

CITY OF SOMERTON
MINUTES
REGULAR COUNCIL MEETING
OF THE CITY COUNCIL

7:00 P.M.

Tuesday February 16, 2010

Council Members:

M. Porchas, Mayor
A. Magaña, Vice-Mayor
L. Ramirez
G. Anaya
M. Villalpando
L. Galindo
J. Yopez

Staff:

B. Lee, City Manager	(P)
L. Galaviz, Park & Rec. Dir	(A)
T. Hollis, Chief of Police	(P)
S. Palacios, Int. Public Works Dir	(A)
G.W. Hunt, City Attorney	(P)
M. Figueroa, City Magistrate	(A)
G. Halford, Admin. Svcs. Dir	(P)
VACANT, Com. Dev. Dir	(A)
P. De Anda, Fire Chief	(A)

Mayor Porchas called the meeting to order at 7:03 p.m.

Pledge of Allegiance was recited in unison.

The City Clerk took Roll Call. Council members Yopez, Villalpando, and Galindo were absent.

PETITION OR COMMENTS BY THOSE CITIZENS PRESENT

Call to the Public:

COMMENTS:

Elena Felix- resident in the community for the past 15 years representing the church JesusCristo del Evangelio Completo, and the church is there to offer volunteer service and community time when needed.

Andrea Berezna- Community Development Consultant for APS and would like to officially introduce herself. She is the contact person for the City. Will try to help the City with as much as possible.

Mayor Porchas- recognized Lerma's Feed and Farm Supply for winning the Yuma's Best feed located here in Somerton.

CONSENT AGENDA

1. Minutes for Regular Council Meeting February 2, 2010.
2. Cash Balance for January 2010.
3. Check Register for January 2010.
4. Arizona's State Treasure's Report LGIP for January 2010.

Mayor Porchas requested a motion on the consent agenda. Vice-Mayor Magana moved to approve the Consent Agenda with a modification to reflect that Council Member Villalpando was present he was 10 minutes late. Council Member Anaya seconded with modifications. All voted in favor of the motion. Motion passed.

OLD BUSINESS

All items are for discussion and possible action

1. ORDINANCE 2010-001 OF THE CITY OF SOMERTON, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; AMENDING THE CITY TAX CODE BY INCREASING THE GENERAL RATE OF TAXATION FROM TWO AND ONE-HALF PERCENT (2.5%) TO THREE POINT THREE PERCENT (3.3%); PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; DESIGNATING AN EFFECTIVE DATE AND MAKING PROVISION FOR EXISTING CONTRACTS. THIS PRIVILEGE LICENSE TAX INCREASE WILL REVERT BACK TO THE TWO AND ONE-HALF PERCENT (2.5%) PRIVILEGE LICENSE TAX RATE ON JUNE 30TH, 2013.
 - a) Second Reading by Title Only
 - b) Approval of Ordinance

Gary Halford – second presentation explore the possibility of increasing the city's sales tax general rate of 2.5% to 3.3%, in order to increase city revenues for the General Fund. This will increase the current total from 9.2% to 10.0% or 10 cents on the dollar. Slight modification was implemented on in the date. The whole ordinance was read by Gary in order to approve.

Mayor Porchas requested a motion on the second reading. Vice-Mayor moved to approve the Ordinance 2010-001. Council Member Ramirez seconded the motion. All voted in favor of the motion. Motion passed.

2. Recommendation of community members to participate on the General Plan Advisory Committee (GPAC)

Bill Lee- just a reminder that we need 2 names from each council member to recommend for the GPAC committee. Only 1 council member has submitted this request. So this is simply a reminder.

NEW BUSINESS

All items are for discussion and possible action

1. Census 2010 Proclamation.

Juan Carlos Escamilla – presented the Census Proclamation 2010 and advised that the appointed City liaison Carmen Juarez has done a great job in advocating the Census. And is presenting the adoption for the Census Proclamation for this month.

Mayor Porchas requested a motion to approve the Census 2010 Proclamation. Council Member Anaya moved to adopt the Census Proclamation. Council Member Ramirez seconded. All voted in favor of the motion. Motion passed.

2. RESOLUTION 2010-002 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOMERTON, ARIZONA AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT WITH COMPADRE PROPERTIES, L.L.C. FOR DEVELOPMENT OF THE VALLE DEL SOL PHASE II SUBDIVISION IN SOMERTON, ARIZONA

Bill Lee- this is amending a previous resolution that we had with Ron Martin from Compadre Properties, for Valle del Sol subdivision apparently there was a problem there were a couple homes build 10,058 sq ft. and the real estate commission will not allow him to sell those homes because our agreement was 11,000 sq. ft. on the previous resolution. Mr. Martin has stated that they are not building anymore home like these they are actually building bigger homes. Vice Mayor Magana- do we know why he build these homes? Bill – not sure. Adan Garcia – at that time Ron came to the city he was targeting the smaller homes and after constructing a few of them people were asking for bigger homes. He did submit for a smaller home of 9,000 sq. ft. but at the time I took it to my director and there was a rule of thumb and it was approved he only submitted for 2 of them and only 2 were build. The title company will not allow Mr. Martin to sell the houses because of the original amendment to the development agreement states that the smallest is 11,000 sq. ft.

Mayor Porchas requested a motion to approve Resolution 2010-002. Council Member Ramirez moved to adopt Resolution 2010-002. Mayor Porchas seconded. All voted in favor of the motion. Motion passed.

3. Award of bid for the renovation of the city's waste water treatment plant.

Jim Conlee- presented bids for the renovation of the city's wastewater treatment plant. And is recommending Yuma Valley Contractor's which does three things 1. It addresses an item left over from the construction of the plant as it is now and it's dealing with the odor control. 2. Building a steel frame that will carry the belt press for dewatering the slug during construction of the expansion. 3. To install the 2 K-turbo blowers that council had already approved for purchase those were going to be installed under the contract for the expansion however, we learned that in order to get a rebate from APS it had to be done as maintenance to that building rather than a part of the new construction. So we had to segregate the installation of those blowers and we had to

take it out of the expansion of the facility and set it over here and make it a part of what we are calling renovations. Those are the 3 parts of this contract with Yuma Valley. Received three bids, Yuma Valley Contractors \$183,000, Merrill-Walker \$203,800, Engineered General Contractors \$200,288.

Mayor Porchas- concerned was this part of the original design. Jim C. – No, the reason it was not when we did a presentation to council the belt press was going to be out on a trailer but it was better to be put above trailer height.

Mike- the odor control we are making some modifications in the major design of the plant and we are extending into the new building. The odor needed to be upgraded the system that are inside it and the operability was an issue with the plant and maintenance they couldn't tell when things needed to be done there was enough controls added on to the system. So that's what this does add addition controls to the odor control system to allow them to operate it how it's suppose too and this was not part of the agreement. Council Member Anaya is the odor control a permanent system and this contract does not reflect the cost of the blowers? Mike- correct.

Mayor Porchas entered a motion to award the lowest bidder to Yuma Valley Contractors for the renovations of the City's Waste Water Treatment plant. Council member Anaya moved to approve the bid to Yuma Valley Contractors. Vice-Mayor Magana seconded. All voted in favor of the motion. Motion passed.

4. Request by Pace Engineering for a change order for the design of the 3rd phase of the city's waste water treatment plant.

Item tabled due to all council members not being present.

Mayor Porchas entered a motion to table item until next council meeting. Vice-Mayor Magana seconded the motion. All voted in favor. Motion passed.

5. Request by Arcadis group for a change order for Construction Management of the 3rd phase to the city's waste water treatment plant.

Mayor Porchas entered a motion to table item until next council meeting. Vice-Mayor Magana seconded the motion. All voted in favor. Motion passed.

6. EXECUTIVE SESSION (Approximate time -30 minutes)

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03 (A)(1) and (3).

- a.) Executive session pursuant to A.R.S. § 38-431.03(A)(7) re instructions for possible land acquisition, and pursuant to A.R.S. § 38-431.03(A)(3) for legal advice incident to the same.

Gerry Hunt- advised on the topic.

Summary of current events by Mayor, Council Members, and or City Manager, pursuant to A.R.S. §38-431.02(K) provided that the public body does not propose, discuss, deliberate or take legal action on any matter in the summary.

A motion to ADJOURN was made by Mayor Porchas. Motion approved 6-0.

ADJOURNMENT

Meeting was adjourned at 8:58 P. M.



MAYOR MARTIN PORCHAS

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of Tuesday February 16, 2010.



CITY CLERK