



City of Yuma City Council Meeting Revised Agenda

Wednesday, August 1, 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

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 2018-137](#) **Council Citizen's Forum Draft Minutes March 20, 2018**
Attachments: [2018 03 20 CCF Minutes](#)

2. [MC 2018-138](#) **Regular Council Worksession Draft Minutes April 3, 2018**
Attachments: [2018 04 03 RWS Minutes](#)

3. [MC 2018-139](#) **Council Citizen's Forum Draft Minutes June 19, 2018**

Attachments: [2018 06 19 CF 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 2018-131](#) **Liquor License: Al's Tavern**

Approve a Series #6 Bar/Person Transfer Liquor License application submitted by Theresa Morse, agent for Al's Tavern located at 2175 S. Harley Drive (LL18-08) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Al's Tavern](#)

3. [MC 2018-132](#) **Off-Track Betting License: Turf Paradise at Showcase Sports Bar**

Approve a request submitted by David Johnson, Vice President of Turf Paradise, for an Off-Track Betting License at Showcase Sports Bar, located at 2703 S. 4th Avenue, with a term to expire on May 31, 2021, to coincide with the term of Turf Paradise's State license. (OTB18-01) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Off-Track Betting License: Showcase Sports Bar](#)

4. [MC 2018-133](#) **Bid Award: Brass Fittings and Miscellaneous Items**

Award to lowest responsive/responsible bidder for Brass Fittings and Miscellaneous Items, a one-year contract with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$60,000.00 depending on the appropriation of funds and satisfactory performance, as needed with the following company: Yuma Winnelson Company Yuma, Arizona (Utilities Department - Bid #2018-20000176) (Jay Simonton)

Attachments:

[1. RFCCA Bid Award: Brass Fittings and Misc Items](#)

[2. SPREADSHEET Bid Award: Brass Fittings and Misc Items](#)

5. [MC 2018-134](#) **Intergovernmental Agreement: City of Somerton**

Authorize the City Administrator to execute an Intergovernmental Agreement with the City of Somerton for the use of the City of Yuma Public Safety Training Facility. (Police/Support Services) (John Lekan)

Attachments:

[1. RFCCA IGA: City of Somerton PSTF](#)

[2. AGMT IGA: City of Somerton PSTF](#)

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. [R2018-018](#) **The formation of a Citizen's Oversight Committee and to establish City data access policies to ensure privacy of our residents**

Authorize and direct the City Administrator to form a Citizen Oversight Committee and establish City policies and procedures for access and use of City data from the anyComm nodes. (City Administration) (Greg Wilkinson)

Attachments:

[1. RFCCA anyComm: Citizen Oversight Committee](#)

[2. RES anyComm: Citizen Oversight Committee](#)

2. [R2018-019](#) **Development Fee Deferral: Trail Estates Unit No. 6 Subdivision**

Adopt a resolution authorizing the City Administrator to execute an agreement to defer City of Yuma development fees and water and sewer capacity charges for Trail Estates Unit No. 6 subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from the date of execution. (Engineering) (Jeff Kramer)

Attachments:

1. [RFCCA Dev Fee Deferral: Trail Estates Unit No. 6](#)
2. [MAP Dev Fee Deferral: Trail Estates Unit No. 6](#)
3. [RES Dev Fee Deferral: Trail Estates Unit No. 6](#)
4. [AGMT Dev Fee Deferral: Trail Estates Unit No. 6](#)

3. [R2018-020](#) **Call of Election: City of Yuma 2018 Special Election**

Call a special election on November 6, 2018, to submit to those persons qualified to vote in the City of Yuma the question of increasing the Transaction Privilege Tax levy by one-half of one percent (0.5%) to provide funding solely dedicated to fixing potholes, improving existing roads and replacing asphalt in the City of Yuma. (Administration/Clerk) (Lynda L. Bushong)

Attachments:

1. [RFCCA Call of Election: 2018 Special Election](#)
2. [RES Call of Election: 2018 Special Election](#)

4. [R2018-021](#) **Real Property Exchange, Settlement and Redevelopment Agreement: PMG Partnership, LLC**

Approve the terms of the Real Property Exchange, Settlement and Redevelopment Agreement (Agreement) and authorize the City Administrator to execute the Agreement and all documents attached as Exhibits to the Agreement on behalf of the City of Yuma. (City Attorney) (Richard Files)

Attachments:

1. [RFCCA PMG Exchange, Settlement and Redevelopment Agmt](#)
2. [RES PMG Exchange, Settlement and Redevelopment Agmt](#)
3. [EXH A PMG Exchange, Settlement and Redevelopment Agmt](#)

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. [O2018-014](#) **Zoning Code Text Amendment: Title 15, Chapter 154, Article 19
"Personal Wireless Communications"**

Amend Yuma City Code, Title 15, Chapter 154, Article 19 to (i) comply with changes to federal and state laws and regulations regarding use of the City's rights-of-ways and facilities by wireless communications providers for the providers' installation, operation, and maintenance of their personal wireless communications facilities, and (ii) to maintain and protect the public safety and welfare through the City's police and land use powers. (ZONE-20543-2017) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Zoning Code Text Amendment: Wireless Communication](#)
- [2. P&Z Zoning Code Text Amendment: Wireless Communication](#)
- [3. ORD Zoning Code Text Amendment: Wireless Communication](#)

2. [O2018-019](#) **Amendment to Yuma City Code: Title 9, Chapter 92,
"Telecommunications"**

Amend Yuma City Code, Title 9, Chapter 92, to (i) comply with changes to state laws and regulations regarding use of the City's rights-of-ways by communications and telecommunications providers, and (ii) to maintain and protect the public safety and welfare through the City's police and land use powers. (City Administration) (Greg Wilkinson)

Attachments:

- [1. RFCCA Telecommunications Code Amendment](#)
- [2. ORD Telecommunications Code Amendment](#)

3. [O2018-030](#) **Vacate Alley Right-of-Way**

Vacate the described alley right-of-way in the 1200 South Block between 2nd Avenue and 3rd Avenue for use as part of the Utilities Administration Complex. (City Attorney) (Richard W. Files)

- Attachments:**
- [1. RFCCA Vacate Alley Right of Way: 1200 South Block between 2nd and 3rd Avenues](#)
 - [2. MAP Vacate Alley Right of Way: 1200 South Block Between 2nd and 3rd Avenues](#)
 - [3. ORD Vacate Alley Right of Way: 1200 South Block Between 2nd and 3rd Avenues](#)
 - [4. EXH A Vacate Alley Right of Way: 1200 South Block Between 2nd and 3rd Avenues](#)

4. [O2018-031](#) **Rezoning of Property: Located at the southeast corner of W. 8th Place and 13th Avenue; and at 887 S. 13th Avenue**

Rezone two parcels with a total area of approximately 23,315 square feet, from the Heavy Industrial (H-I) District to the Low Density Single Family (R-1-5) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at the southeast corner of W. 8th Place and 13th Avenue; and at 887 S. 13th Avenue, Yuma, AZ (ZONE-21751-2018) (supermajority per A.R.S. § 9-462.04(H))(Community Development/Community Planning)(Laurie Lineberry)

- Attachments:**
- [1. RFCCA Rezoning: SE Corner of 8th Pl and 13th Ave and 887 S. 13th Ave](#)
 - [2. EXH A Rezoning: SE Corner of 8th Pl and 13th Ave and 887 S. 13th Ave](#)
 - [3. P&Z Rezoning: SE Corner of W. 8th Pl and 13th Ave and 887 S. 13th Ave](#)
 - [4. ORD Rezoning: SE Corner of 8th Pl and 13th Ave and 887 S. 13th Ave](#)

5. [O2018-032](#) **Zoning Code Text Amendment: Modify the Infill Overlay District**

Amend Title 15, Chapter 154, Article 14, Section 14.09 to modify the Infill Overlay District (IO). (Community Development/Community Planning) (Laurie Lineberry)

- Attachments:**
- [1. RFCCA Zoning Code Text Amendment: Modify the Infill Overlay District](#)
 - [2. P&Z RPT Zoning Code Text Amendment: Modify the Infill Overlay District](#)
 - [3. ORD Zoning Code Text Amendment: Modify the Infill Overlay District](#)

6. [O2018-033](#) **Zoning Code Text Amendment: Corner Markets**

Amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA.Zoning Code Text Amendment: Corner Markets](#)
- [2. P&Z RPT Zoning Code Text Amendment: Final Report](#)
- [3. ORD Zoning Code Text Amendment: Corner Markets](#)

7. [O2018-034](#) **Rezoning of Property: Approximately 14,000 square feet located at the northeast corner of W. 9th Street and S. 2nd Avenue**

Rezone approximately 14,000 square feet from the Light Industrial/Bed and Breakfast Overlay/Infill Overlay (L-I/BB/IO) District to the Low Density Residential/Bed and Breakfast Overlay/Infill Overlay (R-1-6/BB/IO) District. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning of Property: NE Corner of W. 9th St. and 2nd Ave](#)
- [2. P&Z RPT Rezoning of Property: NE Corner of W. 9th St and 2nd Ave](#)
- [3. ORD Rezoning of Property: NE Corner of W. 9th St and S. 2nd Ave](#)

8. [O2018-035](#) **Yuma City Code Amendment: Chapter 37 Taxation**

Amend Section 37-02 (F) of the Tax Code of the City of Yuma setting a new repeal date for the two-level tax rate. (Finance/Administration) (Lisa Marlin)

Attachments:

- [1. RFCCA City Code Amendment: Chapter 37 Taxation](#)
- [2. ORD City Code Amendment: Chapter 37 Taxation](#)

9. [O2018-036](#) **Acquisition of Property: Acquire a portion of PMG property at 16th Street and 4th Avenue**

Authorize the acquisition of real property containing approximately 254 square feet of land for the purpose of redeveloping the northeast corner of the 16th Street and 4th Avenue intersection as well as circulation and access easements. (City Attorney) (Richard Files)

Attachments:

- [1. RFCCA Acquisition: 16th St and 4th Ave - PMG](#)
- [2. ORD Acquisition: 16th St and 4th Ave - PMG](#)

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

There are no public hearings scheduled at this time.

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 July 19, 2018 through August 1, 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 the City of Yuma v. PMG Partnership, LLC. (A.R.S 38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel regarding potential litigation. (A.R.S. 38-431.03 A3 & A4)
- C. Discussion, consultation with and/or instruction to legal counsel regarding Avenue 6E Investments, et al v. COY. (ARS 38-431.03 A3 & A4)
- D. Discussion, consultation with and/or instruction to legal counsel, regarding agreement on West Wetlands to East Wetlands Riverfront Trail (A.R.S. 38-431.03 A3 & A4)
- E. Discussion, consultation with and/or instruction to legal counsel regarding a potential purchase and contract negotiations. (A.R.S. 38-431.03 A3, A4 & A7)

Addition

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.