



City of Yuma City Council Meeting Agenda

Wednesday, July 18, 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

- *Recognition of Citizen Support*
- *Recognition of Outgoing Board and Commission Members*

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 2018-135](#) **Regular Council Worksession Draft Minutes March 20, 2018**
Attachments: [2018 03 20 RWS Minutes](#)
2. [MC 2018-136](#) **Regular Council Meeting Draft Minutes March 21, 2018**
Attachments: [2018 03 21 RCM 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 2018-121](#) **Special Event Liquor License: City of Yuma Parks and Recreation Department - Beat the Heat Block Party**

Approve a Special Event Liquor License application submitted by Lindsay Benacka on behalf of the City of Yuma Parks and Recreation Department for the Beat the Heat Block Party. The event will take place on the 200-300 block of Main Street on Friday, August 17, 2018, from 12:00 p.m. to 1:00 a.m. (SP18-26) (City Administration/City Clerk) (Lynda L. Bushong)

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

3. [MC 2018-122](#) **Bid Award: Environmental Laboratory Testing Services**

Authorize the City Administrator to negotiate and execute a one-year contract for Environmental Laboratory Testing Services, 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, for an estimated annual expenditure of \$185,000.00, with the following firms: Aquatic Consulting & Testing, Inc., Tempe, Arizona; Eurofins Eaton Analytical, LLC, Monrovia, California; TestAmerica Analytical Testing Corporation, Phoenix, Arizona; Turner Laboratories, Inc., Tucson, Arizona; (Utilities Department - RFP 2018-20000107) (Jay Simonton / Robin R. Wilson)

Attachments: [1. RFCCA Bid Award: Environmental Laboratory Testing Services](#)
[2. SPRDSHEET Bid Award: Environmental Laboratory Testing Services](#)

4. [MC 2018-123](#) **Bid Award: Hot and Cold Mix (Asphaltic Concrete)**

Award to lowest responsive/responsible bidders for Hot and Cold Mix (Asphaltic Concrete) with the option to renew for four additional one-year periods, one period at a time, depending on the availability of funds and satisfactory performance for an estimated annual expenditure of \$170,000.00 with the following companies: BLT Asphalt, LLC, Yuma, Arizona; Vulcan Materials, Company, Flagstaff, Arizona; (Public Works/Streets - Bid #2018-20000148) (Joel Olea / Robin R. Wilson)

Attachments:

[1. RFCCA Bid Award: Hot and Cold Mix \(Asphaltic Concrete\)](#)

[2. SPRDSHEET Bid Award: Hot and Cold Mix \(Alphaltic Concrete\)](#)

5. [MC 2018-124](#) **Bid Award: Uniforms (Rental)**

Award to the lowest responsive/responsible bidder meeting specifications for Uniforms (city wide), a one-year contract, with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance at an estimated annual expenditure of \$41,000.00 to: UniFirst Company, San Diego, California (Bid #2018-20000128) (Robin R. Wilson)

Attachments:

[1. RFCCA Uniforms \(Rental\) 2018-20000128City Wide.docx](#)

[2. SPRDSHEET Uniforms City Wide.xlsx](#)

6. [MC 2018-130](#) **YRCS Microsoft Licenses for Public Safety Software Systems Upgrade**

Authorization to use the Arizona NVP Software Contract number ADSP017-149774 to purchase Microsoft software required for the YRCS Public Safety Software System upgrade with an estimated total cost of \$105,289.90 (Informantion Technology/YRCS) (Kathleen Fernandez)

Attachments:

[RFCCA YRCS License for Public Safety Software System](#)

7. [MC 2018-126](#) **Agreement: City of Tucson High Intensity Drug Trafficking Area (HIDTA) Grant**

Authorize the City Administrator to execute the grant agreement and accept funding received under the City of Tucson High Intensity Drug Trafficking Area (HIDTA) grant program to support the YPD Officer assigned to the U.S. Marshals' Arizona Warrant Apprehension Network Targeted Enforcement Detail (AZ WANTED) (Police/Admin) (John Lekan)

Attachments:

- [1. RFCCA City of Tucson HIDTA Grant](#)
- [2. AGMT City of Tucson HIDTA Grant](#)
- [3. SUPP City of Tucson HIDTA Grant](#)

8. [MC 2018-127](#) **Agreement: MorphoTrak Maintenance and Support Agreement #0004106-006 LiveScan**

Authorize the City Administrator to execute a Maintenance and Support agreement #0004106-006 LiveScan with MorphoTrak to provide maintenance and support services for equipment used by the Yuma Police Department to scan fingerprints electronically. (Police/Administration) (John Lekan)

Attachments:

- [1. RFCCA Morpho Trak Maint and Support Agr](#)
- [2. AGMT Morpho Trak Maint and Support Agr](#)
- [3. EXH A Morpho Trak Maint and Support Agr](#)

9. [MC 2018-128](#) **Outside Agency Agreement: Western Arizona Council of Governments**

Authorize the City Administrator to execute an agreement with the Western Arizona Council of Governments to provide annual funding for up to three years to provide assistance to qualified City utility customers. (Utilities/Administration) (Jay Simonton)

Attachments:

- [1. RFCCA WACOG Outside Agency Agreement](#)
- [2. AGMT WACOG Outside Agency Agreement](#)

10. [MC 2018-129](#)**Real Property Exchange: Maha, LLC Option Agreement**

Acquire the second of two parcels of real property located at 1230 S. 2nd Avenue through an exchange for surplus City-owned property along with payment of \$90,000.00 by the City to Maha LLC in accordance with the terms of the attached Option Agreement. Approval of this motion authorizes City staff to exercise the option. (Utilities) (Jay Simonton)

Attachments:

- [1. RFCCA Real Property Exchange: Maha, LLC Option Agreement](#)
- [2. AGMT Real Property Exchange: Maha, LLC Option Agreement](#)

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. [R2018-014](#)**Economic Development and Deferral Agreement: Botanical Food Company, Inc.**

Authorize the City Administrator to execute an Economic Development and Deferral Agreement with Botanical Food Company, Inc. (Gourmet Garden) on behalf of the City of Yuma. The Agreement is in support of a new Yuma production facility. Parent company McCormick & Company, Inc., acquired the Australia-based Botanical Food Company in 2016. (City Administration) (Greg Wilkinson)

Attachments:

- [1. RFCCA Economic Dev and Deferral Agmt: Botanical Food Company, Inc.](#)
- [2. RES Economic Dev and Deferral Agmt: Botanical Food Company, Inc](#)
- [3. AGMT Economic Dev and Deferral Agmt: Botanical Food Company, Inc](#)

2. [R2018-015](#)**Preannexation Development Agreement: Maha, LLC. - 995 S. Palm Ave**

Authorize a Preannexation Development Agreement with Maha, LLC. for property located at 995 S. Palm Avenue. (Community Development/ Community Planning)(Laurie Lineberry)

Attachments:

- [1. RFCCA PDA: Maha, LLC - 995 S Palm Ave](#)
- [2. RES PDA: Maha, LLC - 995 S Palm Ave](#)
- [3. AGMT PDA: Maha, LLC - 995 S Palm Ave](#)

3. [R2018-016](#) **Preannexation Development Agreement: Maha, LLC. - 3319 W. Phoenix Ave**

Authorize a Preannexation Development Agreement with Maha, LLC. for property located at 3319 W. Phoenix Avenue. (Community Development/ Community Planning)(Laurie Lineberry)

Attachments: [1. RFCCA PDA: Maha, LLC - 3319 W. Phoenix Ave](#)
[2. RES PDA: Maha, LLC - 3319 W Phoenix Ave](#)

4. [R2018-017](#) **Preannexation Development Agreement: Tumex Corporation**

Authorize a Preannexation Development Agreement with the Tumex Corporation for property located at 948 S. Pagent Avenue. (Community Development/Community Planning)(Laurie Lineberry)

Attachments: [1. RFCCA PDA 948 S Pagent Ave](#)
[2. RES PDA 948 S Pagent Ave](#)
[3. AGMT PDA 948 S Pagent Ave](#)

5. [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](#)

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.

There are no ordinances scheduled for adoption at this time.

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. [O2018-014](#) **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](#)

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2018-004 may be adopted in conjunction with the below noted public hearing.

1. [R2018-004](#) **General Plan Amendment: 1421 S. Avenue B**

Deny the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential, for property located at 1421 S. Avenue B. The applicant is South Avenue B L.L.C. (GP-19696-2017). (Community development/Community Planning) (Laurie Lineberry)

Attachments:

[1. RFCCA PH General Plan Amendment: 1421 S. Ave B](#)

[2. P&Z PH Report General Plan Amendment: 1421 Ave B](#)

[3. RES PH General Plan Amendment: 1421 Ave B](#)

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:

- *Design and Historic Review 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 June 21, 2018 through July 18, 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 Fabela v. COY. (ARS 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding Avenue 6E Investments, et al v. COY. (ARS 38-431.03 A3 & A4)

C. Discussion, consultation with and/or instruction to legal counsel regarding potential legislation affecting the Tax Code of the City of Yuma, Legislative Oversight Committee and YRCS Stonegarden Funding. (ARS 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.

