



**City of Yuma
City Council Meeting
REVISED Agenda**

Wednesday, April 17, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Out of respect for the family of Councilmember Knight, the City has modified this agenda to include business items only. The City appreciates your understanding of City Council's and Administration's request.

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.

City Council Chambers will be open with public access in addition to participation through Zoom

Those wishing to speak on any applicable agenda item and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website: <https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

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 may be taken separately.

A. Approval of minutes of the following City Council meeting(s):

1. [MC 2024-042](#) **Regular Council Meeting Draft Minutes March 6, 2024**
Attachments: [1. 2024 03 06 RCM Minutes](#)
2. [MC 2024-044](#) **Regular Council Worksession Draft Minutes March 19, 2024**
Attachments: [2024 03 19 RWS Minutes](#)
3. [MC 2024-043](#) **Regular Council Meeting Draft Minutes March 20, 2024**
Attachments: [2024 03 20 RCM Minutes](#)

B. 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)

C. Approval of staff recommendations:

1. [MC 2024-038](#) **Bid Award: Hot and Cold Mix (Asphaltic Concrete)**
Authorize the award for Hot and Cold Mix (Asphaltic Concrete) to each of the responsive and responsible bidders a one year contract 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 \$236,810.00 with the primary vendor DPE Construction, Yuma, Arizona; and secondary vendor BLT Asphalt, LLC, Yuma, Arizona; (Public Works/Streets - RFB-24-166) (Joel Olea/Robin R. Wilson)

2. [MC 2024-039](#) **Ratify Contract Increase: East Mesa Community Park Lake Reduction Design**
 Authorize ratification of a change order for the redesign portion of phase 1 of East Mesa Community Park to J2 Engineering & Environmental, LLC Phoenix, Arizona in the amount of \$84,547.00 for a total cost of \$1,027,981.90. (Engineering-RFQ-21-179) (Eric Urfer/David Wostenberg/Robin R. Wilson)
3. [MC 2024-040](#) **Appointment and Employment Agreement: City Attorney**
 Appoint Richard W. Files as City Attorney under the amended City Charter, Article III, section 3(c), and authorize an agreement with terms of employment.
4. [MC 2024-041](#) **Approval of Land Use for “Parcel B” pursuant to the January 23, 2023, Development Agreement**
 Authorize the construction and operation of Bubba’s 33 on Parcel B. (Administration) (Jay Simonton)

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 may be taken separately.

1. [R2024-011](#) **Intent to Create Municipal Improvement District (MID) No. 127: Riverview Terrace Subdivision**
 Approve the creation of Municipal Improvement District (MID) No. 127 to serve Riverview Terrace Subdivision located at the northeast corner of Avenue A and 3rd Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).

Attachments:

- [1. RES MID 127 Intent to Create Riverview Terrace Subdivision](#)
- [2. EXH A MID 127 Intent to Create Riverview Terrace Subdivision](#)

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 may be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2024-012](#)

Wastewater Discharge Local Limits Update

Pursuant to the Environmental Protection Agency (EPA) Pretreatment Regulations 40 Code of Federal Regulations (CFR) 403, amend City Code § 191-02 General Sewer Use Requirements, to update the existing wastewater Local Limits in accordance with the findings of the Local Limits Figueroa Avenue Water Pollution Control Facility (WPCF) Report. (Utilities/ Administration) (Jeremy McCall)

Attachments: [1. ORD Wastewater Discharge Local Limits Update](#)

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. [O2024-014](#)

Text Amendment: Short-Term Rentals (Vacation Rentals)

Amend Title 7 of the Yuma City Code to add a new Chapter 77: Short-Term Rentals (STRs) to provide for regulations consistent with Arizona Revised Statutes, Titles 9 and 42 (Finance) (Doug Allen/Rodney Short)

Attachments: [1. ORD Text Amendment: Short Term Rentals](#)
[2. EXH A Text Amendment: Short Term Rentals](#)

V. UPDATE REGARDING COUNCILMEMBER KNIGHT

The City Administrator will provide an update relating to Councilmember Knight.

VI. EXECUTIVE SESSION

REVISED

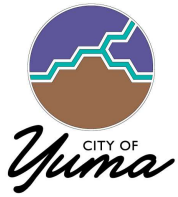
An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

A. Discussion, consultation, and/or direction to legal counsel regarding different aspects of A.R.S. § 38-431 et seq. (A.R.S.38-431.03 A(3) and A(9)).

B. Discussion, consultation, and or direction to legal counsel regarding Article VI. City Officials, of the Yuma City Charter. (A.R.S. 38-431.03 A(3) and A(4)).

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.



City of Yuma

City Council Report

File #: MC 2024-042

Agenda Date: 4/17/2024

Agenda #: 1.

Regular Council Meeting Draft Minutes March 6, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 6, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:34 p.m.

INVOCATION/PLEDGE

Tom Renard, Zion Church, gave the invocation. **Steve Irr**, former City of Yuma Fire Chief, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

Briefing of the upcoming Marine Corps Air Station -Yuma (MCAS-Yuma) Weapons and Training Instructor Course (WTI) Exercise

Colonel Eric Purcell, Commanding Officer of Marine Aviation Weapons and Tactics Squadron One (MAWTS-1), presented a training video that is unlike the videos presented in previous years. The video was created with the help of a focus group put together by **Major Dave Eklund** and his wife.

Colonel Purcell continued to present the following:

WTI 2-24 Overview

- From March 3, 2024, to April 22, 2024, WTI students will conduct operations in and around Yuma area
 - During a WTI course there are over 4,000 Marines, soldiers, sailors, and airmen, that arrive to MCAS Yuma, and surrounding areas
 - 80 to 100 additional aircraft will participate in the WTI course
- Flight phase is March 20, 2024 – April 20, 2024
 - The purpose is to prepare United States Marine Corp. (USMC) aviation personnel for various combat environments by exposing them to realistic and challenging training

- WTI Operating Area



- Aircrafts will travel as far north as Dugway Proving Ground, Utah, to the waters off San Clemente Island, and out to Fort Huachuca, Arizona, through the Chocolate Mountains
- Contested Environment
 - WTI trains Marines and students from different branches of the military that come to WTI, to the highest level of enemy threat that they might encounter in real world operations and in uncertain situations

Greater Yuma Economic Development Corporation (GYEDC) Mid-Year Update

Greg LaVann – Interim Chief Executive Officer & President of GYEDC, presented the following strategic goals for Fiscal Year 2023-2025:

- Goal #1 - Create High Wage Job Growth within a Modern Economy
 - Execute a targeted national attraction strategy that focuses on industries that align with the City of Yuma’s competitive assets (Aerospace & Defense, Advance Manufacturing, Ag-Tech, Food Processing and Logistics)
 - Launch a Foreign Direct Investment (FDI) attraction campaign with a focus on trade within international markets that share complementary industry presence and domestic growth demand

- Create media vehicles that produce consistent content centered on the Greater Yuma regional value proposition via new website design, business journal, social media, ad analytics-driven online advertising within targeted regional U.S. markets
- Goal #2 - Expand the Greater Yuma Region's Global Presence
 - Create a Bi-National attraction division with in-market contracted staff dedicated to promotion of the Greater Yuma region within key Mexico territories
 - Utilize the State of Arizona's nine trade offices throughout the world to drive attention and investment to our region via trade missions and international trade shows focused on targeted sectors
 - Launch an Ag-Tech international campaign to support regional industry organizations focused on expanding precision agricultural research and development (R&D)/Testing
- Goal #3 – Foster Resource Network for Existing Industry
 - Identify new grants, incentives, and low-interest loans to support existing industry through the City of Yuma's Business Retention and Expansion program
 - Strengthen the service-related eco-system (healthcare/childcare) that ensures the health and wellness of employees within our region
 - Diversify our regional workforce training programs to prepare today's workers for tomorrow's jobs
- Goal #4 – Enhance Investor & Stakeholder Engagement
 - Create an Investor Relations staff position dedicated to nurturing GYDEC's dynamic relationship with each investor and public partner
 - Maximize our extensive library of data and analytics to provide valuable intelligence to investors and stakeholders
 - Produce meaningful content via social media, direct email distribution, luncheons, and forums that support our investors' business goals.
 - Lead collaborative vision planning amongst stakeholders to create an inclusive economy that fosters innovation
- Goal #5 - Create an Economic Resilient Environment
 - Identify grant opportunities that expand our workforce development training infrastructure
 - Work with local utilities to ensure development corridors are adequately served to support the modern economy's requirements
 - Support burgeoning industries catalyzed by federal public policy bills (Clean Technology Manufacturing, Desert Climate Farming Resiliency, Intermodal Transportation, and Spaceport)
- Key Performance Indicators (KPI)
 - KPI helps measure GYEDC's performance in accomplishing their goals and giving the City of Yuma the best return on their investment by focusing on the following targets:
 - Investor Creation
 - Additional staff dedicated to creating a higher investment engagement from the community
 - Strive to expand investor base
 - Have a diverse investor base to build on moving forward

- Revenue Generation
 - Ensuring revenue generation continues to be at a higher performance rate year over year
 - Be internally prepared for budget cuts
 - Explore different grant revenue streams
- High Wage Job Growth
 - Create new jobs within the community by attracting diverse investors
- Economic Resilience
 - Representing the Yuma region when presenting around the world via Zoom with different trade associations and different economic development groups, and informing them of the assets, commonalities, and shared uses they can find in our community

Discussion

- Preparing for the future with diversified industry is a great move; during the pandemic different industries were affected in different ways, and having essential jobs within different industries helped keep a lot of people employed within our community during the pandemic. **(Morris/LaVann)**
- We are seeing a lot of movement with new industry focusing on Arizona and the West Coast. With a large consumer base in the West Coast, companies are no longer shipping from the Midwest or East Coast; Phoenix has had a lot of success for this reason. Business is now too large for Phoenix and companies are now looking into metropolitan areas and giving the City of Yuma a serious consideration to bringing their business to this area. **(Shoop/LaVann)**
- The current administration enacted the Inflation Reduction Act (IRA) of 2022 and the Bipartisan Infrastructure Bill to drive new investment in infrastructure along with clean energy equipment, technology, and production. Companies who are far ahead of America in advanced technologies are looking to come to America to collect the rewards from the passing of these bills. We are seeing companies from Taiwan, Korea, China, Australia, and the United Kingdom that are considering coming to Arizona because of Arizona's location next to the fifth largest economy in the world, California. **(Shoop/LaVann)**
- Arizona is not the most economic development friendly state when it comes to incentives. Different cities and counties across the country are given leniencies for Public-Private Partnerships (P3); Arizona does not receive the same leniency. For this reason, speaking from a P3 standpoint, it is a bit more difficult for manufacturing and logistic companies to work with public bodies. However, there are a lot of opportunities for P3 projects in the healthcare and educational sectors. GYEDC, along with Mayor Nicholls and Elevate, is working on an Innovation Hub. Once complete, the Innovation Hub will be a major attraction for P3 partnerships and will be an economic engine and catalyst for years to come. **(Shoop/LaVann)**
- Economic development is different in every city, every state, and every country. What might be good for the City of San Luis might not be what the City of Yuma wants/needs, which is why GYEDC needs to be willing to adapt, within reason. **(Shoop/LaVann)**
- Bringing jobs to Yuma County is the main mission and focus of GYEDC. There are currently five companies in the City of Yuma that are going through different stages of expansion. The capital investment and number of jobs that will be invested in the Yuma community as a result of this expansion will be in GYEDC's year-end report. There is also a new project coming to Yuma; an announcement will be made to the community when a location has been found for this Fortune 500 company to settle in. **(Shoop/Lavann)**

- A Spaceport will enhance Yuma in terms of jobs, boost the economy and education, and will be an innovation driver for future technologies, future users, and really put Yuma on the map from a space tourism standpoint as well. (**Shelton/LaVann**)
- Development of the Colorado River riverfront will help attract labor force. Riverfront recreation is a key element that GYDEC sells to help recruit and retain personnel for companies coming to Yuma. Riverfront development is a great way to highlight the City of Yuma as a place where families can enjoy a lifestyle of live, work, play. (**Shoop/LaVann**)

Introduction of The Hansen House

Bonnie Irr, Executive Director of The Hansen House, presented the following:

Mission

The mission of The Hansen House is to provide care, support, and dignity to individuals in need, who are on hospice services and nearing the end of life.

Vision

Seeking support from the community, the vision is to operate a home where hospice patients without resources can receive quality comfort care at the end of life.

- The Hansen House is a non-profit organization, supported by community donations, grants and a low, sliding-scale daily fee. If the daily fee is not affordable for a family, the patient will be accepted to The Hansen House for free.
- The Hansen House provides:
 - A coordinated plan-of-care with the resident's hospice agency
 - Individualized care plans
 - A private room in a residential home
 - Open visiting hours
 - 24-hour caregiving
 - Comfort medication administration
 - Individualized meal prep and comfort feeding
 - Bathing
 - Dressing
 - Incontinence care
 - Transfers
 - Laundry/linen services
 - Individualized activities
 - Aroma therapy
 - Music therapy, life review, and personal remembrance projects
 - Family support

Core Values

- Compassionate care
 - Compassionate care is at the center of what The Hansen House does, and why The Hansen House exists.
- Teamwork
 - Staff work as a team with the patient, family, and hospice agency to provide a coordinated approach to patient-centered care.

- Integrity
 - Honesty and moral principles guide the organization’s operations and interactions with the community.
- Respect
 - The Hansen House respects patients as unique individuals with feelings, wishes, rights, cultural diversities, and traditions.

Discussion

- Each patient will have a private room for their family to be present at their bedside and be comfortable watching television or listening to music of their choice. **(Morales/Irr)**
- The Hansen House has applied for grants, but have been turned down at this time. This was due to not having the necessary data since the home was not yet open; once the requested data is collected, it will be presented to the stakeholders in the community and a capital campaign will be considered to potentially acquire a bigger home. **(Morales/Irr)**

I. MOTION CONSENT AGENDA

Motion (Knight/Morales): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting(s):

Regular Council Meeting February 7, 2024

B. Executive Session

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 Atty)

C. Approval of Staff Recommendations

1. Authorize the purchase of seven HVAC Air Handler units to the lowest responsive and responsible bidder to Trane, Tucson, Arizona for a total cost of \$113,797.00. (RFB-24-197) (Facilities Mgmt/Purch)
2. Authorize the award of a Police Uniforms and Accessories contract for one year to the two lowest responsive and responsible bidders with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance, to Galls, LLC, Lexington, Kentucky, and Precision Protective Services LLC, Yuma, Arizona, at an estimated annual expenditure of \$93,365.00. (RFB-24-130) (YPD/Purch)
3. Authorize the City Administrator to execute an agreement for the Joint Land Use Plan Update services with White & Smith, LLC of Charleston, South Carolina at an expenditure of \$364,960.00. (RFP-24-177) (Planning & Neighborhood Services/Purch)

II. RESOLUTION CONSENT AGENDA

Motion (Smith/Knight): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2024-009

A resolution of the City Council of the City of Yuma, Arizona, providing for a call of election for the 2024 Primary and General Elections, designating the election dates and purpose, designating the deadline and location for candidates to file nomination petitions, and designating the deadline for voter registration (notice of the following designated election dates: Primary Election – July 30, 2024; General Election – November 5, 2024) (City Admn/City Clk)

Roll call vote: **adopted** 7-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Morales/Morris): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2024-009

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City code, rezoning certain property located in the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R3-/IO) District, and amending the zoning map to conform with the rezoning (approximately 2.82 acres located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street) (Plng & Nbhd Svcs/Cmtty Plng)

Roll call vote: **adopted** 7-0.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-010

An ordinance of the City Council of the City of Yuma, Arizona, declaring a portion of right-of-way surplus for City use and vacating title to the abutting property owner upon payment to the City of fair market value and correcting a scrivener's error (eight-foot strip of land between parcels B and C near 19th Street and Arizona Avenue erroneously retained by the City) (Eng/Dev Eng)

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Knight, Shelton, Smith, Morris, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Mayor Nicholls briefly spoke about the Special Worksession/Legislative Day he attended, along with City of Yuma Councilmembers and staff, on March 4th, 5th, and 6th, 2024, at the Arizona State Capitol Building. Together with Arizona Legislators, the Arizona Governor, the Arizona Attorney General, the Arizona Department of Agriculture Director and the Arizona Department of Transportation (ADOT) Director, focused on bills that will go through, or have gone through, to the state legislature. The theme of the bills was local control versus state control over local issues.

Scheduling

Motion (Morales/Knight): That a City Council Retreat/Special Worksession be scheduled for March 26th and 27th, 2024, and be posted in accordance with state law. Voice Vote: **approved** 7-0

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- March 8th – Vehicle Identification Number (VIN) Etching by YPD and other local law enforcement agencies – Yuma Palms Target parking lot
- March 8th & 9th – Star Fiesta at the West Wetlands Park
- March 16th – Kite Fest 2024 at the Pacific Avenue Athletic Complex (PAAC)

Simonton reminded the community the City’s annual Neighborhood Cleanup is still underway.

Mayor Nicholls recessed the meeting at 6:27 p.m. and reconvened the meeting at 6:31 p.m.

VII. CALL TO THE PUBLIC

Patrick Norris, City resident, spoke about the soccer fields at Yuma Valley Park. Norris claims kids at the park are constantly getting kicked off the soccer fields, and there is no explanation to the kids as to why they are not allowed on the fields. He also raised concern about the soccer fields being watered on Saturdays when kids want to use the fields and are not able to.

Terry Cordero-Torres, City resident, spoke regarding ongoing issues he has with the City’s Public Works Department.

Karen Watts, City resident and member of the National Association for the Advancement of Colored People (NAACP) local Chapter #1016, thanked the City of Yuma, City Council, and Chief Garrity for their support and participation at the Martin Luther King Jr. (MLK) walk done in February on the Martin Luther King Jr. Holiday.

Bonnie Knight, City resident, expressed her support for Israel and the United States as sovereign nations and their right to defend their countries.

Greg Wilkinson, City resident, spoke in support of the City Council members receiving a salary increase. **Wilkinson** also gave some statistics regarding the ongoing war between Israel and Hamas.

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza:

- **Sherri Levek**, City resident
- **Jennifer Reger**, City resident
- **Teresa Sanders**, City resident
- **Barbara Khatoon**, non-resident
- **Alea Hassin**, City resident
- **Layla Hassin**, non-resident
- **Holly Danielle**, City resident
- **Charlene Young**, City resident

VIII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:00 p.m. No Executive Session was held.

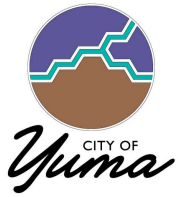
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma
City Council Report

File #: MC 2024-044

Agenda Date: 4/17/2024

Agenda #: 2.

Regular Council Worksession Draft Minutes March 19, 2024

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
March 19, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 5:30 p.m.

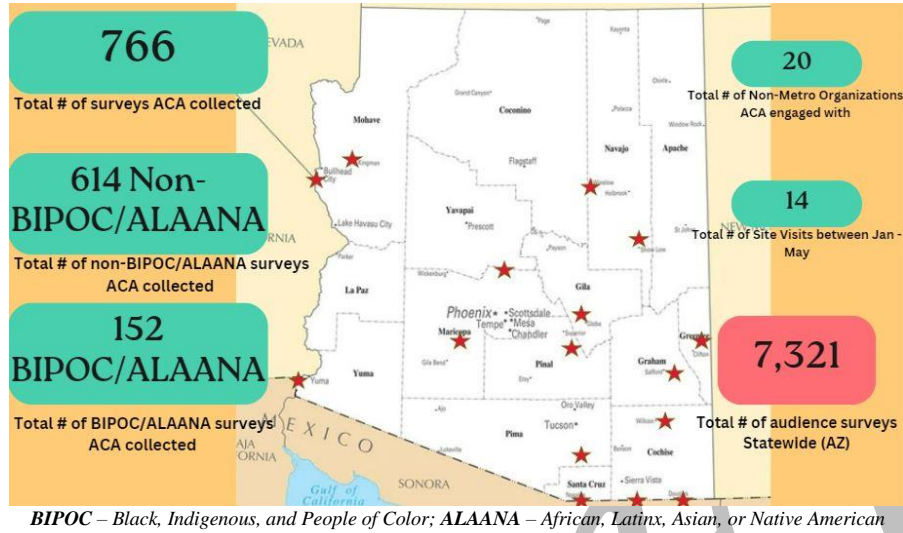
Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, and Mayor Nicholls
Councilmembers Absent: Shelton
Staffmembers Present: Acting City Administrator, John D. Simonton
Assistant Director of Parks and Recreation, Kami Ellsworth
Director of Engineering, David Wostenberg
Assistant Director of Engineering, Steve Wilson
Fire Chief, Dustin Fields
Chief of Police, Thomas Garrity
Director of Planning and Neighborhood Services, Alyssa Linville
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. ARTS AND ECONOMIC PROSPERITY STUDY

Ellsworth introduced **Chris Elliott**, Special Initiatives and Communications Coordinator, and **Brad DeBiase**, Organization Programs Manager, both from the Arizona Commission on the Arts (ACA), to present a summary of the Arts and Economic Prosperity 6 (AEP6) Study as follows:

- What is the AEP6?
 - Captures data on how the arts and culture industry serves as an economic engine and supports a multitude of other industries
 - Conducted by Americans for the Arts (AFTA), the nation's leading nonprofit for advancing, serving, and leading arts and arts education
 - Provides detailed findings on 373 regions from across all 50 states, Washington D.C., and Puerto Rico
- How was the AEP6 completed?
 - Audience intercept surveys collected data from attendees at arts events during the period of May 2022 through June 2023
 - Surveys captured data relating to audience spending across a variety of categories such as travel, lodging, food and beverages, retail, caregiving, etc.
 - Additionally, arts organizations were surveyed to capture sector-wide data
 - Nine regional partner organizations completed data collection in Phoenix, Tempe, Scottsdale, Mesa, the West Valley Region, Chandler, Flagstaff, Sedona, and Pima County
 - ACA completed data collection in the remainder of Arizona's non-metro regions, including Yuma

- AEP6 Engagement Across Arizona



- What Did AEP6 Tell Us?

- Spending
 - Statewide - \$1.1 billion
 - Audiences - \$598 million
 - Organizations - \$501 million
 - Non-Metro - \$37.9 million
 - Audiences - \$25.4 million
 - Organizations - \$12.5 million
- Tax Revenue
 - Statewide - \$38 million
 - Non-Metro - \$2.25 million
- Jobs Supported
 - Statewide - 19,427
 - Non-Metro - 785
- Event-Related Spending
 - Non-Metro Attendees



- Resident vs. Non-Resident Spending
 - Statewide, 10% of attendees were not Arizona residents
 - Resident - \$35.82 per event
 - Non-Resident - \$90.90 per event
- Arts Volunteerism
 - Statewide
 - 56,000 volunteers
 - 1.4 million hours
 - \$42 million value
 - Non-Metro
 - 9,154 volunteers
 - 260,215 hours
 - \$7.8 million value
- Arts and Culture is Valued by the American Public
 - 86% say arts and culture is important to their community's quality of life and livability
 - 79% believe arts and culture is important to their community's businesses, economy, and local jobs
- Arts Build Empathy and Understanding
 - 72% agree that arts and culture provide shared experiences with people of different races, ethnicities, ages, beliefs, etc.
 - 63% say that arts and culture help them better understand other cultures in their community

Discussion

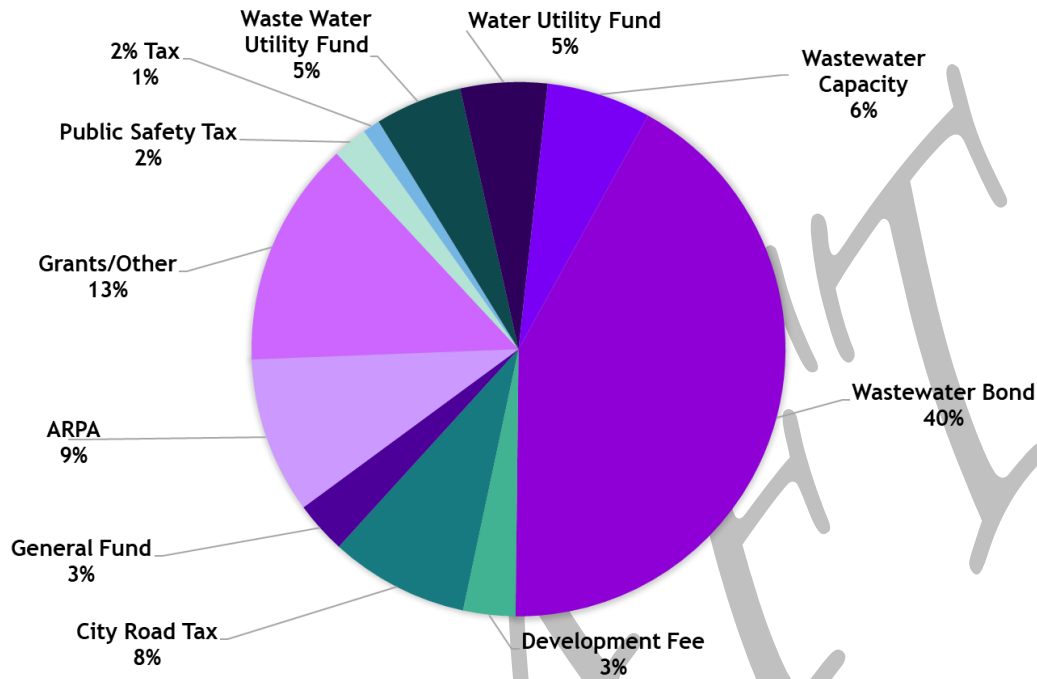
- The pandemic had a devastating impact on the arts and culture industry; spending patterns are climbing close to pre-pandemic levels, but the audiences themselves are coming back at a slower rate than anticipated (**Mayor Nicholls/Elliott/DeBiase**)
- Pandemic relief funding has slowed significantly; general operating support programs are not able to fund capital expenditures such as the construction of an arts facility, however there may be opportunities available through community investment or community impact grants (**Shoop/DeBiase**)
- The non-metro data reported is aggregated, so Yuma's numbers are not available separately; for the AED7, it may be possible for Yuma to be its own distinct participating region for data collection (**Morales/DeBiase/Elliott**)
- The AED6 did not report the specific locations from which non-local participants traveled; this will be suggested to AFTA for future studies as it could be useful for marketing purposes (**Morales/DeBiase**)

II. CAPITAL IMPROVEMENT PROGRAM QUARTERLY UPDATE FOR FY 2024

Mayor Nicholls declared a potential conflict of interest on the Capital Improvement Program Quarterly Update for FY 2024 as his firm participates in capital improvement projects, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Wostenberg introduced **Wilson**, who presented the Capital Improvement Program (CIP) quarterly update for Fiscal Year (FY) 2024 as follows:

- FY 2024 CIP Funding Sources



- FY 2024 Budget Summary
 - Funding Sources - Executed to Date

Funding Source	Original Budget	Revised Budget	Encumbered	Expensed	Budget Balance	Revised Budget Expended
CDBG	\$0	\$96,000	\$0	\$94,882	\$1,118	99%
CIP Grant	\$26,526,637	\$26,430,637	\$722,896	\$1,505,542	\$23,983,200	8%
City Road Tax	\$15,959,050	\$15,959,050	\$4,088,030	\$4,672,709	\$7,198,311	55%
Dev Fees	\$42,485,687	\$42,485,687	\$4,810,926	\$6,273,133	\$31,182,629	26%
General Fund	\$6,411,275	\$6,411,275	\$327,806	\$99,413	\$5,984,056	7%
Grant ARPA	\$17,531,200	\$17,531,200	\$1,191,777	\$1,245,570	\$15,093,853	14%
Public Safety Tax	\$3,821,500	\$3,821,500	\$1,689,644	\$424,855	\$1,707,000	55%
Two Percent Tax	\$2,339,600	\$2,339,600	\$1,232,508	\$329,877	\$777,215	67%
Wastewater Bond	\$83,100,000	\$83,100,000	\$83,100,000	\$0	\$0	100%
Wastewater Capacity	\$12,900,000	\$12,900,000	\$11,975,269	\$924,731	\$0	100%
Wastewater Utility	\$13,736,000	\$13,736,000	\$2,271,848	\$1,444,214	\$10,019,938	27%
Water Utility	\$16,825,000	\$16,825,000	\$5,849,837	\$5,943,780	\$5,031,384	70%
Total	\$206,040,262	\$206,040,262	\$113,895,857	\$18,994,633	\$72,930,772	64%

○ Program Area - Executed to Date

Departments	Original Budget	Revised Budget	Encumbered	Expensed	Balance	Revised Budget Expended
Community Dev	\$775,000	\$1,391,063	\$528,000	\$43,962	\$819,101	41%
Engineering	\$10,485,069	\$11,183,625	\$3,399,585	\$1,919,693	\$5,864,347	48%
Facilities	\$1,074,500	\$1,074,500	\$202,355	\$258,810	\$613,336	43%
Fire Dept	\$4,721,337	\$4,721,337	\$1,907,768	\$2,431,102	\$382,466	92%
General Gov	\$18,246,003	\$18,478,509	\$758,963	\$151,750	\$17,567,796	5%
Parks & Rec	\$21,777,379	\$21,308,029	\$1,879,588	\$891,008	\$18,318,433	13%
Police Dept	\$6,500,000	\$6,500,000	\$86,382	\$26,954	\$6,386,664	2%
Public Works	\$14,856,590	\$14,423,851	\$2,285,227	\$5,755,523	\$6,383,102	56%
Utilities	\$126,255,000	\$125,609,964	\$102,847,989	\$7,515,831	\$15,246,145	88%
Unfunded	\$1,349,384	\$1,349,384	\$0	\$0	\$1,349,384	0%
Total	\$206,040,262	\$206,040,262	\$113,895,857	\$18,994,633	\$72,930,772	64%

• Project Counts

Status	Project Count	Department	Project Count
Assessment	2	CDBG	1
Awarded	1	Community Dev	7
Cancel	5	Engineering	20
Complete	1	Facilities	12
Construction	18	Fire	1
Contingency	8	General Gov	8
Design	26	Parks & Rec	22
Executing	16	Police	1
Hold	15	Public Works	31
Ongoing	3	Utilities	32
Planning	23	Grand Total	135
Substantial Completion	5		
Unfunded	4		
Warranty	8		
Grand Total	135		

• Projects Impacted by Budget

- Avenue B Reconstruction, 24th Street to 16th Street
 - Bids for the project were higher than expected, so all were rejected
 - Staff will reevaluate and reprogram the project in the FY 2025 CIP
 - A new bid will be released in late FY 2024, with an award expected June of this year
- 28th Street Widening, 45th Avenue to 33rd Drive
 - Multiple construction phase have been ongoing in FY 2024
 - Due to timing and funding issues, the bridge project on Avenue 7E and 40th Street over A Canal was prioritized
 - Final construction phase will now be delayed until FY 2025

- Valley Aquatic Center Slide Maintenance
 - The boilers at the Valley Aquatic Center failed, so funding was diverted to make the emergency replacement of the boilers
 - This effort is captured in the proposed FY 2025 CIP
- Main Street Water Treatment Plant (WTP) Basin 1 & 2 Renovations
 - This project was delayed by the Utilities Department to prioritize the Main Street WTP Filter System Upgrade II and various other water related projects that had funding shortfalls
- Emergency Projects Added
 - Smucker Park Detention Basin
 - The contractor working on Yuma County's detention basin has damaged the City's wastewater infrastructure, necessitating emergency repairs funded at \$316,000
 - Las Casitas Storm Water Drain Failure
 - Emergency repairs are currently underway
 - Funding allocated is \$1.3 million, with current costs at \$1.04 million
 - Budget authority from various projects – including Avenue B, 24th Street to 16th Street – is being utilized for this effort
 - Emergency Sewer Replacement, Gila Street and 5th Street
 - On December 13, 2023, a section of 21-inch sewer line failed
 - \$79.4K budget authority utilized from the wastewater contingency fund
- CIP/Engineering Grant Efforts FY24 - \$38.15M Total
 - Safe Streets For All - \$480K (grant received)
 - Carbon Reduction Program - \$474K (grant received)
 - Transportation Alternatives - \$418K (grant received)
 - Highway Safety Improvement Program - \$4.9M (grant received)
 - AZ Strengthening Mobility and Revolutionizing Transportation (SMART) Grant - \$3.58M (grant received)
 - Promoting Resilient Operations for Transformative, Effective, and Cost-Saving Transportation (PROTECT) - \$4.0 M (application pending)
 - Off System Bridge - \$294K (application pending)
 - Bridge Infrastructure Program - \$24.0M (application pending)
- Project Highlights
 - Fire Station #7
 - Construction underway
 - Projected construction costs \$5.6M
 - Project progress is delayed
 - Anticipated completion April 2024
 - North End Pavement Replacement
 - Project Improvements
 - 3.85 miles of pavement
 - 60 sidewalk ramps
 - 7,500 square feet of new concrete sidewalks
 - 15 new fire hydrants
 - 105 new water services
 - 1.1 miles of new 6" PVC watermain lines
 - Projected Construction Costs - \$4,703,006

- Project is trending ahead of schedule
- Desert Dunes Water Reclamation Facility Capacity Increase

Services	Amount
Design – <i>Carollo Engineers</i>	\$2,993,771
Pre-Construction – <i>PCL Construction</i>	\$664,386
Construction Admin – <i>Consultant Engineering, Inc.</i>	\$2,618,866
Engineering Services During Construction – <i>Carollo Engineers</i>	\$1,456,212
Guaranteed Maximum Price – <i>PCL Construction</i>	\$94,069,589
Owners Allowance	\$3,000,000
Potential Change Order (PCO) – <i>Consultant Engineering, Inc.</i>	To Be Determined
Total	\$104,802,824

- Police Storage Facility
 - Construction budget \$6,500,000
- Kennedy Hockey Rink
 - Total cost of project \$282,000

Discussion

- With the exception of a few projects that have been deferred to future budget years, the City is on track to be able to complete all of the currently scheduled CIP projects; future updates can include information on budget versus actual costs to date (**Morris/Wilson**)
- The City receives an updated schedule for the Smucker Park Detention Basin project approximately every two weeks from the Yuma County Flood Control District (YCFCD); the City is also updating the Master Drainage Area Plan for the areas that are experience repeated flooding and looking for grant opportunities to address those issues (**Morales/Wostenberg**)
- The costs for the emergency repairs related to the Smucker Park Detention Basin project will be reimbursed by the YCFCD; the \$316,000 is just the utility portion of the damages, and the total will also include repairs to the roadways, park, and storm sewer manhole (**Knight/Wostenberg**)

Mayor Nicholls returned to the dais.

III. DRONE PROGRAM BRIEFING

Fields and **Garrity** presented the following briefing on the development of a citywide drone program:

- Goals for the Program
 - Privacy
 - Safety
 - Efficiency
 - Oversight
- Citywide Drone Policy
 - Incorporates Federal law and Federal Aviation Administration (FAA) regulations into one

- location for ease of reference
- Adopts national best practices for privacy, accountability, and transparency
- Sets a City-wide standard for record retention
- Sets a City-wide standard for notice to the community
- Yuma Fire Department (YFD) Uses
 - Fire-ground Operations
 - Search and Rescue
 - Fire Investigations
 - Training Evolutions
 - Wildland Fires
 - Hazardous Materials Response
 - Water Rescue
 - Public Education
- Operational Procedures
 - Small Unmanned Aircraft System (sUAS) Crew
 - Operations will consist of a Pilot in Command and a Visual Observer for all flights
 - Safety Measures
 - Air Traffic Control will be notified of all sUAS operations
 - Certificate of Authorization and supplementary waivers from the FAA
- Training and Record Keeping
 - Flight Documentation and Tracking
 - Pilot Training
 - Licensing
 - Record Retention
- Yuma Police Department (YPD) Overview
 - Aerial Support
 - Emergency and natural disaster response
 - Optimized response and recovery with distance, including real-time environment assessment
 - Assessment of situations from a safer distance and reduced risk to law enforcement and hostile parties, limiting conflict
 - Accident Reconstruction/Crime Scene Documentation
 - Enhance and expedite evidence collection and scene reconstruction while reducing cost and risk
 - Public Requests/Retention
 - While maintaining transparency with our community, all footage associated with an incident may be obtained through a public records request
 - All retained and stored images follow the same process and guidelines as the current body worn camera deployed program
- Additional Drone Usage
 - Parks and Recreation
 - Engineering
 - Building Safety
 - Communications

Discussion

- YPD plans to eventually have a drone on every squad, plus additional units, so that they can be quickly deployed when needed; YFD will assess staffing levels to determine the best way to implement the program so drones can be available when needed (**Smith/Garrity/Fields**)
- When it comes to emergency response, public safety drones have airspace priority over drones used for recreational or other business purposes (**Shoop/Garrity**)

IV. REGULAR CITY COUNCIL MEETING AGENDA OF MARCH 20, 2024

Adoption of Ordinance O2024-010 – Vacation of Surplus Right-of-Way and Correction of Scrivener’s Error (vacate a portion of right-of-way on Arizona Avenue to the abutting landowner upon negotiating a fair market value purchase price, and correct a scrivener’s error contained in Ordinance O2008-36 and subsequent deed for the abutting land) (Eng)

Deputy Mayor Morris declared a conflict of interest on Ordinance O2024-010 as his firm is involved in the design work on the project.

Introduction of Ordinance O2024-011 – Text Amendment: Residential Development Standards (update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- With the adoption of this ordinance, the maximum building height restriction of 20 feet for multi-family structures will apply to those located within 40 feet of adjacent parcels, a reduction from the 60-foot boundary currently in place; areas of a structure located beyond the 40-foot boundary can exceed 20 feet (**Deputy Mayor Morris/Linville**)
- The additional 5% lot coverage allowed with an Accessory Dwelling Unit will not be affected by the proposed text amendment (**Deputy Mayor Morris/Linville**)
- The City did not previously have minimum standards for open space, but as densities increase it has become more important to ensure there is adequate private or common open space for residents; retention basins and setbacks will both count towards meeting open space requirements (**Mayor Nicholls/Morales/Linville**)

EXECUTIVE SESSION/ADJOURNMENT

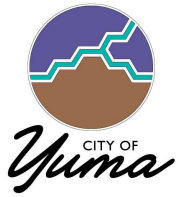
Motion (Morales/Knight): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:40 p.m.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: _____ City Clerk: _____
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City of Yuma
City Council Report

File #: MC 2024-043

Agenda Date: 4/17/2024

Agenda #: 3.

Regular Council Meeting Draft Minutes March 20, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 20, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:33 p.m.

INVOCATION/PLEDGE

Father Emilio Chapa, St. Francis of Assisi Catholic Church, gave the invocation. **Doug Allen**, Director of Finance, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

I. MOTION CONSENT AGENDA

Motion (Morales/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting(s):

Special Council Worksession/Legislative Day	March 4, 2024
Special Council Worksession/Legislative Day	March 5, 2024
Special Council Worksession/Legislative Day	March 6, 2024

B. Executive Session

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 Atty)

C. Approval of Staff Recommendations

1. Award to the most responsive and responsible bidder a one-year contract for the purchase of entertainment promoter services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The

estimated annual expenditure of \$108,000.00 to BMC Productions & Entertainment LLC, Yuma, Arizona. (RFB-24-172) (Admn/Purch)

2. Authorize the City Administrator to execute a guaranteed maximum price construction contract to the Design-Build team Willmeng Construction with lead designers J2 Engineering and American Ramp Company to build (Construction Phase) Kennedy Skate Park in the amount of \$2,891,566.46. (RFQ-22-179) (Eng/Pks/Purch)
3. Authorize the purchase of night vision goggles, holographic sights, gun-mounted lasers, and ballistic helmets from Safeware, Inc., Lanham, Maryland utilizing a Cooperative Purchase Agreement through OMINA Partners, for a total expenditure of \$434,677.93. (GRT-24-214) (YPD/Purch)
4. Authorize the purchase of various equipment and services supporting the regional radio system utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$3,172,449.00 to Motorola Solutions, Inc., Chicago, IL (GRT-24-239) (IT/Purch)
5. Authorize the purchase of Ethernet backhaul network equipment utilizing a Cooperative Purchasing Agreement through the State of Arizona for a total amount of \$488,013.12 to Advanced Network Management, Inc., Scottsdale, AZ. (GRT-24-254) (IT/Purch)

II. RESOLUTION CONSENT AGENDA

Motion (Smith/Morales): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2024-010

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement between the City of Yuma and Crane Elementary School District No. 13 (creating a safe area of transportation for students attending Gary A. Knox Elementary School) (Eng)

Roll call vote: **adopted** 7-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-010 – Vacation of Surplus Right-of-Way and Correction of Scrivener’s Error (Vacate a portion of right-of-way (ROW) on Arizona Avenue to the abutting landowner (T3AZ, LLC) upon negotiating a fair market-value purchase price for the vacated ROW and correct a scrivener’s error contained in O2008-36 and in T3AZ, LLC’s subsequent deed for the abutting land) (Eng/Dev Eng)

Deputy Mayor Morris declared a conflict of interest and left the dais.

Motion (Knight/Smith): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following title(s):

Ordinance O2024-010

An ordinance of the City Council of the City of Yuma, Arizona, declaring a portion of Right-of-Way Surplus for City use and vacating title to the abutting property owner upon payment to the City of fair market value and correcting a scrivener's error (eight-foot strip of land near 19th Street and Arizona Avenue) (Eng/Dev Eng)

Roll call vote: **adopted** 6-0-1, **Deputy Mayor Morris** abstaining due to conflict of interest.

Deputy Mayor Morris returned to the dais.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-011

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the zoning code to amend the lot coverage, setbacks, open space requirement, and height allowances for certain residential districts (reduce certain development standards, allow new development opportunities, and encourage an increase in residential density) (Plng & Nbhd Svcs/Cmty Plng)

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Knight, Smith, Shelton, Morales, Morris, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Scheduling

Mayor Nicholls requested a review of the City Charter's policy on the gathering of nomination petition signatures. **Simonton** stated he is currently working with the legal department and other staff on a possible solution and will present it at the next City Council meeting.

VI. SUMMARY OF CURRENT EVENTS

Simonton reminded the community to submit their Parks, Arts, Recreation, and Trails (P.A.R.T) Phase II Survey before April 5th. He also gave a reminder about the City's Spring Pavement Preservation Program starting March 21, 2024, and about the City's Annual Neighborhood Cleanup coming to an end in a couple of weeks.

- March 21 - 24, 2024, 7:00pm – In the Heights – Historic Yuma Theater
- March 22, 2024, 6:00-8:00pm – Gallery Exhibit Reception – Yuma Art center

VII. CALL TO THE PUBLIC

Patrick Cooley, non-resident, spoke in support of a salary increase for Mayor and City Council. **Cooley** believes a salary increase is warranted and should be revisited; he made a request to put the initiative back on the ballot.

Joanne Fiser, City resident and Executive Director for the Yuma County Anti-Drug Coalition, shared her support in the introduction of drones to the City of Yuma.

The following people spoke in opposition of the City of Yuma adopting a Resolution calling for ceasefire in Gaza:

- **Barbara Hailey**, non-resident
- **Philip Hailey**, non-resident

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza:

- **Cynthia Tovar**, City resident
- **Layla Hassin**, non-resident
- **Jennifer Reger**, City resident
- **Holly Danielle**, City resident
- **Charlene Young**, City resident
- **Israa Khan**, City resident

VIII. EXECUTIVE SESSION/ADJOURNMENT

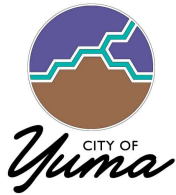
Motion (Knight/Morris): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:19 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: _____ City Clerk: _____
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City of Yuma

City Council Report

File #: MC 2024-038

Agenda Date: 4/17/2024

Agenda #: 1.

DEPARTMENT: Finance	STRATEGIC OUTCOMES <input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible <input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	ACTION <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
DIVISION: Procurement		

TITLE:

Bid Award: Hot and Cold Mix (Asphaltic Concrete)

SUMMARY RECOMMENDATION:

Authorize the award for Hot and Cold Mix (Asphaltic Concrete) to each of the responsive and responsible bidders a one year contract 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 \$236,810.00 with the primary vendor DPE Construction, Yuma, Arizona; and secondary vendor BLT Asphalt, LLC, Yuma, Arizona; (Public Works/Streets - RFB-24-166) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase of these products supports the City Council’s strategic outcome of Respected and Responsible providing necessary material for asphalt road repairs to maintain the City’s infrastructure.

REPORT:

The contract is a necessary commodity for the Public Works Streets Division, and is required on an as-needed basis, for various projects throughout the City.

It is necessary to establish a primary and secondary supplier to eliminate any possibility of not having materials available when required. Both vendor plants are located in Yuma County.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$236,810.00	BUDGETED:	\$261,301.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$236,810.00			
101-40-31.6804 - Highway User Revenue Fund (HURF)			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the City Council-approved FY 2024 budget to award this bid.

ADDITIONAL INFORMATION:

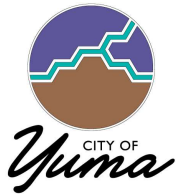
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2024-039

Agenda Date: 4/17/2024

Agenda #: 2.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	<input type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION: Procurement	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Ratify Contract Increase: East Mesa Community Park Lake Reduction Design

SUMMARY RECOMMENDATION:

Authorize ratification of a change order for the redesign portion of phase 1 of East Mesa Community Park to J2 Engineering & Environmental, LLC Phoenix, Arizona in the amount of \$84,547.00 for a total cost of \$1,027,981.90. (Engineering-RFQ-21-179) (Eric Urfer/David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Active and Appealing to provide premier services and amenities, such as parks and open spaces.

REPORT:

Following the 60% completion of the design for East Mesa Community Park phase 1, the City sought to trim the overall construction costs of the project. Consequently, the City opted to reduce the overall size of the project’s lake, a significant component of the original design, from a 4-acre lake to a 3-acre lake. This adjustment necessitated a redesign of the park’s eastern section, incurring a contract modification cost of \$84,547.00. It is anticipated that the resulting construction cost savings is estimated at \$1,000,000.

Below is the summary of the contract modifications for the design services of East Mesa Community Park from the concept design phase up to the 60% design phase of phase 1.

August 18, 2021 - City Council authorized a contract award to J2 Engineering & Environmental, LLC for East Mesa Community Park concept design services through a Request for Qualifications solicitation process in the amount of \$189,287.14.

March 2, 2022 - City Council authorized a contract modification in the amount of \$34,516.77 for the concept design services to expand the park area.

September 2022 - The concept design phase was completed, and a change order with a reduction of \$77,016.12 was executed.

October 5, 2022 - After the concept design was completed, City Council authorized a contract modification for the design services for phase 1 of East Mesa Community Park in the amount of \$768,984.75.

August 2023 - After the 30% design phase, a change order was processed in the amount of \$27,662.36 for redesign work to establish bid alternatives for the project bringing the design for phase 1 to a total of \$796,153.36.

The design phase is scheduled to be completed by August 2024, with the release of the solicitation in September.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 10,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 84,547.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 84,547.00			
American Rescue Plan Act (ARPA) Funding			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council approved FY2024 Budget and Capital Improvement Plan (CIP); which will be carried forward to FY2025 as necessary to complete the multi-year project. This project was one of the originally adopted ARPA funded projects in the FY 2023 City Council approved budget and Resolution R2022-012.

What is ARPA? The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements. Recipients must obligate the funds by December 31, 2024, and the funds must be spent by December 31, 2026.

ADDITIONAL INFORMATION:

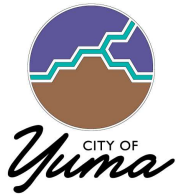
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- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2024-040

Agenda Date: 4/17/2024

Agenda #: 3.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Mayor & City Council	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution
DIVISION: Click or tap here to enter text.	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Appointment and Employment Agreement: City Attorney

SUMMARY RECOMMENDATION:
 Appoint Richard W. Files as City Attorney under the amended City Charter, Article III, section 3(c), and authorize an agreement with terms of employment.

STRATEGIC OUTCOME:
 Appointment of the City Attorney aligns with the City Council’s strategic outcome of Respected and Responsible and ensures authority for the City Attorney to represent the City in all legal proceedings, and perform all other duties prescribed by the City Charter, law, or ordinance.

REPORT:
 Following the Special Election of November 7, 2023, the City Attorney serves at the pleasure of the Mayor and City Council and is appointed by the Mayor and City Council as the chief legal advisor to the City Council, the City Administrator, and all City departments, offices, and agencies. This motion appoints Richard W. Files, the current City Attorney, and approves the terms of the City Attorney’s Employment Agreement on file with the City Clerk’s Office.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
Click or tap here to enter funding - 11pt Arial			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:
 The City Attorney’s base salary will remain the same and is included in the FY 2024 budget. FY 2024 amounts for car allowance and 457 plan will be paid through the departmental budget.

ADDITIONAL INFORMATION:

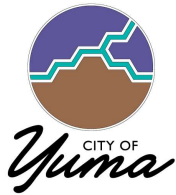
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

City Attorney Employment Agreement

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: N/A	Date:



City of Yuma

City Council Report

File #: MC 2024-041

Agenda Date: 4/17/2024

Agenda #: 4.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
City Administration	<input type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION:	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
Click or tap here to enter text.	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Approval of Land Use for “Parcel B” pursuant to the January 23, 2023, Development Agreement

SUMMARY RECOMMENDATION:

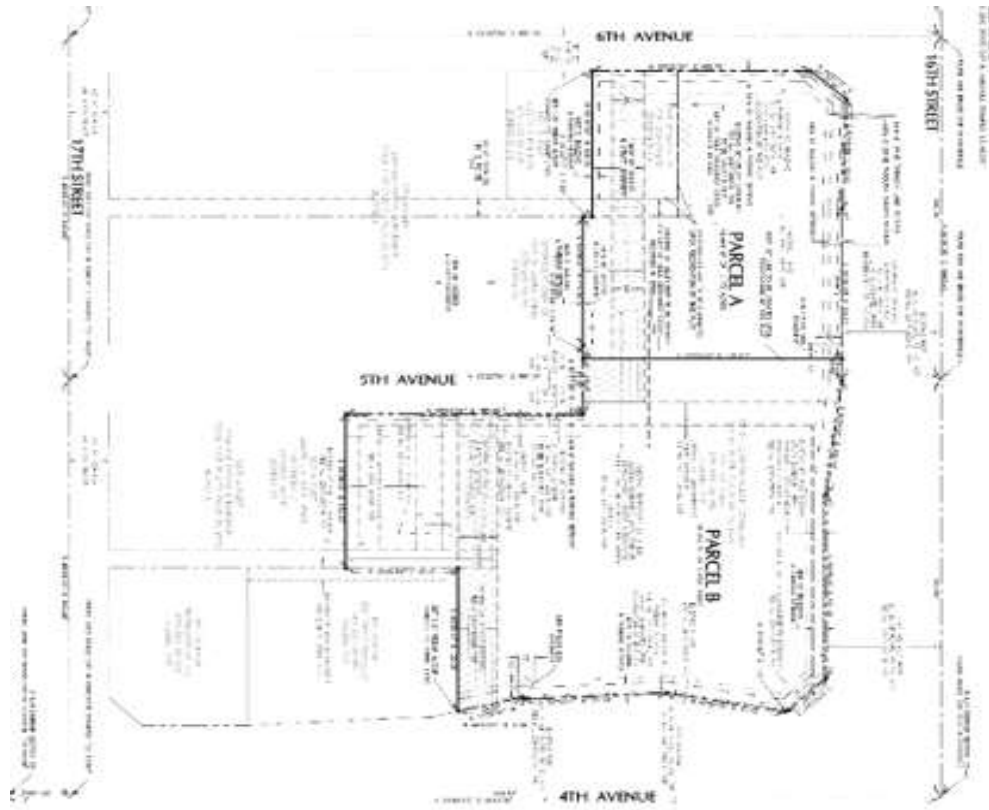
Authorize the construction and operation of Bubba’s 33 on Parcel B. (Administration) (Jay Simonton)

STRATEGIC OUTCOME:

This item furthers City Council’s strategic outcome of Active and Appealing.

REPORT:

Ordinance No. O2022-054 approved a Property Sale, Option and Development Agreement (Development Agreement) between the City and Hardknocks, LLLP (now Spencrazi, LLC, or “Spencrazi”) for the development of City-owned property, Parcel A and Parcel B, at the southwest corner of 4th Avenue and 16th Street are shown below.

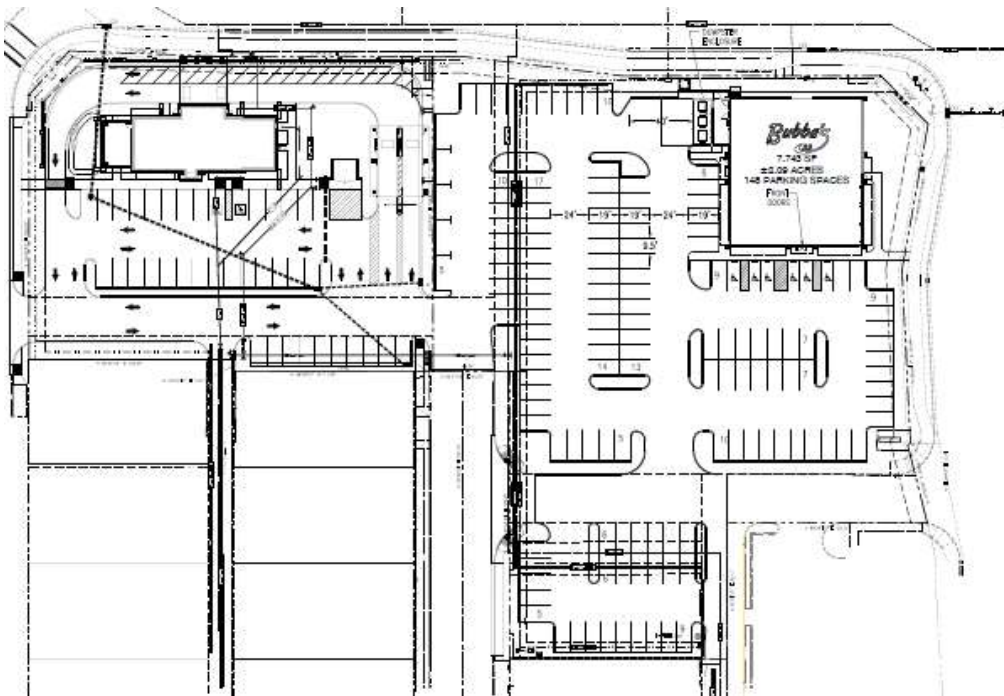


Under the Development Agreement, the City sold Parcel A to Spencrazi for the construction and operation of a new restaurant, Slim Chickens. The Development Agreement also grants Spencrazi an option to buy Parcel B within four years of the close of escrow on Parcel A but the City Council must approve “by motion . . . any use of Parcel B prior to the Close of Escrow of Parcel B.”

Hardknocks’ assignee, SpenCrazi L.L.C., seeks City Council approval to construct and operate Bubba’s 33, a new 7,743 square foot restaurant, on Parcel B in order to finalize a lease with Bubba’s 33 and submit building plans for approval.



FRONT ELEVATION



This motion approves the construction of a Bubba's 33 on Parcel B in accordance with the terms of the Development Agreement.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

Click or tap here to enter funding - 11pt Arial		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

In addition to the sale price, the development of Parcel B will bring additional tax dollars to the City.

ADDITIONAL INFORMATION:

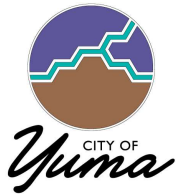
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

Proposed elevations and site plan for Bubba's 33, Development Agreement.

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: R2024-011

Agenda Date: 4/17/2024

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Active & Appealing	<input checked="" type="checkbox"/> Resolution
DIVISION: Community Planning	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Intent to Create Municipal Improvement District (MID) No. 127: Riverview Terrace Subdivision

SUMMARY RECOMMENDATION:

Approve the creation of Municipal Improvement District (MID) No. 127 to serve Riverview Terrace Subdivision located at the northeast corner of Avenue A and 3rd Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).

STRATEGIC OUTCOME:

This MID assists in furthering the City Council's strategic outcomes as it relates to Respected and Responsible and Active and Appealing. The establishment of a MID is a fiscally responsible measure intended to provide long-term maintenance for subdivision landscaping resulting in an appealing environment for neighborhood residents.

REPORT:

Under provisions of the City Code, all developers are responsible to completely landscape their development projects according to the approved plans prior to issuance of the Final Acceptance of the Subdivision. In particular, subdivisions are required to provide landscaping along certain arterial and collector streets, in retention basins, and in other locations according to the zoning requirements, approval stipulations, engineering requests or subdivision requirements. In addition, developers may provide paths, trails, and other amenities in the common open space areas adjacent to arterial and collector streets. Neighborhood landscape amenities add value to properties, enhance walkability, and improve community aesthetics.

In the past, once the landscaping was installed by the developer and accepted by the City, the developer would provide a cash deposit to the City for several years of landscaping maintenance and the responsibility of ongoing maintenance for the landscaping in the community was shifted to the City of Yuma Public Works Department. Ideally, the tax base for that newly developed neighborhood would offset the costs of ongoing maintenance to serve that neighborhood. Public Works must utilize portions of its budget to pay for the maintenance needs of these new developments. Further, many of the residents in these developments would like extra services or specialized services that Public Works is unable to provide, leaving the residents feeling as if they have little control over the maintenance and beautification of their neighborhood.

As an alternative to this existing situation, a statutory Municipal Improvement District (MID) can be created. The state legislature permits the creation of MID's for cities and towns to provide a dedicated funding stream for improvements and neighborhood decisions on improvements. In the City of Yuma context, MID's are

utilized for landscape maintenance and provide local control over landscape maintenance. Residents within the MID pay a special assessment on their property tax bill and gain a direct decision-making role in the level of maintenance within their community. The City will outsource maintenance to a local landscape maintenance contracting company and the amount of the assessment will directly reflect the cost of maintenance. Resident input on the level of maintenance and proposed improvements will be reviewed and approved on an annual basis.

The body of law for MIDs in cities and towns is found at A.R.S. § 48-501 *et seq.* MIDs are widely- used in other Arizona cities and towns in lieu of homeowners’ associations or as back-ups to existing homeowners’ associations so those residents can enjoy the same or similar landscape amenities without the need to be part of a homeowners’ association.

Pursuant to the provisions of A.R.S. § 48-574, the Mayor and City Council are empowered to form a MID for the following purposes: operations, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention basins, parkings, and parkways. Per statute, the Mayor and City Council can initiate the formation of a MID or property owners can petition to form a MID. In this case, a MID was contemplated through a development condition and the developer has submitted an executed Petition, Waiver, and Consent form requesting the formation of the MID. The ability to form MIDs through development conditions instead of entering into formal agreements is especially important to smaller developers or developers improving property within redevelopment areas.

Attached to this Request for City Council Action is the petition to form a MID for the Riverview Terrace Subdivision development. In this situation, in which all the property owners have presented a Petition for Formation, the ordinary publication and posting periods are not required by law. Also attached is the formal Resolution of Intention for Creation of City of Yuma Municipal Improvement District No. 127: Riverview Terrace Subdivision, which is located at the northeast corner of Avenue A and 3rd Street.

Following the passage of a Resolution of Intention to Create a MID, certain impacted property owners, in accordance with A.R.S. § 48-579, are given fifteen days to express written protest against the proposed MID. If no protests are submitted, the Mayor and City Council are authorized to adopt a second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID process. It is anticipated that the Resolution Ordering the Improvements will be heard at the next regular City Council meeting after the creation of this MID and the passage of the fifteen day period.

Adopting this Resolution authorizes the creation of Municipal Improvement District No. 127 to serve Riverview Terrace Subdivision.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:

RESOLUTION NO. R2024-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING ITS INTENTION TO CREATE MUNICIPAL IMPROVEMENT DISTRICT NO. 127, SERVING RIVERVIEW TERRACE SUBDIVISION, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF RIVERVIEW TERRACE SUBDIVISION

WHEREAS, pursuant to Title 48, Chapter 4, Article 2, Arizona Revised Statutes, a Municipal Improvement District (MID) may be formed for the sole purpose of the operation maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detention basins, and parkings and parkways; and,

WHEREAS, a petition has been received by the Mayor and City Council of the City of Yuma to form a MID to provide operation, maintenance and repair of the landscape improvements within, near and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the Riverview Terrace Subdivision housing development; and,

WHEREAS, the formation of a MID for the operation, maintenance and repair of the landscape improvements within, near, and adjacent to retention and detention basins and the parkings and parkways and related improvements serving Riverview Terrace Subdivision will provide a dedicated stream of funding for the maintenance of those improvements and will provide neighborhood decisions on those improvements, and will privatize the maintenance of those improvements; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the formation of the MID to provide the operation, maintenance and repair of the landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the Riverview Terrace Subdivision housing development to be of more than local or ordinary public benefit, and not a general public benefit, and further that the expenses of said operation, maintenance, and repair shall be the responsibility of those within the Riverview Terrace Subdivision; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the operation, maintenance, and repair of landscaping improvements in the retention and detention basins and the parkings and parkways and related improvements in the District is incidental to the maintenance and preservation of the retention and detention basins and the parkings and parkways and related improvements, has aesthetic value, and maintains and increases the value of property within the District; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona find and declare that the operation, maintenance, and repair of landscaping improvements within, near or adjacent to the retention and detention basins and the parkings and parkways and related improvements in the

MID preserves and promotes the health, safety, and welfare of those citizens living within the District as well as preservation of the streets and parkways in the District which may be adversely impacted by drainage; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona find and declare that the operation, maintenance, and repair of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air, and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens living within the District.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The petition to form a MID for Riverview Terrace Subdivision purporting to be signed by all of the real property owners within the proposed District attached as Exhibit "A" is hereby accepted as provided in A.R.S. § 48-574(C).

SECTION 2: MID No. 127, serving Riverview Terrace Subdivision to operate, maintain and repair landscaping improvements included within, near, and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Riverview Terrace Subdivision, is hereby created.

SECTION 3: The expenses of MID No. 127 shall be assessed to the several properties within the MID as provided for in A.R.S. § 48-574 *et seq.*

SECTION 4: No sooner than fifteen (15) calendar days after this Resolution is adopted, City staff shall present a map of the boundary for MID No. 127 and a diagram for MID No. 127 to Mayor and City Council for consideration to declare an intention to order improvements to MID No. 127 as provided in A.R.S. § 48-576.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF YUMA**

127

MID#

Riverview Terrace

Subdivision Name

To: Honorable Mayor and
Honorable Councilmembers
City of Yuma, Arizona

Pursuant to Arizona Revised Statutes (“A.R.S.”) §48-574, the undersigned property owner respectfully petitions the Mayor and City Council of the City of Yuma, Arizona (the “City Council”) to order the formation of a Municipal Improvement District (the “District”) under A.R.S., Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under Arizona Law and to consent to the formation and completion of the District.

1. Area of District. The proposed District is described by a diagram and by a legal description on Exhibit “A” that is attached hereto and incorporated herein by reference.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed District (the “Petitioner(s)”) including any required public dedications of property.
3. Purpose. The District is proposed to be formed for the purpose of the operation, maintenance, repair and improvements of landscape, irrigation, and hardscape in retention basins, parkways and parkings within the proposed District.
4. Public Convenience and Necessity. The necessity for the proposed District is for the operation, maintenance, repair and improvements of landscape, irrigation, and hardscape in retention basins, parkways and parkings within the proposed District by the levying of special assessments in the proposed District.
5. Waiver and Consent. The Petitioners, with full knowledge of their rights being waived hereunder, hereby expressly waive all of the following:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work relating to the District.
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S §48-578.
 - (c) All rights to petition to dissolve the district pursuant to A.R.S. §48-574(N).
 - (d) All protest rights whatsoever under A.R.S. §48-579(A) and (B), as amended.

(e) All objections to the filing of and legislative adoption by the City Council of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

(f) It is the intent of the undersigned Petitioners that items (a) through (e) above shall be binding on all successors and assigns and shall run with the land.

Further, the improvements described above are of more than local or ordinary public benefit, and not a general public benefit.

IN WITNESS WHEREOF, the parties have executed this Petition and Waiver Agreement as of _____, 20_____.

[SIGNATURES ON FOLLOWING PAGES]

"Property Owner"

Property Tax Parcel Numbers: 633-41-132

By: Saul Arbon

Name: Saul Arbon Coronas

Title: OWNER

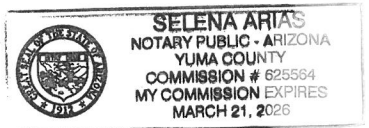
Address: 2294 W. 22nd Pl. Yuma Az 85364

Date: 3-18-24

(ACKNOWLEDGMENT)

STATE OF Arizona)
COUNTY OF Yuma) ss.

This instrument was acknowledged before me on March 18th, 2024
by Saul Arbon, as owner of River View Terrace(n) Duplex,
Subdivision on behalf of the owner.



(affix notary seal here)

[Signature]
Notary Public in and for the State of AZ

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

ACCEPTED AND APPROVED BY:

“City”

CITY OF YUMA,
an Arizona municipal corporation

Douglas J. Nicholls, Mayor

ATTEST:

Lynda Bushong, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF YUMA)

This instrument was acknowledged before me on _____, 20__,
by Douglas J. Nicholls, the Mayor of the CITY OF YUMA, an Arizona municipal corporation, on
behalf of the City of Yuma.

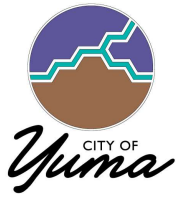
Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT "A"

LEGAL DESCRIPTION

A SUBDIVISION OF PARCEL "A" OF THE 3RD STREET LAUNDRY LOT SPLIT, AS RECORDED IN BOOK 25 OF PLATS, PAGES 7 & 8, YUMA COUNTY RECORDER'S OFFICE, YUMA COUNTY, AZ., ALSO BEING A PORTION OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 08 SOUTH, RANGE 23 WEST, G.&S.R.B.&M., YUMA COUNTY, AZ.



City of Yuma

City Council Report

File #: O2024-012

Agenda Date: 4/3/2024

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Utilities	<input checked="" type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction
DIVISION:	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
Administration		

TITLE:

Wastewater Discharge Local Limits Update

SUMMARY RECOMMENDATION:

Pursuant to the Environmental Protection Agency (EPA) Pretreatment Regulations 40 Code of Federal Regulations (CFR) 403, amend City Code § 191-02 General Sewer Use Requirements, to update the existing wastewater Local Limits in accordance with the findings of the Local Limits Figueroa Avenue Water Pollution Control Facility (WPCF) Report. (Utilities/ Administration) (Jeremy McCall)

STRATEGIC OUTCOME:

This action item supports the City Council strategic outcome of Safe and Prosperous by ensuring the future reliability and protection of the City’s wastewater systems.

REPORT:

The City of Yuma is required, by Federal and State environmental standards, to maintain an ordinance which regulates the discharge of non-domestic waste into the City's wastewater collection system. City Code § 191-02 General Sewer Use Requirements, Subsection D Local Limits, contains site specific, technically-based local wastewater discharge limitations. The City is required to review and update these limitations as necessary. The existing wastewater Local Limits were last updated in 2010 (Ordinance O2010-19) and need to be modified to reflect new State and Federal requirements, wastewater treatment plant changes, and local wastewater discharge permit requirements.

EPA Pretreatment Regulations, 40 CFR Part 403, requires that the City periodically analyze the wastewater systems Local Limits. Under these requirements, the City must review the adequacy of existing discharge limits and establish standards to prevent detrimental pollutants from entering the treatment system that would interfere with the operation of the treatment plant, degrade the quality of biosolids, or pass untreated through the treatment plant to the Colorado River.

Key factors for determining revisions of the current Local Limits were:

1. The City of Yuma received a new Arizona Pollution Discharge Elimination System (AZPDES) Permit. The Arizona Department of Environmental Quality (ADEQ) issued a new AZPDES permit on August 15, 2023, which differs from the previous discharge permits. The new 2023 permit included new effluent limitations for discharges to the Colorado River.

2. There have been changes in the number and types of Industrial Users within the Figueroa Avenue Water Pollution Control Facility (WPCF) service area since the previous 2007 Local Limit Study.

The *Figueroa Avenue WPCF Local Limits Report* was developed by following EPA Local Limit Development Guidance documents to protect the City’s treatment plants, wastewater collection system, and treatment personnel from dangerous discharges.

Specific milestones of the Local Limit Study and its implementation are as follows:

April 6, 2023, the City of Yuma completed the preliminary *Figueroa Avenue WPCF Local Limits Draft Report*.

November 2, 2023, the City of Yuma provided ADEQ the *Figueroa Avenue WPCF Local Limits Draft Report*, and the suggested modifications to the City of Yuma Local Limits.

February 1, 2024, ADEQ approved the modifications to the proposed wastewater Local Limits. ADEQ provided their approval to continue with adoption, noting “At this time, the City may implement the modification to its Local Limits.” Per ADEQ Rule the proposed Local Limits are considered a Minor Modification to the City of Yuma Approved Pretreatment Program.

February 2024, the City of Yuma notified all affected facilities and Industrial Users of the proposed revisions to the Local Limits, and that the City was seeking comments from users, and industrial facilities. Yuma Cogen was the only user to respond, and their comments were addressed.

March 4, 2024, the City of Yuma, Water and Sewer Commission was presented the findings of the *Figueroa Avenue WPCF Local Limits Report*. All permitted Industrial Users were invited to attend this public meeting, though no users attended. The Water and Sewer Commission endorsed the *Figueroa Avenue WPCF Local Limits Report* and supported the proposed changes to the City of Yuma Local Limits (vote of 5 - 0 in favor).

The proposed changes to the Local Limits are outlined in the table below. Note that only Nitrogen (Total) and Zinc are to be modified, and that these changes will not affect any of the City’s local wastewater dischargers.

Additionally, the proposed ordinance ratifies the existing codification of Yuma City Code Chapter 191 (which differs from the adopting ordinance in formatting, numbering and lettering).

Parameter	Current Local Limit	Proposed Local Limit
Ammonia	260 mg/L	260 mg/L
Arsenic	0.070 mg/L	0.070 mg/L
Boron	2.5 mg/L	2.5 mg/L
Cadmium	0.072 mg/L	0.072 mg/L
Chromium (Total)	4.9 mg/L	4.9 mg/L
Copper	1.9 mg/L	1.9 mg/L
Cyanide	0.13 mg/L	0.13 mg/L
Dissolved Sulfide	0.5 mg/L	0.5 mg/L
Total Petroleum Hydrocarbons	100 mg/L	100 mg/L
FOG, Polar	(See note 1) (See note 2)	(See note 1) (See note 2)
FOG, Total	(See note 1) (See note 2)	(See note 1) (See note 2)

Lead	0.52 mg/L	0.52 mg/L
Mercury	0.0002 mg/L	0.0002 mg/L
Molybdenum	0.20 mg/L	0.20 mg/L
Nickel	0.82 mg/L	0.82 mg/L
Nitrogen (Total)	150 mg/L	95 mg/L
pH	5 - 11.5 S.U.	5 - 11.5 S.U.
Silver	2.9 mg/L	2.9 mg/L
Selenium	0.020/0.011 mg/L (See note 3)	0.020/0.011 mg/L (See note 3)
Thallium	0.027 mg/L	0.027 mg/L
Biochemical Oxygen Demand (BOD)	Note 4	Note 4
Total Suspended Solids (TSS)	Note 4	Note 4
Total Dissolved Solids (TDS)	Note 4	Note 4
Zinc	1.8 mg/L	1.25 mg/L

Note 1: Discharges of oil and grease shall not result in accumulations which either alone, or in combination with other wastes, are capable of obstructing flow or that interfere with the operations or performance of the waste collection system or the treatment facilities.

Note 2: Dischargers of polar FOG shall minimize free floating polar FOG. Discharge of polar FOG in quantities that cause or contribute to obstructions is strictly prohibited. Dischargers of free floating polar FOG shall be required to install pretreatment devices such as grease removal equipment sized according to City standards and in accordance with best management practices.

Note 3: Industry specific selenium local limit of 0.020 mg/L to identified selenium discharging significant users (SIU). To counterbalance the higher selenium limit for these discharges a lower limit of 0.011 mg/L is required.

Note 4: The discharge of wastewater shall not cause the inhibition of wastewater treatment or violation of permit requirements.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

-		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE

OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 03/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2024

ORDINANCE NO. O2024-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING SECTION 191-02 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO LOCAL LIMITS FOR INDUSTRIAL DISCHARGES TO THE PUBLICLY OWNED TREATMENT WORKS AND RATIFYING THE CURRENT FORMATTING, LETTERING AND NUMBERING OF YUMA CITY CODE CHAPTER 191

WHEREAS, the City of Yuma (City) has adopted an Ordinance which regulates the discharge of non-domestic waste into the wastewater collection system of the City; and,

WHEREAS, it is necessary for the City of Yuma to adopt and enforce technically based local wastewater discharge limitations pursuant to Federal and State environmental requirements; and,

WHEREAS, the City is required to review and update, as necessary, the existing wastewater limits to reflect new State and Federal requirements, treatment plant changes, wastewater discharge permit requirements, and other requirements that may affect the reliability of the local limits.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code Chapter 191: Industrial Wastes and Other Wastewater Dischargers, as codified, is ratified as the proper formatting, numbering, and lettering of Ordinance O2019-007.

SECTION 2: Yuma City Code § 191-02 General Sewer Use Requirements, subsection D, Local Limits, Item 2, is amended to read as follows where strikethrough text indicates deletions and bolded text indicates additions:

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following limitations. If and when federal or state regulatory agency regulations require a specific pretreatment concentration for a specific industry, whichever is the more stringent concentration level between these regulations and such federal or state regulations will apply.

Local Limits for Users of the Figueroa Avenue Water Pollution Control Facility (WPCF)

<i>Parameter</i>	<i>Daily Maximum Limit</i>
Ammonia	260 mg/L
Arsenic	0.070 mg/L
Boron	2.5 mg/L
Cadmium	0.072 mg/L
Chromium (Total)	4.9 mg/L
Copper	1.9 mg/L
Cyanide	0.13 mg/L
Dissolved Sulfide	0.5 mg/L
Total Petroleum Hydrocarbons	100 mg/L
FOG, Polar	(See note 1) (See note 2)
FOG, Total	(See note 1) (See note 2)

Lead	0.52 mg/L
Mercury	0.0002 mg/L
Molybdenum	0.20 mg/L
Nickel	0.82 mg/L
Nitrogen (Total)	150 95 mg/L
pH	5 - 11.5 S.U.
Silver	2.9 mg/L
Selenium	0.020/0.011 mg/L (See note 3)
Thallium	0.027 mg/L
Biochemical Oxygen Demand (BOD)	Note 4
Total Suspended Solids (TSS)	Note 4
Total Dissolved Solids (TDS)	Note 4
Zinc	4.8 1.25 mg/L
Note 1: Discharges of oil and grease shall not result in accumulations which either alone, or in combination with other wastes, are capable of obstructing flow or that interfere with the operations or performance of the wastewater collection system or the treatment facilities.	
Note 2: Dischargers of polar FOG shall minimize free floating polar FOG. Discharge of polar FOG in quantities that cause or contribute to obstructions is strictly prohibited. Dischargers of free floating polar FOG shall be required to install pretreatment devices such as grease removal equipment sized according to city standards and institute other best management practices.	
Note 3: Industry specific selenium local limit of 0.020 mg/L to identified selenium discharging significant industrial users (SIU). To counterbalance the higher selenium limit for these discharges a lower limit of 0.011 mg/L for other SIUs is required.	
Note 4: The discharge of wastewater shall not cause the inhibition of wastewater treatment or violation of any ADEQ requirements.	

The above limits apply at the point where the wastewater is discharged to the Publicly Owned Treatment Works (POTW). All concentrations for metallic substances are for total metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to the concentration-based limitations above.

SECTION 3: Violations of this Ordinance are subject to the following civil and criminal penalties:

1. Civil Penalties

(A) A User who has violated, or continues to violate, any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, pursuant to Arizona Revised Statutes (A.R.S.) § 49-391, as amended, be liable to the City for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The Director of Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, those outlined in A.R.S. § 49-

391, as amended, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. Criminal Penalties

(A) A User who willfully or negligently violates any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than \$2,500 per violation, per day, or imprisonment for not more than six (6) months, or both.

(B) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter 191, individual wastewater discharge permit, or general permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter 191 shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500 per violation, per day, or be subject to imprisonment for not more than six (6) months, or both.

Adopted this _____ day of _____, 2024.

APPROVED:

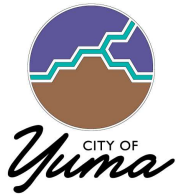
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-014

Agenda Date: 4/17/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	<input type="checkbox"/> Safe & Prosperous <input checked="" type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance - Introduction
DIVISION:	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Text Amendment: Short-Term Rentals (Vacation Rentals)

SUMMARY RECOMMENDATION:
 Amend Title 7 of the Yuma City Code to add a new Chapter 77: Short-Term Rentals (STRs) to provide for regulations consistent with Arizona Revised Statutes, Titles 9 and 42 (Finance) (Doug Allen/Rodney Short)

STRATEGIC OUTCOME:
 Consistent with the preemptions and regulations in State of Arizona law and rules promulgated by the Arizona Department of Revenue, the proposed text amendment will ensure short-term rentals pay the same tax as other transient lodging operations such as hotels and motels, supporting the City Council’s strategic outcomes of Active and Appealing and Respected and Responsible.

REPORT:
 This text amendment updates the Yuma City Code to remain consistent with the laws and regulations in Arizona Revised Statutes (A.R.S.) and the regulations and rules of the State of Arizona Department of Revenue (AZDOR) in relation to short-term rentals (STR) operations. STRs are single-family or multi-family dwellings, full or partial, offered for short-term lodging, in a similar fashion but as an alternative to hotel or motel operations. Initially, most STR property was owned privately, but recently large, corporate investment groups have been buying properties in most locales across Arizona and converting existing homes, apartments, condominiums into rental units, specifically STR operations.

Whether owned by an individual, family, or by a large corporation, the owners typically list the STR on an online lodging marketplace through companies such as AirBnB, VRBO, HomeAway, HomeToGo, Guesty, and many other national and international platforms. STRs are wildly successful, especially in Arizona, and have emerged as strong competition to classic lodging operations.

The incredible success of STRs also placed a noticeable strain on local communities. Dwellings in highly-desirable locales quickly converted a large portion the available housing stock, sometimes the bulk of a single neighborhood, into STRs and tourist zones. This sometimes resulted in STRs being used for large parties prompting noise complaints from nearby residents. Local town councils, city councils, and county supervisors began regulating STRs through zoning, which prompted a nationwide movement by the online lodging marketplace operators to begin lobbying state legislators for uniform rules for locating and taxing STRs. Arizona’s Legislature responded very early and starting in 2016, the Arizona Legislature began passing laws

preempting almost all local control on operations of STRs.

This caused some unintended consequences, so local Arizona communities, advocacy organizations such as the League of Arizona Cities and Towns, and the online lodging marketplace operators began looking for mutually beneficial statewide laws to assist the communities as well as the industry.

It took many years, but finally the last couple of Legislative sessions began to provide a sliver of authority back to local town and city councils for STR operations within their jurisdictions. The current law is found at A.R.S. § 9-500.39 and while it still largely preempts local authority, the statute does allow some local control for items like requiring business licenses for STR operations and requiring the business license number be displayed on the online marketplace advertisements offering the STR.

STR operators in the State of Arizona were already required to have a State transaction-privilege tax (TPT) number and to display the TPT number on STR advertisements and offerings. The Legislature now extends the display requirement to local TPT licenses as well. Adding the local license numbers on advertisements ensures the AZDOR assigns the proper transient lodging regulations to STRs in the jurisdiction. The State tax statutes found in Title 42 of the A.R.S., the Model City Tax Code (MCTC), and AZDOR regulations and rules classify STRs as transient lodging operations and subjects them to the same taxes and rates applicable to hotels, motels, or other transient lodging operations within the jurisdiction.

Adopting the proposed Ordinance and regulations in Exhibit A follows State law and AZDOR regulations and places STRs on an even taxable basis with similar hotel/motel/transient lodging operations.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded

Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:

ORDINANCE NO. O2024-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 7 OF THE YUMA CITY CODE ADDING REGULATION OF SHORT-TERM RENTALS (VACATION RENTALS) IN A MANNER CONSISTENT WITH ARIZONA REVISED STATUTES; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR SEVERABILITY

WHEREAS, through Arizona Revised Statutes (A.R.S.) Section 9-500.39, the Arizona Legislature largely preempts local city and town councils from restricting the use of or regulating aspects of short-term rentals/vacation rentals (STR) based on STR's classification, use, or occupancy within the jurisdiction except as set forth in that State statute; and,

WHEREAS, the State tax statutes in Title 42 of the A.R.S. including, but not limited to A.R.S. § 42-5070, and Article IV: Privilege Taxes of the Model City Tax Code (MCTC) both classify and regulate STRs as transient lodging/hotels/motels for tax purposes making STR stays subject to all taxes and rates applicable to hotels, motels, or other transient lodging operations within each jurisdiction; and,

WHEREAS, A.R.S. § 42-5042 requires owners of STRs to obtain a State of Arizona Transaction Privilege Tax (TPT) License and remit appropriate State taxes for each rental transaction; and,

WHEREAS, A.R.S. § 9-500.39(B)(5) allows local jurisdictions to require owners of STRs to obtain and maintain a local business license and/or a STR regulatory permit; and,

WHEREAS, Arizona law and the State of Arizona Department of Revenue (AZDOR) regulations currently require owners or operators of STRs to display the State TPT License number on all advertisements for the STR, including through an Online Lodging Marketplace (OLM) or other type of digital platform, or through a property management company; and,

WHEREAS, A.R.S. § 9-500.39(B)(7) allows local jurisdictions to also require owners of STRs to display the local business license number/STR regulatory permit number on all advertisements for the STR, including on an OLM or other type of digital platform, or through a property management company; and,

WHEREAS, State law requires OLM or property management companies to remit State and local taxes pursuant to regulations promulgated by the (AZDOR); and,

WHEREAS, following State statutes and State AZDOR regulations treats STRs the same as other hotel/motel/transient lodging operations.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Yuma as follows:

SECTION 1: In General,

A certain document titled, “*Regulation of Short-Term Rentals (Vacation Rentals), Amending Title 7: Business Regulations of the Yuma City Code to add a new Chapter 77: Short-Term Rentals (STRs)*” attached as Exhibit “A” is declared to be a public record pursuant to A.R.S. § 9-802. Exhibit A shall be on file at the Yuma City Clerk’s Office, with one (1) paper copy and (1) electronic copy maintained in compliance with A.R.S. § 44-7041 and kept available for public use and inspection.

SECTION 2: Exhibit A is hereby adopted by reference in its entirety as Chapter 77 of the Yuma City Code.

SECTION 3: It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm, or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for not more than ten (10) days or both fine and imprisonment. Each separate day or part thereof during which any violation of sections of this ordinance occurs or continues to occur shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as provided by this section.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

Regulation of Short-Term Rentals (Vacation Rentals) Amending Title 7: Business Regulations of the Yuma City Code to add a new Chapter 77: Short-Term Rentals (STRs)

Chapter 77: Short-Term Rentals (STRs)

General Provisions

- §77-01 Purpose
- §77-02 Definitions

Licensing

- §77-03 Business License Required
- §77-04 Transient Lodging Classification/local sales tax/Hospitality Tax
- §77-05 Advertisements
- §77-90 Severability Clause
- §77-99 Penalty

§77-01 Purpose

The purpose of the STR regulations is to protect the health, safety, and welfare of the community and visitors.

§77-02 Definitions

“Hospitality tax” means the special sales tax set forth in the Yuma City Charter, Article III, § 16.

"Online lodging marketplace" has the same meaning prescribed in A.R.S. § 42-5076 and generally means a person that provides a digital platform for compensation through which an unaffiliated third party offers to rent lodging accommodations in this State to an occupant, including a transient.

"Online lodging operator" has the same meaning as prescribed in A.R.S. § 42- 5076 and means a person that is engaged in the business of renting to an occupant, including a transient as defined in A.R.S. § 42-5070, any lodging accommodation in this State offered through an online lodging marketplace.

"Owner" means any person who, alone or with others, has title or interest in a property, dwelling unit, or portion thereof, with or without actual possession of the short-term rental.

"Owner's designee" means any person or persons with the charge, care, or control of any property, dwelling unit, or portion thereof and includes the "emergency point of contact."

"Person" means any individual, public entity, firm, corporation, partnership, limited liability company, trust, association, or any other entity of any kind.

"Short-term rental" or "STR" means any individually or collectively owned single-family or one-to-four-family house or dwelling unit, accessory dwelling unit, or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under A.R.S. § 42-12001. A short-term rental shall also include a dwelling unit in a multiple-family development offered for rent as transient lodging. Each unit that is separately leased is a STR. A short-term rental does not include a timeshare managed pursuant to A.R.S. § 33-2201 *et seq.*

"Transaction privilege tax license" is the license issued by the State of Arizona pursuant to A.R.S., Title 42.

"Transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or use of lodging space on a daily or weekly basis, or any other basis for less than thirty (30) consecutive days.

§77-03 Business License Required

- A. City Business License required. It is unlawful to rent or offer to rent a short-term rental (STR) without having first obtained a valid City Business License issued under this chapter. A separate Business License is required for each STR.
- B. Prima facie evidence. Representations or advertisements including online lodging marketplace listings that reference the property, house, or dwelling unit location within the City as available for transient lodging is prima facie evidence that an owner is offering to rent or operating a STR in the City.
- C. Violations. In addition to any penalty or fine that may be imposed under this Chapter (Penalty § 77-99), the owner shall immediately cease operations of the STR until a valid Business License is obtained.

§77-04 Transient Lodging taxation classification/local sales tax and hospitality tax

- A. The State of Arizona Department of Revenue (AZDOR) includes STRs in the AZDOR Transient Lodging classification.

B. The income from STR rentals is subject to the same taxes and the same rates as other transient lodging/hotels/motels operating in the City of Yuma/State of Arizona, including:

1. Arizona transaction privilege tax (TPT);
2. local sales taxes; and,
3. any Hospitality Tax (2% tax).

Source: A.R.S. §§ 42-5042, 42-5070; Model City Tax Code (MCTC) Article IV: Privilege Taxes (transient lodging); and Yuma City Charter Articles III, § 16, and XIII, § 7, as amended.

§77-05 Advertisements

Beginning on any STR stay in the City of Yuma offered for June 1, 2024, and all future dates thereafter, the owner shall display the State TPT license number and the City Business License number on each advertisement associated with the STR, including online lodging marketplace advertisements.

§ 77-90 Severability Clause

If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

§77-99 Penalty

Consistent with A.R.S. § 9-500.39, it shall be unlawful for any person, firm, or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm, or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for not more than ten (10) days or both fine and imprisonment. Each separate day or part thereof during which any violation of sections of this ordinance occurs or continues to occur shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as provided by this section.