

CITY OF SOMERTON
MINUTES
REGULAR COUNCIL MEETING
OF THE CITY COUNCIL

7:00 P.M.

Tuesday, February 1, 2011

Council Members:

Staff:

M. Porchas, Mayor	(P)	Bill Lee, City Manager	(P)
A. Magana, Vice-Mayor	(P)	Louie Galaviz, Park & Rec Dir	(P)
J. Yepez	(P)	B. Cotman, Chief of Police	(P)
G. Anaya	(P)	S. Palacios, Interim Public Works Dir	(P)
M. Villalpando	(P)	G.W. Hunt, City Attorney	(P)
L. Ramirez	(P)	M. Figueroa, City Magistrate	(P)
L. Galindo	(P)	G. Halford, Admin. Svcs. Dir	(P)
		VACANT, Interim Com. Dev. Dir	(A)
		P. De Anda, Fire Chief	(A)

CALL TO ORDER/ROLL CALL

Mayor Martin Porchas called meeting to order at 7:00 P.M.

Pledge of Allegiance was led by a boy named Ibran and recited in unison.

All members of the Council were present. .

Call to the Public

Fernando-500 S. Somerton Ave.-Requests to have the \$50 van fee waived. States that his team is a non-profit team. They get their income by making events. His goal is to motivate these kids to stay in school, keep them away from gangs, streets and drugs.

Mayor Porchas-Suggested Fernando to talk to Bill Lee, City Manager and Louie Galaviz, Parks & Recs. Director and see what happens from there.

CONSENT AGENDA

1. Minutes for Special Council Meeting of January 11, 2011.

Mayor Porchas entertained a motion to approve the Consent Agenda. Councilman Yepez moved to approve the Consent Agenda with corrections made to Councilwoman Ramirez's attendance changed from Absent to Present. Councilman Anaya seconded the motion. All voted in favor. Motion passed.

OLD BUSINESS

All items are for discussion and possible action.

1. *Discussion and consideration to possible entering into a power purchase agreement and leave with SPP DG DEVC, LLC or a direct purchase of solar panels for the City of Somerton Waste Water Treatment Plant. By entering into either agreement the City of Somerton can expect to receive generation of 908,251 Kilowatts annually from these solar panels.*

Bill Lee-Stated that there's only 2 months time-frame to get interconnection in.

Bill Lee-Stated that the city would be at great risk if it isn't accomplished within the 2 month time-frame.

Bill Lee-Stated that the potential savings for the city is much greater if we own the facility. We would have to contract someone to take care of maintenance and cleaning.

Jerry Hunt-Concerned about after 30 years that there're be some advances in solar panels.

Jerry Hunt-Under Arizona Law, state budgeting laws, it's a pay as you go. We're supposed to budget every year, what our expenses are for that year. If you don't budget, you don't have the capacity to spend the money.

Jerry Hunt-Biggest concern is if it complies with the Arizona Law regarding municipal budgeting and municipal financing.

Jerry Hunt-Is not comfortable with the language inserted.

Zack Bongiovanni-

NEW BUSINESS

All items are for discussion and possible action.

1. *Request from Yuma Territorial Engineering on behalf of Concord Holdings AZ, LLC to rezone ten parcels located in Block 1 of the Ingraham First Addition Subdivision from Main Street Corridor (MSC) and High Density Residential (R-3) to General Commercial (C-2). The purpose of this rezoning is to allow the construction of a new grocery store to replace the existing one, commonly referred to as King Market.*

Carmen Juarez-Stated that there was a Planning & Zoning Commission meeting on January 24, 2011 and their motion was to recommend City Council approval of the rezoning case number Z1-11 with the following conditions:

1. Recordation by the developer of a navigation disclosure statement as required by MCAS.
2. The developer shall go through the alley abandonment and rezoning process rezoning of the alley.
3. The developer shall go through a lot type process.
4. The developer shall comply with all zoning ordinance requirements like parking, landscape, signage, lighting, etc.
5. The developer shall submit a full traffic study for this project and comply with it.

Carmen Juarez-Applicant has no problem with Condition #1.

Carmen Juarez-Stated that staff and the applicant understand that where Conditions #2 and #3 are listed or not, this processes must be done as part of the overall project.

Carmen Juarez-Applicant has no problem with Conditions # 2 and 3.

Carmen Juarez-City staff and applicant have identified the need of variance permit for parking requirement, setback, lot coverage and landscaping requirements.

Carmen Juarez-Staff requests Council the use of a variance process in this particular case because it's a tool that is in the Zoning Ordinance that can be helpful in the process.

Carmen Juarez-Applicant is ok with Condition #4 as long as Council allows them to use the variance process.

Carmen Juarez-Stated that a traffic study is required by standards that City of Somerton has adopted. Staff only requires a study on the focus of the impact that the proposed new store would bring to the adjacent street. The results of this study will determine the changes, if any, need to be made to the proposed site plan.

Carmen Juarez-Applicant is ok with the providing of the traffic study.

Carmen Juarez-Staff recommends approval of rezoning case # Z01-11 with the conditions recommended by the Planning & Zoning Commission.

Francisco Galindo-We are in agreement with 1, 2, 3, 4, and 5 with some modifications.

Francisco Galindo-Requests to have the traffic study to be localized to the driveways and adjacent streets.

Mayor Porchas-Stated that staff recommendations should be respected.

Mayor Porchas entertained a motion to approve staff recommendation 1 through 4 and 5 with traffic study adjacent as Francisco Galindo proposed. Mayor Porchas moved to approve staff recommendation. Councilwoman Ramirez seconded the motion. All voted in favor. Motion passed.

2. ***ORDINANCE 2011-002 AN ORDINANCE OF THE CITY OF SOMERTON AMENDING ORDINANCE NO. 267 AND REZONING CERTAIN AREAS IN THE CITY FOR REAL PROPERTIES DESCRIBED HEREIN AS LOTS 1, 2, 3, 4, 7, 8, 9, 10, 11 AND 12 OF BLOCK 1 IN THE INGRAHAM FIRST ADDITIN SUBDIVISION IN SOMERTON, ARIZONA. CONTAINING .92 ACRES MORE OR LESS, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO, FROM MAIN STREET CORRIDOR (MSC) AND HIGH DENSITY RESIDENTIAL (R-3) TO GENERAL COMMERCIAL (C-2) AND AMENDING THE ZONING MAP TO CONFORM THERETO.***

- a.) First Reading by Title Only
- b.) Approval of Ordinance

Carmen Juarez-This item pertains to the previous item above allowing the change of the existing zoning map.

Mayor Porchas entertained a motion to approve First Reading by Title Only. Councilman Yopez moved to approve First Reading by Title Only. Councilman Galindo seconded the motion. All voted in favor. Motion passed.

Mayor Porchas entered a motion for the Approval of Ordinance. Councilman Yepez moved to approve the Approval of Ordinance. Councilman Galindo seconded the motion. All voted in favor. Motion passed.

3. **ORDINANCE 2011-001** AN ORDINANCE OF THE CITY OF SOMERTON, ARIZONA, CREATING SETBACK REQUIREMENTS FOR AQUIFER PROTECTION PERMIT FROM THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY.

- a.) First Reading by Title Only
- b.) Approval of Ordinance

Bill Lee-We have 45 days to get this to get Ordinance passed.

Mayor Porchas entertained a motion to approve First Reading by Title Only. Councilwoman Ramirez moved to approve First Reading by Title Only. Councilman Galindo seconded the motion. All voted in favor. Motion passed.

Mayor Porchas entered a motion for the Approval of Ordinance. Councilwoman Ramirez moved to approve Approval of Ordinance. Councilman Galindo seconded the motion. All voted in favor. Motion passed.

4. *Discussion and possible action on the approval to re-fill two vacant positions at the Somerton Municipal Court.*

Manuel Figueroa, City of Somerton Municipal Court Judge-Asked for the Court to hire two individuals for court positions that are presently vacant.

Manuel Figueroa-Stated that both positions are fully budgeted for this fiscal year.

Mayor Porchas entertained a motion to approve the re-fill of the two vacant positions. Councilwoman Ramirez moved to approve the re-fill of two positions. Vice-Mayor Magana seconded the motion. All voted in favor. Motion passed.

5. *Intergovernmental Agreement (IGA) between the State of Arizona (ADOT) and the City of Somerton for the design and construction of the U.S. 95 (Main Street) Pathway.*

Sam Palacios-Stated that the pre-scoping document is finished and approved by ADOT.

Sam Palacios-Recommends for the City Council to approve and sign the Intergovernmental Agreement in order to continue with the project, which will be of approximately \$400K. Our part would only be of approximately \$22K. So, federal funds would only consist of \$375K.

Councilman Yepez-What are your projections as far as completion? **Sam Palacios**-All the money is part of ADOT. At the end, ADOT will give us jurisdiction and maintenance and operation for that pathway.

Sam Palacios-Stated that the whole process will be between 1 to 3 years.

Mayor Porchas entertained a motion to approve Intergovernmental Agreement between the State of Arizona (ADOT) and the City of Somerton. Councilman Yepez

moved to approve Intergovernmental Agreement. Vice-Mayor Magana seconded the motion. All voted in favor. Motion passed.

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 7-0.

ADJOURNMENT

Meeting was adjourned at 9:08 P.M.


MAYOR MARTIN PORCHAS

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting for Tuesday, February 1, 2011.


CITY CLERK