



City of Yuma City Council Meeting REVISED Agenda

Wednesday, December 20, 2017

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

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 2017-264](#) **Regular Council Meeting Draft Minutes June 7, 2017**
 Attachments: [2017 06 07 RCM Minutes](#)
2. [MC 2017-265](#) **Regular Council Worksession Draft Minutes October 16, 2017**
 Attachments: [2017 10 16 RWS Minutes](#)
3. [MC 2017-266](#) **Regular Council Worksession Draft Minutes November 14, 2017**
 Attachments: [2017 11 14 RWS Minutes](#)

4. [MC 2017-267](#) **Council Citizen's Forum Draft Minutes December 5, 2017**

Attachments: [2017 12 05 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 2017-250](#) **Special Event Liquor License: Yuma Art Symposium, Inc. - Yuma Art Symposium**

Approve a Special Event Liquor License application submitted by Pamela Neely Tomkins on behalf of the Yuma Art Symposium, Inc., for Yuma Art Symposium. The event will take place at the Historic Gowan Building, 370 S. Main Street, on Saturday, February 24, 2018, from 4:00 p.m. to midnight. (SP18-05) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: Yuma Art Symposium, Inc.](#)

3. [MC 2017-251](#) **Special Event Liquor License: North End Rotary Club - Yuma Medjool Date Festival**

Approve a Special Event Liquor License application submitted by Anne Fisher on behalf of the North End Rotary Club for the Yuma Medjool Date Festival. The event will take place at the 200-300 blocks of Main Street on Saturday, January 27, 2018, from 9:00 a.m. to 6:00 p.m. (SP18-06) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: North End Rotary Club](#)

4. [MC 2017-262](#)**Special Event Liquor License: City of Yuma Parks and Recreation Department - Art in the Park**

Approve a Special Event Liquor License Application submitted by Lindsay Benacka on behalf of the City of Yuma Parks and Recreation Department for Art in the Park. The event will take place at Gateway Park located at the north end of Gila Street on Saturday, January 13, 2018, from 12:00 p.m. to 6:30 p.m. (SP18-07) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Special Event Liquor License: City of Yuma Parks and Recreation Department](#)

5. [MC 2017-252](#)**Temporary Extension of Premises: Texas Roadhouse**

Approve a Temporary Extension of Premises/Patio Permit application submitted by Lauren Merrett, agent for Texas Roadhouse located at 594 E. 16th Street, for Bike Night on Wednesday, January 17, 2018, from 5:00 p.m. to 8:00 p.m. (EP17-04) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments:

[1. RFCCA Temporary Extension of Premises: Texas Roadhouse](#)

6. [MC 2017-254](#)**Bid Award: HVAC Services**

Award to the lowest three responsive and responsible bidders a one-year contract for heating, ventilation, and air conditioning (HVAC) services, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance for an estimated annual amount of \$220,000.00 (including tax) to: Hansberger Refrigeration, Yuma, Arizona; Polar Cooling, Yuma, Arizona; and, TRANE US, Inc., Tucson, Arizona, (Bid #2018-20000076 Citywide) (Robin R. Wilson)

Attachments:

[1. RFCCA Bid Award: HVAC Services](#)

[2. SPRDSHEET Bid Award HVAC Services](#)

7. [MC 2017-255](#) **Cooperative Purchase Agreement: Yuma Regional Communication System Public Safety Software System Upgrade**

Authorize the purchase of server hardware to support the Yuma Regional Communication System (YRCS) public safety software system upgrade utilizing the State of Arizona contract, at an estimated amount of \$435,745.10 to: Transource Services Corp., Phoenix, Arizona. (Information Technology Services - Bid #2018-20000001) (Kathleen Fernandez/Robin Wilson)

Attachments: [1. RFCCA YRCS Server Hardware](#)

8. [MC 2017-256](#) **Intergovernmental Agreement: Yuma Union High School District No. 70**

Authorize the City Administrator, or his designee, to execute an intergovernmental agreement with Yuma Union High School District No. 70 for the School Resource Officer program. (Police/Patrol) (John Lekan)

Attachments: [1. RFCCA IGA: Yuma Union High School District No. 70](#)
[2. AGMT IGA: Yuma Union High School District No. 70](#)
[3. Attachment A: Yuma Union High School District No. 70](#)

9. [MC 2017-257](#) **Intergovernmental Agreement: Yuma Elementary School District No. 1**

Authorize the City Administrator, or his designee, to execute an intergovernmental agreement with Yuma Elementary School District No.1 for the School Safety Program for a three-year period. (Police/Patrol) (John Lekan)

Attachments: [1. RFCCA Memorandum of Understanding: Yuma Elementary School District 1](#)
[2. AGMT Memorandum of Understanding: Yuma Elementary School District 1](#)

10. [MC 2017-258](#) **Outside Agency Agreement: Amberly's Place**

Authorize the City Administrator to execute an agreement with Amberly's Place providing funding in the amount of \$52,380.00 for FY2017-2018 and setting performance standards. (Police/Administration) (John Lekan)

Attachments: [1. RFCCA Outside Agency Agreement: Amberly's Place 2017-2018](#)
[2. AGMT Outside Agency Agreement: Amberly's Place 2017-2018](#)

11. [MC 2017-259](#) **Outside Agency Agreement: Catholic Community Services In Western Arizona - Safe House Program**

Authorize the City Administrator to execute an agreement with Catholic Community Services in Western Arizona (CCS) - Safe House Program providing funding in the amount \$15,500.00 for FY2017-2018 and setting performance standards. (Police/Administration) (John Lekan)

Attachments:

- [1. RFCCA Outside Agency Agreement: Catholic Community Services 2017-2018](#)
- [2. AGMT Outside Agency Agreement: Catholic Community Services](#)

12. [MC 2017-260](#) **Outside Agency Agreement: Crossroads Mission**

Authorize the City Administrator to execute an agreement with Crossroads Mission providing funding in the amount of \$27,000.00 for FY2017-2018. (Police/Administration) (John Lekan)

Attachments:

- [1. RFCCA Outside Agency Agreement: Crossroads Mission](#)
- [2. AGMT Outside Agency Agreement: Crossroads Mission](#)

13. [MC 2017-261](#) **Job Order Authorization: Repairs to Figueroa Avenue Water Pollution Control Facility**

Authorize a job order with PCL Construction, Inc., in the amount not to exceed \$613,844.81, for capital improvements to the Figueroa Avenue Water Pollution Control Facility (FWPCF) pursuant to the City's Municipal Water and Wastewater Treatment Plant Infrastructure Job Order Contract. (Engineering) (Jeff Kramer)

Attachments:

- [1. RFCCA JOC Figueroa Avenue repairs](#)
- [2. AGMT JOC Figueroa Avenue repairs](#)

14. [MC 2017-242](#) **Infrastructure & Services Report: ANEX-19716-2017 Avenue 3E and 40th Street**

Approve an Infrastructure and Services Report for Annexation Area No. ANEX-19716-2017, identified as the Avenue 3E and 40th Street Annexation, located at the southeast corner of Avenue 3E and 40th Street. (Community Development / Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA ANEX-19716-2017 Avenue 3E and 40th Street Infra Report](#)

15. [MC 2017-263](#)**Intergovernmental Agreement and Easement: Yuma Elementary School District One**

Authorize the City Administrator to execute an intergovernmental agreement (Agreement) with Yuma Elementary School District One for (i) the design and construction of a multi-use pathway and school crossing beacons along the east side of Avenue 6E, and (ii) the construction and use of stormwater retention facilities in substantially the same form as the attached Agreement. The stormwater retention facilities will also serve as athletic fields for the District. The Agreement includes a form of a non-exclusive easement establishing stormwater retention as the primary use of the described real property. (Attorneys Office) (Richard Files)

Attachments:[1. RFCCA IGA Yuma Elementary School District One](#)[2. AGR IGA Yuma Elementary School District One](#)**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. [R2017-030](#)**Intention to Create Municipal Improvement District No. 100: Park West Units 4 & 5**

Approve the creation of Municipal Improvement District No. 100 to serve Park West Units 4 & 5. (Community Development / Community Planning) (Laurie Lineberry)

Attachments:[1. RFCCA Intent to Create a MID: Park West Units 4 & 5](#)[2. RES Intent to Create a MID: Park West Units 4 & 5](#)[3. EXH A Intent to Create a MID: Park West Units 4 & %](#)

2. [R2017-034](#) **Intention to Create Municipal Improvement District No. 102: Cielo Verde Unit Three Phases 1 and 2**

Approve the creation of Municipal Improvement District No. 102 to serve Cielo Verde Unit Three Phases 1 and 2. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Municipal Improvement District No. 102: Cielo Verde Unit Three](#)
- [2. RES Municipal Improvement District No. 102: Cielo Verde Unit Three](#)
- [3. EXH A Municipal Improvement District No. 102: Cielo Verde Unit Three](#)
- [4. EXH A Municipal Improvement District No. 102: Cielo Verde Unit Three](#)

3. [R2017-035](#) **Preannexation Development Agreement: Avenue 6E Land L.L.C. and Saguaro Desert Land, Inc. - REVISED**

Authorize and approve the execution of a preannexation development agreement with the owners of the described 105 acres of land located at the southwest corner of Avenue 6E and 44th Street. (City Administration) (Gregory K. Wilkinson)

Attachments:

- [1. RFCCA Preannexation Dev. Agmt.: Ave. 6E Land and Saguaro Desert Land, Inc. Driftwood](#)
- [2. RES Preannexation Dev. Agmt.: Ave 6E Land LLC and Saguaro Desert Land, Inc. Driftwood](#)
- [3. EXH 1 Preannexation Dev. Agmt.: Ave. 6E Land and Saguaro Desert Land, Inc. Driftwood](#)

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. [O2017-048](#) **Yuma Riverfront Modification Agreement, Third Amendment to Yuma Riverfront Development First Phase Land and Improvements Lease, and Non-Disturbance and Recognition Agreement - ADDITION**

Approve the terms and authorize the City Administrator to execute the following documents on behalf of the City of Yuma: (1) Yuma Riverfront Modification Agreement, (2) Third Amendment to Yuma Riverfront Development First Phase Land and Improvements Lease, and (3) Non-Disturbance and Recognition Agreement attached as Exhibits A, B and C to the ordinance. (City Administration/City Attorney) (Richard Files)

Attachments:

- [1. RFCCA Yuma Riverfront Agreement, Amendment, Lease and NDRA](#)
- [2. ORD Yuma Riverfront Agreement, Amendment, Lease and NDRA](#)
- [3. EXH A Yuma Riverfront Agreement, Amendment, Lease and NDRA](#)
- [4. EXH B Yuma Riverfront Agreement, Amendment, Lease and NDRA](#)
- [5. EXH C Yuma Riverfront Agreement, Amendment, Lease and NDRA](#)

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. [O2018-001](#) **Rezoning of Property: 632, 636, and 642 S. 4th Avenue**

Rezone two parcels totaling approximately 0.32 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District. The property is located at 632, 636, and 642 S. 4th Avenue, Yuma, AZ (ZONE-19717-2017). (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning of Property: 632, 636 and 642 S. 4th Ave](#)
- [2. P&Z RPT Rezoning of Property: 632, 636 and 642 S. 4th Ave](#)
- [3. ORD Rezoning of Property: 632, 636 and 642 S. 4th Ave](#)

2. [O2018-002](#) **Rezoning of Property: Northeast corner of 36th Street and Avenue 4 1/2 E**

Rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located at the northeast corner of 36th Street and Avenue 4 1/2 E. (ZONE-19718-2017).

Attachments:

- [1. RFCCA Rezoning: 36th St. and Ave 4 1/2 E](#)
- [2. P&Z Rezoning: 36th St and Ave 4 1/2 E](#)
- [3. ORD Rezoning: 36th St and Ave 4 1/2 E](#)

3. [O2018-003](#) **Rezoning of Property: 36th Street and the B 3.7 Canal Lateral**

Rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located along 36th Street and the B 3.7 Canal Lateral. (ZONE-19719-2017) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

- [1. RFCCA Rezoning of Property: 36th St. and the B 3.7 Canal Lateral](#)
- [2. P&Z RPT Rezoning of Property: 36th St. and the B 3.7 Canal Lateral](#)
- [3. ORD Rezoning of Property: 36th St. and the B 3.7 Canal Lateral](#)

4. [O2018-004](#)**Annexation Area No. ANEX-19716-2017: Avenue 3E and 40th Street**

Authorize annexation of property generally located at the southeast corner of Avenue 3E and 40th Street. (ANEX-19716-2017)
(Community Development/Community Planning)(Laurie Lineberry)

Attachments:

[1. RFCCA ANEX-19716-2017 Avenue 3E and 40th Street](#)

[2. PETITION ANEX-19716-2017 Avenue 3E and 40th Street](#)

[3. ORD ANEX-19716-2017 Avenue 3E and 40th Street](#)

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:

- *Yuma Fire Public Safety Board: One appointment*
- *Yuma Public Safety Police Board: 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 December 7, 2017 through December 20, 2017. 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 pre-annexation development agreement: Avenue 6E Land, L.L.C. and Saguaro Desert Land, Inc. (A.R.S 38-431.03 A3 & A4) - ADDITION

B. 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)

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.