

CITY OF SOMERTON  
MINUTES  
REGULAR COUNCIL MEETING  
OF THE CITY COUNCIL

7:00 P.M.

Tuesday, July 19, 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.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	(A)	M. Figueroa, City Magistrate	(A)
L. Galindo	(A)	D. Bradley, Admin. Svcs. Dir	(P)
		C. Juarez, Interim Com. Dev. Dir	(P)
		P. De Anda, Fire Chief	(A)

**CALL TO ORDER/ROLL CALL**

Mayor Martin Porchas called meeting to order at 7:02 P.M.

Pledge of Allegiance was led by Vice-Mayor A. Magaña and led in unison.

All members of the Council were not present. Council Members L. Ramirez and L. Galindo were absent.

**Call to the Public**

None

**CONSENT AGENDA**

1. Minutes for Regular Council Meeting of July 12, 2011.

Vice-Mayor Magaña noted that in the minutes of the meeting of July 12, 2011, Mayor Martin Porchas was identified as having called the meeting to order. However, the Mayor was absent at that meeting and the meeting was actually called to order by the Vice-Mayor. The minutes shall be corrected accordingly, and in addition, the minutes will be executed by Vice-Mayor Magaña in Mayor Porchas's absence.

Mayor M. Porchas entertained a motion to approve the Consent Agenda with corrections stated by Vice-Mayor A. Magaña to be made. Vice-Mayor A. Magaña moved to approve the Consent Agenda. Councilman Yepez seconded the motion. All voted in favor. Motion passed.

## **PUBLIC HEARING**

1. *Notice of Public Hearing regarding proposed annexation by the city of Somerton, AZ located at the north half of the northwest quarter of section 5, township 10 south, range 23 west of the Gila and Salt River Base and Meridian, Yuma County, AZ.*

**Carmen Juarez**-Stated that this public hearing is a part of the process to annex the land.

**Carmen Juarez**-City filed a petition on June 27, 2011 at the office of the Yuma County Recorder's Office.

**Carmen Juarez**-Stated that the City has followed proper legal procedure by posting and advertising the proposed annexation.

**Carmen Juarez**-Commented that this is the time for citizens to express their opinions or comments on the proposed annexation.

**Jose De La Vara**, 16212 Ave A1/2-Curious of the Noise Contour because he's not familiar with the process. Would like to know how the annexation is going to affect his 5-acre property.

## **OLD BUSINESS**

*All items are for discussion and possible action.*

1. **ORDINANCE 2011-006** AN ORDINANCE OF THE CITY OF SOMERTON, ARIZONA, AMENDING CHAPTER 7: BUILDINGS, OF THE CITY CODE, BY ADDING SECTION 7-1-1 H, "1997 UNIFORM BUILDING CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS", AND PROVIDING FOR SEVERABILITY.

a) *Second Reading by Title Only.*

b) *Approval of Ordinance.*

Mayor M. Porchas entertained a motion to approve Ordinance 2011-006 Second Reading by Title Only. Councilman M. Villalpando moved to approve the Second Reading. Councilman J. Yopez seconded the motion. All voted in favor. Motion passed.

Mayor M. Porchas entered a motion for the Approval of Ordinance. Councilman M. Villalpando moved to approve the Ordinance. Councilman J. Yopez seconded the motion. All voted in favor. Motion passed.

## **NEW BUSINESS**

*All items are for discussion and possible action.*

1. *Discussion and possible action on a change order to Kiewit's contract.*

**Jim Conlee**-Asked to approve the second change order to Kiewit's contract for \$468,467.70.

Mayor M. Porchas entertained a motion to approve change order #2 for \$468,467.70. Councilman M. Villalpando moved to approve the change order. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

2. *View video of Biomass Gasification equipment.*

**Todd Becker**-Narrated the video.

**Todd Becker**-Stated that this is going to be the first in the Nation and that it's going to put the City of Somerton in the map if the city decides to get it.

**Councilman J. Yopez**-Disappointed that he couldn't see the equipment for himself and stated that it's hard to make a decision based on just a video and is also concerned over the equipment's life expectancy.

**Councilman M. Villalpando**-Has emission standards concerns.

**Councilman G. Anaya**-Concerned on APS Standards.

**Todd Becker**-Explained that the machinery meets both APS and ADEQ standards.

**Mayor M. Porchas**-Would like to see a contract to review it and go from there.

3. *Discussion and possible action for Parks & Recreation Policies and Fees.*

**Louie Galaviz**-Explained that Parks & Recreation Department adjusted rental rates and policies, made changes to City Co-sponsor Group and Policies and fees were reviewed by Recreation Staff, Commission Members and Council at previous Work Session meetings.

4. **ORDINANCE 2011-008** AN ORDINANCE OF THE CITY OF SOMERTON, ARIZONA, AMENDING ARTICLE 2-7, SUBDIVISION REGULATIONS, OF THE CITY CODE, BY MAKING TECHNICAL CORRECTIONS TO SECTIONS 19, 20, 21, AND 23 FOR THE PURPOSE OF CLARIFYING THE AUTHORITY OF THE DESIGN REVIEW COMMITTEE AND ADDING THE REQUIRED APPROVAL OF THE PARKS AND RECREATION DIRECTOR OR HIS NOMINEE UNDER ARTICLE 2-7-18.2 TO SET STANDARDS AND ENFORCE REGULATIONS IN THE DEVELOPMENT OF PARKS WITHIN RETENTION BASINS AS MAY BE ESTABLISHED IN THE CITY; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND PROVIDING FOR SEVERABILITY.

a) *First Reading by Title Only.*

b) *Approval of Ordinance.*

Mayor M. Porchas entertained a motion to approve Ordinance 2011-008 First Reading by Title only. Councilman M. Villalpando moved to approve the First Reading. Councilman G. Anaya seconded the motion. All voted in favor. Motion passed.

Mayor M. Porchas entered a motion for the Approval of Ordinance. Councilman M. Villalpando moved to approve the Ordinance. Councilman G. Anaya seconded the motion. All voted in favor. Motion passed.

5. *Discussion and possible final action to adopt the Fiscal Year 2010 City Budget.*

**Doug Bradley**-Recommended that City Council approve the Fiscal Year 2012 budget for the City.

Mayor M. Porchas entertained a motion to approve the Fiscal Year 2012 Budget. Councilman J. Yopez moved to approve the 2012 Budget. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

6. **RESOLUTION 2011-018** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA ADOPTING THE BUDGET FISCAL YEAR 2012.

Mayor M. Porchas entertained a motion to approve Resolution 2011-018. Councilman J. Yopez moved to approve the Resolution. Vice-Mayor Magaña seconded the motion. All voted in favor. Motion passed.

7. *Discussion and possible approval to enter into contract for placement of solar at the city water treatment plant and public safety building. Total contract with MAC Electric is for \$1,243,200 dollars. Project to be funded by QECB bonds secured through the Arizona Commerce Authority. Total is 2.2 Million.*

**Bill Lee**-Looking for approval of the contract contingent on the sale of the bonds.

Mayor M. Porchas entertained a motion to approve MAC Electric contract. Councilman M. Villalpando moved to approve contract. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

8. *Discussion and possible award of contract to MAC Electric for the placement of solar system at Well #4 at the City Water Treatment Plant and the Somerton Senior Center. This would increase the current contract from \$1,243,200 dollars to a total of \$1,949,900 dollars. Funds to come from QECB Bonds already secured by the City of Somerton through Arizona Commerce Authority.*

**Bill Lee**-Stated that the City Attorney, Gerald W. Hunt, will be writing a letter of opinion.

**Bill Lee**-Recommended approval for MAC Electric to bring the contract amount from \$1,243,200 dollars to a total amount of \$1,949,900 dollars. This project will be covered by the \$2.2 Million dollars QECB bonds.

**Gerald W. Hunt**-Recommended contingencies of selling the bonds and a letter approving the purchasing opinion.

Mayor M. Porchas entertained a motion to approve MAC Electric contract amount from \$1,243,200.00 to \$1,949,900.00 with legal's recommendation. Councilman M. Villalpando moved to approve contract. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

9. *Discussion, consideration and possible direction to staff to begin the process in securing Quality Energy Conservation Bonds in the amount of between \$2.2 and \$3.6 million dollars.*

**Bill Lee**-Stated that the city needs to move forward in selling QECB Bonds.

**Bill Lee**-Would like to have authority to be able to start working on the total amount.

**Bill Lee**-Stated that APS was asked for an extension of an APS incentive.

**Bill Lee**-Looking for approval to glue with Mark Reeder and the \$2.2 Million dollars.

**Councilman M. Villalpando**-Feels more comfortable with solar.

**Mayor M. Porchas**-Recommended moving on with the \$2.2 Million dollars and leave \$1.4 Million dollars out.

Mayor M. Porchas entertained a motion to approve the \$2.2 Million dollars. Councilman M. Villalpando moved to approve the \$2.2 Million. Councilman G. Anaya seconded the motion. All voted in favor. Motion passed.

10. *Discussion and possible direction to staff about various projects discussed during recent retreat/work session.*

**Bill Lee**-Stated that currently the City of Somerton has \$217,000 dollars in the General Fund contingency budget and the city also has \$50K dollars that was donated to the city by the Cocopah Nation.

**Councilman M. Villalpando**-Recommended to give the remaining \$5K to Parks and Recreation.

**Mayor M. Porchas**-Suggested \$15K for the Water Tower.

**Mayor M. Porchas**-Recommended getting \$15K from the contingency money and then replace that money from the Cocopah Tribe donations.

**Mayor M. Porchas**-Let's give \$45K to Parks & Recreation and leave \$5K for special events. Get \$15K from the contingency funds for the Centennial project and replace that money from the Cocopah Tribe money.

**Bill Lee**-Agreed.

**Bill Lee**-Not asking for a motion. Just wants to be on same page as Council Members.

**Vice-Mayor A. Mayor**-Would like to have the projects and monies clearly identified in the minutes for those who weren't present in the meeting.

#### **ADDENDUM**

11. ***RESOLUTION 2011-019*** *A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOMERTON, ARIZONA TO REQUEST THE YUMA COUNTY BOARD OF SUPERVISORS TO INCLUDE THE CITY OF SOMERTON AND THE COCOPAHA TRIBE OF ARIZONA RESERVATIONS IN THE 2011 REDISTRICTING OF YUMA COUNTY'S FIVE SUPERVISORIAL DISTRICTS.*

Mayor M. Porchas entertained a motion to approve Resolution 2011-019. Councilman J. Yopez moved to approve the Resolution. Councilman G. Anaya 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 5-0.**

#### **ADJOURNMENT**

**Meeting was adjourned at 9:50 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, July 19, 2011.**

  
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CITY CLERK