



# City of Yuma City Council Meeting Agenda

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Wednesday, December 5, 2018

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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*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

- Request for Annexation - Mesa del Sol Homeowners Association

## 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 2018-228](#)      **Citizen's Forum Draft Minutes September 4, 2018**  
Attachments:      [2018\\_09\\_04\\_CF\\_Minutes.docx](#)
2. [MC 2018-229](#)      **Regular City Council Meeting Draft Minutes September 5, 2018**  
Attachments:      [1. 2018\\_09\\_05\\_RCM\\_Minutes](#)

3. [MC 2018-230](#) **Regular City Council Meeting Draft Minutes October 3, 2018**

**Attachments:** [1. 2018 10 03 RCM Minutes](#)

4. [MC 2018-231](#) **Citizen's Forum Draft Minutes November 20, 2018**

**Attachments:** [1. 2018 11 20 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 2018-221](#) **Liquor License: Best Western Yuma Mall**

Approve a new Series #11 Hotel/Motel Liquor License application submitted by Ryan Witner Anderson, agent for Best Western Yuma Mall located at 1450 S. Castle Dome Avenue (LL18-14) (City Administration/City Clerk) (Lynda L. Bushong)

**Attachments:** [1. RFCCA Liquor License: Best Western Yuma Mall](#)  
[2. MAP Liquor License: Best Western Yuma Mall](#)

3. [MC 2018-222](#) **Job Order Contract: Transportation Facilities, Pathways and Pavement**

Authorize the City Administrator to execute a three-year Job Order Contract (JOC) for Transportation Facilities, Pathways and Pavement, with the option to renew for two additional one-year periods, to the following contractors:

Cactus Asphalt, Tolleson, Arizona; Cemex Materials South, LLC, Yuma, Arizona; DPE Construction, Inc., Yuma, Arizona; Sunland Asphalt, Phoenix, Arizona and SWP Contracting & Paving, Yuma, Arizona (RFP #2019-20000036) (Engineering-Jeff Kramer/Robin R. Wilson)

**Attachments:** [1. RFCCA JOC for Transportation Facilities, Pathway & Pavements](#)  
[2 SPREDSHEET JOC for Transportation Facilities, Pathways and Pavement](#)

4. [MC 2018-223](#) **Intergovernmental Agreement: Department of Homeland Security**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations - Phoenix for use of the City of Yuma's Public Safety Training Facility. (Police Department/Administration) (John Lekan)

**Attachments:**

- [1. RFCCA IGA: Dept of Homeland Security ICE - PSTF Agreement](#)
- [2. AGMT IGA: Dept of Homeland Security ICE - PSTF Agreement](#)

5. [MC 2018-219](#) **Intergovernmental Agreement: Yuma County Airport Authority, Inc.**

Authorize the City Administrator to execute an IGA with the Yuma County Airport Authority, Inc. (YCAA) to enable YCAA to use the City right-of-way immediately adjacent to the airport for the installation of public art and airport signage. (City Administration) (Greg Wilkinson)

**Attachments:**

- [1. RFCCA IGA: Yuma County Airport Authority](#)
- [2. AGMT IGA: Yuma County Airport Authority](#)
- [3. EXH A IGA: Yuma County Airport Authority](#)
- [4. SUPP DOC IGA: Yuma County Airport Authority](#)

## 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. [R2018-042](#) **Declare A Public Record: Chapter 191, Industrial Wastes and Other Wastewater Discharges**

Declare as a public record a revision to Chapter 191, Industrial Wastes and Other Wastewater Discharges and order three copies to remain on file with the City Clerk. (Utilities/Wastewater Treatment) (Jay Simonton)

**Attachments:**

- [1. RFCCA Declare a Public Record: Chapter 191](#)
- [2. SUPP DOC Declare a Public Record: Chapter 19 Wastewater.pdf](#)
- [3. RES Declare a Public Record: Chapter 191](#)

2. [R2018-043](#)      **Development Fee Deferral: Park West Unit No. 4 Subdivision**

Authorize the City Administrator to execute an agreement deferring City of Yuma development fees and water and sewer capacity charges for Park West Unit No. 4 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement.  
(Engineering) (Jeff Kramer)

**Attachments:**

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

3. [R2018-044](#)      **Development Fee Deferral: Desert Sky Unit No. 1 Subdivision**

Authorize the City Administrator to execute an agreement deferring City of Yuma development fees and water and sewer capacity charges for Desert Sky Unit No. 1 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement.  
(Engineering) (Jeff Kramer)

**Attachments:**

1. [RFCCA Dev Fee Deferral: Desert Sky Unit No. 1](#)
2. [RES Dev Fee Deferral: Desert Sky Unit No. 1](#)
3. [AGMT Dev Fee Deferral: Desert Sky Unit No. 1](#)

4. [R2018-045](#)      **Development Fee Deferral: Desert Oasis Unit No. 3 Subdivision**

Authorize the City Administrator to execute an agreement deferring City of Yuma development fees and water and sewer capacity charges for Desert Oasis Unit No. 3 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement.  
(Engineering) (Jeff Kramer)

**Attachments:**

1. [RFCCA Dev Fee Deferral: Desert Oasis Unit No. 3](#)
2. [RES Dev Fee Deferral: Desert Oasis Unit No. 3](#)
3. [AGMT Dev Fee Deferral: Desert Oasis Unit No. 3](#)

5. [R2018-046](#) **Preannexation Development Agreement: Samuelson**

Authorize a Preannexation Development Agreement with Timothy and Tabor Samuelson for property located at 851 S. Avenue C. (Community Development/Community Planning)(Laurie Lineberry)

**Attachments:** [1. RFCCA PDA: Samuelson](#)  
[2. RES PDA: Samuelson](#)  
[3. AGMT PDA: Samuelson](#)

6. [R2018-047](#) **Addendum to Real Property Exchange and Development Agreement: Southgate Mall, LLC**

**Attachments:** [1. RFCCA Southgate Mall](#)  
[2. RES Southgate Mall](#)  
[3. AGR Southgate Mall](#)

### 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. [O2018-049](#) **Scrivener's Error: Ordinance No. O2018-042- Legal Description**

Amend the legal description of Ordinance No. O2018-042 which authorized the declaration of 1,836 square feet of right-of-way at 2505 W. 28th Street as surplus and authorize vacating of the surplus property to the adjacent owner upon payment of market value to the City. (City Attorney) (Richard Files)

**Attachments:** [1. RFCCA Scrivener's Error: O2018-042-Legal Desc](#)  
[2. MAP Scrivener's Error: O2018-042-Legal Desc](#)  
[3. ORD Scrivener's Error: O2018-042-Legal Description](#)  
[4. EXH A Scrivener's Error: O2018-042-Legal Description](#)

2. [O2018-050](#)      **Amend Yuma City Code: 2018 International Building Code and Amendments Dated May 16, 2018**
- Amend Yuma City Code Chapter 150, Sections 150-015 and 150-016 and adopt by reference the 2018 International Building Code, including Appendices C, I, and J, and Amendments dated May 16, 2018.(Community Development/Building Safety)(Laurie Lineberry)
- Attachments:**      [1. RFCCA Amend Yuma City Code: 2018 IBC](#)  
[2. ORD Amend Yuma City Code: 2018 IBC](#)
3. [O2018-051](#)      **Amend Yuma City Code: 2018 International Residential Code and Amendments Dated June 5, 2018**
- Amend Yuma City Code Chapter 150, Sections 150-180 and 150-181 and adopt by reference the 2018 International Residential Code For One- And Two-Family Dwellings including Appendices G, H, J, K, O, P, Q, and S, and Amendments dated June 5, 2018. (Community Development/Building Safety) (Laurie Lineberry)
- Attachments:**      [1. RFCCA Amend Yuma City Code: 2018 IRC](#)  
[2. ORD Amend Yuma City Code: 2018 IRC](#)
4. [O2018-052](#)      **Amend Yuma City Code: 2018 International Existing Building Code and Amendments Dated May 16, 2018**
- Amend Yuma City Code Chapter 150, Section 150-170 and 150-171 and adopt by reference the 2018 International Existing Building Code, including Appendix A, and Amendments dated May 16, 2018. (Community Development/Building Safety) (Laurie Lineberry)
- Attachments:**      [1. RFCCA Amend Yuma City Code: 2018 IEBC](#)  
[2. ORD Amend Yuma City Code: 2018 IEBC](#)
5. [O2018-053](#)      **Amend Yuma City Code: 2018 International Property Maintenance Code and Amendments Dated June 5, 2018**
- Amend Yuma City Code Chapter 150, Sections 150-090 and 150-091 and adopt by reference the 2018 International Property Maintenance Code, including Appendix A, and Amendments dated June 5, 2018.(Community Development/Building Safety) (Laurie Lineberry)
- Attachments:**      [1. RFCCA Amend Yuma City Code: 2018 IPMC](#)  
[2. ORD Amend Yuma City Code: 2018 IPMC](#)

6. [O2018-054](#) **Amend Yuma City Code: 2018 International Swimming Pool and Spa Code and Amendments Dated June 19, 2018**

Amend Yuma City Code Chapter 150, Add Sections 150-18 and 150-19 and adopt by reference the 2018 International Swimming Pool and Spa Code and Amendments dated June 19, 2018. (Community Development/Building Safety) (Laurie Lineberry)

**Attachments:** [1. RFCCA Amend Yuma City Code: ISPSC 2018](#)  
[2. ORD Amend Yuma City Code: ISPSC 2018](#)

#### 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. [O2018-055](#) **Amend Yuma City Code: NFPA 1 Fire Code 2018 Adoption with Local Amendments**

Amend Yuma City Code Chapter 131, Sections 131-15 through 131-19 and adopt by reference NFPA 1 Fire Code 2018, commonly known as National Fire Protection Association (NFPA) 1 Fire Code 2018, including Annexes A, B, D, and G, and local amendments. (Fire/Community Risk Reduction) (Steve Irr)

**Attachments:** [1. RFCCA Amend Yuma City Fire Code](#)  
[2. DRAFT Ord Amend Yuma City Fire Code](#)  
[3. ORD Amend Yuma City Fire Code](#)

#### 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:

- *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 November 22, 2018 through December 5, 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 potential litigation. (A.R.S. 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding the Boys and Girls Club agreement and property. (A.R.S. 38-431.03 A3, A4 & A7)

C. Discussion, consultation with and/or instruction to legal counsel regarding Fabela v. City of Yuma. (A.R.S 38-431.03 A3 & A4)

D. Discussion, consultation with and/or instruction to legal counsel regarding the 1st Amendment. (A.R.S 38-431.03 A3 & A4)

E. Discussion, consultation with and/or instruction to legal counsel regarding a Preannexation Development Agreement with Territorial Real Estate, LLC., Park West Yuma Development, LLC., and Yuma Valley Land Company, 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.