



City of Yuma City Council Meeting Agenda

Wednesday, February 15, 2017

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2008-55 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 2017-034](#) **Regular Council Meeting Draft Minutes June 1, 2016**
Attachments: [1. 2016_06_01_RCM_Minutes.docx](#)
2. [MC 2017-035](#) **Regular Council Meeting Draft Minutes June 15, 2016**
Attachments: [1. 2016_06_15_RCM_Minutes.docx](#)
3. [MC 2017-036](#) **Regular Council Meeting Draft Minutes August 3, 2016**
Attachments: [1. 2016_08_03_RCM_Minutes.docx](#)
4. [MC 2017-037](#) **Council Citizen's Forum Draft Minutes January 17, 2017**
Attachments: [1. 2017_01_17_CCF_Minutes.docx](#)
5. [MC 2017-038](#) **Council Citizen's Forum Draft Minutes January 31, 2017**
Attachments: [1. 2017_01_31_CCF_Minutes.docx](#)

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 2017-033](#) **Liquor License: Sprouts Farmers Market #35**

Approve an application for a new Series #10 Beer & Wine Store Liquor License with Sampling Privileges submitted by Amy Nations, agent for Sprouts Farmers Market #35 located at 1590 S. 4th Avenue, Unit A (LL16-17) (City Administration/City Clerk)
(Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Sprouts Farmers Market #35](#)

3. [MC 2017-023](#) **Special Event Liquor License: Officers' Spouses' Club of MCAS Yuma - Semper Fi Spring Benefit**

Approve a Special Event Liquor License application submitted by Samantha Smith on behalf of the Officers' Spouses' Club of MCAS Yuma for the Semper Fi Spring Benefit. The event will take place at Joe Foss Hangar located at 4100 S. Arizona Avenue on Saturday, March 25, 2017, from 7:00 p.m. to 11:00 p.m. (SP17-08) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: Officers' Spouses' Club of MCAS Yum](#)

4. [MC 2017-024](#) **Special Event Liquor License: Caballeros de Yuma, Inc. - Midnight at the Oasis**

Approve a Special Event Liquor License application submitted by Barry Olsen on behalf of Caballeros de Yuma, Inc., for Midnight at the Oasis. The event will take place at Desert Sun Stadium located at 1280 West Desert Sun Drive on Friday, March 3, 2017, from 8:00 a.m. to 12:00 a.m.; Saturday, March 4, 2017, from 8:00 a.m. to 12:00 a.m.; and, Sunday, March 5, 2017, from 8:00 a.m. to 2:00 p.m. (SP17-09) (City Administration/ City Clerk) (Lynda L. Bushong)

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

5. [MC 2017-025](#) **Bid Award: 1st Avenue - 24th Street to 26th Street Pavement Replacement Project**

Award to the lowest responsible and responsive bidder for the construction of the 1st Avenue - 24th Street to 26th Street Pavement Replacement Project in the amount of \$428,009.00 to: Cemex Construction Materials South LLC, Yuma, Arizona. (Public Works - Bid #2017-20000116) (Joel Olea / Jay Simonton / Melinda Holmes)

Attachments: [1. RFCCA Bid Award: Pavement Replacement Project](#)
[2. SPRDSHEET Bid Award: Pavement Replacement Project](#)

6. [MC 2017-026](#)**Bid Award: Araby Road and Interstate 8 - 16" Water Line Relocation Project**

Award to the lowest responsible and responsive bidder for the construction of the Araby Road and Interstate 8 - 16" Water Line Relocation Project in the amount of \$394,241.00 to: Yuma Valley Contractors, Yuma, Arizona (Utilities - Bid #2017-20000142) (Jay Simonton / Melinda Holmes)

Attachments:[1. RFCCA Bid Award: Water Line Relocation Project](#)[2. SPRDSHEET Bid Award: Water Line Relocation Project](#)7. [MC 2017-027](#)**Bid Award: Exterior Recoating 16th Street Ground Storage Tanks 1 - 3**

Award to the lowest responsible and responsive bidder for the construction of the Exterior Recoating 16th Street Ground Storage Tanks 1-3 in the amount of \$612,726.07 to: Southwest Tank and Steel, Inc., Camp Verde, Arizona. (Utilities - Bid #2017-20000122) (Jay Simonton / Robin Wilson)

Attachments:[1. RFCCA Exterior Recoating of 16th St Tanks 2017-20000122.docx](#)[2. SPRDSHEET Exterior Recoating 16th Street Ground Storage Tanks](#)8. [MC 2017-028](#)**Bid Award: PVC Plastic Pipe, Fittings, and Related Accessories**

Award to the two responsive and responsible bidders with the highest discount offered for PVC Plastic Pipe Fittings and Related Accessories, a one-year contract with option to renew for four additional one-year periods depending on the appropriation of funds and satisfactory performance to: Yuma Winnelson Co., Yuma, Arizona and Yuma Nursery LLC, Yuma, Arizona. (Citywide - Bid #2017-20000107) (Robin R. Wilson)

Attachments:[1. RFCCA Bid Award: PVC Plastic Pipe, Fittings, and Related Accessories](#)[2. SPRDSHEET Bid Award: PVC Plastic Pipe, Fittings, and Related Accessorie:](#)9. [MC 2017-029](#)**Cooperative Purchase Agreement: Motorcycles / Traffic Units**

Authorize the use of the cooperative purchase agreement initiated by the State of Arizona for the purchase of five Motorcycles / Traffic Units for an estimated amount of \$185,135.17 to the following awarded vendor: Victory Police Motorcycles, Tucson, Arizona; (Bid #2017-20000120 - Police Department) (John Lekan/ Robin R. Wilson)

Attachments:[RFCCA Victory Motorcycles 2017-20000120.docx](#)

10. [MC 2017-031](#) Final Plat: Cielo Verde Unit 5

Approve the final plat for the Cielo Verde Unit 5 Subdivision. The property is located at the southwest corner of 37th Street and Avenue 8 1/2 E, Yuma, AZ. The applicant is Cielo Verde Development Limited Partnership. (SUBD-16173-2016) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

[1. RFCCA Final Plat: Cielo Verde Unit 5](#)

[2. RPT Final Plat: Cielo Verde Unit](#)

11. [MC 2017-032](#) Final Plat: Trail Estates #6

Approve the final Plat for Trail Estates #6 Subdivision. The property is located at the southeast corner of 36th Street and Avenue 8 ½ E, Yuma, AZ. The applicant is Dahl, Robins, and Associates, on behalf of Trail Estates Development, LLC. (SUBD-15710-2016) (Community Development/Community Planning) (Laurie Lineberry)

Attachments:

[1. RFCCA Final Plat: Trail Estates #6](#)

[2. RPT Final Plat: Train Estates #6](#)

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.

There are no resolutions scheduled for adoption at this time.

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. [O2017-002](#) **Easement Exchange: Northwest Corner of 16th Street & 4th Avenue**

Accept a new utility easement and declare as surplus a certain easement right-of-way generally located at the Northwest corner of 16th Street & 4th Avenue. (Engineering/ Development Engineering) (Joshua Scott)

Attachments:

[1. RFCCA Kenyons Market Utility Easement](#)

[2. MAP Kenyons Market Utility Easement](#)

[3. ORD Kenyons Market Utility Easement](#)

[4. DEED Kenyons Market Utility Easement Quit Claim Deed](#)

[5. EASEMENT Kenyons Market Utility Easement Grant of Easement](#)

2. [O2017-003](#) **Vacating of Right-of-Way, Surplus and Sale of Property and Amendment of Resolution R2016-041**

Vacate certain 4 ½ E right-of-way, declare as surplus two parcels of City-owned real property totalling approximately 28,009.564 square feet at the northwest corner of Avenue 4 ½ E and 36th Street, authorize the sale of the surplus real property, and amend Resolution No. R2016-041 to include the sale of the additional property to ST Partners, LLC (Almark Foods). (Administration) (Ricky Rinehart)

Attachments:

[1. RFCCA 4-1/2 E and 36th Street](#)

[2. MAP 4-1/2 E and 36th Street](#)

[3. ORD 4-1/2 E and 36th Street](#)

[4. EXHIBITS A-C 4-1/2 E and 36th Street](#)

3. [O2017-004](#)**Reserve Easement and Vacate Right-of-Way: East 21st Street at Arizona Avenue**

Reserve a utility easement then declare as surplus the described portion of 21st Street between Blocks 11 (APN 665-52-202) and 12 (APN 665-52-201) of Mesa Heights Unit 3 subdivision at Arizona Avenue and vacate the property to the abutting property owners. Under Ordinance O2016-002, the abutting properties were declared surplus and acquired by the Housing Authority of the City of Yuma ("HACY") to construct affordable rental housing. Title to the vacated property will vest with the abutting property owners in accordance with A.R.S. § 28-7205 upon the recording of a quit claim deed. (Community Development/Neighborhood Services) (Laurie Lineberry)

Attachments:[1. RFCCA Vacate 21st Street RFCCA](#)[2. MAP Vacate 21st Street](#)[3. ORD Vacate 21st Street](#)4. [O2017-005](#)**Statutory Compliance Hearing/Amendment: Ordinance O2007-15, 32nd Street and Avenue 7 1/2 E**

Conduct a public hearing pursuant to Arizona Revised Statutes § 9-462.01 to determine compliance with the conditions of approval for rezoning property at 32nd Street near 7 ½ E, and amend Ordinance O2007-15 to extend the time to comply with the rezoning conditions. (Community Development/Community Planning) (Laurie Lineberry)

Attachments:[1. RFCCA Statutory Compliance Hrg.: 32nd St. and Ave. 7 1/2 E](#)[2. RPT Statutory Compliance Hrg.: 32nd St. and Ave. 7 1/2 E](#)[3. ORD Statutory Compliance Hrg.: 32nd St. and Ave. 7 1/2 E](#)

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. [O2017-006](#) **Amend Yuma City Code: Chapter 39 Municipal Court**

Amend Chapter 39 of the Yuma City Code to add provisions for Municipal Court Officers.

Attachments:

[1. RFCCA Amend Ch 39 Municipal Court](#)

[2. ORD Amend Ch 39 Municipal Court Officer.doc](#)

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:

- *City Attorney*

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 February 2, 2017 through February 15, 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 Ordinance O2017-006, Yuma City Code Amendment of Chapter 39, Municipal Court. (A.R.S. 38-431.03 A3)

B. Discussion, consultation with and/or instruction to legal counsel regarding the following legal matters (ARS 38-431.03 A3, A4 and A7):

1. COY v. PMG, et al
2. Avenue 6E Investments v. COY
3. Pearce v. COY
4. Esquivel v. Carrillo & COY
5. Smith v. COY, et al
6. Dyer v. COY
7. Loucel, et al v. COY, et al
8. Armendariz v. Padilla, et al
9. Tekelu v. COY, et al

10. COY v. Clark, et al
11. Siegfried v. COY
12. State Farm Mutual v. Martinez & COY
13. COY v. Valdez
14. COY v. Medina-Tapia
15. Todd Claim
16. McCain Claim
17. City of Tucson, et al v. The State of Arizona, et al (Pima County case)
18. State of Arizona v. City of Tucson, et al (Supreme Court)

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.