



# City of Yuma City Council Meeting Agenda

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Wednesday, October 3, 2018

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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*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

*There are no presentations scheduled at this time.*

## 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 2018-185](#)      **Council Citizen's Forum Draft Minutes April 17, 2018**  
Attachments:      [2018 04 17 CCF Minutes](#)
2. [MC 2018-186](#)      **Regular Council Meeting Draft Minutes May 16, 2018**  
Attachments:      [2018 05 16 RCM Minutes](#)

3. [MC 2018-187](#) **Regular Council Worksession Draft Minutes July 31, 2018**

Attachments: [2018 07 31 RWS Minutes](#)

4. [MC 2018-188](#) **Council Citizen's Forum Draft Minutes September 18, 2018**

Attachments: [2018 09 18 CCF 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 2018-177](#) **Temporary Extension of Premises: Takos & Beer**

Approve a Temporary Extension of Premises/Patio Permit application submitted by Heriberto Guzman, agent for Takos & Beer located at 2071 S. 4th Avenue, for Takos & Beer's First Anniversary celebration on Saturday, October 20, 2018 (EP18-03) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Temporary Extension of Premises: Takos & Beer](#)

3. [MC 2018-178](#) **Special Event Liquor License: Immaculate Conception Church - English Cursillo Dance**

Approve a Special Event Liquor License application submitted by Michael Castaneda on behalf of Immaculate Conception Church for the English Cursillo Dance. The event will take place at St. Anne's Hall, 370 S. Avenue B, on Saturday, November 10, 2018, from 6:30 p.m. to 10:30 p.m. (SP18-34) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: Immaculate Conception Church](#)

4. [MC 2018-164](#)**Liquor License: Nadia's Gianta Pizza**

Approve a new Series #12 Restaurant Liquor License application submitted by Samir Moustafa, agent for Nadia's Gianta Pizza, 2431 S. 4th Avenue (LL18-11) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**

[1. RFCCA Liquor License: Nadia's Gianta Pizza](#)

5. [MC 2018-179](#)**Liquor License: Eduardo's Mexican Food & Cantina**

Approve a new Series #12 Restaurant Liquor License application submitted by William Albert Higuera, agent for Eduardo's Mexican Food & Cantina, 204 S. Madison Avenue (LL18-10) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:**

[1. RFCCA Liquor License: Eduardo's Mexican Food & Cantina](#)

6. [MC 2018-180](#)**Request For Qualifications: Music Promoter Services for City Events**

Authorize the City Administrator to execute a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, with the following promoters: BMC Production & Entertainment, Yuma Arizona; Neste Event Marketing, Brentwood Tennessee; Robb Bower Presents, LLC, San Diego California; Selak Entertainment Inc., Pasadena California and Tronix Sound, LLC, Somerton Arizona; (Parks & Recreation - RFQ #2018-20000192) (Debbie Wendt / Robin R. Wilson)

**Attachments:**

[1. RFCCA RFQ: Music Promoter Services for City Events](#)

[2. SPRDSHEET RFQ: Music Promoter Services for City Events](#)

7. [MC 2018-181](#) **Intergovernmental Agreements: Arizona Department of Public Safety (DPS) Gang and Immigration Intelligence Team Enforcement Mission (GIITEM)**

Authorize the City Administrator to enter into two related Intergovernmental Agreements (IGAs) between City of Yuma Police Department (YPD) and DPS GIITEM wherein: 1) YPD agrees to the assignment of one sworn officer to liaison with the GIITEM task force; and, 2) DPS agrees to provide access to AZ GangNet and YPD agrees to enter documented gang information collected into the system. (Police/Patrol) (John Lekan)

**Attachments:**

- [1. RFCCA IGA: DPS GIITEM](#)
- [2. AGMT IGA: DPS GIITEM 2018-073](#)
- [3. AGMT IGA: DPS GIITEM 2018-074](#)

8. [MC 2018-183](#) **Construction Manager At Risk Selection: Fire Station 4 Remodel**

Authorize the City Administrator to execute a preconstruction services contract for Construction Manager at Risk (CMAR) services on the Fire Station 4 Remodel project in the amount of \$14,946.00 to: CORE Construction, Inc., Phoenix, Arizona. (RFQ #2018-20000194 Engineering) (Jeffrey A. Kramer / Robin R. Wilson)

**Attachments:**

- [1. RFCCA CMAR: Fire Station 4 Remodel Preconstruction](#)
- [2. SPRDSHEET CMAR: Fire Station 4 Remodel Preconstruction](#)

9. [MC 2018-184](#) **Construction Manager At Risk Selection: Utilities System Division Relocation**

Authorize the City Administrator to execute a preconstruction services contract for Construction Manager at Risk (CMAR) services on the Utilities System Division Relocation project in the amount of \$47,668.00 to: CORE Construction, Inc., Phoenix, Arizona (RFQ #2018-20000188 Engineering) (Jeffrey A. Kramer / Robin R. Wilson)

**Attachments:**

- [1. RFCCA CMAR Utilities System Div Relocn](#)
- [2. SPRDSHEET CMAR Utilities System Div Relocn](#)

## 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. [R2018-028](#)      **Designation of Entertainment District: Old Town Zoning District**

Designate the Old Town Zoning District an Entertainment District (Community Development/Planning) (Laurie Lineberry)

**Attachments:**

[1. RFCCA Designation of OT Entertainment District](#)

[2. RES Designation of OT Entertainment District](#)

2. [R2018-029](#)      **Declare A Public Record: 2018 International Building Code**

Declare the 2018 International Building Code a public record and order three copies of each to remain on file with the City Clerk. (Community Development/Building Safety) (Laurie Lineberry)

**Attachments:**

[1. RFCCA 2018 International Building Code](#)

[2. RES 2018 International Building Code](#)

3. [R2018-030](#)      **Declare A Public Record: 2018 International Residential Code for One- and Two-Family Dwellings**

Declare the 2018 International Residential Code for One- and Two-Family Dwellings a public record and order three copies of each to remain on file with the City Clerk. (Community Development/ Building Safety) (Laurie Lineberry)

**Attachments:**

[1. RFCCA 2018 Int Residential Code for One and Two Family Dwellings](#)

[2. RES 2018 International Residential Code for One and Two Family Dwellings](#)

4. [R2018-031](#)      **Declare A Public Record: 2018 International Existing Building Code**

Declare the 2018 International Existing Building Code a public record and order three copies of each to remain on file with the City Clerk. (Community Development/Building Safety) (Laurie Lineberry)

**Attachments:**

[1. RFCCA 2018 International Existing Building Code](#)

[2. RES 2018 International Existing Building Code](#)

5. [R2018-032](#)**Declare A Public Record: 2018 International Property Maintenance Code**

Declare the 2018 International Property Maintenance Code a public record and order three copies of each to remain on file with the City Clerk. (Community Development/Building Safety) (Laurie Lineberry)

**Attachments:**[1. RFCCA 2018 International Property Maintenance Code](#)[2. RES 2018 International Property Maintenance Code](#)6. [R2018-033](#)**Declare A Public Record: 2018 International Swimming Pool and Spa Code**

Declare the 2018 International Swimming Pool and Spa Code a public record and order three copies of each to remain on file with the City Clerk. (Community Development/Building Safety) (Laurie Lineberry)

**Attachments:**[1. RFCCA 2018 International Swimming Pool and Spa Code](#)[2. RES 2018 International Swimming Pool and Spa Code](#)**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. [O2018-039](#)**Declare Real Property Surplus and Authorize Sale or Exchange - SW Corner of 16th Street and 4th Avenue**

Declare approximately 3.85 acres of City-owned real property on the southwest corner of 16th Street and 4th Avenue as surplus, preserving the established Aesthetic Easement, and authorize the sale, lease or exchange of the surplus property. (Administration/Economic Development) (Jeff Burt)

**Attachments:**[1. RFCCA Real Property Sale or Exchange: SW Corner of 16th St. and 4th Ave.](#)[2. ORD Real Property Sale or Exchange: SW Corner of 16th St. and 4th Ave.](#)[3. EXH A Real Property Exchange: SW Corner of 16th St. and 4th Ave.](#)

#### 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.*

1. [O2018-042](#)      **Sale of Surplus Right-of-Way: 2805 S. Avenue B**

Declare certain right-of-way at the southwest corner of Avenue B and 28th Street (2805 S. Avenue B) 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](#)

#### V. BOARDS AND COMMISSIONS REVIEW AND POSSIBLE ACTION

*Discussion and possible action related to City Council's annual review of the current Boards and Commissions, pursuant to the Yuma City Charter.*

*Discussion may result in the Introduction of Ordinances O2018-040 and O2018-041.*

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](#)**VI. PUBLIC HEARING AND RELATED ITEMS**

*There are no public hearings scheduled at this time.*

**FINAL CALL**

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

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

*Discussion and possible action on the following items:*

## 1. Appointments:

- *Water and Sewer Commission: One appointment*
- *Planning and Zoning Commission: One appointment*
- *Parks, Arts, and Recreation Commission: One appointment*
- *Clean and Beautiful Commission: One appointment*



## 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 September 20, 2018 through October 3, 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.

## VIII. SUMMARY OF CURRENT EVENTS

*This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.*

## IX. 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.*

## X. 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, 5 and/or 7) and the following items:*

A. Discussion, consultation with and/or instruction to legal counsel regarding acceptance or rejection of subdivision infrastructure that does not comply with City standards. (ARS 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding anticipated FCC order affecting City of Yuma. (ARS 38-431.03 A3 & A4)

C. Discussion or consultation with City Council in order to consider its position and instruct the City Administrator and City Attorney regarding negotiations with employee organizations on salaries, salary schedules or compensation paid to employees. (ARS 38-431.03 A1, A3, A4 & A5)

D. Discussion, consultation with and/or instruction to legal counsel regarding delinquent utilities contracts. (A.R.S. 38-431.03 A3 & A4)

E. Discussion, consultation with and/or instruction to legal counsel regarding potential litigation. (A.R.S. 38-431.03 A3 & A4)

## **ADJOURNMENT**

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