



City of Yuma City Council Meeting Agenda

Wednesday, August 16, 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

- *Recognition of Representative Darin Mitchell*

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 2017-163](#) **Regular Council Worksession Draft Minutes April 18, 2017**
Attachments: [2017 04 18 RWS Minutes](#)
2. [MC 2017-164](#) **Regular Council Worksession Draft Minutes May 2, 2017**
Attachments: [2017 05 02 RWS Minutes](#)

3. [MC 2017-165](#) **Regular Council Worksession Draft Minutes May 16, 2017**

Attachments: [2017 05 16 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 2017-154](#) **Liquor License: Harkins Yuma Palms**

Approve an application for a Person/Location Transfer for a Series #7 Beer and Wine Bar Liquor License submitted by Andrea Lewkowitz, agent for Harkins Yuma Palms located at 1321 S. Yuma Palms Parkway (LL17-09) (City Administration /City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Harkins Yuma Palms](#)

3. [MC 2017-161](#) **Liquor License: Pacific Avenue Athletic Complex**

Approve a new Series #5 Government Liquor License application submitted by Deborah Wendt, agent for the Pacific Avenue Athletic Complex located at 1700 E. 8th Street (LL17-10) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Liquor License: Pacific Avenue Athletic Complex](#)

4. [MC 2017-156](#) **Special Event Liquor License: City of Yuma Parks & Recreation - USA 2017 Class E National Men's 12" Softball Tournament**

Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks & Recreation for the USA 2017 Class E National Men's 12" Softball Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Friday, September 1, 2017, through Monday, September 4, 2017, from 12:00 p.m. to 12:00 a.m. (LL17-20) (City Administration/City Clerk) (Lynda L. Bushong)

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

5. [MC 2017-157](#) **Special Event Liquor License: City of Yuma Employee Association - Adult Softball League Tournament**

Approve a Special Event Liquor License application submitted by Linda Johnson on behalf of the City of Yuma Employee Association for the Adult Softball League Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Monday, September 11, 2017, through Thursday, September 14, 2017, from 5:00 p.m. to 12:00 a.m. (LL17-24) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. RFCCA Special Event Liquor License: City of Yuma Employee Association](#)

6. [MC 2017-162](#) **Special Event Liquor License: City of Yuma Parks & Recreation - Law Enforcement and Border Patrol Tournament**

Approve a Special Event Liquor License application submitted by Joe Cox on behalf of City of Yuma Parks & Recreation for the Law Enforcement and Border Patrol Tournament. The event will take place at the Pacific Avenue Athletic Complex located at 1700 E. 8th Street on Saturday, September 16, 2017, and Sunday, September 17, 2017, from 8:00 a.m. to 12:00 a.m. (LL17-21) (City Administration/City Clerk) (Lynda L. Bushong)

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

7. [MC 2017-155](#) **Cooperative Purchase Agreement: Siemens Industry, Inc., Building Technologies Division**

Authorize the City Administrator to execute an energy performance agreement ("Agreement") with Siemens Industry, Inc., Building Technologies Division (Siemens), using a cooperative purchase agreement with the State of Arizona. The Agreement will increase the energy efficiency of the City's streetlights through the installation of LED lights and new ballasts. The Agreement guarantees the upgrades will save the City more than \$3.85 million over the next 10 years in energy and operational costs. (City Administration) (Greg Wilkinson)

Attachments: [1. RFCCA Agreement: Siemens Industry, Inc.](#)
[2. AGMT Agreement: Siemens Industry, Inc.](#)

8. [MC 2017-160](#) **Agreement: anyCOMM Holdings Corporation**

Authorize the City Administrator to negotiate and execute (1) a Strategic Joint Development Agreement ("SJDA"), (2) a Master Smart Communities Agreement, (3) a Node Deployment Agreement, and (4) a Master Node Network Siting and License Agreement with anyCOMM Holdings Corporation ("anyCOMM") for approximately 10,000 devices ("Nodes"). (City Administration/Gregory K. Wilkinson)

- Attachments:**
1. [RFCCA Agreement: anyCOMM Holdings Corporation](#)
 2. [SJDA Agreement: anyCOMM Holdings Corporation](#)
 3. [MSCA Agreement: anyCOMM Holdings Corporation](#)
 4. [NDA Agreement: anyCOMM Holdings Corporation](#)
 5. [MNNS&LA Agreement: anyCOMM Holdings Corporation](#)

9. [MC 2017-159](#) **Fleet Service Maintenance Shop**

Review the cost study for the Fleet Service Maintenance Shop and provide direction to City staff. (Public Works) (Joel Olea)

- Attachments:**
1. [RFCCA Fleet Services Maintenance Shop](#)
 2. [SUP DOC Fleet Services Maintenance Shop](#)

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. [R2017-020](#) **Agreement Amendment: Lower Colorado River Multi-Species Conservation Program Arizona**

Authorize the City Administrator to ratify the First Supplement to the Trust and Indenture and Joint Payment Agreement for the Lower Colorado River Multi-Species Conservation Program Agreement which was originally approved by motion, and to execute a Second Supplement to the same Agreement. (Utilities/Administration) (Jay Simonton)

- Attachments:**
1. [RFCCA Agmt. Amend: Lower Colorado MSCP](#)
 2. [RES Agmt. Amend: Lower Colorado MSCP](#)
 3. [EXH 1 Agmt. Amend: Lower Colorado MSCP](#)
 4. [EXH 2 Agmt. Amend: Lower Colorado River MSCP](#)

2. [R2017-021](#) **Standard Form Consent Agreements: Bureau of Reclamation and Yuma Mesa Irrigation and Drainage District**

Authorize the City Administrator to enter into standard form Consent Agreement with the Bureau of Reclamation and Yuma Mesa Irrigation and Drainage District for the construction, operation and maintenance of City utility and roadway infrastructure on Bureau of Reclamation rights-of-way. (Engineering/Administration) (Jay Simonton)

Attachments: [1 RFCCA Agreement: BOR and YMIDD](#)
[2 RES Agreement: BOR and YMIDD](#)
[3 EXH A Agreement: BOR and YMIDD](#)

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. [O2017-025](#) **Streets and Traffic Code Text Amendment: Parking Trucks and Trailers on Residential Streets**

Amend Title 21, Chapter 212, Article 11 Parking Trucks and Trailers on Residential Streets to insert language about the idling of vehicles on and update the the types of vehicles which are permitted to stand, idle or park on residential streets. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA City Code Text Amendment: Streets and Traffic](#)
[2. ORD City Code Text Amendment: Streets and Traffic](#)

2. [O2017-026](#) **Zoning Code Text Amendment: Rooming and Boarding Houses**

Amend Title 15, Chapter 154 to add definitions related to rooming and boarding houses and to identify residential zoning districts which will allow rooming and boarding houses, either as a permitted principal use or as a conditional use. (Community Development/Community Planning) (Laurie Lineberry)

Attachments: [1. RFCCA Zoning Code Text Amendment: Rooming and Boarding Houses](#)
[2. P&Z REPORT Zoning Code Text Amendment: Rooming and Boarding Houses](#)
[3. ORD Zoning Code Text Amendment: Rooming and Boarding Houses](#)

3. [O2017-027](#) **Zoning Code Text Amendment: Planning and Zoning Commissioner Meeting Participation**

Amend Title 15, Chapter 154, Section 02.01 to add rules and regulations allowing the voice or video appearance by a Planning and Zoning Commissioner. (Community Development/Community Planning) (Laurie Lineberry)

- Attachments:**
- [1. RFCCA Zoning Code Text Amendment: Voice or video appearance](#)
 - [2. P&Z REPORT Zoning Code Text Amendment: Voice or video appearance](#)
 - [3. ORD Zoning Code Text Amendment: Voice or video appearance](#)

4. [O2017-028](#) **Rezoning of Property: 5875 E. Gila Ridge Road**

Rezone approximately 2.49 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located at 5875 E. Gila Ridge Road. (ZONE-17957-2017). (Community Development/Community Planning) (Laurie Lineberry)

- Attachments:**
- [1. RFCCA Rezoning of Property: 5875 E. Gila Ridge Road](#)
 - [2. P&Z RPT Rezoning of Property: 5875 E. Gila Ridge Road](#)
 - [3. ORD Rezoning of Property: 5875 E. Gila Ridge Road](#)

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. [O2017-029](#) **Development Fees Code Text Amendment: Waivers and Infill**

Amend Title 15 Land Usage, Chapter 157 City of Yuma Development Fees (Sections: 01 and 02) to correct the use of Waivers and to include the Infill Overlay District as an area eligible for a Waiver of Development Fees. (Community Development/Community Planning) (Laurie Lineberry)

- Attachments:**
- [1. RFCCA Code Amendment: Waivers and Infill](#)
 - [2. ORD Code Amendment: Waivers and Infill](#)

2. [O2017-030](#) **Declare Surplus and Authorize Sale: 9503 S. Avenue 7E**

Adopt an ordinance declaring a City-owned residential structure, located on non-city-owned property at 9503 S. Avenue 7E, as surplus property and authorize sale of the surplus residence to the owners of the real property on which the structure is located. (City Attorney) (Richard W. Files)

Attachments:

- [1. RFCCA Surplus Property Declaration: Avenue 7E](#)
- [2. MAP Surplus Property Declaration: Avenue 7E](#)
- [3. ORD Surplus Property Declaration: Avenue 7E](#)

3. [O2017-031](#) **Code Text Amendment: Water and Sewer Security Deposits**

Amend the Yuma City Code as it pertains to the collection of utility customer social security numbers (SSN). (Finance/ Administration) (Pat Wicks)

Attachments:

- [1. RFCCA Text Amendment: Water and Sewer Security Deposits](#)
- [2. ORD Text Amendment: Water and Sewer Service Deposit](#)

V. CITIZENS REVENUE COMMITTEE

Discussion and possible action regarding the implementation of a Citizens Revenue Committee

VI. PUBLIC HEARING AND RELATED ITEMS

Resolution R2017-010 may be adopted in conjunction with the below noted public hearing.

1. [R2017-010](#) **Public Hearing: Old Town South Subarea Revitalization Plan 2016 Implementation Strategy**

Hold the public hearing on the City of Yuma - Old Town South Subarea Revitalization Plan 2016 Implementation Strategy, and approve and adopt the Old Town South Subarea Revitalization Plan 2016 Implementation Strategy. (City Administration / YCNHA) (Charles Flynn)

Attachments:

- [1. RFCCA Public Hearing: Old Town South](#)
- [2. PLAN Public Hearing: Old Town South](#)
- [3. RES Public Hearing: Old Town South](#)

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:

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 August 3, 2017 through August 16, 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.

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 and/or 7) and the following items:

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

- Avenue 6E Investments, et al v. COY
- Todd v. COY, et al
- Pearce v. COY, et al
- Dyer v. COY
- Loucel, et al v. COY, et al
- Armendariz v. Padilla, et al
- Tekelu v. COY, et al
- COY v. Clark, et al
- Nicholas Fabela Claim
- Chris Yamashita Claim
- First Amendment Claims against government
- City of Tucson, et al v. The State of Arizona, et al (Pima County case)
- State of Arizona, ex rel. Mark Brnovich v. City of Tucson, et al (Supreme Court)
- COY v. PMG, et al

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.