



City of Yuma City Council Meeting Agenda

Wednesday, October 17, 2018

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

- Arizona Complete Health Grant Award
- Pacific Avenue Athletic Complex (PAAC) Update

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):

1. [MC 2018-199](#) Council Citizen's Forum Draft Minutes October 2, 2018
Attachments: [2018 10 02 CCF Minutes](#)
2. [MC 2018-200](#) Regular Council Worksession Draft Minutes May 15, 2018
Attachments: [2018 05 15 RWS Minutes](#)

B. Approval of staff recommendations:

1. [MC 2015-000](#) **Executive Sessions**

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)

2. [MC 2018-189](#) **Permanent Extension of Premises: Lutes Casino**

Approve a Permanent Extension of Premises/Patio Permit application submitted by Robert Lutes, agent for Lutes Casino located at 221 S. Main Street. (EP18-04) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Permanent Extension of Premises: Lutes Casino](#)

[2. MAP Permanent Extension of Premises: Lutes Casino](#)

3. [MC 2018-190](#) **Special Event Liquor License: Love Tree Farm, Inc. - Trick or Treat on Main Street**

Approve a Special Event Liquor License application submitted by Isaac Daniel Russell on behalf of Love Tree Farm, Inc., for Trick or Treat on Main Street. The event will take place on the 100-300 block of Main Street on Wednesday, October 31, 2018, from 3:30 p.m. to 10:30 p.m. (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Special Event Liquor License: Love Tree Farm, Inc.](#)

[1. MAP Special Event Liquor License: Love Tree Farm, Inc.](#)

4. [MC 2018-191](#) **Special Event Liquor License: Caballeros de Yuma - Colorado River Crossing Balloon Festival**

Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of the Caballeros de Yuma for the Colorado River Crossing Balloon Festival. The event will take place at Desert Sun Stadium, 1280 W. Desert Sun Drive, on Saturday, November 17, 2018, from 11:00 a.m. to 10:00 p.m. (SP18-36) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

- [1. RFCCA Special Event Liquor License: Caballeros de Yuma](#)
- [2. MAP Special Event Liquor License: Caballeros de Yuma](#)

5. [MC 2018-192](#) **Amend and Restate Contract: Concessionaire Agreement for operation of The Patio restaurant at Desert Hills Golf Course**

Amend and Restate the existing Concessionaire Agreement with Chef Alex Group, LLC, for operation of the restaurant at Desert Hills Golf Course (Administration) (Greg Wilkinson)

Attachments:

- [1. RFCCA Amend and Restate Contract: Patio Restaurant at Desert Hills](#)
- [2. AGMT Amend and Restate Contract: Patio Restaurant at Desert Hills](#)
- [3. EXH A Amend and Restate Contract: Patio Restaurant at Desert Hills](#)
- [4. EXH B Amend and Restate Contract: Patio Restaurant at Desert Hills](#)

6. [MC 2018-193](#) **Bid Award: 4th Avenue Paving - 32nd Street to 40th Street**

Award a contract for the construction of the 4th Avenue Paving from 32nd Street to 40th Street in the amount of \$1,616,631.50 to the lowest responsive and responsible bidder. DPE Construction, Inc. Yuma, Arizona (Engineering - Bid #2019-20000014) (Jeff Kramer/Robin Wilson)

Attachments:

- [1. RFCCA Bid Award: 4th Ave Paving - 32nd St. to 40th St.](#)
- [2. SUPP DOC Bid Award: 4th Ave Paving - 32nd St. to 40th St.](#)

7. [MC 2018-194](#) **Grant Award: Assistance to Firefighters Grant - Operations and Safety Grant**

Authorize the City Administrator to execute the required documents for the Assistance to Firefighters Grant Program - Operations and Safety Grant Agreement No. EMW-2017-FO-06904 to receive grant funding in the amount of \$18,424.00. (Fire/Suppression) (Steve Irr)

Attachments:

- [1. RFCCA Grant Award: Operations and Safety Grant](#)
- [2. SUPP DOC Grant Award: Operations and Safety Grant](#)

8. [MC 2018-197](#) **Agreement: 2018 HOME Investment Partnership Program agreements**

Authorize the City Administrator to execute four HOME agreements totaling \$774,935 in accordance with the 2018 Annual Action Plan (Community Development/Neighborhood Services) (Laurie Lineberry)

Attachments:

- [1. RFCCA 2018 HOME Agreements](#)
- [2. AGMT 2018 HOME Agreement AZ Housing Dev Corp](#)
- [3. AGMT 2018 HOME Agreement Catholic Com Svc](#)
- [4. AGMT 2018 HOME Agreement Yuma County](#)
- [5. AGMT 2018 HOME CHDO Agreement Housing America](#)

9. [MC 2018-198](#) **Final Plat: Park West Unit #5 Subdivision**

Approve the final plat for Park West Unit #5 Subdivision. The property is located at the northeast corner of S. 43rd Trail and W. 28th Street, Yuma, AZ. The applicant is Dahl, Robins and Associates, on behalf of Yuma Valley Land Company, LLC (SUBD-22789-2018) (Community Development/Community Planning)(Laurie Lineberry)

Attachments:

- [1. RFCCA Final Plat: Park West Unit #5 Subdivision](#)
- [2. P&Z RPT Final Plat: Park West Unit #5 Subdivision](#)

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.

1. [R2018-034](#) **Declare A Public Record: NFPA 1 Fire Code 2018**

Declare the National Fire Protection Association National Fire Code 2018, commonly known as NFPA 1 Fire Code 2018, a public record and order three copies to remain on file with the City Clerk. (Fire/Community Risk Reduction) (Steve Irr)

Attachments:

- [1. RFCCA Declare a Public Record - NFPA 1 Fire Code 2018](#)
- [2. RES Declare a Public Record: NFPA 1 Fire Code 2018](#)

2. [R2018-035](#)**Preannexation Development Agreement: Tierra Del Sol Construction L.L.C.**

Authorize a Preannexation Development Agreement with Tierra Del Sol Construction, L.L.C. for properties located on 5th Street east of Avenue C. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:[1. RFCCA PDA Tierra Del Sol Construction - 5th Street](#)[2. RES PDA Tierra Del Sol Construction - 5th Street](#)[3. AGMT PDA Tierra Del Sol Construction - 5th Street](#)**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.

1. [O2018-040](#)**Code Text Amendment - Community Tree Board**

Amend City Code to abolish the Community Tree Board, and allow certain duties to be assumed by the Parks, Arts, and Recreation Commission, thereby continuing to recognize the importance of the mission and goals of the committee. (Parks and Recreation/Administration) (Debbie Wendt)

Attachments:[1. RFCCA Code Text Amendment: Community Tree Board](#)[2. ORD Text Amendment: Community Tree Board](#)2. [O2018-041](#)**Code Text Amendment - Amend City Code Section 50-6 - Functions of the Parks, Arts, and Recreation Commission**

Amend the existing functions of the Parks, Arts and Recreation Commission to broaden the functions of the Commission to include the importance of maintenance and protection of City-owned trees and other woody plants, and to further define the Commission's role as it relates to public art advocacy. (Parks and Recreation/Administration) (Debbie Wendt)

Attachments:[1. RFCCA Code Text Amendment: Parks, Arts, and Recreationa Commission](#)[2. ORD Code Text Amendment: Parks, Arts, and Recreation Commission](#)

3. [O2018-042](#)**Sale of Surplus Right-of-Way: 2505 W. 28th Street**

Declare certain right-of-way at the southwest corner of Avenue B and 28th Street (2505 W. 28th Street) surplus for City use and vacate the surplus right-of-way to the adjacent property owner upon the payment of the purchase price. (City Attorney's Office) (Richard W. Files)

Attachments:

- [1. RFCCA Surplus of 28th St and Avenue B ROW](#)
- [2. MAP Surplus of 28th Street & Avenue B ROW](#)
- [3. ORD Surplus of 28th Street & Avenue B ROW](#)
- [4. EXH A Surplus of 28th Street & Avenue B ROW](#)

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.

There are no ordinances scheduled for introduction at this time.

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2018-036 may be adopted in conjunction with the below noted public hearing.

1. [R2018-036](#)**General Plan Amendment: Barkley Limited Partnership**

Approve the request to amend the City of Yuma General Plan to change the land use designation from Suburban Density Residential to Low Density Residential, for property located at the northwest corner of the Avenue B½ alignment and 40th Street. The applicant is Barkley Limited Partnership (GP-22312-2018). (Community Development/Community Planning)(Laurie Lineberry)

Attachments:

- [1. RFCCA GP-22312-2018 Barkley Limited Partnership](#)
- [2. RES GP-22312-2018 Barkley Limited Partnership](#)
- [3. P&Z RPT GP-22312-2018 Barkley Limited Partnership](#)

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

There are no appointments scheduled at this time.

2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of October 4, 2018 through October 17, 2018. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

3. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

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 (1, 3, 4 and/or 7) and the following items:

A. Discussion, consultation with and/or instruction to legal counsel regarding Final Plat for Park West Unit #5 Subdivision and 28th Street. (ARS 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding proposed rezoning at the northwest corner of E. 24th Street and S. Avenue 9E. (ARS 38-431.03 A3)

C. Discussion, consultation with and/or instruction to legal counsel regarding a possible 2020 Census Agreement. (ARS 38-431.03 A3 & A4)

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.