to terminate the contract before the grant deliverables have been met then the AZDOHS reserves the right to collect all reimbursements distributed to the subrecipient.
- c) The AZDOHS may, upon termination of this Agreement, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this Agreement. The subrecipient shall be liable to the AZDOHS for any excess costs incurred by the AZDOHS in procuring materials or services in substitution for those due from the subrecipient.

XXXV. CONTINUATION OF PERFORMANCE THROUGH TERMINATION

The subrecipient shall continue to perform, in accordance with the requirements of the Agreement, up to the date of termination, as directed in the termination notice.

XXXVI. PARAGRAPH HEADINGS

The paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this Agreement or any of its provisions.

XXXVII. COUNTERPARTS

This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one agreement.

XXXVIII. AUTHORITY TO EXECUTE THIS AGREEMENT

Each individual executing this Agreement on behalf of the subrecipient represents and warrants that he or she is duly authorized to execute this Agreement.

XXXIX. SPECIAL CONDITIONS

- a) The subrecipient must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements
- b) The subrecipient acknowledges that the U.S. Department of Homeland Security and the AZDOHS reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a subrecipient purchases ownership with Federal support. The subrecipient shall consult with the AZDOHS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.
- c) The subrecipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: **"Purchased with funds provided by the U.S. Department of Homeland Security."**
- d) The subrecipient agrees to cooperate with any assessments, state/national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
- e) The subrecipient is prohibited from transferring funds between programs (State Homeland Security Program, Urban Area Security Initiative, Citizen Corps Program, Operation Stonegarden, and Metropolitan Medical Response System).

XL. NOTICES

Any and all notices, requests, demands, or communications by either party to this Agreement, pursuant to or in connection with this Agreement shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security
1700 West Washington Street, Suite 210
Phoenix, AZ 85007

The subrecipient shall address all programmatic and reimbursement notices relative to this Agreement to the appropriate AZDOHS staff; contact information at www.azdohs.gov.

The AZDOHS shall address all notices relative to this Agreement to:

Chief of Police John Lekan
Enter Title, First & Last Name above
City of Yuma Police Department
Enter Agency Name above
1500 S. 1st Avenue
Enter Street Address
Yuma, AZ 85364
Enter City, State, ZIP

XLI. IN WITNESS WHEREOF

The parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE

City of Yuma Police Department
Enter Agency Name above

Authorized Signature above
Gregory K. Wilkinson, City Administrator
Print Name & Title above

Enter Date above

FOR AND BEHALF OF THE

Arizona Department of Homeland Security

Gilbert M. Orrantia
Director

Date

ATTEST AS TO FORM:

City Clerk Date

City Attorney Date

(Please be sure to complete and mail two original documents to the Arizona Department of Homeland Security.)



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

Mayor and Council

DIVISION:

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

TITLE:

Amendment: City Administrator Agreement

SUMMARY RECOMMENDATION:

Authorize an amendment to the City Administrator's agreement.

REPORT:

The Mayor and City Council have reviewed the job performance of the City Administrator.

The following proposed amendments to the agreement for Gregory K. Wilkinson, City Administrator, shall be effective January 1, 2015:

- An annual base salary of \$144,616.
- Deferred compensation of 6.0%

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: This cost will be included in the regular City budget.			
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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/23/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
WRITTEN/SUBMITTED BY:		DATE:		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015
DEPARTMENT: Finance
DIVISION: Administration

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

TITLE:
 Public Record Declaration: 2013 Amendments to the Tax Code of the City of Yuma

SUMMARY RECOMMENDATION:
 Declare a certain document titled "2013 Amendments to the Tax Code of the City of Yuma," a public record and order three copies to remain on file with the City Clerk.

REPORT:
 The purpose of this resolution is to declare the *2013 Amendments to the Tax Code of the City of Yuma* (Tax Code Amendments), a public record so the Tax Code Amendments may be adopted by reference, saving the City considerable expense. The Tax Code Amendments is a 48-page document, and would otherwise require publication in the entirety.

The standard procedure for adoption by reference is for City Council to first declare the proposed document a public record so the document can thereafter be adopted by reference, as described by Arizona Revised Statutes § 9-802. The statute also requires that three copies of the public record shall be filed in the office of the City Clerk and made available for public use and inspection.

The Tax Code Amendments were proposed by the Unified Audit Committee of the Arizona Department of Revenue and adopted by the Model City Tax Code Commission during their January, March, May and September 2013 meetings. An ordinance to adopt the Tax Code Amendments to the City of Yuma Tax Code is scheduled for introduction at the Regular City Council Meeting of February 4, 2015.

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. 2013 Amendments to the Tax Code of the City of Yuma 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		12/18/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Sharon Willoughby		12/10/2014		

RESOLUTION NO. R2015-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING THAT A CERTAIN DOCUMENT TITLED THE 2013 AMENDMENTS TO THE TAX CODE OF THE CITY OF YUMA, BE DECLARED A PUBLIC RECORD AND ORDERING THE FILING OF THREE COPIES IN THE OFFICE OF THE CITY CLERK

WHEREAS, the City of Yuma desires to adopt the 2013 Amendments to the Tax Code of the City of Yuma (Tax Code Amendments); and,

WHEREAS, pursuant to Arizona Revised Statutes § 9-802 the City may adopt these Tax Code Amendments by reference; and

WHEREAS, these Tax Code Amendments must be declared a public record in order to adopt by reference.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma that a document titled, *2013 Amendments to the Tax Code of the City of Yuma*, is declared a public record and ordered that three copies are ordered to remain on file in the Office of the City Clerk.

Adopted this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: December 17, 2014

DEPARTMENT: City Attorney

DIVISION:

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

TITLE:

Real Property Acquisition: 3401 S. 18th Avenue and 1771 W 34th Street

SUMMARY RECOMMENDATION:

Authorize the purchase of two parcels of real property to resolve water drainage issues with the Desert Hills Golf Course.

REPORT:

Two parcels of real property adjacent to the Desert Hills Golf Course are subject to water run-off due to problems with a drainage channel that was constructed as part of the Dunes III subdivision infrastructure. The City of Yuma needs to acquire the two properties to remedy the drainage construction and control water run-off into retention basins.

FISCAL REQUIREMENTS	CITY FUNDS: \$300,000.00	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: \$300,000.00	
	FISCAL IMPACT STATEMENT: The purchase price for both parcels is \$300,000.00. After the drainage construction is complete, the City intends to make the properties available for re-sale at market rates.	
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: Ricky Rinehart for Gregory K. Wilkinson	DATE: 12/15/2014
	REVIEWED BY CITY ATTORNEY: Steven W. Moore	DATE: 12/15/2014
	RECOMMENDED BY (DEPT/DIV HEAD): Steven W. Moore	DATE: 12/15/2014
	WRITTEN/SUBMITTED BY: Rodney C. Short	DATE: 12/8/2014

ORDINANCE NO. O2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND DIRECTING THAT CERTAIN PARCELS OF REAL PROPERTY, HEREAFTER DESCRIBED, BE ACQUIRED BY THE CITY OF YUMA, BY GIFT, EASEMENT OR PURCHASE, IN ORDER TO REMEDY THE CONSTRUCTION OF A DRAINAGE CHANNEL TO CONTROL WATER RUN-OFF AND OTHER PUBLIC PURPOSES, AND AUTHORIZING PAYMENT AND COSTS FOR THE ACQUISITION THEREOF

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

WHEREAS, the City has identified the acquisition of a two (2) parcels of real property located in the Dunes 3 Subdivision as prone to water run-off from the neighboring Desert Hills Golf Course; and,

WHEREAS, the City needs to acquire the described property in order to reconstruct drainage to safely remove water run-off from Desert Hills Golf Course.

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

SECTION 1: It is deemed necessary and essential, as a matter of public necessity and public welfare, that two (2) parcels of real property described in Exhibit A, attached and by this reference made a part of this Ordinance, be acquired by the City of Yuma.

SECTION 2: City staff is authorized and directed to acquire the described real property by gift, easement or purchase for the City of Yuma, and all actions previously taken by City staff to initiate the acquisition are ratified.

SECTION 3: The disbursing officer of the City of Yuma is authorized and directed to pay all sums necessary to acquire the described parcels of real property, together with the payment of recording and escrow fees, title insurance, closing and all other costs necessary to the acquisition of the described real property.

Adopted this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

EXHIBIT "A"

Legal Description

A portion of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE¹/₄NE¹/₄NW¹/₄) of Section 8, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:

Lot 79 and Lot 80 of THE DUNES UNIT No. 3 Subdivision according to the plat of record in the office of the County Recorder of Yuma County Arizona, dated December 11, 1996, recorded in Book 15 of Plats, Pages 4 through 7.

Containing 25,195 square feet or 0.5784 of an acre, more or less.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015
DEPARTMENT: Finance
DIVISION: Administration

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

TITLE:
 Amendment to the Yuma City Code: Chapter 37 Taxation

SUMMARY RECOMMENDATION:
 Amend City Code Section 37-02(F) setting a new repeal date for the two-level tax rate.

REPORT:
 The City Council adopted a two-level tax rate on the sale of tangible personal property costing over \$25,000.00 pursuant to Ordinance No. O99-22 adopted on April 7, 1999. This taxed the property's first \$25,000.00 of value at the current tax rate and any value exceeding \$25,000.00 was taxed at a rate of 0%. This tax has been renewed several times, most recently by Ordinance No. O2008-29 adopted on July 16, 2008.

Although Ordinance No. O2008-29 repealed the two-level tax rate after July 31, 2009, the Arizona Department of Revenue continues to administer and collect the tax under the two-level tax structure system rather than collect the taxes on the full value of the property.

This proposed amendment to the Yuma City Code will renew the two-level tax rate with a retroactive effective date of July 31, 2009 and repeal date of July 1, 2015.

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

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	12/23/2014
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Pat Wicks	12/15/2014	
WRITTEN/SUBMITTED BY:	DATE:	
Sharon Willoughby	12/15/2014	

ORDINANCE NO. 02015-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE YUMA CITY CODE CHAPTER 37 RELATING TO THE TWO-LEVEL PRIVILEGE TAX STRUCTURE ON SALES/PURCHASES OF RETAIL ITEMS EXCEEDING TWENTY FIVE THOUSAND DOLLARS, EXTENDING THE REPEAL OF THE TWO-LEVEL STRUCTURE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City Council adopted the Two Level Tax Structure Amendment (O99-22) on April 7, 1999 (amended by Ordinance No.O2002-31 on June 5, 2002; Ordinance No. O2005-39 on June 1, 2005; Ordinance No. O2005-55, on July 20, 2005 and Ordinance No. O2008-29, on July 16, 2008); and,

WHEREAS, the Two Level Tax Structure Amendment established a two-level tax rate on tangible personal property costing over twenty five thousand dollars (\$25,000.00); and,

WHEREAS, Ordinance No. O2008-29 repealed the Two Level Tax Structure Amendment from and after July 31, 2009; and,

WHEREAS, there is an economic need and public benefit to continuing the Two Level Tax Structure Amendment; and,

WHEREAS, despite of the repeal date, the Arizona Department of Revenue is still administering a two-level tax rate structure.

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

Section 1: That the Two Level Tax Structure Amendment, Yuma City Code, Title 3, Chapter 37, Section 02(F)(3), shall be amended to delete following crossed-out text and add the following underlined text

~~“(3) This section is repealed from and after July 31, 2009.”~~

“(3) This section is repealed from and after July 1, 2015.”

Section 2: The effective date of this Ordinance will be retroactive to July 31, 2009.

Section 3: Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class one misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not more than five (5) days or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

ADOPTED this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015

DEPARTMENT: Finance

DIVISION: Administration

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

TITLE:
Amend Yuma City Tax Code

SUMMARY RECOMMENDATION:
Amend the City of Yuma (City) Tax Code to transfer the collection of the City's special two percent (2%) tax to the Arizona Department of Revenue (ADOR).

REPORT:
The City has been self-collecting the special two percent (2%) hospitality tax, but beginning in January 2015, Arizona Revised Statutes § 42-6001 requires the ADOR to take over the collection of all municipality's transaction privilege taxes. The ADOR will take over the collection of the City's two percent (2%) hospitality tax. This will also benefit taxpayers because they will have a consistent, single reporting method for all types of transaction privilege tax due to the City.

To comply with A.R.S. § 42-6001, the City Tax Code must be amended. This proposed amendment revokes the exemption of imposing additional hotel tax and levies a two percent (2%) special tax on hotels. The special tax on hotels would expire on June 30, 2024.

This proposed amendment would also combine the two percent (2%) special tax on restaurants and bars with the 1.7% tax on the gross income of businesses. The special tax on restaurants and bars would also expire June 30, 2024.

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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Pat Wicks		12/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Sharon Willoughby		12/15/2014		

ORDINANCE NO. O2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, TRANSFERRING THE COLLECTION OF THE CITY OF YUMA SPECIAL TWO PERCENT TAX TO THE ARIZONA DEPARTMENT OF REVENUE; AMENDING THE YUMA CITY CODE AND THE CITY TAX CODE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, as of January 1, 2015, Arizona Revised Statutes (A.R.S.) § 42-6001 requires that all municipal transaction privilege taxes be collected by the Arizona Department of Revenue (ADOR) as a centralized, state-wide process; and,

WHEREAS, in accordance with the City of Yuma Charter Article III, Section 16, a Special Two Percent Tax is assessed and collected by the City on two percent of the gross proceeds of sales or gross income from the businesses of restaurants, bars, hotels, and motels (as defined by ordinance) beginning July 1, 2009 and ending June 30, 2024; and,

WHEREAS, the ADOR collects the City of Yuma's (City) transaction privilege tax, but currently does not collect the City's Special Two Percent Tax; and,

WHEREAS, for the City to comply with state law for the collection of the Special Two Percent Tax, the City Tax Code must be amended; and,

WHEREAS, an existing agreement between the City and the ADOR allows the ADOR to collect the City's transaction privilege tax on behalf of the City.

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

SECTION 1: Effective March 1, 2015, taxpayers reporting or paying collections of the City of Yuma two percent (2%) tax on the gross proceeds of sales or gross income from business of restaurants, bars, hotels and motels shall report or pay such taxes to the ADOR, utilizing the same means of reporting or payment as is used for reporting or paying other transaction privilege taxes due to the City.

SECTION 2: Model Option 6 of the Model City Tax Code that prohibits the imposition of an additional transient ("hotel") tax as part of the transaction privilege tax is hereby revoked.

SECTION 3: ADOR is to report and remit any collections of such two percent tax in the same manner and timing as is used in the reporting and remittance of other transaction privilege taxes collected on behalf of the City; however, such two percent taxes that are reported and remitted to the City shall be reported and remitted separately from any other transaction taxes due the City.

SECTION 4: The City of Yuma Tax Code, Article IV, Chapter 37, Section 447 is amended to insert the following underlined text:

“Section 37-447. Rental, leasing, and licensing for use of real property: additional tax upon transient lodging.

In addition to the taxes levied as provided in Section 37-444, there is hereby levied and shall be collected an additional tax in an amount equal to two percent (2%) of the gross income from the business activity of any hotel engaging or

continuing within the City in the business of charging for lodging and/or lodging space furnished to any transient. This tax rate expires June 30, 2024.”

SECTION 5: That City of Yuma Tax Code, Article IV, Chapter 37, Section 455(a) be amended to delete the following crossed-out text and insert the following underlined text:

The tax rate shall be at an amount equal to ~~one and seven-tenths percent (1.7%)~~ three and seven-tenths percent (3.7%) of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity. The three and seven-tenths percent (3.7%) is comprised of the one and seven-tenths percent (1.7%) privilege tax rate and the two percent (2%) special tax rate. The two percent (2%) special tax rate expires June 30, 2024.

SECTION 6: Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class one misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not more than five (5) days or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

SECTION 7: That the remainder of the City Tax Code shall remain in full force and effect and unchanged.

Adopted this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Zoning Code Text Amendment: Off-site Signs

SUMMARY RECOMMENDATION:

Amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 17.04 (A) for off-site signs. (ZONE-7851-2014).

REPORT:

On December 22, 2014, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with Hamel, Koopmann, and Underhill absent) of the request to amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 17.04 (A) for off-site signs.

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

QUESTIONS FOR STAFF

“**Del Cave – Planning and Zoning Commissioner**, asked how many signs would be eliminated due to this amendment. **Joy Everett – Senior Planner**, said there were currently 165 off-site signs throughout the city, located in the Light Industrial, Heavy Industrial, and General Commercial districts. **Cave** asked how the wording for the request was determined. **Everett** said staff believed the signs were appropriate along freeways. The majority of Interstate 8 was along the industrial zoning designation. **Laurie Lineberry – Community Development Director**, said she contacted cities with a population of 50,000 or more, and most of those cities did not allow off-site signs. Of the ones that did allow signs, some specified the roadway name. Glendale allowed them around the arena. A couple of cities allowed the signs only along the freeway, and one said two signs were the maximum allowed within the city. If this amendment were approved, no signs would be eliminated; it only prevents new off-site signs in the General Commercial district. **Richard Sorenson – Chairman Planning and Zoning Commission**, asked if this request was to prevent growth of advertisement. **Lineberry** said staff is updating a portion of the code that was utilizing outdated references. Additionally, this request would help reduce visual clutter.

“**Jacob Miller – Planning and Zoning Commissioner**, asked what the definition for “off-site sign” was. **Everett** said it would be a sign for a business or product directing potential customers to a different location. **Miller** asked if that included billboards. **Everett** said yes.

“**Cave** asked about feather banners. **Lineberry** said that was outside of the scope of today’s meeting. The staff member that was in charge of that project moved to San Diego. The planning manager retired and one staff member moved to a different department, so the department was short on staff. The feather banners are still not allowed by code, and would be re-examined when there was enough staff to handle that issue.

“**Miller** asked what would happen to the existing signs. **Everett** said the existing ones would be legal, non-conforming. **Miller** asked if signs similar to the billboard on 1st Avenue and 16th Street would be allowed. **Everett** said they would not be allowed in the General Commercial (B-2) district.

“**Sorenson** asked if plain billboards could be upgraded to digital billboards. **Lineberry** said the code stated that the upgrade had to be less than 50% of the value of the sign. Most likely the billboards could not be upgraded, due to the costs to upgrade to digital.

APPLICANT / APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

“**Motion by Conde, second by Cave, to APPROVE Case Number ZONE-7851-2014. Motion carried unanimously (4-0).**”

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	12/23/2014
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	12/23/2014
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie L. Lineberry	12/23/2014	
WRITTEN/SUBMITTED BY:	DATE:	
Stephanie Joy Everett	11/24/2014	

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

Yes

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

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

Attachments:

A
Draft Text

Project Planner: Joy Everett, Senior Planner 373 -5000 #3034 Joy.Everett@Yumaaz.gov

Prepared By: 
Joy Everett, Senior Planner

Date: 11/24/14

Reviewed By: 
Bobette Bauermann, Principal Planner

Date: 11/24/14

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

Date: 11-19-14

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 17.04 is amended to insert the bold text and delete the strikethrough text:

- (A) *Required zoning districts and frontages.* Off-site signage shall be permitted only on parcels zoned with a ~~General Commercial (B-2)~~, Light Industrial (L-I) or Heavy Industrial (H-I) zoning classification which front along a ~~major arterial street, prime arterial street~~ **principal arterial** or interstate highway, as classified by the ~~circulation element of the General Plan 2014~~ **Transportation Master Plan**, and successors.

ORDINANCE NO. O2015-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO MODIFY REGULATIONS FOR OFF-SITE SIGNS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 22, 2014, in Zoning Case No: ZONE-7851-2014 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on November 28, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-7851-2014 and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 17.04 is amended to insert the bold text and delete the strikethrough text:

(A) *Required zoning districts and frontages.* Off-site signage shall be permitted only on parcels zoned with a ~~General Commercial (B-2)~~, Light Industrial (L-I) or Heavy Industrial (H-I) zoning classification which front along a ~~major arterial street, prime arterial street~~ **principal arterial** or interstate highway, as classified by the ~~circulation element of the General Plan~~ **2014 Transportation Master Plan**, and successors.

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate

day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Annexation Area No. ANEX-7505-2014: Ranchos el Toreo

SUMMARY RECOMMENDATION:

This is a public hearing to consider the annexation of property located at the southwest corner of 36th Street and Avenue 10E. (ANEX-7505-2014).

REPORT:

Pursuant to preannexation agreements approved by the City Council on June 7th, 2000 and July 19th, 2000 (Resolutions R2000-33, R2000-34, R2000-35, R2000-36, R2000-37, R2000-41, R2000-42, R2000-43, R2000-44, R2000-46, R2000-47, R2000-48, R2000-49), and in anticipation of current development plans for several of the parcels, the City has initiated an annexation of 19 properties (7 property owners) located within the Ranchos el Toreo subdivision. The annexation area is approximately 63.5 acres and undeveloped.

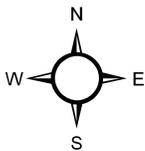
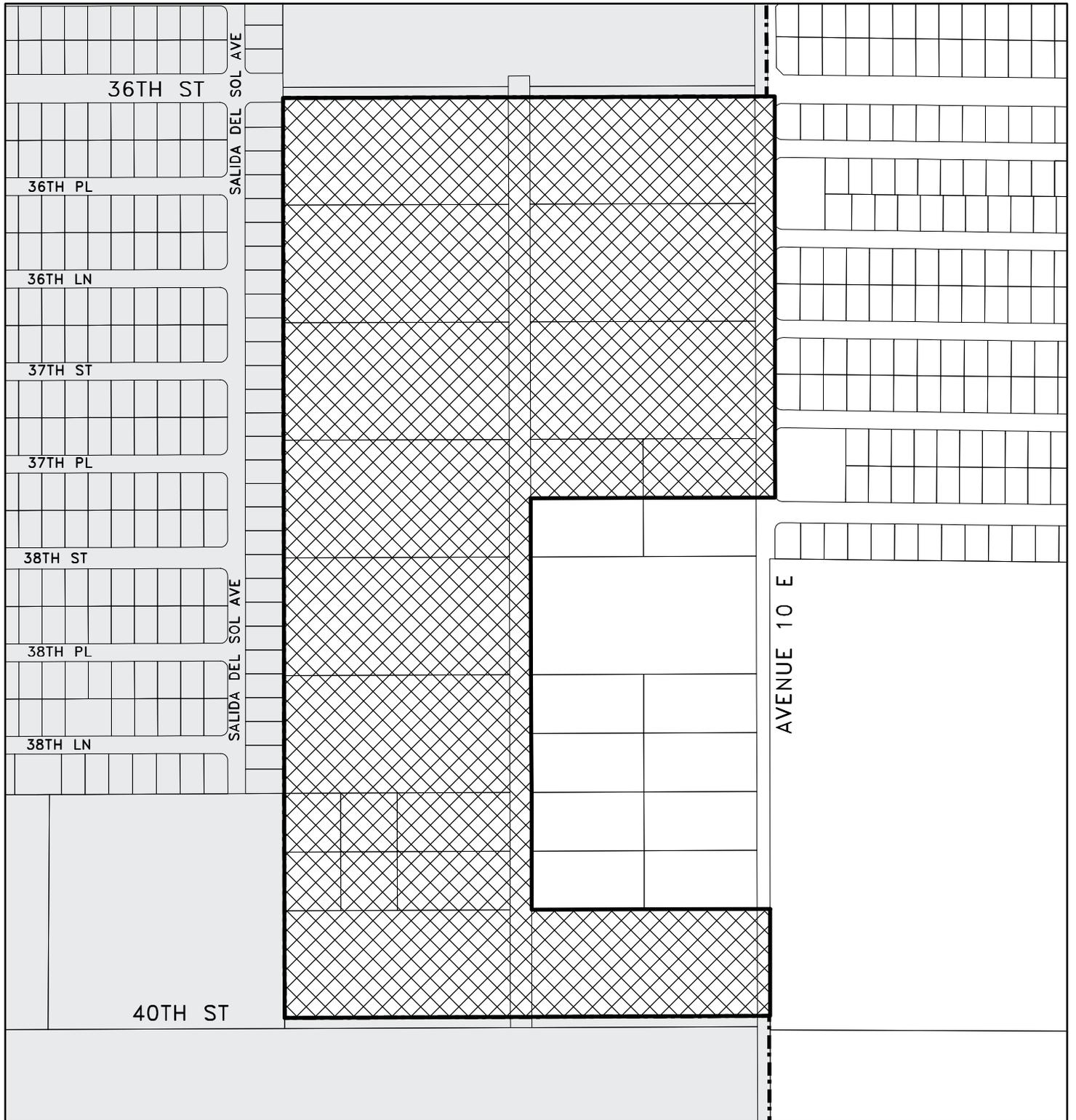
In accordance with Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the Yuma County Recorder on December 12, 2014. There is a 30-day waiting period after recording the map and petition with the County Recorder before signatures can be obtained. During that time, a Public Hearing must be held by the City Council within the last ten days of the 30-day waiting period. All appropriate and necessary notice and posting requirements have been met. After the 30-day waiting period and the Public Hearing, the following procedures must be followed.

- The signatures of property owners must be obtained such that at least one-half of the value of real and personal property is represented and such that more than one-half of the parcel owners are represented.
- Within one year after the last day of the 30-day waiting period, completed petitions must be filed with the County Recorder.
- An ordinance must be adopted by the City Council effectively changing the City boundaries to include the annexation area. The ordinance will become effective 30 days after adoption. No modifications, including increases or decreases to the territory to be annexed, may be made after the first property owner in the area signs the petition. This Public Hearing is held to comply with the annexation law, Section 9-471 of the Arizona Revised Statutes. The purpose is to notify

all property owners of the proposed annexation and take public comment.

Pending receipt of the signed petition from the property owners after the annexation hearing, it is anticipated that the annexation ordinance will come before the City Council for introduction on February 4, 2015, with adoption on February 18, 2015.

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 checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			12/18/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Jennifer L. Albers			12/17/2014	



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

NOT TO SCALE
INFORMATION TECHNOLOGY
SERVICES, ENTERPRISE
GIS

**City of Yuma, Arizona
Annexation Area No. 7505-2014**

-  City of Yuma
-  Annexation Area

ANNEXATION PETITION ANEX-7505-2014
Ranchos el Toreo Annexation

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

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

A portion of the East half of the Southeast quarter (E1/2SE1/4) Section 12, Township 9 South, Range 22 West and part of Ranchos El Toreo Subdivision, Record in Book 4 of Plats, Page 100 in the Yuma County Recorder, Yuma County, State of Arizona and a portion of the West half of the West half of the Southwest quarter (W1/2W1/2SW1/4) of Section 7, Township 9 South, Range 21 West, Gila & Salt River Base & Meridian all in Yuma county, State of Arizona and more particularly described as follows:

Those parts Ranchos El Toreo Subdivision Lots 13 thru 19 inclusive, the North half of Lot 20, Lots 22, 23, and Lots 26 thru 28 inclusive, and all of Butler Avenue lying in the East half of the Southeast quarter (E1/2SE1/4) of said Section 12, Township 9 South, Range 22 West.

And

The West 50 feet of the West half of the West half of the Southwest quarter (W1/2W1/2SW1/4) of said Section 7, Township 9 South, Range 21 West, lying Easterly of Ranchos El Toreo Subdivision, Lots 13, 16, 17, the North half of Lot 20 and Lot 28

This Annexation legal is bounded by Annexation Ordinances O98-67 on the North on the West, and on the South.

The above described parcel contains 2,766,200 square feet or 63.503 acres more or less

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

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

DATE	SIGNATURE	MAILING ADDRESS	PARCEL ID/LEGAL
------	-----------	-----------------	-----------------

DESCRIPTION

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

Print Name of Property Owner: _____



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 7, 2015

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Rezoning of Property: 12th Street and 14th Avenue

SUMMARY RECOMMENDATION:

The Planning and Zoning Commission by a 6-0 vote, recommend approval of rezoning of approximately .49 acres located on the southwest corner of 12th Street and 14th Avenue from Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District. (ZONE-7532-2014).

REPORT:

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On December 8, 2014 the Planning and Zoning Commission voted to recommend APPROVAL of the request to rezone .49 acres from the Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District for the property located at the southwest corner of 12th Street and 14th Avenue, Yuma, AZ 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. 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

“**Clint Underhill – Planning and Zoning Commissioner** asked if painting the curb red had been done in other developments.

“**Alyssa Linville – Assistant Planner** said curbs were painted red for fire purposes.

“**Underhill** said this instance was not due to any fire concerns.

“**Linville** said that the usual course of action for something like this would be a sign that stated no parking, rather than painting a curb red.

“**Andrew McGarvie – Assistant City Engineer** said that painting a curb red held no legal significance in Arizona.

“**Underhill** asked if no parking signs were an option.

“**McGarvie** said yes, as long as it was approved by the Traffic Engineer.

“**Chris Hamel – Planning and Zoning Commissioner** asked if the trash container would be moved from the north end of the property to the south end.

“**Linville** said yes.

“**Del Cave – Planning and Zoning Commissioner** asked about a bridge going over the East Main Canal at 12th Street.

“**McGarvie** stated that the new Transportation Master Plan determined no need for a crossing at that point.

APPLICANT / APPLICANT’S REPRESENTATIVE

“**Bruce Jacobson, 1334 S. 5th Avenue, Yuma, Arizona**, agreed with staff, and stated that the trash container would be better suited at the south portion to allow for easy trash collection, but was agreeable to positioning the trash container at the north if needed.

“**Hamel** asked if the trash container would be a closed-lid container.

“**Jacobson** said yes.

“**Hamel** said that the trash smell would most likely affect the residents of the proposed complex before it reached the neighbors, and if it was bad enough to be noticed, he felt the residents would call to have it picked up.

OPEN PUBLIC COMMENT

“**Anella Crouch, 1362 W. Santa Maria Way, Yuma, Arizona**, was opposed to this request. She was concerned with the traffic speeding down 14th Avenue and the school kids walking in the area. She read a lot of files and said the police would not be able to see behind the walled complex, which would lead to drug sales and gang activities. There were a lot of low-income apartments already in the area. She was for progress and commerce, but not at the expense of others that have invested time and effort into their own properties. The area was very congested and she was concerned about crime.

“**Jacobson** said the complex would not be fully walled – only on the east portion of the complex.

“Underhill asked how many units would be allowed if the property was not rezoned.

“Linville said five units.

CLOSE PUBLIC COMMENT

MOTION

“Motion by Underhill, second by Karen Conde – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-7532-2014, subject to the Conditions of Approval in Attachment A.

“Motion carried unanimously (6-0) with David Koopmann – Planning and Zoning Commissioner absent.

“Underhill said that this was a recommendation to City Council and there would be another opportunity to comment.

“Laurie Lineberry – Director of Community Development said due to the opposition, there would be a Public Hearing at City Council, and the same 300’ property owners would receive that public hearing notice.’

PLANNING COMMISSION STAFF REPORT - ATTACHED

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input 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			12/23/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			12/22/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			12/11/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Alyssa Linville			12/11/2014	



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

Hearing Date: December 8, 2014

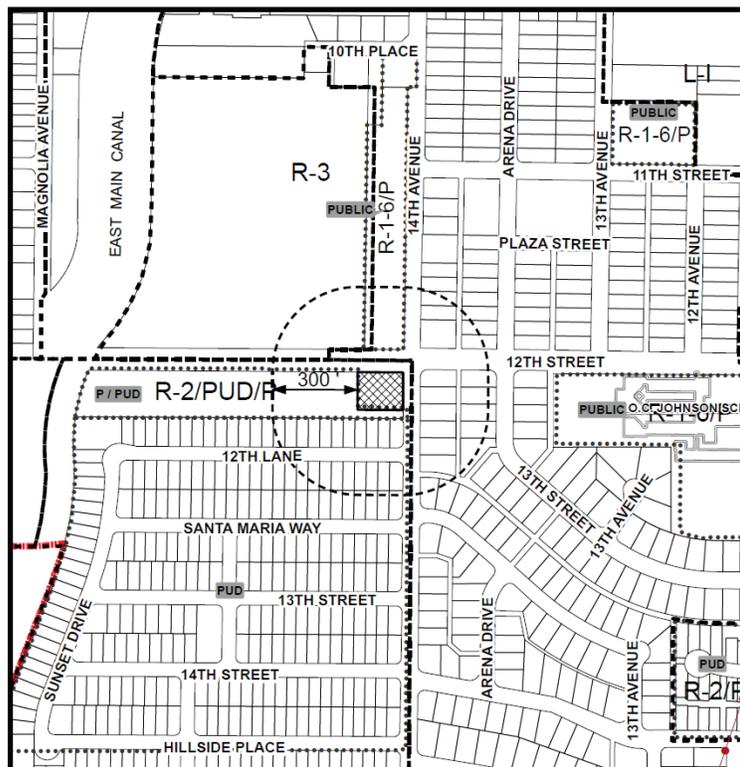
Case Number: ZONE-7532-2014

Project Description/Location:

This is a request by Jacobson Companies to rezone approximately .49 acres from the Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District. The property is located at the southwest corner of 12th Street and 14th Avenue in Yuma, Arizona.

	Existing Zoning	Existing Land Use	Land Use Designation
Site	Medium Density Residential (R-2)/ PUD	Undeveloped	Medium Density Residential
North	Low Density Residential (R-1-6)/ PUD	Open Space/ Park	Resort/ Recreation/ Open Space
South	Medium Density Residential (R-2)/ PUD	Residential	Medium Density Residential
East	Low Density Residential (R-1-6)	Residential	Low Density Residential
West	Medium Density Residential (R-2)/ PUD	Retention Basin	Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. #787 (December 31, 1959); Rezone: Z86-16 (Rezone from Residence A to Residence B/PUD)

Staff recommendation: Staff recommends **APPROVAL** of the rezoning for the property from the Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

Suggested Motion: Move to **APPROVE** the rezoning of the property from the Medium Density Residential (R-2)/ PUD District to the High Density Residential (R-3) District, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

Staff Analysis: The subject property is located at the southwest corner of 12th Street and 14th Avenue. It was intended that the property be developed as part of the Sunset Mesa Subdivision, located directly south of the subject property. However, this plan was never fully realized and the property has remained undeveloped.

With the request to rezone the subject property, the property owner intends to develop the site with multi-family dwelling units. While the design has yet to be confirmed, Attachment C within the report provides a general concept; this concept is not to be approved with this rezone request. The applicant is proposing to construct 10 units, each consisting of approximately 1,000 square feet of livable area.

During a neighborhood meeting, held on November 5, 2014, a number of property owners attended voicing concern for the proposed development. Such issues discussed included, traffic concerns, privacy concerns, whether adequate parking is being provided, as well the location of the dumpster. In order to address some of these concerns, staff met with the applicant to discuss development strategies.

Development strategies agreed to by the developer include the following:

- **Privacy:** No view windows will be located along the southern elevation of the buildings. Frosted bathroom windows would be allowed. The developer is also considering planting trees for screening along the southern property line.
- **Parking:** To address neighbors concerns about overflow parking causing congestion along 12th Street and 14th Avenue, the developer will paint the curbs red along 12th Street and 14th Avenue street frontages.
- **Dumpster Location:** To address concerns about the potential odor associated with proximity to the receptacle, the developer will place the dumpster adjacent to 12th Street.
- **Traffic:** Neighbors voiced their desire for the intersection at 12th Street and 14th Avenue to be converted from a 2-way stop to a 4-way stop. While this is an issue the applicant cannot address, the City Engineer has agreed to look into the possibility of implementing such a request.

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?

Transportation Element	Planned	Existing	Difference	Requested
14 th Avenue – Collector	40 FT H/W ROW	30 FT H/W ROW	-10 FT	0 FT
12 th Street – 2-Lane Collector	40 FT H/W ROW	40 FT H/W ROW	0 FT	-

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: No

Neighborhood Meeting Comments: See Attachment B

Proposed conditions delivered to applicant on: November 18, 2014

Final staff report delivered to applicant on: November 24, 2014

Applicant agreed with all of the conditions of approval on: November 18, 2014

Attachments

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

Project Planner: Alyssa Linville, (928) 373-5000, Alyssa.Linville@YumaAz.gov
Assistant Planner ext. #3037

Prepared By: 
Alyssa Linville, Assistant Planner

Date: 11/18/14

Reviewed By: 
Bobette Bauermann, Principal Planner

Date: 11/18/14

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

Date: 11-18-14

**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 Comments: 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.

Community Planning, Alyssa Linville, Assistant Planner, (928) 373-5000, ext. #3037

4. 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
NEIGHBORHOOD MEETING COMMENTS

Date Held: Wednesday, November 5, 2014 at 5:30pm

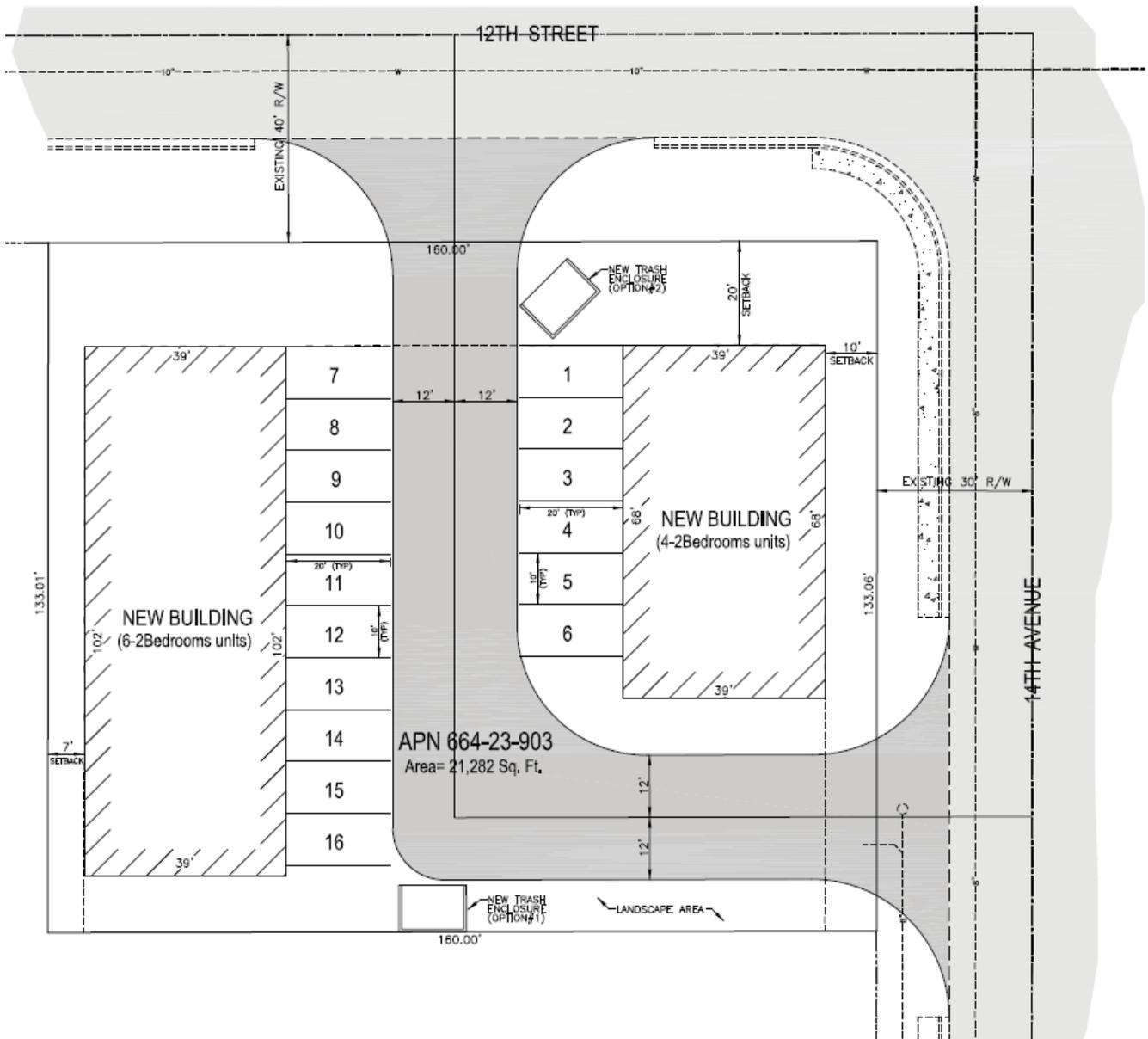
Location: SWC of 12th Street and 14th Avenue

Attendees: Alyssa Linville, City of Yuma; Bruce Jacobson, Jacobson Companies; Jose Lopez, Jacobson Companies; William Spearman, 1604 W Santa Maria Way; Margaret Geis, 1554 W Santa Maria Way; Heather Hajek, 1433 W 12th Lane; Charles & Michelle Brown, 1450 W 12th Street; Kimberly Chavez, 1179 S 14th Avenue; Valarie Donnelly, 1542 W 12th Lane; Judi & Armando Ozuna, 1533 W 12th Lane; Martina Vinditelli, 1523 W 12th Lane

Summary of Attendee(s) Comments Related to the Project:

- **Traffic:** Concerned with the current traffic that is produced and that the addition of more residential property would only increase the problem. Currently there is a 2-way stop at the intersection of 12th Street and 14th Avenue; the neighbors would like to see this become a 4-way stop, if possible.
- **Landscaping:** Would like to see lush landscaping along the frontage of both 12th Street and 14th Avenue. Developer is proposing a block wall along 14th Avenue; however, has ensured that landscaping will be provided as required by City Code.
- **Property Values:** Surrounding property owners are concerned that addition of apartments will decrease the property values of surrounding properties.
- **Privacy:** Adjacent property owners are concerned that the second-floor units will be looking into their backyards. Developer commented that they may be able to limit the number and size of windows located along this portion of the property.
- **Parking:** The current proposal illustrates a total of 17 parking spaces (15 required); however, the neighbors are concerned that this will be insufficient in the case that there are 2 vehicles per unit. Overflow parking would end up on-street along the 12th Street and 14th Avenue creating increased congestion. Neighbors suggested that maybe signs could be posted stating "No Parking".
- **Retention:** Subject property is adjacent to a City maintained retention basin. A number of the properties located to the south of this retention basin are already encountering problems with the basin. Now they are concerned that the addition of the proposed development may further diminish the stability of the basin.
- **Dumpster Location:** Concerned if the dumpsters were placed along the southern portion of the property, the adjoining neighbors may be affected by the odor.
- **Safety:** Worried that rental units would will increase the level of crime which currently exists in the area.

**ATTACHMENT C
CONCEPT**



CONCEPT
“NOT TO BE APPROVED W/ REZONE”

ATTACHMENT D
AERIAL PHOTO





STAFF RESEARCH – REZONE

CASE #: ZONE-7532-2014
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:	Southwest corner of 12 th Street and 14 th Avenue		
Parcel Number(s):	664-23-903		
Parcel Size(s):	21,282 square feet		
Total Acreage:	.49		
Proposed Dwelling Units:	10 Proposed		
Address:	N/A		
Applicant:	Jacobson Companies		
Applicant's Agent:	N/A		
Land Use Conformity Matrix:	Conforms:	Yes	X No
Zoning Overlay:	Public	AO	Auto B&B Historic None X Airport
Noise Contours	65-70	70-75	75+ APZ1 APZ2 Clear Zone

	Existing Zoning	Existing Land Use	Planned Land Use
Site	Medium Density Residential (R-2)/ PUD	Undeveloped	Medium Density Residential
North	Low Density Residential (R-1-6)/ PUD	Open Space/ Park	Resort/ Recreation/ Open Space
South	Medium Density Residential (R-2)/ PUD	Residential	Medium Density Residential
East	Low Density Residential (R-1-6)	Residential	Low Density Residential
West	Medium Density Residential (R-2)/ PUD	Retention Basin	Medium Density Residential

Prior Cases or Related Actions:				
Type	Conforms		Cases, Actions or Agreements	
Pre-Annexation Agreement	Yes	No	N/A	
Annexation	Yes	X No	Ord. #787 (December 31, 1959)	
General Plan Amendment	Yes	No	N/A	
Development Agreement	Yes	No	N/A	
Rezone	Yes	X No	Z86-16 (Rezone from Residence A to Residence B/PUD)	
Subdivision	Yes	No	N/A	
Conditional Use Permit	Yes	No	N/A	
Pre-Development Meeting	Yes	X No	October 9, 2014	
Design Review Commission	Yes	No	N/A	
Enforcement Actions	Yes	No	N/A	
Avigation Easement Recorded	Yes	No	X Fee #	
Land Division Status:	Legal lot of record			
Irrigation District:	None			
Adjacent Irrigation Canals & Drains:	None			
Water Conversion: (5.83 ac ft/acre)	2.86 Acre Feet a Year			
Water Conversion Agreement Required	Yes	No	X	

II. CITY OF YUMA GENERAL PLAN

Land Use Element:			
Land Use Designation:	Medium Density Residential		
Noise Contour:	N/A	Overlay/Specific Area:	N/A

Issues:		None																																							
Historic District:	Brinley Avenue		Century Heights				Main Street		None	X																															
Historic Buildings on Site:	Yes		No	X																																					
Transportation Element:																																									
FACILITY PLANS																																									
Major Roadways Plan			Planned				Existing																																		
14 th Avenue – Collector			40 FT H/W ROW				30 FT H/W ROW																																		
12 th Street – 2-Lane Collector			40 FT H/W ROW				40 FT H/W ROW																																		
Median Covenant			None																																						
Gateway Route		Scenic Route		Hazardous Cargo Route		Truck Route																																			
Bicycle Facilities Master Plan			14 th Avenue – Existing Bike Route 12 th Street – Proposed Bike Route																																						
YCAT Transit System			None																																						
Issues:		None																																							
Parks, Recreation and Open Space Element:																																									
Parks and Recreation Facility Plan																																									
Neighborhood Park:	Existing: Kiwanis Park and Netwest Park				Future: Kiwanis Park and Netwest Park																																				
Area Park	Existing: Carver Park/ Sanguinetti Athletic Fields				Future: Carver Park/ Sanguinetti Athletic Fields																																				
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park																																				
Issues:		None																																							
Housing Element:																																									
Special Need Household:	N/A																																								
Issues:		None																																							
Redevelopment Element:																																									
Planned Redevelopment Area:	N/A																																								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X																																			
Conforms:	Yes		No		N/A																																				
Conservation, Energy & Environmental Element:																																									
Impact on Air or Water Resources	Yes		No	X																																					
Renewable Energy Source	Yes		No	X																																					
Issues:		None																																							
Public Services Element:																																									
Population Impacts Projected Population per Census 2010: 2.9 persons per unit Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person			<table border="1"> <thead> <tr> <th></th> <th>Population</th> <th>Impact</th> <th colspan="2">Consumption</th> <th>Generation</th> </tr> <tr> <th>Maximum</th> <td></td> <th>Officers</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>29</td> <td>0.05</td> <td>8,700</td> <td>9.7</td> <td>2,900</td> </tr> <tr> <th>Minimum</th> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>0</td> <td>0</td> <td>0.00</td> <td>0</td> <td>0.0</td> <td>0</td> </tr> </tbody> </table>										Population	Impact	Consumption		Generation	Maximum		Officers	GPD	AF	GPD	10	29	0.05	8,700	9.7	2,900	Minimum						0	0	0.00	0	0.0	0
	Population	Impact	Consumption		Generation																																				
Maximum		Officers	GPD	AF	GPD																																				
10	29	0.05	8,700	9.7	2,900																																				
Minimum																																									
0	0	0.00	0	0.0	0																																				
Fire Facilities Plan:	Existing: Fire Station #4				Future: Fire Station #4																																				
Water Facility Plan:	Source:	City	X	Private		Connection:	10" PVC within 12 th Street; 8" AV within 14 th Avenue																																		
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 8" PVC within 14 th Avenue																																		
Issues:		None																																							
Safety Element:																																									
Flood Plain Designation:	Flood Zone X			Liquefaction Hazard Area:			Yes		No	X																															

Issues:	None
---------	------

Growth Area Element:

Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St		Estancia		None X
Issues:	None						

NOTIFICATION

- **Legal Ad Published: The Sun** (11/14/14)
- **300' Vicinity Mailing:** (10/20/14)
- **34 Commenting/Reviewing Agencies noticed:** (10/20/14)
- **Neighborhood Meeting:** (11/05/14)
- **Hearing Dates:** (12/08/14)
- **Comments Due:** (11/03/14)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/23/14	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	10/27/14	X		
Yuma County Planning & Zoning	Yes	10/23/14	X		
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	10/22/14	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Daniel Rhodes, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	10/27/14	X		
Kerry Beecher, Building Safety	NR				
Alan Kircher, Building Safety	Yes	10/29/14	X		
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Josh Scott, Traffic Engineering	NR				
MCAS / C P & L Office	Yes	10/24/14	X		
Jay Simonton, Utilities	Yes	10/22/14	X		
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
November 5, 2014	See Staff Report Attachment
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
October 20, 2014	U.S. Mail

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

ORDINANCE NO. O2015-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, REZONING CERTAIN PROPERTIES HEREINBEFORE LOCATED IN THE MEDIUM DENSITY RESIDENTIAL (R-2)/PUD DISTRICT TO THE HIGH DENSITY RESIDENTIAL (R-3) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 8, 2014 in Zoning Case no: ZONE-7532-2014 in the manner prescribed by law for the purpose of rezoning one parcel of property hereinafter described to the High Density Residential (R-3) 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 November 14, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-7532-2014 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: That the following described property, to wit:

A portion of the Northwest quarter of the Southeast quarter (NW1/4SE1/4) of Section 29, Township 8 South, Range 23 West of the Gila and Salt Base & Meridian, Yuma County, State of Arizona, more particularly described as follows:

The North 173.01 feet of the East 190 feet of the Northwest quarter of the Southeast Quarter (NW1/4SE1/4) of said Section 29;

EXCEPT the North 40 feet and the East 30 thereof.

Area of described parcel being 21281.16 square feet or 0.49 acre more or less.

be placed in the High Density Residential (R-3) District, as defined by Chapter 154 of the Yuma City Code as amended; that said property upon this Ordinance becoming final, be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the High Density Residential (R-3) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, be hereby ordered to be changed and amended so as to show that said properties described in this Ordinance will be located with the District herein provided.

SECTION 2: That the following condition(s) must be met and/or completed in order for the zoning amendment 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

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 _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: January 7, 2015

DEPARTMENT: Utilities

DIVISION: Administration

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

TITLE:
Water and Wastewater Utility Rates and Fees

SUMMARY RECOMMENDATION:
Pursuant to Arizona Revised Statutes, Section 9-511.01, adopt by Resolution the recommended water and wastewater utility rates and fees adjustments, by staff.

REPORT:
There is a need to increase water and wastewater utility capital to fund current operations and maintenance activities, as well as the Capital Improvement Program.

At the regularly scheduled meeting on September 3, 2014, the initial results of a study and financial plan prepared by the City’s consultant, economist.com, was presented to the City of Yuma Water and Sewer Commission. On September 4, 2014 at a Special Roundtable Worksession, the same information was presented to the City Council.

On September 17th, 2014 City Council adopted a Notice of Intention to raise water and wastewater utility rates and fees based on the revenue requirements as outlined by the City’s consultant. A copy of the consultant’s report, along with data supporting the new rates and fees, was placed on file with the office of the City Clerk.

Based on the outcome of the September 4, 2014 Roundtable / Worksession a Special meeting was held on October 27, 2014 by the Water and Sewer Commission and additional information was presented by City Staff. On October 28, 2014 the same information was presented at a Special Roundtable Worksession by City staff and the City’s consultant.

On November 5, 2014 the City of Yuma Water and Sewer Commission held the first of two public hearings on the rates and fees increase. The Water and Sewer Commission took public comments from seven attendees. The minutes of the November 5, 2014 Water and Sewer Commission public hearing are attached. The public hearing was held in the Public Works Training Room at 155 West 14th Street, Yuma, Arizona at 5:00pm.

On December 4, 2014 at a regular City Council Worksession, additional information requested by City Council was presented by City staff for consideration.

At the regularly scheduled City Council Meeting on January 7, 2015, the City Council will conduct the second of two public hearings on the water and wastewater utility rates and fees increase.

Upon completion of the second public hearing, City staff is recommending that the conservation Alternative, Alternative No. 2, as presented by the City's consultant, economist.com be adopted with rate adjustments being implemented beginning March 1st, 2015 and subsequent adjustments being implemented January 1st in years 2016, 2017, 2018 and 2019.

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: Rate and fee increases are necessary to maintain the current level of utility service, as well as continue to provide for a modest CIP program to replace aging infrastructure. Failure to raise rates and fees will jeopardize the Utilities Department's ability to provide the current level of service and will provide no additional funding for future capital projects.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2014 Water and Wastewater Rate Study and Long Term Financial Plan. 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		12/23/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		12/22/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jay Simonton		12/16/2014		
WRITTEN/SUBMITTED BY:			DATE:	

**WATER & SEWER COMMISSION
PUBLIC MEETING HELD NOVEMBER 5, 2014
PUBLIC WORKS TRAINING ROOM
155 WEST 14TH STEET
YUMA, AZ 85364**

Chairman Mohindra called the meeting to order at 5:00 p.m.

MEMBERS PRESENT: Vinod Mohindra
Luis Acle
Lorna Brooks
Brian Ewing
Kathleen Carroll

MEMBERS ABSENT: Alan Pruitt

STAFF PRESENT: Jay Simonton, Utilities Director
Jeremy McCall, Utilities Manager
Bea Dorries, Utilities Manager
Greg Wilkinson, City Administrator
Toni Corea, Administrative Assistant

PUBLIC PRESENT: Carlos Mendoza
Larry Minium
Elizabeth Flores
Thomas G. Kelly III
Blake Hending
George Blackwell
John Courtis

Water & Sewer Rate Study

Chairman Mohindra called the meeting to order at 5:00 pm.

Chairman Mohindra welcomed the staff and public to the meeting, and began with a background of the Water & Sewer rates in Yuma. The Utilities Department is a stand-alone enterprise. It does not receive subsidies from the City of Yuma, nor does it subsidize any of the City's income. It pays for its own expenses and operations. It pays for services it uses such as billing, collections and staffing. It does not have a general transfer of funds. As such, it operates as a business. As a business, the Utilities Department has to be prudent, and from time to time look at its expenses and income, and then react to them accordingly. The last rate study was in 2006. The water bill was last adjusted in 2008. Staff has done an excellent job in keeping the cost down. Yuma is 22% below State average. The last increase on the sewer side was in 2011. Like anything else, cost is going up. The system is a mixed breed of the latest of modern equipment, and a distribution system that is very old. It was not too long ago that wooden pipes were found. Utilities can either maintain it and proactively replace them, or wait for a disaster. When working on the systems, it takes capital to do so. You have to look at the revenues and react. Accordingly, we had a water and sewer rate adjustment study. We hired consultant, Dan Jackson, to conduct and review the study. **Chairman Mohindra** introduced Dan Jackson.

Dan Jackson, from Economist.com spoke on the water rate study. The company has gained extensive knowledge by working on past rate studies for Yuma, and surrounding cities, as well as across the state. Dan has compiled information over the past several months. He has worked with staff, as well as the Commission and Council for several alternatives in the rate adjustment. His company also worked on the 2006 rate study plan. They have extensive knowledge of what the City of Yuma is facing. The question becomes - what is the most reasonable rate plan to put in place. There were several alternatives with two different rates becoming the choices.

A PowerPoint presentation was shown, narrated by Dan Jackson. **Mr. Jackson** stated one reason for a rate increase is that the operating cost continues to go up. The City of Yuma's water and wastewater is a nonprofit entity. There is no profit, no dividends...all the City is asking is for rate payers to reimburse for the cost of operations. The City of Yuma has identified approximately \$27 million dollars in capital improvements that will be required over the next decade. By making improvements, the City has been able to maintain the high quality of service it currently provides. It also avoids catastrophes such as line breaks. These types of catastrophes can cost tens of millions of dollars, not only to cities, but also to people as well. You have to continually invest in the system to minimize the possibility of these types of occurrences. **Mr. Jackson** reviewed the current water and wastewater rate structure. He also went over the forecast of the water accounts, as well as the historic rates of water consumption. **Mr. Jackson** stated a forecast is not a guarantee; it's a prediction based on a series of reasonable assumptions. The operating cost will continue to increase. There will be limited personnel in the years to come. We need to take into consideration items such as chemicals, electricity, gasoline, insurance and worker's compensation. These are all components that will incur operating cost. The other major component is capital cost. **Mr. Jackson** went over the Water and Wastewater cost of service over the next five years.

The Committee and Council reviewed numerous rate options. One of the two alternatives chosen to present to the City was the Traditional rate structure, which maintains the same rate designed with annual adjustments. The second alternative is the Conservation rate structure, which implements more significant block rates for residential customers; no change in commercial or wastewater from the first alternative. Under the alternative 1 rate change, there would be about a .50 cent increase on the water side, effective January 2015, with an annual increase of about the same amount for three years and then gradually declining with a .35 cent increase in 2019. On the wastewater side, rates will increase from \$32.48 to \$33.45 in 2015, and finally in 2019 increase from \$35.85 to \$36.57. For non-residential, it would be about the same increase on the base charge. There would also be a charge for BOD and TSS charges. Under this proposal, the impact on residential rate payers would go on the average usage from \$71.48 to \$73.62 a month. The increases would be a little less on the out years. If you are a commercial rate payer, of course your amount would increase. The increase would be about \$11.17 the first year, and a lesser increase on the out years to about \$8.26 a month.

The second alternative is meant for conservation. There would be a higher charge if it's over the average amount consumed/used. It would be broken into 3 categories, and if your usage charge is 10-hcf it would stay the same; an increase would not occur. However, if you used 16-hcf it would go up about \$2.22. The premise would be if you used more, then you pay a higher rate. There are very few residents that would use a higher rate.

As Dan Jackson summarized his presentation, he commended the City for keeping the rates low for as long as they have. The costs are going up and there needs to be adjustments in order to

fund all the City's water and wastewater expenses. These decisions are never easy to make, but Mr. Jackson urges the importance of the adjustment from one of the two alternatives to continue the high quality service that City of Yuma water and wastewater provides.

Chairman Mohindra opens up to the public for questions or comments with a time limit of 3 minutes, with **Jeremy McCall** being the official time keeper.

Larry Minium, a local resident, commented on the presentation. **Mr. Minium** stated that Mr. Jackson never talked about the total amount of bill increases. I don't have a problem because my brain adds numbers pretty well. But we are not talking about two bucks; we are talking about six, seven, eight dollars, by the end of five years we are talking about close to 20 bucks. **Mr. Jackson** responded by saying, I don't think it is that much. You are talking about \$2.14. That is the water and wastewater increase and the meter cost. This would be under alternative 1. **Mr. Jackson** referred back to the PowerPoint presentation screen and explained rates went up, and they went up significantly, but he would not characterize it as that amount. **Mr. Minium** disagreed with Mr. Jackson on what the prior increase had been, since Mr. Minium pays the bill. **Mr. Jackson** conceded they will have to agree to disagree.

George Blackwell questioned the conservation rate. He stated what he has noticed in his bill an increase in usage. The cost has actually been lower when divided by units used, and he is confused about this. The second point is, if we are looking at revenue in 2013, the Council talked about a variable sewer rate. **Chairman Mohindra** interjected to answer in regard to a sewer meter. As Dan mentioned earlier, there is no such thing as a sewer meter. What is going out of the sewer line is not measured. The measurement used is a comparison at our plants; how much water we pump out in a day and how much is collected at the wastewater in a day. Our average in a day is about 40%. As Dan explained earlier, most families have discretionary water usage. People who use more water are not putting it into the sewer. A family of four is going to drink the same amount of water similar to others. The water going into the sewer will be about the same. The changes in the Conservation charges are landscaping, car washes, and swimming pool operations, which is why we have a fixed rate for the sewage. **Dan Jackson** explained how water service is paid for, and gave examples of the current rate, and how it is calculated for the minimum charge.

Tom Kelly stated it was unfair to only have three minutes when others have gone on longer. He questioned the statement of not being able to meter the sewage. His association of his complex was overcharged for a number of months until it was brought to the City's attention. The association spent \$40,000 to meter their irrigation, resulting in the bill going down \$1000 a month. He questioned if Dan Jackson factored in that people in apartment complexes, and people in homeowner associations pay the same as commercial users, therefore, they pay 100% of the water that comes in for sewer. The poorest people in the City are the ones that live in apartments, and will be paying the highest rate. Is that appropriate? **Dan Jackson** stated it was not a fair characterization. **Chairman Mohindra** interjected with a response to Mr. Kelly by saying there is no such thing as a single family home sewer meter. **Mr. Simonton** interjected and addressed Mr. Kelly stating he knew of the specific case in regard to Mr. Kelly's association. **Mr. Simonton** asked if he would like to address it directly to him in private, or if he would like him to address it in this public forum. **Mr. Kelly** stated that he had already seen the bills. **Mr. Simonton** continued addressing Mr. Kelly's question about the specific complex and association. **Mr. Simonton** stated that in 2010, the president of that association contacted the Utilities Department and we went out and did an investigation, and found two meters were not being utilized. We made a recommendation, as we do with any commercial customer that connects with us. **Mr. Kelly** stated they are not a commercial customer. **Mr. Simonton**

explained that under the regulations, his facility is classified as commercial. The recommendation was made to the association, and it was completed at their expense. The association did complete the modifications. You are only paying for the water that goes through your system. **Mr. Kelly** stated the issue is, we're the City...us the residents, and you are overcharging a large number of people for their sewer services. If you were a private company, that would be consumer fraud. When you charge someone for something they do not receive, and that is what is happening here, it's inappropriate. **Mr. Simonton** reiterated that every apartment complex is different; there is no way to generate an individual rate for every single apartment complex. **Dan Jackson** stated he would not characterize it as such. If you do not use irrigation flow, you are paying for what you use. The City has shown willingness to work with any apartment complex or business that would like to investigate the water usage of any resident that thinks they are being over charged. **Chairman Mohindra** stated again that he believes there is no sewer meter in place. **Mr. Kelly** stated, to call it whatever you wanted, they have a meter that measures what they use. Secondly, I have never heard of a \$27 million dollar expenditure paid month to month. You bond those things. If I have a house and it's old, and needs to be upgraded, I get a second mortgage. I don't put aside \$10 a month and pay for it. I get a mortgage to spread out the payment over a long period of time. **Dan Jackson** stated that is exactly what the City has done. The City has debt in excess of \$100 million dollars. **Mr. Kelly** asked if the debt was in wastewater, and what the amount was. **Dan Jackson** questioned staff if they knew the amount. He addressed Mr. Kelly by saying yes \$100 million over a period of many years. **Mr. Kelly** asked when the bonds would be paid for. **Mr. Simonton** made an estimation that the last bond will be paid off in 2032. **Mr. Kelly** stated that you say this is an enterprise fund. The golf course is an enterprise fund. The City found \$600, 000 out of the 2% tax to put in an enterprise fund. I don't think an enterprise fund makes sense when it's basic water and sewer. There was an article that stated a large group of people are having their water turned off because they can't afford it. You will have more people like that once you raise the rates. **Chairman Mohindra** asked how many cut-offs we have had? **Mr. Simonton** stated there are approximately 500 a week. **Mr. Kelly** referenced an article he read. He addressed Dan Jackson by saying he did not believe that his study is complete. **Dan Jackson** asked if the solution was to have the City subsidize these apartment complexes. **Mr. Kelly** responded by, "I would say float a bond. If the City can build a palatial fire station, and they can build a City Hall third floor that is not used, then it is possible." **Dan Jackson** asked **Mr. Kelly** "should your children and grandchildren pay for someone's swimming pool today?" **Mr. Kelly** said "I would rather have it spread out over a period of time than to have the poorest people pay it."

Chairman Mohindra interjected letting Mr. Kelly know that his time was up, and that they could answer any other questions he may have at a later time on an individual basis where all the facts would be made available.

A customer said she had been a resident since 1951. She tried to pay her bill online through her bank, but she received a call from the water department saying she was late and they would be shutting off her water. She does not trust the new system. Since the monthly billing began, the basic sewer charge is fluctuating. She questioned the bill and the fees stated on her bill. **Chairman Mohindra** stated that trash collection and environmental solid waste fee is not under the review of the Water and Wastewater Commission. **Chairman Mohindra** explained how the days in between the readings are prorated at times. The customer did not understand why a single person home is charged the same as homes with multiple people in the home. The customer felt it didn't sound good.

John Courtis, Executive Director of the Yuma Chamber of Commerce had prepared remarks. "I am telling the City of Yuma DO NOT raise water rates; you simply have not produced a business case to raise rates. Health care costs have gone out of sight, my health care insurance is greater than my mortgage and my car payment combined. Business and home owners simply cannot afford it. Sound bites coming from City Hall are quite frankly insulting, such as "other cities in Arizona charge more". This is a half-truth in that more cities in Arizona charge less for water and sewer than Yuma. "But it's only \$6 more per month for the average person". The \$6 for a young family could possibly buy renter's insurance or that \$72 a year might be the vehicle and registration charge for their crappy old used car. This increase will kill business because for one hotel downtown, the increase will be over \$6,000 per year, and one small local restaurant I surveyed on 4th Avenue will be hit with an increase of over \$3,000 annually. Other businesses raise rates, why can't we? Businesses raise rates at their own peril because consumers have choices. We do not have a choice when it comes to municipalities' water services. The operational budget over the next five years actually calls for \$700,000 per year for newly created staff positions, and pay increases for those already employed. Businesses here in Yuma are not expanding staff, and most businesses have had pay decreases and furloughs. The City of Yuma's proposed water rate hike is a business killer. We already have a lousy reputation with hookup fees because those fees are absolutely absurd. Between Crossroad Mission and ALSCO, the City of Yuma received over a half million dollars in hookup fees just in those two buildings alone. You have no business case for rate increase of almost 15% over the next five years. The reality is that the City of Yuma needs to pay \$19 million in 2015, and \$21 million in 2016 to cover the bond that built the Aqua Viva Water Treatment Plant. That Plant was over-built based on hopeful projections prior to the housing bust with a bond that can't or won't be refinanced. In fact over the next five years, \$78 million dollars, over a third of your total water/wastewater costs of services, are for debt service, and then they are saying it is more than that. I believe the City of Yuma is simply not trying hard enough. I know that the City will probably threaten the good folks of Yuma saying we will lose police and fire services if we don't get this money, but that quite frankly won't work. Water rates increased by 19% in 2008 and wastewater fees went up by 41% that same year. I believe you need to come back with a more sensible plan, one that the citizens can actually afford. Realistically what you need to do is to fix the services today, and not force the citizen of today to pay for old bad bonds and old bad deals that were made three or four city councils ago. You have a problem today that was created 15 years ago, and we are being made to pay for it today. I think your plan is too expensive, it doesn't work, it really does not face realities of homeowners and businesses of the Chamber of Commerce...you got a problem. **Chairman Mohindra** asked if for the record we could get a copy of the comments. **Mr. Courtis** said he could have his copy. **Larry Minium** stated that the decreasing consumption has had an impact on the revenues. **Mr. Minium** believes the underlining statement from Mr. Jackson would be the increase is merited because there hasn't been one since 2008. **Mr. Jackson** stated the wording he had used did not say it justifies an increase. **Mr. Jackson** explained that the other cities like Phoenix and Gilbert pay a significant portion through tax funds as opposed to revenue funds. The money has to come from somewhere - it just depends on the preference. **George Blackwell** questioned how the monthly cost is figured out. **Mr. Jackson** gave a brief description of how it is configured. It's a methodology that is used nationwide, and a copy of the 250 page rate study is available at the clerk's office.

Chairman Mohindra addressed the fact that unlike the surface of a street where you can see the wear or condition, you cannot see the pipes running underneath the surface unless they fail or you do the annual surveys. We have to maintain the system; someone has to pay.

Jay Simonton summarized the staff that is needed to run the systems have to possess certain qualifications in order to stay compliant with other agencies. At the wastewater plant, after years of being understaffed, we are finally staffed sufficiently.

Customers gave final responses and the consensus was the plan needs to be reviewed and maybe more options explored.

Luis Arce thanked the public for coming out to participate in the public meeting. He asked the public how many are opposed to the rate increase. Community members in attendance are opposed.

Chairman Mohindra thanked the community and stated all comments would be passed along to the Council. At this time **Chairman Mohindra** closed the public forum discussion.

ADJOURNMENT

The meeting was adjourned at 6:30 p.m.

RESOLUTION NO. R2015-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2006-71, AS AMENDED, GOVERNING THE USE OF THE WATER AND WASTEWATER SYSTEM, AMENDING ARTICLE 1, SECTION 2.2 AND ARTICLE II, SECTION 2.7 OF THE CITY OF YUMA UTILITY REGULATIONS AND PRESCRIBING UTILITY RATE CHARGES AND FEES.

WHEREAS, there is a need to provide additional water and wastewater capital improvement project funds to maintain existing City water and wastewater transmission, collection and treatment facilities; and,

WHEREAS, there is a need to maintain acceptable operating reserve funds for the operation and maintenance of the water and wastewater utilities; and,

WHEREAS, the City of Yuma undertook a study to update proposed capital improvements to water and sewer utility programs, associated revenue requirements, costs of service, and existing rates and charges and to perform a financial analysis, which study and recommendations were presented in a written report prepared by economist.com titled, *2014 Water and Wastewater Rate Study and Long Term Financial Plan*; and,

WHEREAS, the *2014 Water and Wastewater Rate Study and Long Term Financial Plan* has been reviewed by City Staff and the Water and Sewer Commission; and,

WHEREAS, on September 17, 2014 the City Council approved a Notice of Intention to Adjust Water and Wastewater Utility Rates and Fees (Notice of Intention); and,

WHEREAS, on September 21, 2014 a copy of the Notice of Intention was published in the local newspaper, *The Sun*. A copy of the consultant's report along with data supporting the new rates and fees was placed on file in the office of the City Clerk on September 16, 2014, at least thirty days before the noticed public hearing; and,

WHEREAS, on November 5, 2014, the City of Yuma Water and Sewer Commission held a public hearing on rate and fee increases in the Public Works Training Room, 155 West 14th Street, Yuma, Arizona, at 5:00pm. At this public hearing, the Water and Sewer Commission took public comments; and,

WHEREAS, on December 18, 2014, notice of a second public hearing before the City Council was published in the local newspaper, *The Sun*; and,

WHEREAS, at the regularly scheduled City Council meeting on January 7, 2015, the City Council conducted a second public hearing on the water and wastewater utility rate and fee increases; and,

WHEREAS, the provisions of Arizona Revised Statutes, Section 9-511.01, regarding water and wastewater rates, fees and charges, have been followed; and,

WHEREAS, the Yuma City Code Section 193-18, authorizes the City Council to prescribe utility rates and charges by resolution.

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

SECTION 1: That the City of Yuma, Utility Regulations, Article 1, *Water Regulations*, Section 2.2, *Rate and Charges Schedule*, as adopted by Resolution R2006-71, be amended at Subsection B to read as follows:

B. Schedule of Water Rates

Schedule of Water Rates						
Effective March 1 of each year						
		March 2015	January 2016	January 2017	January 2018	January 2019
		\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
INSIDE THE CITY						
Base Charge	5/8" meter	\$16.15	\$16.63	\$17.13	\$17.47	\$17.82
Base Charge	3/4" meter	\$16.15	\$16.63	\$17.13	\$17.47	\$17.82
Base Charge	1" meter	\$19.54	\$20.13	\$20.73	\$21.14	\$21.56
Base Charge	1 1/2" meter	\$25.30	\$26.06	\$26.84	\$27.38	\$27.93
Base Charge	2" meter	\$31.04	\$31.97	\$32.93	\$33.59	\$34.26
Base Charge	3" meter	\$56.25	\$57.94	\$59.68	\$60.87	\$62.09
Base Charge	4" meter	\$84.91	\$87.46	\$90.08	\$91.88	\$93.72
Base Charge	6" meter	\$156.54	\$161.24	\$166.07	\$169.40	\$172.79
Base Charge	8" meter	\$228.16	\$235.00	\$242.05	\$246.89	\$251.83
OUTSIDE THE CITY						
Base Charge	5/8" meter	\$21.48	\$22.12	\$22.78	\$23.24	\$23.70
Base Charge	3/4" meter	\$21.48	\$22.12	\$22.78	\$23.24	\$23.70
Base Charge	1" meter	\$25.99	\$26.77	\$27.57	\$28.12	\$28.67
Base Charge	1 1/2" meter	\$33.65	\$34.66	\$35.70	\$36.42	\$37.15
Base Charge	2" meter	\$41.28	\$42.52	\$43.80	\$44.67	\$45.57
Base Charge	3" meter	\$74.81	\$77.06	\$79.37	\$80.96	\$82.58
Base Charge	4" meter	\$112.93	\$116.32	\$119.81	\$122.20	\$124.65
Base Charge	6" meter	\$208.20	\$214.45	\$220.89	\$225.30	\$229.81
Base Charge	8" meter	\$303.45	\$312.55	\$321.93	\$328.36	\$334.93
RESIDENTIAL INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0-10 hcf	\$1.42	\$1.46	\$1.50	\$1.53	\$1.56
	11-30 hcf	\$1.65	\$1.70	\$1.75	\$1.79	\$1.83
	31 hcf and above	\$1.90	\$1.96	\$2.02	\$2.06	\$2.10
RESIDENTIAL OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0-10 hcf	\$1.89	\$1.94	\$2.00	\$2.03	\$2.07
	11-30 hcf	\$2.19	\$2.26	\$2.33	\$2.38	\$2.43
	31 hcf and above	\$2.53	\$2.61	\$2.69	\$2.74	\$2.79
MULTI FAMILY INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0-5 hcf	\$1.42	\$1.46	\$1.50	\$1.53	\$1.56
	6-13 hcf	\$1.65	\$1.70	\$1.75	\$1.79	\$1.83
	14 hcf and above	\$1.90	\$1.96	\$2.02	\$2.06	\$2.10

MULTI FAMILY OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0-5 hcf	\$1.89	\$1.94	\$2.00	\$2.03	\$2.07
	6-13 hcf	\$2.19	\$2.26	\$2.33	\$2.38	\$2.43
	14 hcf and above	\$2.53	\$2.61	\$2.69	\$2.74	\$2.79
COMMERCIAL AND IRRIGATION INSIDE THE CITY (\$per hundred cubic feet)						
Usage Charge	hcf	\$1.59	\$1.64	\$1.69	\$1.72	\$1.75
COMMERCIAL AND IRRIGATION OUTSIDE THE CITY (\$per hundred cubic feet)						
Usage Charge	hcf	\$2.06	\$2.11	\$2.18	\$2.25	\$2.29

SECTION 2: That the City of Yuma, Utility Regulations, Article II, *Sewer Regulations*, Section 2.7, *Rates and Charges for Sewer Service*, as adopted by Resolution No. R2006-17, as amended, be amended at Subsection F, to substitute the following Schedule of Wastewater Rates for the existing Schedule of Wastewater Rates:

SCHEDULE OF WASTEWATER RATES – INSIDE THE CITY					
Effective April 1 of each year					
	March 2015	January 2016	January 2017	January 2018	January 2019
	\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
RESIDENTIAL					
Base Charge	\$33.45	\$34.45	\$35.48	\$36.19	\$36.91
NON-RESIDENTIAL					
Base Charge	\$4.30	\$4.43	\$4.56	\$4.65	\$4.74
Usage Charge per hcf	\$1.90	\$1.96	\$2.02	\$2.06	\$2.10
INDUSTRIAL					
Flow per hcf	\$1.90	\$1.96	\$2.02	\$2.06	\$2.10
BOD per LB.	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30
TSS per LB.	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30
SCHEDULE OF WASTEWATER RATES - OUTSIDE THE CITY					
Effective April 1 of each year					
	March 2015	January 2016	January 2017	January 2018	January 2019
	\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
RESIDENTIAL					
Base Charge	\$44.50	\$45.84	\$47.22	\$48.16	\$49.12
NON-RESIDENTIAL					
Base Charge	\$5.71	\$5.88	\$6.06	\$6.18	\$6.30
Usage Charge per hcf	\$2.51	\$2.59	\$2.67	\$2.72	\$2.77
INDUSTRIAL					
Flow per hcf	\$2.51	\$2.59	\$2.67	\$2.72	\$2.77
BOD per LB.	\$0.40	\$0.40	\$0.40	\$0.40	\$0.40
TSS per LB.	\$0.40	\$0.40	\$0.40	\$0.40	\$0.40

Adopted this _____ day of _____, 2015.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney