

City of Yuma City Council Meeting Agenda

Wednesday, December 20, 2023

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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 or at Call to the Public 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 2023-197](#) **Regular Council Meeting Draft Minutes November 15, 2023**
Attachments: [2023 11 15 2023 Minutes](#)

2. [MC 2023-198](#) **Regular Council Meeting Draft Minutes December 6, 2023**
Attachments: [2023 12 06 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 2023-192](#) **Cooperative Purchase Agreement: Email Security and Protection**
Authorize the continued purchase of Proofpoint Email Security and Protection licensing utilizing a Cooperative Purchase Agreement through the State of Arizona a one-year term with the option to renew for two additional one-year options for an estimated annual expenditure of \$112,846.87 to SHI, Somerset, New Jersey. (Information Technology - CPA-24-001) (Isaiah Kirk/ Robin R. Wilson)

2. [MC 2023-193](#) **Request for Qualifications Award: Traffic Management Center**
Authorize the City Administrator to execute a contract to provide design and support services for the Traffic Management Center and Traffic Signal Operational Improvements to the 16th Street Corridor to Iteris, Inc., Santa Ana, CA in the amount of \$415,373.00. (Engineering RFQ-23-210) (David Wostenberg/ Robin R. Wilson)

3. [MC 2023-194](#) **Final Plat: Riverview Terrace Subdivision**
 Approve the final plat of the Riverview Terrace Subdivision. The property is located at the northeast corner of Avenue A and 3rd Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
Attachments: [1. SUPP DOC Final Plat Riverview Terrace Subdivision](#)
4. [MC 2023-195](#) **Final Plat: Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII**
 Approve the final plat of the Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII. The property is located near the southeast corner of Avenue 3¾E and 32nd Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
Attachments: [1. P&Z RPT Final Plat: Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII](#)
[2. PLAT Final Plat: Premier Storage Condominiums of Yuma Unit II, LLC, Phases IX, XI, and XIII](#)
5. [MC 2023-196](#) **Settlement: Aguayo, et al. v. City of Yuma, et al.**
 Authorize settlement of a lawsuit, *Aguayo, et al. v. City of Yuma, et al.*, Yuma County Superior Court Case No. S1400CV2022-00579 and Arizona Court of Appeals No. 2 CA-CV 2023-0188. (City Attorney) (Richard W. Files)

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. [R2023-056](#) **Lease Agreement: Yuma Crossing National Heritage Area Corporation**
 Authorize the City Administrator to execute a lease agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the real property and building known as the Heritage Center (Historic City Hall) located at 180 West 1st Street. (Administration/ Heritage Area Development) (Cathy Douglas)
Attachments: [1. RES Lease Agreement: YCNHAC](#)
[2. AGMT Lease Agreement: YCNHAC](#)

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. [O2023-039](#)

Text Amendment: Home Occupations

Amend Title 15, Chapter 154 of the Yuma City Code, to update the permitted Home Occupations. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z Rpt Home Occupation Text Amendment](#)

[2. ORD Home Occupation Text Amendment](#)

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. [O2023-040](#)

Text Amendment: Off-Street Parking

Amend Title 15, Chapter 154 of the Yuma City Code, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z REPORT Off Street Parking Text Amendment](#)

[2. ORD Off Street Parking Text Amendment](#)

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

V. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of December 7, 2023 through December 20, 2023. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

2. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VI. SUMMARY OF CURRENT EVENTS

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

VII. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

VIII. EXECUTIVE SESSION

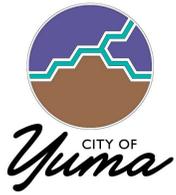
An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

A. Discussion, consultation with and/or instruction to legal counsel regarding strategies and actions relating to water issues. (A.R.S. 38-431.03 A3 & A4)

B. Discussion or consideration of employment, assignment, appointment, promotion, or salaries of a public officer, appointee or employee. (A.R.S. 38-431.03 A1, A3 & A4)

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.



City of Yuma
City Council Report

File #: MC 2023-197

Agenda Date: 12/20/2023

Agenda #: 1.

Regular Council Meeting Draft Minutes November 15, 2023

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 15, 2023
5:30 p.m.

CALL TO ORDER

Deputy Mayor Morris called the City Council meeting to order at 5:30 p.m.

INVOCATION/PLEDGE

Pastor Tyrone Jones, Church for the City, gave the invocation. **Jennifer Albers**, Assistant Director of Planning, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Shoop, Shelton, and Deputy Mayor Morris
Councilmembers Absent: Mayor Nicholls
Staffmembers Present: Acting City Administrator, John D. Simonton
Associate Planner, Erika Peterson
Director of Utilities, Jeremy McCall
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS

Amberly's Place Update

Tori Bourguignon, Executive Director of Amberly's Place, started the presentation by thanking the City Council, the Yuma County Board of Supervisors, and the Legislators for their steadfast support of victims in the Yuma community.

Amberly's Place Background

- Amberly's Place employs professionals who have specialized training in dealing with victims of abuse
- Amberly's Place is a Family Advocacy Center and a 501 C3 Nonprofit organization
- Serves roughly 3,000 primary and secondary victims of abuse in Yuma County per year
- Amberly's Place is not a shelter
- Serves five types of abuse victims:
 - Domestic Violence
 - Sexual Assault
 - Elder Abuse
 - Child Abuse
 - Human Sex Trafficking

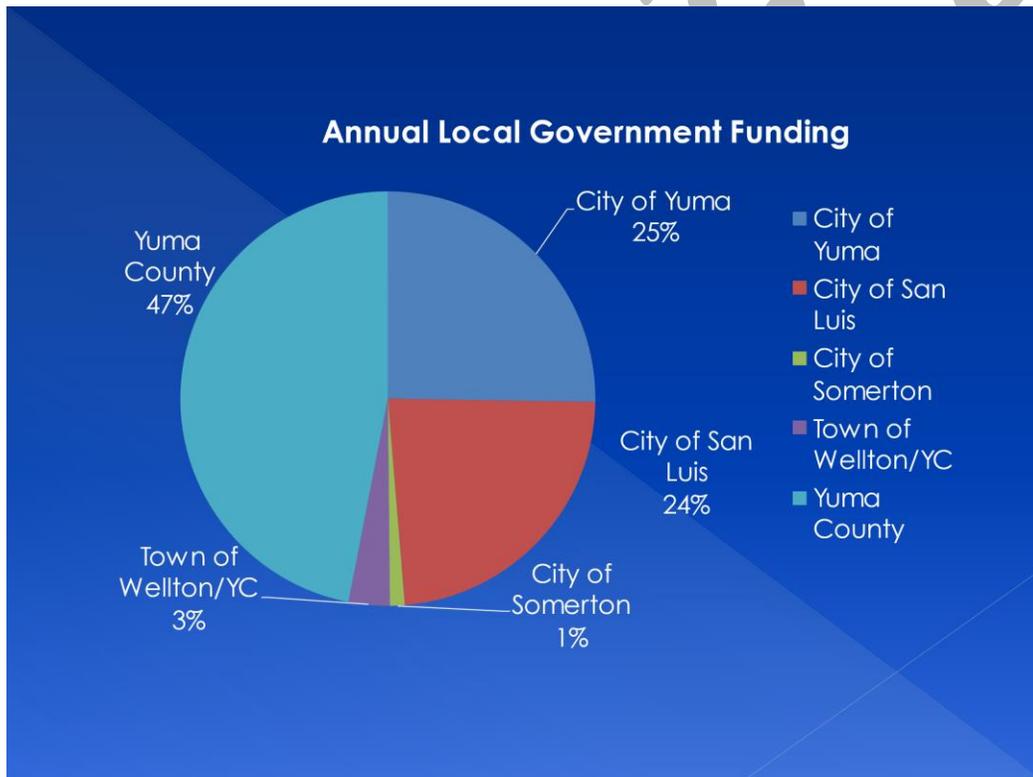
- Services available 24 hours a day, 7 days a week, 365 days a year.

Amberly’s Place History

- Was established in 1999 to provide multi-disciplinary intervention by the Yuma Family Advocacy Coalition
- Multi-Disciplinary includes prosecutor, forensic nursing, forensic interviewer, victim advocate
- Since 1999 Amberly’s Place has seen over 50,000 victims

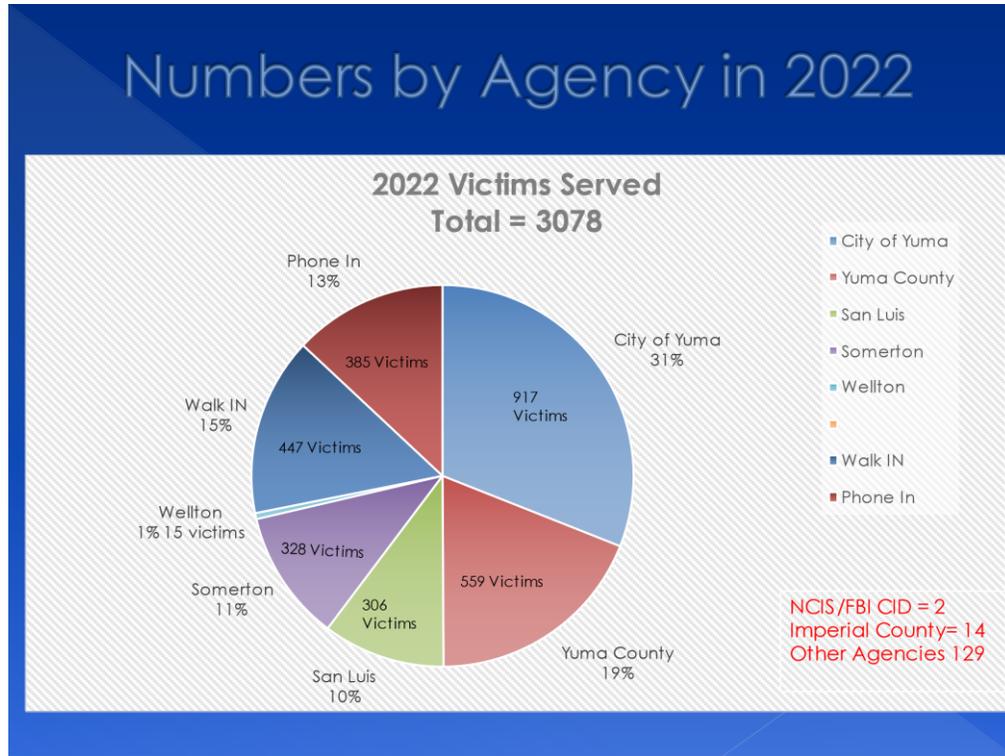
Child/Family Advocacy Model Cost Savings

- The average cost for a Family Advocacy Center (FAC) investigation is about \$2,900; it is 36% more expensive for a non-FAC investigation
- Amberly’s Place has nearly a \$1.6 million annual budget
- Salaries, employee related expenses (EREs), and overheads are covered by the STOP Grant and the Victims of Crime Act (VOCA) Crime Victim Fund
- Additional funding comes from support of local municipalities including City of Yuma, City of San Luis, City of Somerton, Wellton, and Yuma County



Statistics

- In 2022, Amberly’s Place, along with the Yuma Police Department, served 917 primary and secondary victims, not including phone calls or walk-ins
- In 2022 Amberly’s Place served a total of 3,078 victims



- 2022 Breakdown of victimization, by type of case

Victimization Types 2022 Totals -YPD

Victimization	Primary	Secondary	Total
Adult Sexual Assault	30	32	62
Child Abuse (Neglect)	6	16	22
Child Abuse (Physical)	31	29	60
Child Sexual Abuse	103	169	272
Domestic Violence	246	220	466
Elder Abuse	3	2	5
Stalking/Harassment	5	1	6
Kidnapping	1	0	1
Human Trafficking	3	4	7
MDT Assist (Suicide/Non DV Homicide)	9	7	16
Total	437	480	917

- City of Yuma had a total of 330 walk-in victims in 2022

2022 City of Yuma Walk-In Victims

Victimization	Primary	Secondary	Total
Adult Sexual Assault	5	3	8
Child Abuse (Neglect)	1	1	2
Child Abuse (Physical)	4	3	7
Child Sexual Abuse	4	3	7
Domestic Violence	122	143	265
Elder Abuse	2	0	2
Stalking/Harassment	6	8	14
Kidnapping	0	0	0
Human Trafficking	1	1	2
MDT Assist (other partners)	13	10	23
Total	158	172	330

- As of October 1, 2023, focusing on Yuma Police Department cases only, there are 665 primary and secondary victims

2023 City of Yuma YPD Cases As of Oct. 1, 2023

Victimization	Primary	Secondary	Total
Adult Sexual Assault	23	12	35
Child Abuse (Neglect)	12	8	13
Child Abuse (Physical)	6	7	13
Child Sexual Abuse	59	127	186
Domestic Violence	164	225	389
Elder Abuse	1	0	1
Stalking/Harassment	1	0	1
Kidnapping	3	5	8
Human Trafficking	1	0	1
MDT Assist (suicide/homicide/house fire)	10	1	11
Total	280	385	665

- There has been a total of 426 Walk-in victims as of October 1, 2023

2023 City of Yuma Walk-Ins As of Oct. 1, 2023			
Victimization	Primary	Secondary	Total
Adult Sexual Assault	7	7	14
Child Abuse (Neglect)	3	11	14
Child Abuse (Physical)	2	5	7
Child Sexual Abuse	1	1	2
Domestic Violence	135	226	361
Elder Abuse	5	2	7
Stalking/Harassment	1	3	4
Kidnapping	0	0	0
Human Trafficking	0	0	0
MDT Assist (suicide/homicide/house fire)	11	6	17
Total	165	261	426

Personal Advocacy

- Amberly’s Place provides advocacy assistance with medical exams, forensic interviewing, and immigration assistance
- Amberly’s Place is the only advocacy center in the United States of America that has a signed Memorandum of Understanding (MOU) with the Mexican Consulate because of their proximity to the border
- The MOU with the Mexican Consulate allows for Amberly’s Place to secure a T nonimmigrant status Visa or U nonimmigrant status Visa for victims of abuse
- Bilingual advocates with Master of Social Work degrees assist with court hearings, explain the victim’s rights, and help with securing orders of protection

Deliverables

- Advocacy
 - Personal and Legal
 - Inform victims of court dates and criminal justice system information
- Safety Planning
 - Crisis Intervention
- Victim’s Rights
- Court Escort & Order of Protection assistance
- Forensic Medical Exams
- Forensic Interviews

- Transportation
- Emergent Needs Assessment
 - Food/Clothing/Shelter/Transportation
- Counseling/Therapy
 - Amberly's Place pays for the first three sessions of therapy
 - Provides referrals to outside agencies for services or resources
 - MOU with Regional Center for Border Health
- Emotional Support and Safety
 - Hotline/Crisis line counseling
 - On-scene crisis response
 - Emergency financial assistance
- Satellite Offices in Wellton, San Luis, and Somerton

Agency Sponsored Expenses

- Agency vehicles to transport people to and from court
- Therapy Services to victims
- Financial Assistance to victims
- Forensic Interview/Case Assistance
- AZ Post Certified Trainings (free)
- Advocate Salary and ERE's

Return on Investment

Value of Agency Services	
Amberly's Services -	\$240,960
Contract Amount -	<u>\$ 52,580.00</u>
	\$188,380
Return on Investment = 358%	

Discussion

- Elder abuse is single handedly the most under reported crime next to human trafficking. Elder abuse cases are challenging due to the person abusing the vulnerable adult is oftentimes a family member caring for them. Amberly's Place works with Area Council on Aging, and Adult Protective Services to help victims of elder abuse and provide the same services that are offered for domestic violence and child abuse victims. (**Morales/Bourguignon**)

Greater Yuma Economic Development Corporation Annual Performance Report

Greg LaVann, Interim President and CEO of Greater Yuma Economic Development Corporation (GYEDC), presented the following:

- There was a lot of diversity in the types of industry brought into the City of Yuma this past year:
 - Manufacturing
 - Agricultural Tech Manufacturing
 - Corporate Headquarters
 - Fiber Optics
 - Consumer Product Manufacturing
- When promoting the City of Yuma to prospective companies looking to bring their business to the area, there is a strong value proposition when presenting them with the assets and resources the City of Yuma has to offer:
 - Access to water
 - Access to labor
 - Access to California
 - Education and Workforce training resources
- GYEDC's priority is to recruit companies that will create new jobs with above average salaries to help elevate the community and allow for their employees to afford a home, provide for their family, go on vacations, amongst other benefits to help maintain their health and wellness.
- Economic impact on Capital Investment is vital to economic development, and the health of a community. Property taxes and Sales taxes generated are used to pay for schools, pay for college, and pay for City activities, and for this reason, a return on investment is important.
- The City of Yuma invests \$250,000 a year with GYEDC, the return on investment (ROI) can be viewed in different perspectives:
 - Job Standpoint, ROI is approximately \$1,000 per new job created
 - Payroll Standpoint, ROI is 45 times every dollar given to GYEDC returned in payroll
 - Capital Investment Standpoint, ROI is approximately \$60 per every dollar invested in GYEDC

LaVann noted that any way the ROI is measured, GYEDC is returning the City's investment 10-fold, if not more.

GYEDC- CITY OF YUMA PERFORMANCE DASHBOARD



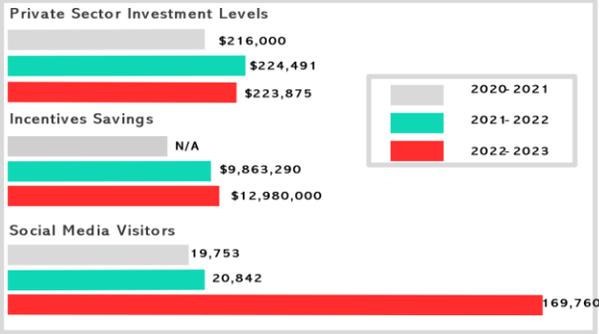
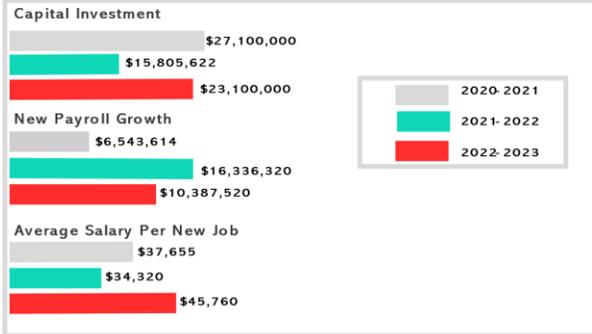
2022-2023 Results YTD

7 227 \$12M

Expansions/New Locations New Jobs Created Fixed Asset Investment

53K \$515K \$30M

Industrial SF Absorbed Direct Sales Tax Economic Impact



- At a two-year benchmark (2021-2023) GYEDC helped create 701 new jobs and helped with 15 expansions, or new locations for businesses within the City
- GYEDC is working on improving the average salary for every job created to be above \$40,000 a year. County median is \$32,000 a year, however cost of living and inflation are rising.

GYEDC- CITY OF YUMAA PERFORMANCE DASHBOARD



2021-2023 Results

15 701 \$38.9M

Expansions/New Locations New Jobs Created New Capital Investment

\$38,615 \$27M \$22.8M

Average Salary New Payroll Growth Employer Incentive and Savings

- Considering the size of the Yuma market, when comparing the last two annual reports of the Greater Phoenix Economic Council (GPEC) and GYEDC, Yuma is on par with GPEC in every single economic developing metric, with the exception of new jobs created per 1,000 people.

HOW DO WE COMPARE? 



ANNOUNCEMENTS = 20	ANNOUNCEMENTS = 100
NEW JOBS CREATED = 751	NEW JOBS CREATED = 20,787
NEW JOBS CREATED PER 1,000 PEOPLE = 3.75	NEW JOBS CREATED PER 1,000 = 4.15
JOB GROWTH % = .007%	JOB GROWTH % = .007%
AVERAGE WAGE = \$38,615 (County = \$32,387)	AVERAGE WAGE = \$59,931 (County = \$51,860)

- Green manufacturing projects coming soon to Yuma:
 - Plug Hydrogen – The largest hydrogen manufacturing company in the world
 - True North Energy – Clean Energy Provider
 - BrightNight – Renewable Power Company
- The City of Yuma is working with the Yuma International Airport to find developers interested in building hangars in Yuma and help increase Advanced Micro Devices (AMD) aerospace and defense industry investments in the community
- Panattoni Development Company is a developer with capital money looking to come to Yuma and develop 2 million square feet of buildings to help bring businesses into the community that are looking to lease, rather than build.
- Along with bringing industry into Yuma, it is also important for current partners and investors to be doing well, 80% of jobs come from established local companies.
- Future efforts for bringing industry to Yuma include creating a binational contractor attraction in Mexico and hiring personnel go to Mexico and meet with companies, trade associations, and brokers.
- GYEDC is working with the Arizona Commerce Authority on a foreign direct investment campaign to go around the world and make other countries aware of what Yuma has to offer
- **LaVann** recently met with 12 companies around the world, via zoom, and determined that these companies are looking at Arizona holistically and not focusing only in the Phoenix area, which is a great opportunity for Yuma to promote its assets and resources
- Partnering with Yuma Center of Excellence for Desert Agriculture and helping them with marketing their assets, and at the same time promoting Yuma to bring more ag tech manufacturing and ag tech research and development to the community
- Spaceport Project continues to move forward
- Reviving the Yuma Manufacturers Associations. The association currently has 23 members making up almost 10% of the entire workforce in Yuma County

- Yuma Manufacturers Association assisted former Shaw Industries employees by extending job offers to 64 displaced workers after the plants closure.
- A new company coming into San Luis is expected to hire 100 employees that live in the San Luis and Somerton area
- Efforts will continue to help displace workers from Shaw Industries with obtaining employment by February of 2024
- Worked with the Arizona Western Entrepreneurial College's Manufacturing Center to obtain a \$3 million grant for their new facility
- Helped with obtaining a \$12 million forgivable loan for Arizona Western College and Yuma Regional Medical Center to open the new Healthcare College
- Partnering with First Things First, Manufacturers Association, Arizona at Work, and Arizona Western College to improve childcare within the community to help people go back to work

Discussion

- A solution for childcare is needed in the community and the City would greatly benefit when a solution is found. **(Morris)**
- Agrees that looking to Mexico for potential investors for our area is a great idea. **(Morris)**
- Being that not all industries are equal, GYEDC is focusing on consumer product manufacturers that are making higher end products with a high profit margin to try to reach the \$40,000 yearly employee pay benchmark. **(Morris/LaVann)**
- The new fiber optic internet coming to Yuma will likely help open new opportunities in agriculture and offer jobs that probably do not yet exist. **(Morales)**

Achievement for Excellence Award from Government Finance Officers Association

Knight, Shelton, and Morales presented Crystal Figueroa, Director of Yuma Metropolitan Planning Organization, and Blenda Dale, Accountant II/Executive Assistant of Yuma Metropolitan Planning Organization, a Certificate of Achievement of Excellence from the Government Finance Officers Association of the United States and Canada, for their Annual Comprehensive Financial Report for the Fiscal year ending June 30, 2022.

I. MOTION CONSENT AGENDA

Motion (Morales/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

Variance Appeal – Board of Adjustments Minutes

November 1, 2023

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. Approve a Series #10: Beer and Wine Store Liquor License application submitted by Lauren Merrett, agent for Maverik located at 2930 E. Gila Ridge Road. (LL23-14) (Admn/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Marina Barajas, agent for Carnitas El Taste Foothills located at 5836 E. 32nd Street, Suite 1. (LL23-15) (Admn/Clk)
3. Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1150 W. 24th Street. (LL23-16) (Admn/Clk)
4. Authorize the City Administrator to execute a construction services contract for the 45th Avenue Multi-Use Pathway, 28th Street to 24th Street Project, to the lowest responsive and responsible bidder in the amount of \$471,226.80 for the base bid, and \$56,773.20 for the alternate bid for a total of \$528,000.00 to DPE Construction, Inc., Yuma, Arizona. (RFB-23-253) (Eng/Fin)
5. Authorize the purchase of various Ground and Turf Maintenance Equipment to Hillyard, Mesa, Arizona; Stotz Equipment, Avondale, Arizona; and RDO Equipment, Yuma Arizona utilizing Arizona State Contract, Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$228,417.63. (CPA-24-131) (Pks & Rec/Fin)
6. Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for the purchase of a 3D Laser Scanner with AllTerra Central, Inc., Austin, Texas for a total amount of \$104,956.51. (YPD/Fin)
7. Authorize the purchase and delivery of two shade structures from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$94,408.69. (CPA-24-108) (Pks & Rec/Fin)
8. Authorize the renewal of the annual software subscription for a total expenditure of \$161,694.18 to: Tyler Technologies, Inc., Dallas, TX. (RFP-2011000118) (IT/Fin)
9. Authorize the City Administrator to execute a sole source purchase extending the Warranty and Protection Plan of the Integrated Ballistic Information System (IBIS) with Forensic Technology Inc., of Largo, Florida, for total expenditure of \$123,879.00. (GRT-24-140) (YPD/Fin)
10. Approve amendments to the City of Yuma Investment Policy relating to authorized investments and changing the title of the authorized director. (Fin)
11. Approve the final plat of the Spirit Park Subdivision. The property is located at the southeast corner of Avenue 3E and 38th Street. (Plng & Nbhd Svcs/Cmty Plng)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2023-055

A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the special election held on November 7, 2023 (Pursuant to the Yuma City Charter, Article IV, Section 9, and Arizona Revised Statutes § 16-642 (A)) (Adm/Clk)

Roll call vote: **adopted** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2023-035- Text Amendment: Accessory Dwelling Units: (Amend Title 15, Chapter 154, to update the placement, size, and height of accessory dwellings) (Plng & Nbhd Svcs/Cmty Plng)

Shoop requested that Ordinance O2023-035 be removed for separate consideration.

Motion (Knight/Shoop): To adopt the Ordinances Consent Agenda as recommended, with the exception of Ordinance O2023-035.

Bushong displayed the following title(s):

Ordinance O2023-036

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 to update the definitions and allowable zoning districts for nursing and personal care facilities and residential care homes (amend to align the City of Yuma Zoning Code with the State of Arizona statues for residential care facilities) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2023-037

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 13, Chapter 139 of the Yuma City Code regulating fireworks within the City (amend Yuma City Code to comply with state law) (Atty)

Roll call vote: **adopted** 6-0.

Motion (Knight/Morales): To adopt Ordinance O2023-035 as recommended.

Bushong displayed the following titles(s):

Ordinance O2023-035

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 to update the placement, size and height requirements for accessory dwelling units (amend Title 15, Chapter 154, Article 15, Section 16 to update placement, size and height requirements for accessory dwellings) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 5-1, **Shoop** voting nay.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2023-038

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real properties, hereafter described, surplus for City use and authorizing the sale of each of the surplus properties through separate or collective competitive process such as requests for proposals (150 N. Madison Avenue and 120 N. Main Street) (Admn/Econ Dev)

FINAL CALL

Deputy Mayor Morris 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. PUBLIC HEARING

Resolution R2023-052 – General Plan Amendment: 1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th St (Following the public hearing, approve the Major Amendment request to amend the City of Yuma general Plan to change the land use designation from Commercial to High Density Residential, for properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2023-053 – General Plan Amendment: 1717 S. Pacific Avenue (Following the public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Industrial to Commercial, for a portion of the property located at 1717 S. Pacific Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Deputy Mayor Morris opened the Public Hearing at 6:17 p.m.

Peterson presented the following information:

1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th Street:

- General Plan amendment for approximately 2.8 acres for the properties located at 1749 South Arizona Avenue and the northeast corner of Riley Avenue and 18th Street
- Applicant is proposing to change the land use designation from Commercial to High Density Residential
- Properties are currently undeveloped
- Proposed change of rezoning is due to the intent of developing a multi-family residential development
- Anticipated increase of dwellings by 84 and the maximum population by 151 persons
- Access to property is off Arizona Ave., 18th Street, 17th Street, and Riley Ave.
- A public meeting was held on site and there was no one from the public in attendance
- Staff did receive phone calls from the public seeking information about the request
- Planning and Zoning Commission recommend approval of this request

1717 S. Pacific Avenue

- General Plan amendment for approximately 7.48 acres located at 1717 South Pacific Avenue
- Applicant is requesting to change the land use designation from Industrial to Commercial

- The change is only for a portion of the parcel
- Property was previously used for RV sales; it is currently vacant
- The applicant's intent to change the land designation from Industrial to Commercial is to develop a commercial multi-tenant shopping center following annexation into the City of Yuma
- There is no anticipated population increase
- The commercial development will increase the number of year round job availability
- Access to the site is available off Pacific Avenue
- A Neighborhood meeting was held on site; four neighboring property owners for the residential development to the south were in attendance with questions regarding access to the site and if any access would be available from the residential development site
- Planning and Zoning Commission recommends approval of this request

Motion (Knight/Smith): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:22 p.m.

Motion (Knight/Morales): To adopt Resolution R2023-052 as Recommended

Bushong displayed the following title(s):

Resolution R2023-052

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation from Commercial to High Density Residential for properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street (Change the land use designation to High Density Residential for approximately 2.8 acres) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0

Motion (Smith/Knight) To adopt Resolution R2023-053 as Recommended

Bushong displayed the following title(s):

Resolution R2023-053

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation from Industrial to Commercial for the property located at 1717 S. Pacific Avenue (Change the land use designation to Commercial for approximately 7.48 acres) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0

VI. Utility Rates

MC 2023-183 – Notice of Intention to Adjust Water and Wastewater Utility Rates (Adopt a Notice of Intention pursuant to A.R.S § 9-511.01 to increase water and wastewater rates, reinstate the Water Resource Trust Fund surcharge, and set a public hearing on the proposed rate increase) (Utl/Admn)

Discussion

- Recommends the decision on this motion occur at the beginning of the fiscal year in July, rather than the beginning of the calendar year, in January. Believes with the Holiday season approaching, staff

will not have sufficient time to prepare a strong message to help the public understand and accept the utility rate increase. **(Shelton)**

- The approval of the motion is to start the process of the rate increase. Public hearings will occur in mid to late January; that is enough time to create a messaging campaign for the public and encourage them to attend the public hearings before making any decisions. It is not prudent to delay the notice of intent until May. **(Simonton)**
- The approval of the motion is to put the intent of the rate increase out to the public; no decisions will be made at this time. **(Morris/Simonton)**
- Information of the public meetings that will be held in January will be put out to the public in accordance with state statutes and published on the City's social media pages. **(Simonton/Shelton)**
- Public Hearings that will be held at the Water and Sewer Commission will be moved to the training room at the Utilities Facility, so that there is ample space for the public to attend and provide input during that process. **(Simonton/Shelton)**
- Public Hearings are to be held during a regular scheduled City Council Meeting per the State Statute. At that time City Council has the option to adopt the rates, ask for modifications of the rates based on public comments, or ask for the motion to be decided at the following City Council Meeting. **(Simonton/Morales)**

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

Roll call vote: **adopted** 6-0

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Morales/Smith): to reappoint Robert Campbell and Christopher Thompson to the Building Advisory Board with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Knight/Morales): to reappoint Thomas Rushin to the Design and Historic Review Commission with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Smith/Morales): to reappoint Amanda Coltman to the Merit System Board with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Shelton/Knight): to reappoint Lorraine Arney and Christopher Hamel to the Planning and Zoning Commission with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Knight/Smith): to reappoint Fowler Malone and Chris Morris to the Residential Advisory Board with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Knight/Morales): to reappoint Vinod Mohindra and Carrie Scott to the Water and Sewer Commission with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Smith/Knight): to reappoint Christopher Harmon to the Housing Authority Commission with a term expiration of December 31, 2028. Voice Vote: **Approved** 6-0.

Motion (Morales/Shelton): to appoint Kirsten Carpenter to the Clean and Beautiful Commission to an initial five-year term expiring December 31, 2028. Voice Vote: **Approved** 6-0.

Announcements

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

Expressing concern, **Shelton** requested staff consideration regarding business banner restrictions that have been brought to his attention by a constituent. **Simonton** will set up a time to meet with **Shelton** to address the concerns.

Scheduling – No meetings were scheduled at this time.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- November 17 – Tribute of the Muses at the Historic Yuma Theatre

IX. CALL TO THE PUBLIC

Sherri Levek, City resident, requested the City of Yuma adopt a Resolution calling for release of hostages and ceasefire in Gaza.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor Morris** adjourned the meeting at 6:49 p.m. No Executive Session was held.

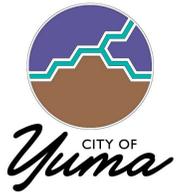
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma
City Council Report

File #: MC 2023-198

Agenda Date: 12/20/2023

Agenda #: 2.

Regular Council Meeting Draft Minutes December 6, 2023

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 6, 2023
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Tom Renard, Zion Church, gave the invocation. **Christina Shelton**, Executive Assistant, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Morales
Staffmembers Present: Acting City Administrator, John D. Simonton
Fire Chief, Dusty Fields
Administrative Support Supervisor, Ruth Gloria
Director of Engineering, Dave Wostenberg
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.

Employee Recognition

Fields recognized **Gloria** for her 50-year career with the City of Yuma, which started off in 1973 as a Clerk Typist in Building Safety and has also included various roles in City Administration and Public Works. **Ruth** expressed thanks for the opportunity to be a member of the City of Yuma team, stating that it has been a wonderful career that has allowed her to move from department to department and learn so much about the City.

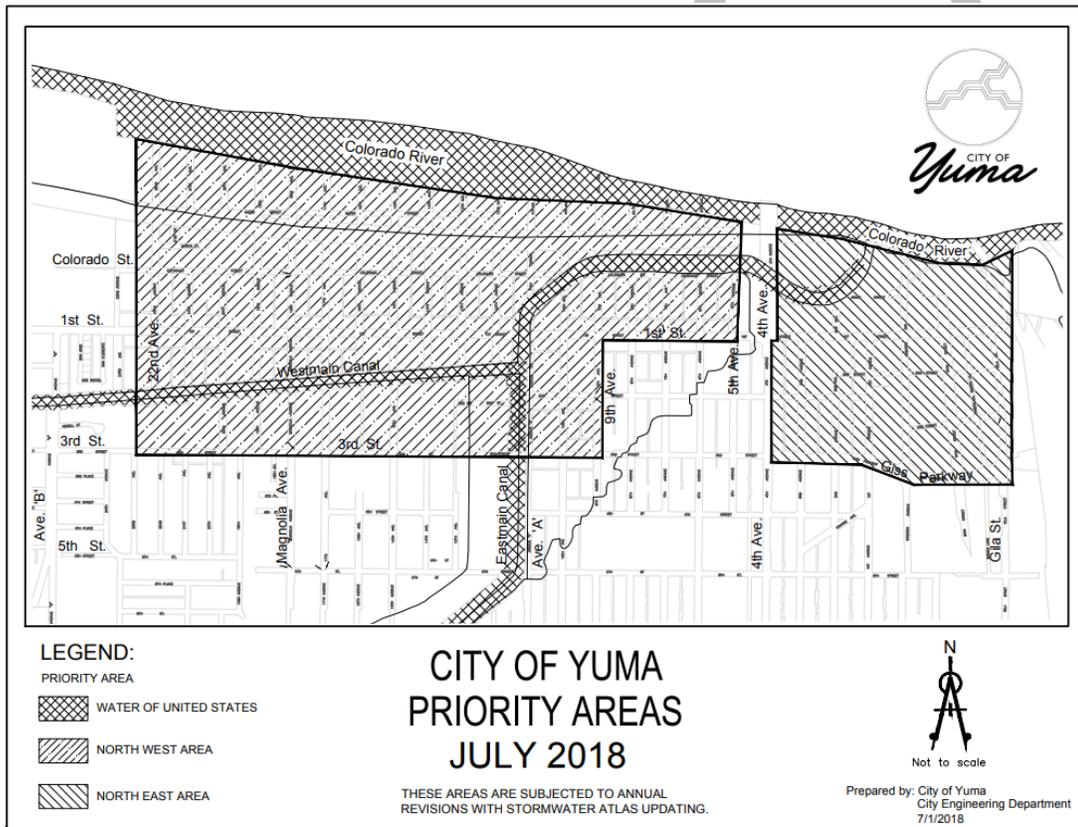
Annual Stormwater Report

Wostenberg presented the Annual Stormwater Report as follows:

- Regulatory Overview
 - Clean Water Act of 1972, Water Quality Act of 1987, and Clean Water Rules of 2015
 - Federal – Environmental Protection Agency (EPA)
 - National Pollutant Discharge Elimination System (NPDES)
 - State – Arizona Department of Environmental Quality (ADEQ)
 - Arizona Pollutant Discharge Elimination System (AZPDES)
 - Applies to surface waters only, not groundwater
 - Yuma has been regulated as a “small municipality” since March 2003

- Yuma operates under an AZPDES Municipal Separate Storm Sewer System (MS4) permit
 - Current five-year permit began on 09/29/2021
- Ultimate goal of permit is protection of Waters of the U.S. from polluted stormwater runoff
- Waters of the U.S. are any surface waters – lakes, rivers, streams, canals, oceans, etc. – which have any connection to interstate or foreign commerce
- City Stormwater Regulations
 - Ordinance O2005-15
 - Regulates illicit discharges and illegal dumping into drainage system
 - Ordinance O2006-38
 - Regulates stormwater runoff from construction sites of one or more acres in size
 - Regulates City water and sewer line construction projects that disturb ½ acre or more
 - Ordinance O2007-78
 - Regulates post-construction stormwater runoff for sites with connection to the Colorado River
- Compliance by the City
 - Yuma has developed and implemented a Stormwater Management Program (SWMP)
 - Minimum compliance specified by ADEQ
 - SWMP includes six Minimum Control Measures (MCMs):
 1. Public education and outreach
 2. Public involvement and participation
 3. Illicit discharge detection and elimination
 4. Construction site runoff control
 5. Post-construction site runoff control
 6. Good housekeeping for municipal operations/facilities
 - MS4 permit requires annual reporting to ADEQ
- Construction Runoff
 - At construction sites of one acre or more, Yuma requires the owner to implement a Stormwater Pollution Prevention Plan (SWPPP)
 - Develop plans preventing stormwater pollution from leaving the site
 - File for a permit with ADEQ
 - Implement stormwater pollution prevention measures onsite
 - Perform and document inspections and enforcement
- Colorado River Impacts
 - ADEQ listed the Colorado River (River) as impaired from the Yuma Main Canal crossing to the Mexico border in 2016
 - Currently regulated for high selenium levels
 - Impact on MS4 Permit
 - Required implementation of measures to prevent exceedance of listed pollutants
 - One Additional Control Measure was added to our permit and our SWMP was revised accordingly
- Additional Control Measure (ACM)
 - Yuma's ACM is Specific Best Management Practices (BMPs) for Reducing the Discharge of 303(d)-Listed Pollutants
 - It includes five BMPs:
 1. Delineate drainage area and inventory system elements with discharge potential to the River
 2. Reduce/prevent discharge of pollutants from construction sites into the River

3. Reduce/prevent discharge of pollutants from post-construction sites into the River
 4. Education about reducing discharges
 5. Introduce a surface water monitoring program
- ACM Compliance Efforts
 - Steps Yuma took to meet the ACM
 - Delineated a priority area (potential discharge to the River)
 - Incorporated plan review, site inspection and education for activities within the priority area
 - Initiated visual monitoring in both wet and dry weather at stormwater outfalls to the impaired surface water segment
 - Initiated testing of stormwater outfalls to the impaired surface water segment
 - One-time testing of stormwater outfalls for 74 additional elements came back with all elements under the allowable levels
 - Priority Area



- Annual System Cleaning
 - A vacuum truck is used to clean dirt and debris out of the catch basins, which has helped to reduce total sediments as well as selenium concentrations
- Selenium Reduction Efforts
 - Continued monitoring and improvement at outfalls, such as addition of filtering (grass, riprap, etc.) before stormwater discharges into the river



- Ongoing Efforts
 - Stormwater documents and ordinances are reviewed annually and revised as warranted
 - Training is conducted for Council, staff and industry partners
 - Department website was updated to provide a detailed stormwater page
 - Additional public awareness/education efforts
 - New educational postcards
 - Drains to the River marked on affected inlets
- Public Awareness/Education
 - Postcards

To Keep the Stormwater Leaving Your Home or Workplace Clean, Follow These Simple Guidelines:

- ☛ Use pesticides and fertilizers sparingly.
- ☛ Repair auto leaks.
- ☛ Clean up after your pet.
- ☛ Use a commercial car wash or wash your car on a lawn or other unpaved surface.
- ☛ Sweep up yard debris rather than hosing down areas. Compost or recycle yard waste when possible.
- ☛ Sweep up and properly dispose of construction debris like concrete and mortar.
- ☛ Dispose of household hazardous waste, used auto fluids (antifreeze, oil, etc.), and batteries at designated collection or recycling locations.
- ☛ Clean paint brushes in a sink, not outdoors. Properly dispose of excess paints through a household hazardous waste collection program.

www.yumaaz.gov/streets-solid-waste/garbage-recycling/household-hazardous-waste.html
www.yumaaz.gov/city-engineering/stormwater-management-program.html

**For questions please contact: City of Yuma MS4
Phone: 928-373-4250 - E-mail: storm@yumaaz.gov**

The diagram illustrates the path of stormwater runoff from a house. It shows runoff from the roof, lawn, and gutter, which then flows onto the street. The runoff eventually enters a stream, creek, river, or lake, where it can harm local wildlife and ecosystems.

- Drain markers



- Violation Reporting
 - Anyone can report a stormwater violation or concern in two convenient ways
 - Call 373-4520
 - Email storm@yumaaz.gov

Discussion

- Stormwater violations or concerns can also be reported via Yuma Click & Fix, available as an app or on the City's website (**Mayor Nicholls/Wostenberg**)
- Staff will get back to Council with the level of selenium that is allowed from outfalls (**Shelton/Wostenberg**)
- Currently Waters of the U.S. are defined as any navigable waterways; previously any bodies of water that drained into those waterways were also included (**Shelton/Wostenberg**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.3 – RFQ Award: Desert Dunes Water Reclamation Facility Capacity Increase (execute a contract with Construction Manager at Risk (CMAR) contractor PCL Construction, Inc., not to exceed \$94,069,589.00) (RFQ-21-178) (Eng)

Discussion

- Construction is scheduled to begin in September 2024, and it is estimated that it will take about 24 months to complete the project (**Knight/Wostenberg**)

Motion (Morris/Knight): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

A. Approval of minutes of the following City Council meetings:

Regular Council Meeting
Regular Council Worksession

November 1, 2023
November 14, 2023

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 a HVAC unit to the lowest responsive and responsible bidder Polar Cooling, Yuma, Arizona for a total cost of \$153,634.00. (RFB-24-119) (Bldg Sfty)
2. Authorize settlement of the Calder and Calder-Phillips Claims. (City Atty)
3. Authorize the City Administrator to execute a contract for the construction of the Desert Dunes Water Reclamation Facility (WRF) Capacity Increase Project to the Construction Manager at Risk (CMAR) contractor PCL Construction, Inc., Tempe, Arizona in the amount not to exceed, \$94,069,589.00. (RFQ-21-178) (Eng)

II. RESOLUTION CONSENT AGENDA

Resolution R2023-050 – Acceptance of Greater Yuma Port Authority (GYPA) Distribution (accept GYPA’s proposed distribution of \$155,000.00 to each member agency) (City Admin)

Knight noted that he is the City’s representative on the GYPA Board of Directors, and shared that at the last meeting the opinion of the GYPA legal advisors was that the distribution of funds cannot happen in the way that this resolution puts forward.

Motion (Knight/Morris): To table Resolution R2023-050 indefinitely. Voice vote: **approved** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title:

Ordinance O2023-038

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real properties, hereafter described, surplus for City use and authorizing the sale of each of the surplus properties through separate or collective competitive processes such as requests for proposals (for properties located at 150 N. Madison Avenue and 120 N. Main Street) (Econ Dev)

Roll call vote: **adopted** 6-0.

IV. INTRODUCTION OF ORDINANCES

Ordinance O2023-040 – Text Amendment: Off-Street Parking (amend the Yuma City Code to update provisions related to off-street parking) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls stated that he would like to meet with staff on Ordinance O2023-040 to make a few changes and have the ordinance introduced at the next City Council Meeting.

Motion (Mayor Nicholls/Morris) to continue Ordinance O2023-040 to the next City Council Meeting. Voice vote: **approved** 6-0.

Ordinance O2023-039 – Text Amendment: Home Occupations (amend the Yuma City Code to update the permitted Home Occupations) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- The phrase “as determined by Zoning Administrator” is somewhat concerning as Zoning Administrators may change and this language is vague and open to arbitrary application; staff will be consulted to see if clearer language or more guidance can be included in the future (**Mayor Nicholls/Simonton**)

Bushong displayed the following title:

Ordinance O2023-039

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, updating zoning regulations relating to permitted home occupations within residential zoning districts (to expand permitted home occupations and increase employment opportunities within residential districts) (Plng & Nbhd Svcs/Cmty Plng)

V. INDUSTRIAL DEVELOPMENT AUTHORITY HOSPITAL REVENUE BONDS SERIES 2023A

Resolution R2023-054 – Industrial Development Authority Hospital Revenue Bonds Series 2023A (approve the issuance of Hospital Revenue Bonds, Series 2023A (Yuma Regional Medical Center) and declare an emergency) (City Atty)

Smith declared a potential conflict of interest on Resolution R2023-054 as she is an employee of Yuma Regional Medical Center and left the dais.

Motion (Knight/Shelton): To adopt Resolution R2023-054 as presented.

Bushong displayed the following title:

Resolution R2023-054

A resolution of the City Council of the City of Yuma, Arizona, approving the issuance of Hospital Revenue Bonds (Yuma Regional Medical Center), Series 2023A, of the Industrial Development Authority of the City of Yuma, Arizona; and declaring an emergency (approve a bond issue not to exceed \$105,000,000.00 to refinance hospital expansion/improvements, refunding all or a portion of existing Series 2014B and 2014C variable rate bonds) (City Atty)

Roll call vote: **adopted** 5-0-1, **Smith** abstaining due to potential conflict of interest.

Smith returned to the dais.

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.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Knight/Smith): To appoint Russ Jones to the Greater Yuma Port Authority as a citizen appointee.
Voice vote: **approved** 6-0.

Announcements

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

Scheduling – No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- 2024 Neighborhood Leadership Academy will begin on January 11th; a few spots remain open, and interested applicants can find more information on the City’s website
- Many holiday performances, such as the Nutcracker, will be taking place at the Yuma Art Center in the coming weeks; information and tickets are available on the City’s website

VIII. CALL TO THE PUBLIC - There were no speakers at this time.

IX. EXECUTIVE SESSION/ADJOURNMENT

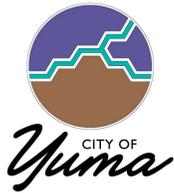
There being no further business, **Mayor Nicholls** adjourned the meeting at 6:19 p.m. No Executive Session was held.

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 2023-192

Agenda Date: 12/20/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<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: Procurement	<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:

Cooperative Purchase Agreement: Email Security and Protection

SUMMARY RECOMMENDATION:

Authorize the continued purchase of Proofpoint Email Security and Protection licensing utilizing a Cooperative Purchase Agreement through the State of Arizona a one-year term with the option to renew for two additional one-year options for an estimated annual expenditure of \$112,846.87 to SHI, Somerset, New Jersey. (Information Technology - CPA-24-001) (Isaiah Kirk/ Robin R. Wilson)

STRATEGIC OUTCOME:

The continued protection of email corresponds with City Council's strategic outcome of Respected and Responsible by ensuring that Citywide email services remain secure and operational, as well as compliant with Cyber Security best practices.

REPORT:

Proofpoint email security and protection software protects against email viruses, encrypts emails, detects and blocks known and unknown threats, and detects, analyzes, and blocks advanced threats. Threat Response Auto-Pull (TRAP) allows messaging and security administrators to examine emails and shift harmful or undesired communications to quarantine. These email security modules have repeatedly proven their ability to protect against phishing attacks, malware, and other dangerous activities, contributing to the overall resilience of our communication channels. As cyber threats evolve, Proofpoint continually upgrades its modules to address evolving risks, ensuring our defenses remain effective against cyber attackers' latest techniques.

As a result, over the last 90 days the City of Yuma received 2.1M total inbound emails. Proofpoint identified and quarantined threats and spam allowing 634K emails to get delivered to the intended recipients at the City of Yuma.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 112,846.87	BUDGETED:	\$ 115,000.00
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 \$112,846.87

001-15-26.6206 General Fund Information Technology		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council approved FY 2024 budget.

ADDITIONAL INFORMATION:

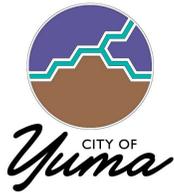
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023



City of Yuma

City Council Report

File #: MC 2023-193

Agenda Date: 12/20/2023

Agenda #: 2.

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

TITLE:

Request for Qualifications Award: Traffic Management Center

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a contract to provide design and support services for the Traffic Management Center and Traffic Signal Operational Improvements to the 16th Street Corridor to Iteris, Inc., Santa Ana, CA in the amount of \$415,373.00. (Engineering RFQ-23-210) (David Wostenberg/ Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this contract meets the strategic outcomes of Safe and Prosperous and Respected and Responsible by optimizing signal timing which will lower pollution, traffic accidents and minimize revenue loss. This contract award also supports the Connected and Engaged desired strategic outcome by evaluating real-time traffic conditions and optimizing traffic based on the ever-variable roadway conditions (for example, construction, time of year, accidents, etc.).

REPORT:

Recently, the City developed an Intelligent Transportation Systems (ITS) Strategic Plan, ITS Infrastructure Plan, and Traffic Operations Center (TOC) Concept of Operations. The City's ITS program will be conducted in phases. The first phase consists of a Traffic Operations Center (TOC). This phase also includes the 16th Street corridor from Pacific Avenue to 4th Avenue (approximately 1.5 miles). The City plans to expedite this phase during the first 12-months of the project with the remaining phases implemented over the next 10 years depending on available funds. Future phases are expected to include ITS elements discussed in the City's ITS Strategic Plan and ITS Infrastructure Plan, which are located on the City's website.

The City of Yuma has the largest number of traffic signals and other traffic management equipment within the Yuma region but does not have the ability to monitor or actively operate the traffic network remotely from a centralized location. There could be significant safety, efficiency, and public relations benefits if the City Engineering Department staff had the ability to monitor and operate traffic signals and other ITS devices in real-time from a centralized location. A TOC will allow for this centralization and real-time operations for the City of Yuma network. The implementation of a TOC is a strategy to elevate the City's ability to operate and manage a safe and efficient transportation network.

On April 6, 2022, the City Council adopted Resolution R2022-012 that approved the City's American Rescue Plan Act (ARPA) Project List, which outlines the City's intended uses for the funds. The TOC was one of the

originally adopted ARPA funded projects in the FY 2023 City Council approved budget, which was adopted as the Intelligent Transportation System.

ARPA went into effect as 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 spend obligated funds by December 31, 2026.

The City received two qualified proposals. Through the City of Yuma evaluation and scoring process, City staff chose to move forward with Iteris, Inc.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 500,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 415,373.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$415,373.00			
ARPA 187-97-77.8120			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council FY 2024 budget and Capital Improvement Plan with the use of federal ARPA fundings.

ADDITIONAL INFORMATION:

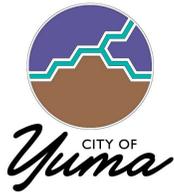
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023



City of Yuma

City Council Report

File #: MC 2023-194

Agenda Date: 12/20/2023

Agenda #: 3.

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

TITLE:
Final Plat: Riverview Terrace Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat of the Riverview Terrace Subdivision. The property is located at the northeast corner of Avenue A and 3rd Street. (Planning and Neighborhood Services/Community Planning)
(Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council’s strategic outcome of Safe and Prosperous and Respected and Responsible, as the approval of the final plat will facilitate an increase in new residential development, increasing access to housing opportunities.

REPORT:

The proposed Riverview Terrace Subdivision with Medium Density Residential/Infill Overlay (R-2/IO) zoning will reconfigure one existing parcel into four lots, intended for residential development. In its entirety, the subject area is approximately 0.79 acres in size.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma’s Zoning Code. These development requirements include paved on-site parking, access, setbacks, landscaping, and lighting.

In accordance with Yuma City Code §153-19, subdivisions which contain ten or fewer lots are not required to process and/or receive approval for a preliminary plat by the Planning and Zoning Commission. This expedited process reduces the subdivision timeline by eight weeks.

Approval of the final plat for the Riverview Terrace Subdivision, shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner’s signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner’s signature on the application for this land use action shall serve as an acknowledgement regarding potential noise and overflight of aircraft from both daily and special operations of the Marine

Corps Air Station and the Yuma International Airport.

- 4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
- 5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
- 6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
- 7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
- 8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.
- 9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The City Council's approval of this motion accepts the final plat of the Riverview Terrace Subdivision, including the conditions of approval set forth above.

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

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

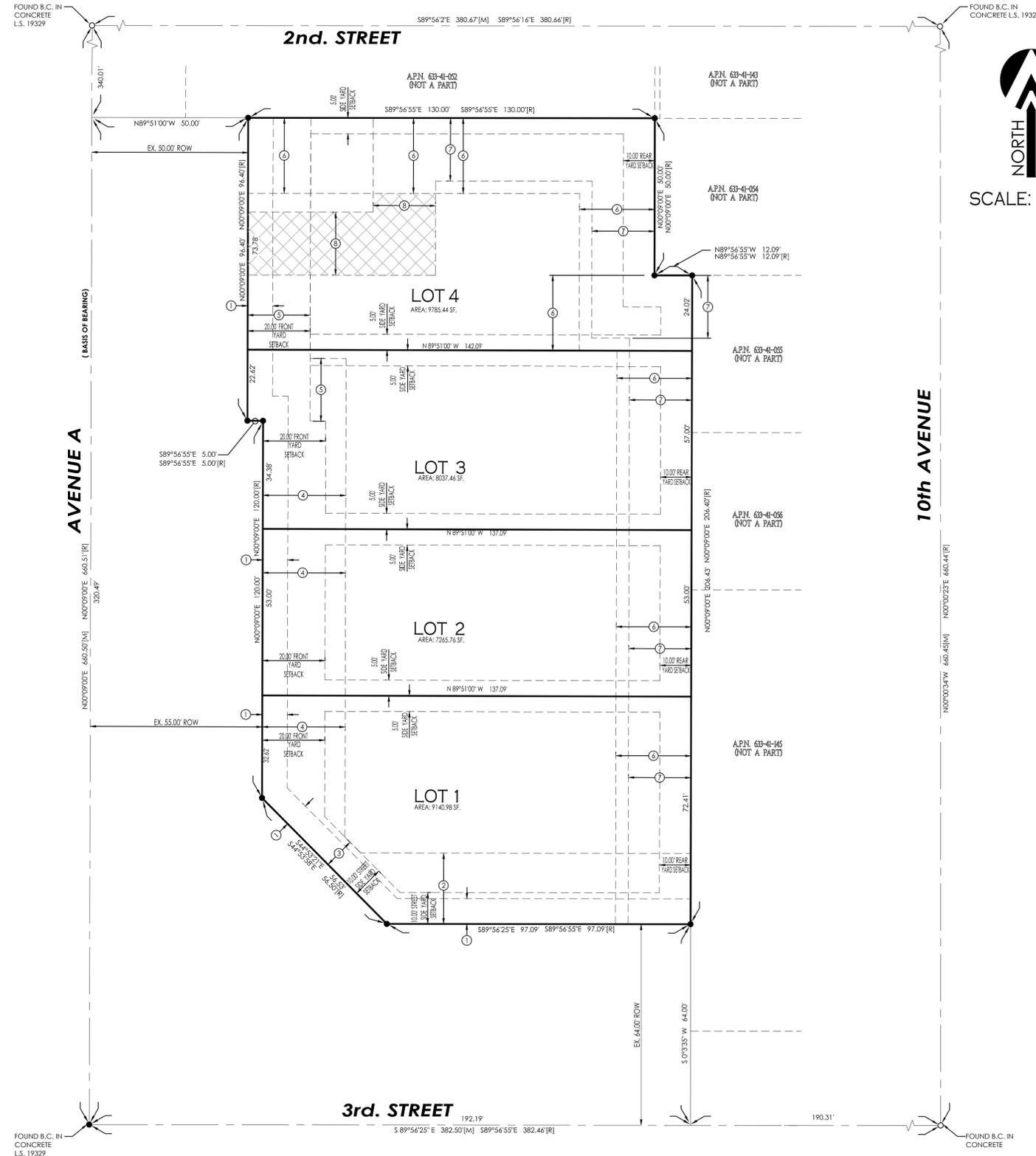
Acting City Administrator: John D. Simonton	Date: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023

RIVERVIEW TERRACE SUBDIVISION

A SUBDIVISION OF PARCEL "A" OF 3RD. STREET LAUNDRY LOT SPLIT, AS RECORDED IN BOOK 25 OF PLATS, PAGES 7 & 8, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ ALSO BEING A PORTION OF THE NE 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 08 SOUTH, RANGE 23 WEST, G.&.S.R.B.&M., YUMA COUNTY, AZ,

OCTOBER 2023 ACREAGE: 0.7858 AC

FINAL PLAT



SCALE: 1"=20'

OWNER OF RECORD:

SAUL C. & LUZ I. ALBOR
271 S. AVE A
YUMA, AZ. 85364

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT SAUL C. ALBOR & LUZ I. ALBOR AS OWNERS, HAVE THIS DAY OF _____, 20____ CAUSED THE FOLLOWING DESCRIBED PROPERTY, A SUBDIVISION OF PARCEL "A" OF 3RD. STREET LAUNDRY LOT SPLIT, AS RECORDED IN BOOK 25 OF PLATS, PAGES 7 & 8, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ, ALSO BEING A PORTION OF THE NE 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 08 SOUTH, RANGE 23 WEST, G.&.S.R.B.&M., YUMA COUNTY, AZ, AS PLATTED HEREON, TO BE SUBDIVIDED INTO LOTS UNDER THE NAME OF "ALBOR CROSSING SUBDIVISION" AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS CONSTITUTING SAID "RIVERVIEW TERRACE SUBDIVISION" THAT EACH LOT SHALL BE KNOWN BY THE NUMBER GIVEN EACH RESPECTIVELY ON SAID PLAT; AND SAUL C. ALBOR & LUZ I. ALBOR HEREBY DEDICATES THE EASEMENTS FOR THE USES SHOWN AND DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH

SAUL C. ALBOR, OWNER DATE _____

LUZ I. ALBOR, OWNER DATE _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF YUMA }

ON THIS THE _____ DAY OF _____, 20____ BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, SAUL C. ALBOR, WHO ACKNOWLEDGED HIMSELF TO BE THE OWNER, BY SIGNING HIS NAME.

NOTARY PUBLIC

MY COMMISSION WILL EXPIRE _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF YUMA }

ON THIS THE _____ DAY OF _____, 20____ BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, LUZ I. ALBOR, WHO ACKNOWLEDGED HERSELF TO BE THE OWNER, BY SIGNING HIS NAME.

NOTARY PUBLIC

MY COMMISSION WILL EXPIRE _____

RESTRICTIVE COVENANTS

A DECLARATION OF PROTECTIVE COVENANTS ARE BEING FILED CONCURRENTLY WITH THIS SUBDIVISION AND ARE A PART THEREOF

BASIS OF BEARING

THE CENTERLINE OF AVENUE "A" AS SHOWN ON 3RD. STREET LAUNDRY LOT SPLIT, AS RECORDED IN BOOK 25 OF PLATS, PAGES 7 & 8, YUMA COUNTY RECORDERS OFFICE. BEARING: N00°09'00"E

KEYNOTES

- ① NEW 8' UTILITY CABLE, TV AND COMMUNICATIONS EASEMENT
- ② NEW 22.50' DRAINAGE EASEMENT BENEFICIAL TO LOTS 1 THRU 4
- ③ NEW 10.00' DRAINAGE EASEMENT BENEFICIAL TO LOTS 1 THRU 4
- ④ NEW 26.50' DRAINAGE EASEMENT BENEFICIAL TO LOTS 1 THRU 4
- ⑤ NEW 20.00' DRAINAGE EASEMENT BENEFICIAL TO LOTS 1 THRU 4
- ⑥ NEW 24.00' INGRESS AND EGRESS EASEMENT BENEFICIAL TO LOTS 1 THRU 4 AND ADJACENT PROPERTIES TO THE EAST
- ⑦ EX. 20.00' INGRESS AND EGRESS EASEMENT BENEFICIAL ONLY TO ADJACENT PROPERTIES TO THE EAST [R1]
- ⑧ EX. 20.00' INGRESS AND EGRESS EASEMENT BENEFICIAL ONLY TO ADJACENT PROPERTIES TO THE EAST [R1] TO BE ABANDON AND TO BE REPLACED UPON RECORDED OF THIS PLAT. (CROSS AREA HATCH ONLY)

BOOK _____ OF PLATS

PAGE _____

APPROVALS

STATE OF ARIZONA }
> SS
COUNTY OF YUMA }

THIS SUBDIVISION, AS SHOWN HEREON, HAS BEEN APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUMA, ON THIS ____ DAY OF _____, 20____

MAYOR _____ DATE _____
ATTEST: _____

CITY CLERK _____ DATE _____

DEPARTMENT OF COMMUNITY DEVELOPMENT _____ DATE _____

CITY OF YUMA ENGINEER _____ DATE _____

LEGEND

- INDICATES BOUNDARY LINE
- INDICATES CENTERLINE
- - - - INDICATES EASEMENT LINE
- 13 NEW LOT NUMBER
- NEW CITY OF YUMA STD. DETAIL NO. 4-030 SUBDIVISION BOUNDARY MONUMENT
- NEW CITY OF YUMA STD. DETAIL NO. 4-080 STREET MONUMENT
- EXISTING MONUMENT (TYPE AS SHOWN)
- B.C. INDICATES BRASS CAP
- Y.C.R.O. INDICATES YUMA COUNTY RECORDERS OFFICE
- G.L.O. INDICATES GENERAL LAND OFFICE
- N.A.E. INDICATES NON ACCESS EASEMENT
- [M] INDICATES MEASURED DATA
- [R] DATA REFERS TO 3RD STREET LAUNDRY LOT SPLIT, AS RECORDED IN BOOK 25 OF PLATS, PAGES 7 & 8, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ.

FLOOD ZONE

* THIS PROJECT IS LOCATED IN FLOOD ZONE AH, AS PER FIRM INDEX MAP NUMBER 04027C1510F
* ZONE AH - FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED (EL. 135)

NOTES

- + PROPERTY CORNERS TO BE MARKED BY 1/2" DIAMETER REBAR TAGGED WITH CAP L.S. 16528
- + PROJECT ZONING: R-2
- + A PORTION SEC. 21, T08S, R24W CITY OF YUMA, YUMA COUNTY, AZ.

ELABORATED BY:

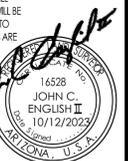
vrv21-870

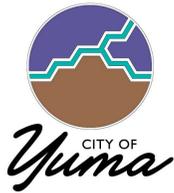
VEGA & VEGA
ENGINEERING, P.L.C.
2619 S. Ave. 2-1/2 E Yuma, Az, 85365
928-329-0000 Tel
928-247-6232 Fax
www.vegaivega.com

LAND SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THE MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING OCTOBER OF 2023 THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDED OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS PARTS.

BY: *John C. English II* JOHN C. ENGLISH II R.L.S. No. 16528





City of Yuma

City Council Report

File #: MC 2023-195

Agenda Date: 12/20/2023

Agenda #: 4.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Community Planning	<input 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:

Final Plat: Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII

SUMMARY RECOMMENDATION:

Approve the final plat of the Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII. The property is located near the southeast corner of Avenue 3¾E and 32nd Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council's strategic outcome of Safe and Prosperous, as the approval of the final plat will facilitate an increase in new industrial development opportunities.

REPORT:

The subject property, located near the southeast corner of Avenue 3¾E and 32nd Street is approximately 13.65 acres in size and is bordered on the north by the existing Premier Storage Condominiums of Yuma Unit II LLC, Phases VIII and VII. The subject property is proposed to be developed as the Premier Storage Condominiums of Yuma Unit 2 expansion.

This project consists of developing phases IX (building 9), XI (building 11), and XIII (building 13) of the Premier Storage Condominiums of Yuma II, LLC. Currently, the subject property is used as farmland.

The subdivision of this property into 178 storage units and a common area is treated much the same as a residential subdivision: having the same public notice, hearing requirements, and regulatory process. The units will have a legal description and are divided and recognized by the Assessor's Office for tax purposes; each unit can be bought and sold by deed; and the individual unit owners belong to an association with an interest in the common area.

The subject property is located within the 70-75dB noise zone of the military runway. This zoning overlay limits the type of uses, and requires sound attenuation of portions of buildings where the public is received, office areas, and other noise sensitive areas. The Marine Corps Air Station Yuma (MCAS) did not object to this use at this location as long as there is no on-site caretaker's residence.

Approval of the final plat for the Premier Storage Condominiums of Yuma Unit II, Phases IX, XI, XIII, shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
7. The Owner shall submit a final plat within three (3) years of preliminary plat approval. Should a final plat not be submitted within three (3) years of the effective date of approval of the preliminary plat, the approval of the preliminary plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

The preliminary plat for the Premier Storage Condominiums of Yuma Unit II Phases IX, XI, XIII, was approved by the Planning and Zoning Commission on September 12, 2022.

Public Comments - Excerpts from Planning and Zoning Commission Meeting Minutes:

Questions for Staff:

None

Public Comments:

None

Motion:

“Motion by Barbara Beam - Planning and Zoning Commissioner, second by Branden Freeman - Planning and Zoning Commissioner, to APPROVE SUBD-40303-2022, subject to the Conditions of Approval in Attachment A.

“Motion carried unanimously (7-0).”

Planning Commission Preliminary Plat Staff Report - Attached

The City Council’s approval of this motion accepts the final plat of the Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, XIII Subdivision, as submitted, including the conditions of approval set forth.

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:

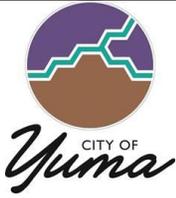
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: AMELIA GRIFFIN

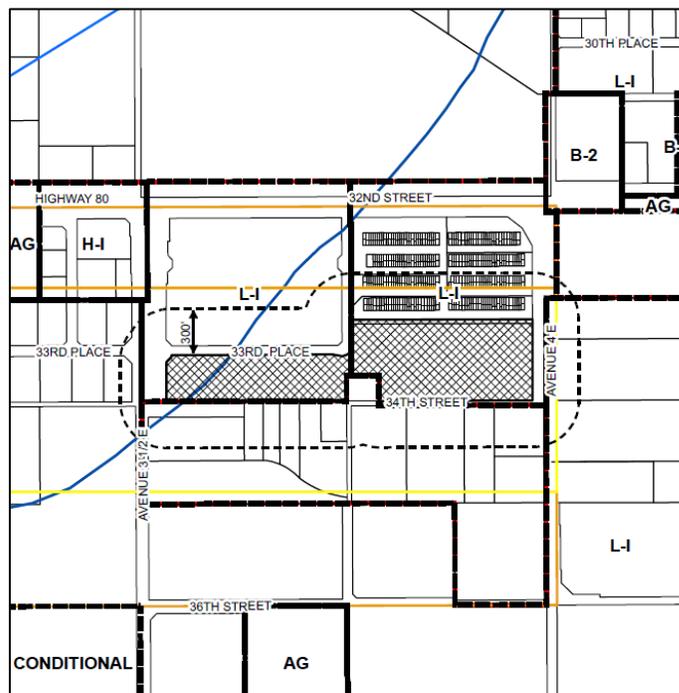
Hearing Date: September 12, 2022

Case Number: SUBD-40303-2022

Project Description/Location: This is a request by Premier Storage Condominiums of Yuma Unit 2, LLC, for approval of the preliminary plat for the Premier Storage Condominiums of Yuma Unit 2 Subdivision, Phases IX thru XIV. This 13.65 acre commercial condominium subdivision is proposed to create 363 storage condominiums in six new buildings. The property is located at the southeast corner of Avenue 3 ¾ E and 32nd Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Light Industrial/Airport Overlay (L-I/AD) District	Agriculture	Industrial
North	Light Industrial/Airport Overlay (L-I/AD) District	Premier Storage Condominiums of Yuma Unit 2	Industrial
South	Yuma County; Light Industrial	Industrial Shops	Industrial
East	Light Industrial/Airport Overlay (L-I/AD) District	Arizona Market Place	Industrial
West	Light Industrial/Airport Overlay (L-I/AD) District	Green Gate Fresh / Industrial Shops	Industrial

Location Map



Prior site actions: Pre-Annexation Agreement: R2010-56 (11-09-2010); Annexation: A2011-02 (08-05-2011); Rezone: Z2011-004 (12/21/2011); Subdivision: Prior to annexation: Premier Storage #2. Tentative Plat: 2007; Final Plat: 2011 (expired in 2014). After annexation: SUBD-16104-2016 Prelim. Plat; SUBD-18331-2017 Final Plat (Phase VI); SUBD-22521-2018 Final Plat (Phase III); SUBD-27156-2019 Final Plat (Phase IV & Phase VIII); SUBD-36119-2022 Final Plat (VII & VIII)

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Premier Storage Condominiums of Yuma Unit 2 Subdivision, Phases IX thru XIV, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-40303-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is authorizing the design of the Premier Storage Condominiums of Yuma Unit 2, Phases IX thru XIV, which includes 363 storage condominiums, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property, located at the southeast corner of Avenue 3¾E is approximately 13.65 acres in size and is bordered on the north by the existing Premier Storage Condominiums of Yuma Unit 2 Phases VII and VIII. The subject property is proposed to be developed as the Premier Storage Condominiums of Yuma Unit 2 expansion.

The project consists of developing phases IX through XIV of the Premier Storage Condominiums of Yuma 2 (buildings 9, 10, 11, 12, 13, 14). Phases IX, X, XI, and XIV consist of 62 storage units each, Phase XII consist of 61 units and restrooms, and Phase XIII consists of 54 units. Currently, the subject property is used as farmland.

The subdivision of this property into 363 storage units and a common area is treated much the same as a residential subdivision: having the same public notice, hearing requirements, and regulatory process. The units will have a legal description and are divided and recognized by the Assessor's Office for tax purposes; each unit can be bought and sold by deed; and the individual unit owners belong to an association with an interest in the common area.

The subject property is located within the 70-75dB noise zone of the military runway. This zoning overlay limits the type of uses, and requires sound attenuation of portions of buildings where the public is received, office areas, and other noise sensitive areas. The Marine Corps Air Station Yuma (MCAS) did not object to this use at this location as long as there is no on-site caretaker's residence.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Standard	Subdivision				Conforms				
Lot Size	Minimum:	350 SF	Maximum:	1,166 SF	Yes	X	No		
Lot Depth	Minimum:	25	Maximum:	53	Yes	X	No		
Lot Width/Frontage	Minimum:	14	Maximum:	22	Yes	X	No		
Setbacks	Front:	81 FT	Rear:	50 FT	Side:	168 FT	Yes	X	No
District Size	13.65	Acres			Yes	X	No		
Density	N/A	Dwelling units per acre			Yes	X	No		
Issues: None									

2. Does the subdivision comply with the subdivision code requirements?

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes		No	X	N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes		No		N/A	X
Intersections	Yes		No		N/A	X
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						
Blocks	Conforms					
Length	Yes		No		N/A	X
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X
Issues: None						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes		No		N/A	X
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues:						

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Land Use Element:										
Land Use Designation:					Industrial					
Issues:					None					
Historic District:	Brinley Avenue			Century Heights			Main Street		None	X
Historic Buildings on Site:			Yes		No	X				

Transportation Element:											
FACILITY PLANS											
TRANSPORTATION MASTER PLAN		Planned	Existing	Gateway	Scenic	Hazard	Truck				
Avenue 3 ¾ E – Local Street		29 FT H/W	29 FT H/W								
Avenue 4E – Collector Street		40 FT H/W	33 FT H/W								
Bicycle Facilities Master Plan		32 nd Street – Proposed Bike Path									
YCAT Transit System		32 nd Street – Orange Route									
Issues:		None									
Parks, Recreation and Open Space Element:											
Parks and Recreation Facility Plan				N/A: Industrial Area (Commercial Storage Condo Units)							
Neighborhood Park:		N/A									
Community Park:		N/A									
Linear Park:		N/A									
Issues:		None									
Housing Element:											
Special Need Household:		N/A									
Issues:		N/A									
Redevelopment Element:											
Planned Redevelopment Area:		None									
Adopted Redevelopment Plan:		North End:				Carver Park:		None:		X	
Conforms:		Yes		No							
Conservation, Energy & Environmental Element:											
Impact on Air or Water Resources		Yes		No	X						
Renewable Energy Source		Yes		No	X						
Issues:		None – Drive aisles will be paved.									
Public Services Element:											
Population Impacts Population projection per 2016-2020 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person		<i>Non-residential</i>		Population		Impact		Consumption		Generation	
		Proposed	Per Unit			Officers		GPD	AF	GPD	
		0	0	0		0.00		0	0.0	0	
Fire Facilities Plan:		MCAS; Future Fire Station No. 8									
Water Facility Plan:		Source:	City	X	Private	Connection		6" PVC on Avenue 3 ¾ E			
Sewer Facility Plan:		Treatment:	City		Septic	X	Private				
Issues:		None									
Safety Element:											
Flood Plain Designation:		X		Liquefaction Hazard Area:				Yes		No	X
Issues:		None									
Growth Area Element:											
Growth Area:		Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.					
		North End	Pacific Ave & 8 th St		Estancia		None	X			
Issues:		None									

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: August 24, 2022

Final staff report delivered to applicant on: August 31, 2022

Applicant agreed with all of the conditions of approval on: August 24, 2022

Attachments

A	B	C	D	E	F
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Amelia Griffin* **Date:** **August 30, 2022**
 Amelia Griffin
 Senior Planner Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: *Alyssa Linville* **Date:** **September 1, 2022**
 Alyssa Linville,
 Assistant Director Community Planning

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Attorney Comments: (928) 373-5058:

4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

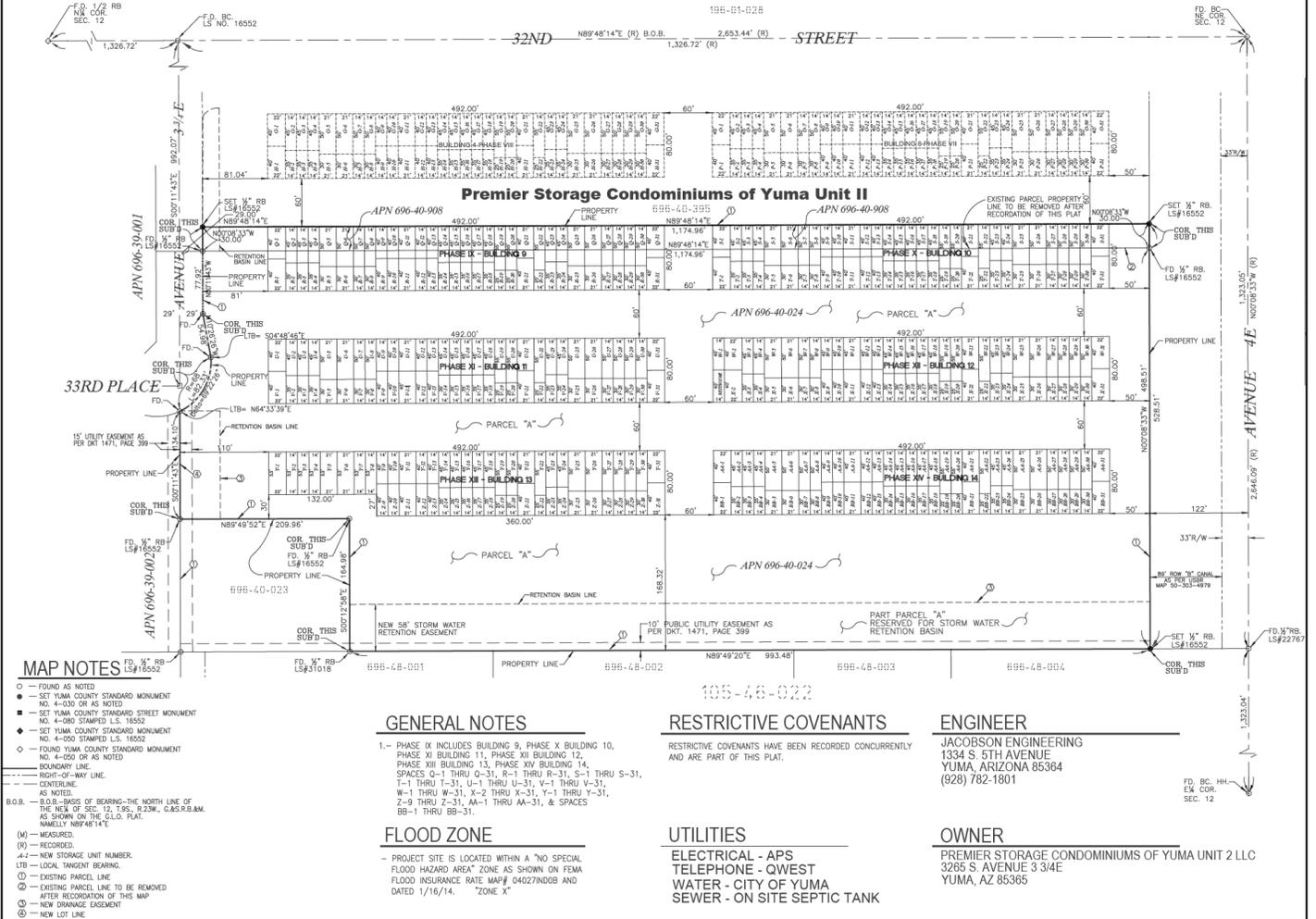
Community Planning Conditions: Amelia Griffin, Senior Planner, (928) 373-5000 ext. 3034

7. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
PRELIMINARY PLAT MAP**

PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT II L.L.C.
 PHASES IX (BUILDING 9), X (BUILDING 10), XI (BUILDING 11), XII (BUILDING 12),
 XIII (BUILDING 13) & XIV (BUILDING 14)
 A SUBDIVISION OF THE AIR SPACE OF A PORTION OF THE NE 1/4 OF SECTION 12,
 T.9S., R.23W., G.&S.R.B.&M., YUMA COUNTY, ARIZONA.
 (APN 696-40-024 & APN 696-40-908)



MAP NOTES

- FOUND AS NOTED
- SET YUMA COUNTY STANDARD MONUMENT NO. 4-030 OR AS NOTED
- SET YUMA COUNTY STANDARD STREET MONUMENT NO. 4-000 STAMPED U.S. 16552
- ◆ SET YUMA COUNTY STANDARD MONUMENT NO. 4-000 STAMPED U.S. 16502
- ◇ FOUND YUMA COUNTY STANDARD MONUMENT NO. 4-050 OR AS NOTED
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- AS NOTED.
- B.O.B. - B.O.B. - BASIS OF BEARING - THE NORTH LINE OF THE NE 1/4 OF SEC. 12, T.9S., R.23W., G.&S.R.B.&M. AS SHOWN ON THE C.L.O. PLAT, NAMEDLY NSR4614'E.
- (M) - MEASURED.
- (R) - RECORDED.
- 4-1 - NEW STORAGE UNIT NUMBER.
- LTB - LOCAL TANGENT BEARING.
- ① - EXISTING PARCEL LINE
- ② - EXISTING PARCEL LINE TO BE REMOVED AFTER RECORDED OF THIS MAP
- ③ - NEW DRAINAGE EASEMENT
- ④ - NEW LOT LINE

GENERAL NOTES

1.- PHASE IX INCLUDES BUILDING 9, PHASE X BUILDING 10, PHASE XI BUILDING 11, PHASE XII BUILDING 12, PHASE XIII BUILDING 13, PHASE XIV BUILDING 14, SPACES Q-1 THRU Q-31, R-1 THRU R-31, S-1 THRU S-31, T-1 THRU T-31, U-1 THRU U-31, V-1 THRU V-31, W-1 THRU W-31, X-2 THRU X-31, Y-1 THRU Y-31, Z-9 THRU Z-31, AA-1 THRU AA-31, & SPACES BB-1 THRU BB-31.

FLOOD ZONE

- PROJECT SITE IS LOCATED WITHIN A "NO SPECIAL FLOOD HAZARD AREA" ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP# 04027ND08B AND DATED 1/16/14. "ZONE X"

RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS HAVE BEEN RECORDED CONCURRENTLY AND ARE PART OF THIS PLAT.

UTILITIES

ELECTRICAL - APS
 TELEPHONE - QWEST
 WATER - CITY OF YUMA
 SEWER - ON SITE SEPTIC TANK

ENGINEER

JACOBSON ENGINEERING
 1334 S. 5TH AVENUE
 YUMA, ARIZONA 85364
 (928) 782-1801

OWNER

PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT II LLC
 3265 S. AVENUE 3 3/4E
 YUMA, AZ 85365

**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (08/19/22)
- **300' Vicinity Mailing:** (07/25/2022)
- **34 Commenting/Reviewing Agencies noticed:** (07/28/22)
- **Site Posted on:** (09/05/22)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (09/12/22)
- **Comments due:** (08/08/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	7/29/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	8/5/22	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	7/29/22	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	8/2/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	8/8/22	X		
Building Safety	YES	8/1/22	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	8/2/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	Zip Code
NUNEZ GERARDO &	323 QUILLA ST	SALINAS	CA	93905
HAINES JOSEPH	2868 E 13TH ST	YUMA	AZ	85365
DORA M FAZIO FAMILY LLC	11188 S HAVANA AVE	YUMA	AZ	85365
MCKAY CLINT E & KYLA ANN	3705 E 32ND ST	YUMA	AZ	85365
POPE ROBERT E & REBECCA D MAY JT	3715 E 32ND ST	YUMA	AZ	85365
DOLE FRESH VEGETABLE INC CA CORP	PO BOX 2018	MONTEREY	CA	93942
MCKAY CLINT EARL & KYLA ANN JACOBSON COMPANIES INC AZ CORP	3705 E 32ND ST 1334 S 5TH AVE	YUMA	AZ	85364
PACIFIC AG RENTALS CA LLC	820 PARK ROW STE 686	SALINAS	CA	92901
BASSETTI CODY	402 BASSETT ST	KING CITY	CA	93930
PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC	3265 S AVENUE 3 3/4	YUMA	AZ	85365
BARKLEY SEED INC AZ CORP	PO BOX 5540 5707 E 32ND ST SP 817	YUMA	AZ	85366
KULLMANN CHRIS MILLER & MILLER & STUART AZ PART	4514 W IRMA ST	YUMA	AZ	85364
MILLER MILLER & STUART GENERAL PARTNERSHIP	4514 W IRMA ST	YUMA	AZ	85364
KINGDOM CONSTRUCTION INC AZ CORP	15529 S AVENUE 2 1/2 E	YUMA	AZ	85365
AMERICAN HOME BUYERS LLC	1407 W CAMINO REAL	YUMA	AZ	85364
AZMKT HOLDINGS LLC	3075 S AVE 4E	YUMA	AZ	85365
ACOSTA MARTIN F & MARTHA L CHEE TONG PING & BETSY TRUST 4-30-1987	PO BOX 4153 PO BOX 6515	YUMA	AZ	85366
FISHER DAVID JOHN & BEVERLY JEAN	5707 E 32ND ST SPC 1013	YUMA	AZ	85365
PETERSON ROBERT K MILLER MILLER & STUART PARTNERSHIP	2240 S ELKS LN #52 4514 W IRMA ST	YUMA	AZ	85364
PAYNE EUGENE & MICHELE TRUST 9-24-2002	4545 W COUNTY 16TH ST	SOMERTON	AZ	85350
THON THOMAS & JOENE L	3910 LINDEN AVE N	SEATTLE	WA	98103

TWILLMAN RAYMOND	5707 E 32ND ST #628	YUMA	AZ	85365
NORMAN DAVID & SHERRI	5707 E 32ND ST SP 595	YUMA	AZ	85365
SSM MANAGEMENT SERVICES LLC	3008 S BRANDING IRON CT	YUMA	AZ	85365
FOLLETT PAUL & FISHER SANDRA K LIVING TRUST 4-30-2007	1662 W 12TH LN	YUMA	AZ	85364
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
FREDSON FLOYD E	PO BOX 710842	SANTEE	CA	92072
MARSHALL WAYNE A & CYNTHIA A	188-28319 TOWNSHIP RD 384	RED DEER COUNTY	AB	T4S 2A4
DE LA ROSA VICTOR	5531 E 39TH LN	YUMA	AZ	85365
WALLACE FAMILY REVOCABLE TRUST 7-19-1999	3400 S AVE 7E #400	YUMA	AZ	85365
RUIZ JULIO CESAR	PO BOX 7380	YUMA	AZ	85366
BRUCE DENNIS & BRENDA B & B CHADWICK TRUST 10-29- 2020	3400 S AVENUE 7E #239	YUMA	AZ	85365
CARLSON BRIAN ARDEN & BONITA FAYE	2953 W 11TH ST	YUMA	AZ	85364
JARVIS MICHAEL J & JEANINE TRUST 4-22-1998	1511 3RD ST SE APT 304	JAMESTOWN	ND	58401
LOZANO ENRIQUE & ALEJANDRA	4374 W 15TH PL	YUMA	AZ	85364
CROSBY GLENN A & MATILDA		Yuma	AZ	85365
ETHINGTON CORY & JONNA JT	2733 E 16TH ST	NATIONAL CITY	CA	91950
JONHENRY TRUST 5-25-2021	3532 W 16TH PL	YUMA	AZ	85364
ISABELLA JOHN & TONYA ISABELLA	14711 E 41ST LN	YUMA	AZ	85367
GRONBERG ROBERT & BARBARA	9779 DOMER RD	SANTEE	CA	92071
JARVIS MICHAEL J & JEANINE HARDY TRUST 4-22-1998	4820 E SILVER PINE RD	COLBERT	WA	99005
LARSSON FAMILY TRUST MAY 23 1996	4374 W 15TH PL	YUMA	AZ	85364
SBI TRUST 4-24-2019	14828 E 50TH DR	YUMA	AZ	85367
LOKAREDDY SURENDBHER & RACHANA TRUST 10-30-1999	640 S 7TH AVE	YUMA	AZ	85364
TEBBE JACOB & ALLISON JO	4379 W EL DORADO RD	YUMA	AZ	85364
DAVENPORT TRUST 12-23-2020	8179 E 35TH LN	YUMA	AZ	85365
GAM HOLDINGS LLC	7322 E 24TH LN	YUMA	AZ	85365
VILLEGAS GUILLERMO	4627 RUFFNER ST	SAN DIEGO	CA	92111
HUTTON ROBERT F & DIANNE L	2554 W 16TH ST #139	YUMA	AZ	85364
PETERSON RICHARD N	444 NE WINCHESTER # 28F	ROSEBURG	OR	97470
	6308 DAY ST	TUJUNGA	CA	91042

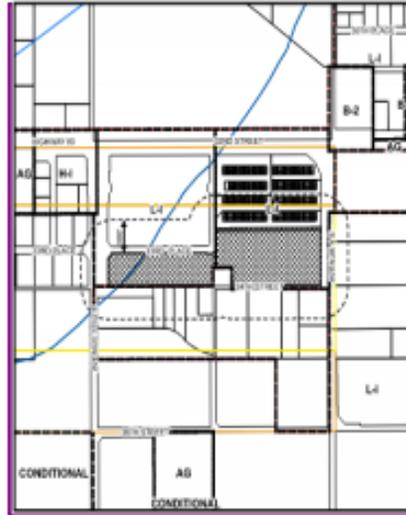
	3761 E KING RANCH			
SLATON ROBERT & SUSAN	DR	YUMA	AZ	85365
ACS GRESHAM TRUST 11-12-2020	11816 E 24TH LN	YUMA	AZ	85367
WORRELL DAVID	4415 W GRANGE AVE	POST FALLS	ID	83854
FLORES FRANCISCO H & VERONICA CPWROS	3041 S BRANDING IRON CT	YUMA	AZ	85364
MOODY JAMES & CYNTHIA	PO BOX 58	BEZANSON	AB	T0H 0G0
WILDQUAILVORTEX LLC	4774 E 30TH PL STE A	YUMA	AZ	85365
LEE BRANDON	1295 S 28TH DR	YUMA	AZ	85364
SKILLMAN DELBERT ROBERT REVOCABLE TRUST 11-17-2009	5707 E 32ND ST #255	YUMA	AZ	85365
LOZANO ENRIQUE & ALEJANDRA CPWROS		Yuma	AZ	85365
STANDFORD JERRY & BONNIE	3475 S GALAXY WY	YUMA	AZ	85365
DEANDA MARK & DESSA	2006 KENNEDY LN	YUMA	AZ	85365
INVESTMENT ALPHA LLC	10712 E HENSLEY BLVD	YUMA	AZ	85367
HALL DOUGLAS ROY & KELLY SHERMAN		PALMER	AK	99645
NUNES JAMES A & LEIGHANNE FAMILY LIVING TRUST 10-22-2019	PO BOX 6645	SALINAS	CA	93912
BOELTS FARMS AZ LLC	1573 E KUNS CT	YUMA	AZ	85365
DINUBILO MICHAEL L & JAN K REVOCABLE FAMILY TRUST 10-2-2014	5951 E 39TH ST	YUMA	AZ	85365
HUSKEY KENNETH	1592 E SUNRISE LN	YUMA	AZ	85365
YUMA'S INSULATION LLC	8264 MOJAVE LN	YUMA	AZ	85364
BLAKE GREGORY LEIGH	11367 S KINGMAN AVE	YUMA	AZ	85365
SOUZA SEAN GREGORY	21 DAVID ST	VINEYARD HAVEN	MA	2568
SCHUIT FAMILY TRUST 1-26-2007	16720 WEST EDGEMONT AVE	GOODYEAR	AZ	85395

**ATTACHMENT E
NEIGHBOR MAILING**

This is a request by Premier Storage Condominiums of Yuma Unit 2, LLC, for approval of the preliminary plat for the Premier Storage Condominiums of Yuma Unit 2 Subdivision, Phases IX thru XIV. This 13.65 acre commercial condominium subdivision is proposed to create 363 storage condominiums in six new buildings. The property is located at the southeast corner of Avenue 3 ¼ E and 32nd Street, Yuma, AZ.

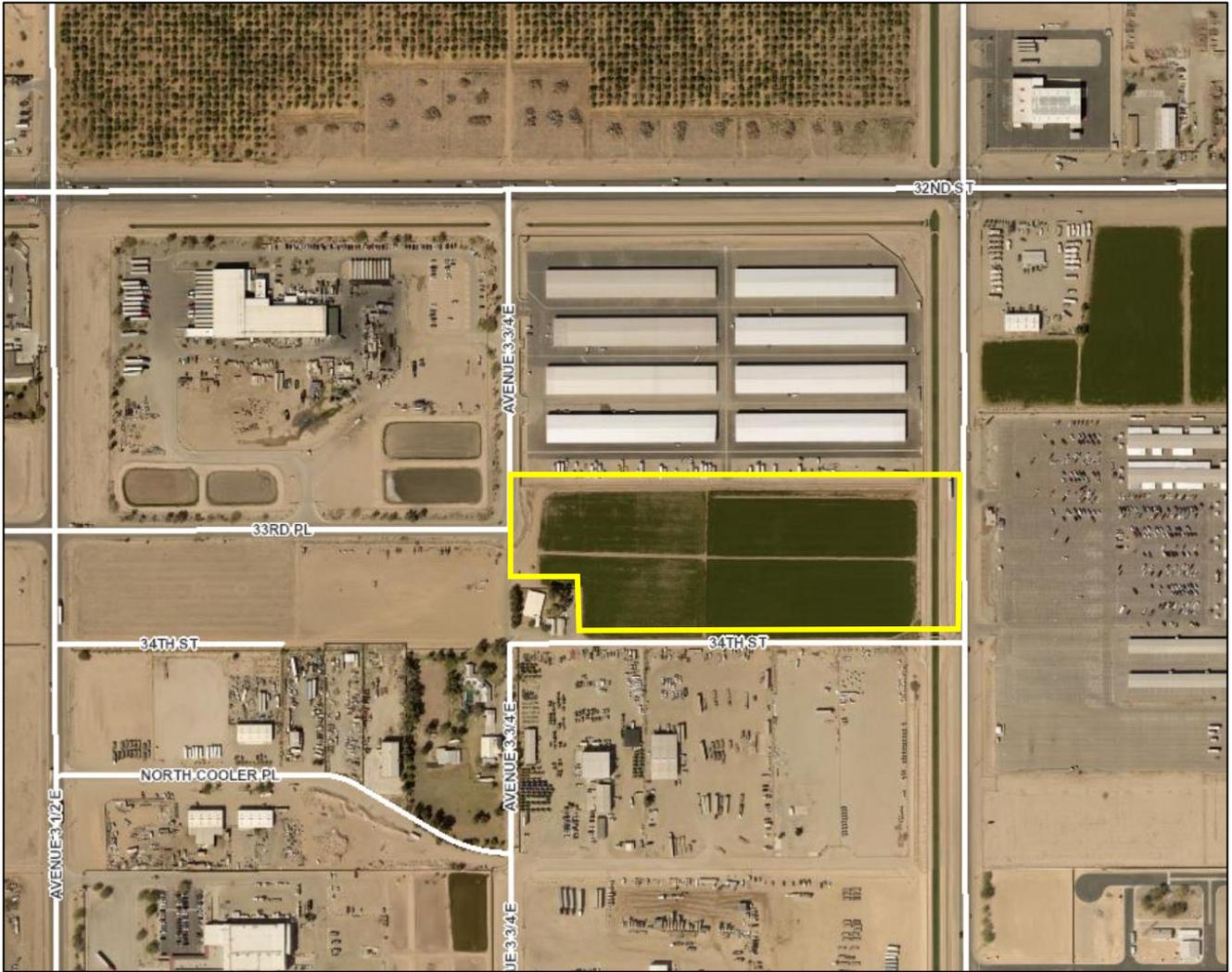
**MEETING DATE,
TIME & LOCATION
FOR CASE #
SUBD-40303-2022**

PUBLIC HEARING
9/12/22 @ 4:30pm
City of Yuma Public Works
Training Room, 155 W. 14th
Street, Yuma, AZ.



Because you are a neighbor within 300' of the southeast corner of Avenue 3 ¼ E and 32nd Street, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Griffin by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Griffin@YumaAz.gov

ATTACHMENT F
AERIAL PHOTO



PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT II L.L.C.
PHASES IX (BUILDING 9), XI (BUILDING 11) & XIII (BUILDING 13)
 A SUBDIVISION OF THE AIR SPACE OF A PORTION OF THE NE¼ OF SECTION 12, T.9S., R.23W., G.&S.R.B.&M.,
 YUMA COUNTY, ARIZONA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS THIS DAY ____ OF _____, 2023, CAUSED A PORTION OF NE¼ OF SECTION 12, T.9S., R.23W., GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA, AS PLATTED HEREON TO BE SUBDIVIDED INTO UNITS AND PARCEL "A" UNDER THE NAME OF PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, PHASES IX, XI, XIII, (BUILDINGS 9, 11 & 13) AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF SAID UNITS AND PARCEL "A" CONSTITUTING SAID PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, PHASES IX, XI, XIII, (BUILDINGS 9, 11 & 13), AND THAT THE UNITS SHALL BE KNOWN BY THE NUMBER SHOWN ON SAID PLAT, AND THAT PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, HEREBY DEDICATES PARCEL "A" FOR THE USE AND BENEFIT OF CURRENT AND FUTURE OWNERS AS COMMON ELEMENTS, THE EASEMENT DEDICATED FOR THE PURPOSE AS SHOWN HEREON AS SET FORTH IN THE DECLARATION OF RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH.

IN WITNESS WHERE OF, PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, HAS CAUSED ITS NAME TO BE SIGNED AS ATTESTED BY THE SIGNATURE OF ITS MANAGER, THERE TO UNDULY AUTHORIZED.

PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC

 N. BRUCE JACOBSON, MANAGER

ACKNOWLEDGEMENT

STATE OF ARIZONA }
 COUNTY OF YUMA } SS
 ON THIS ____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED NOTARY, PERSONALLY APPEARED N. BRUCE JACOBSON WHO ACKNOWLEDGED HIMSELF TO BE MANAGER OF PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND THAT HE AS SUCH MANAGER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSE THEREIN CONTAINED, BY SIGNING THE NAME OF THE LIMITED LIABILITY COMPANY BY HIMSELF, AS SUCH MANAGER, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____ DATE _____ NOTARY PUBLIC _____

LAND SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF TWO (2) SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING DECEMBER 2022; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDATION OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.

REGISTERED LAND SURVEYOR NO. 40522
 RAUL GARCIA MOLINA



APPROVALS

STATE OF ARIZONA }
 COUNTY OF YUMA } SS
 THIS SUBDIVISION AS SHOWN HEREON HAS BEEN APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA ON THIS ____ DAY OF _____ 2023.

APPROVED _____ CITY DEPARTMENT OF COMMUNITY DEVELOPMENT _____ MAYOR

APPROVED _____ CITY OF YUMA ENGINEER _____ DATE _____ ATTEST _____ CITY OF YUMA CLERK

THE USE OF THE SUBDIVIDED PROPERTY IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED CONCURRENTLY HEREWITH.

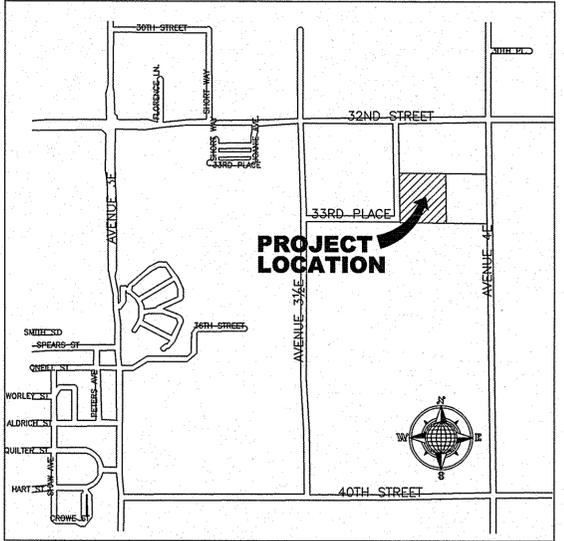
TENTATIVE PLAT

PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT II L.L.C.

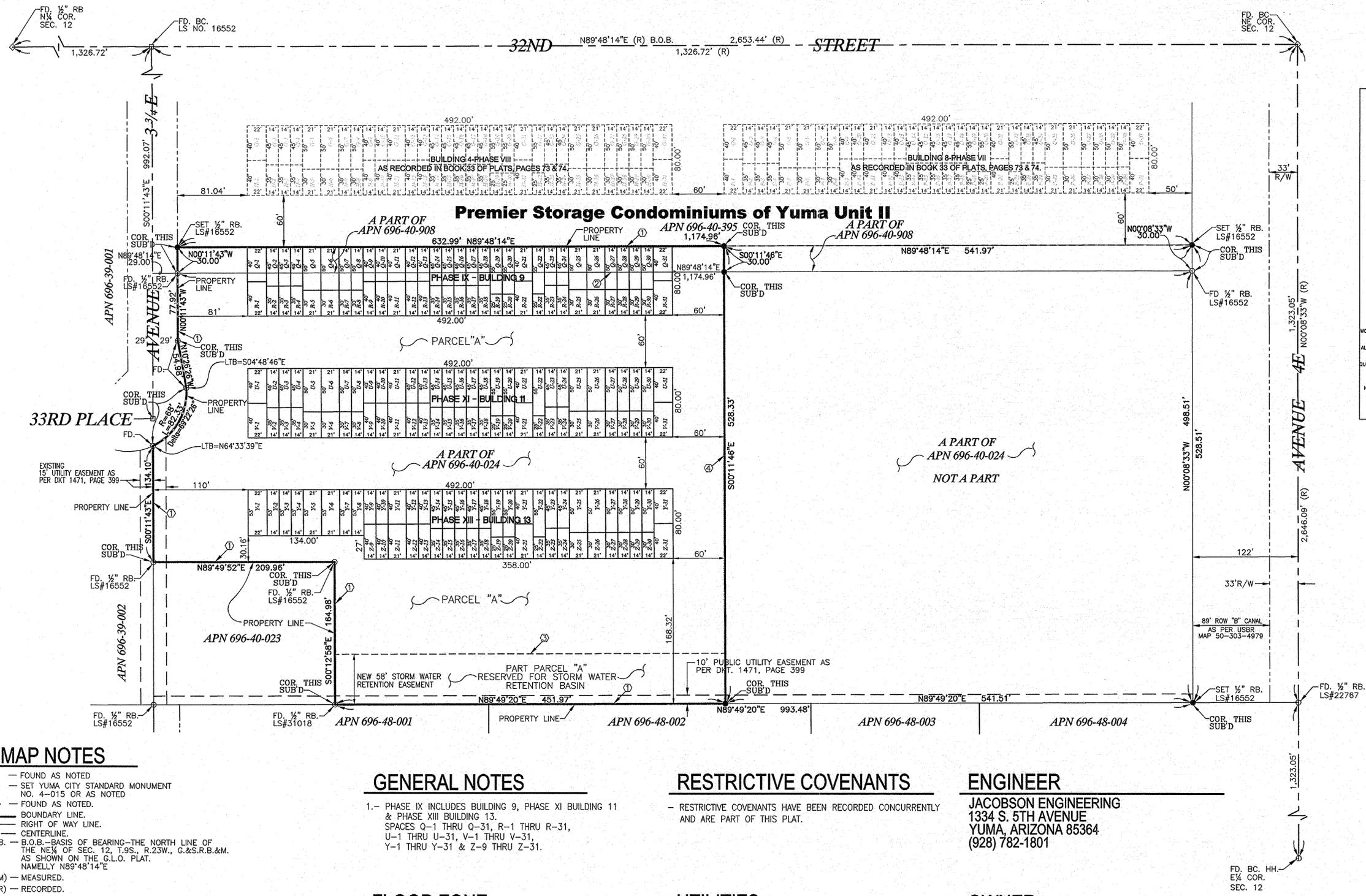
PHASES IX (BUILDING 9), XI (BUILDING 11) & XIII (BUILDING 13),
A SUBDIVISION OF THE AIR SPACE OF A PORTION OF THE NE 1/4 OF SECTION 12,
T.9S., R.23W., G.&S.R.B.&M., YUMA COUNTY, ARIZONA.
(APN 696-40-024 & APN 696-40-908)



SCALE : 1" = 60'
0 60 120



VICINITY MAP
N.T.S.



MAP NOTES

- — FOUND AS NOTED
- — SET YUMA CITY STANDARD MONUMENT NO. 4-015 OR AS NOTED
- ◇ — FOUND AS NOTED.
- — BOUNDARY LINE.
- - - RIGHT OF WAY LINE.
- — CENTERLINE.
- B.O.B. — BASIS OF BEARING—THE NORTH LINE OF THE NE 1/4 OF SEC. 12, T.9S., R.23W., G.&S.R.B.&M. AS SHOWN ON THE G.L.O. PLAT. NAMELY N89°48'14"E
- (M) — MEASURED.
- (R) — RECORDED.
- LTB — LOCAL TANGENT BEARING.
- RB. — REBAR.
- APN — ACCESS PARCEL NUMBER.
- ① — EXISTING PROPERTY LINE.
- ② — EXISTING PROPERTY LINE TO BE REMOVED WITHIN RECORDATION OF THIS MAP.
- ③ — NEW DRAINAGE EASEMENT.
- ④ — NEW LOT LINE.

GENERAL NOTES

- 1.- PHASE IX INCLUDES BUILDING 9, PHASE XI BUILDING 11 & PHASE XIII BUILDING 13.
- SPACES Q-1 THRU Q-31, R-1 THRU R-31, U-1 THRU U-31, V-1 THRU V-31, Y-1 THRU Y-31 & Z-1 THRU Z-31.

FLOOD ZONE

- PROJECT SITE IS LOCATED WITHIN A "NO SPECIAL FLOOD HAZARD AREA" ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP# 04027100B AND DATED 1/16/14. "ZONE X"

RESTRICTIVE COVENANTS

- RESTRICTIVE COVENANTS HAVE BEEN RECORDED CONCURRENTLY AND ARE PART OF THIS PLAT.

UTILITIES

- ELECTRICAL - APS
- TELEPHONE - QWEST
- WATER - CITY OF YUMA
- SEWER - ON SITE SEPTIC TANK

ENGINEER

JACOBSON ENGINEERING
1334 S. 5TH AVENUE
YUMA, ARIZONA 85364
(928) 782-1801

OWNER

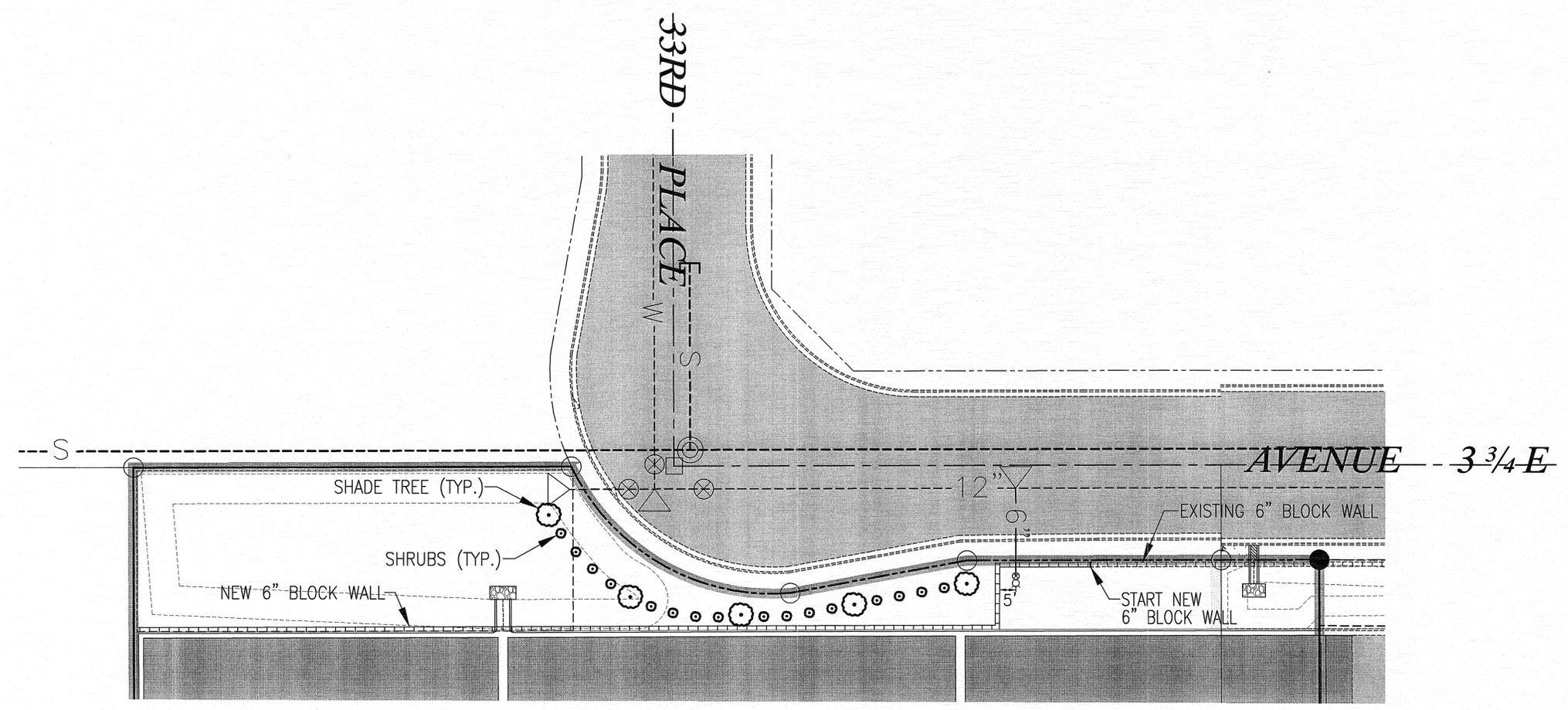
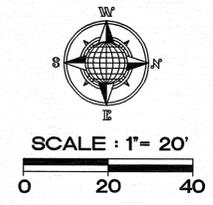
PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT 2 LLC
3265 S. AVENUE 3 3/4 E
YUMA, AZ 85365



EXPIRES 3-31-2025

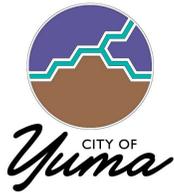
DATE: 06/2021 JOB No. 3092

PREPARED BY:
JACOBSON ENGINEERING
1334 S. 5TH AVENUE
YUMA, ARIZONA 85364



NOTES
 — SPRINKLER SYSTEM BY OTHERS.

PREMIER STORAGE CONDOMINIUMS OF YUMA UNIT II L.L.C.		JOB NO. 3092
LANDSCAPING PLAN		SHEET NO. 6 OF 8
acobson Engineering CIVIL ENGINEERS/PLANNERS/SURVEYORS 1334 S. 5TH AVENUE, YUMA, ARIZONA 85364		SCALE 1" = 20'
DATE 11/2021	DESIGN N.B.J.	
	DRAWN N.B.J.	
	APPROVED N.B.J.	
		EXPIRES 3-31-2023



City of Yuma

City Council Report

File #: MC 2023-196

Agenda Date: 12/20/2023

Agenda #: 5.

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

TITLE:

Settlement: Aguayo, et al. v. City of Yuma, et al.

SUMMARY RECOMMENDATION:

Authorize settlement of a lawsuit, *Aguayo, et al. v. City of Yuma, et al.*, Yuma County Superior Court Case No. S1400CV2022-00579 and Arizona Court of Appeals No. 2 CA-CV 2023-0188. (City Attorney) (Richard W. Files)

STRATEGIC OUTCOME:

The resolution of this lawsuit supports the City Council’s Respected and Responsible strategic outcome.

REPORT:

This lawsuit stems from a traffic collision that occurred on October 27, 2021, at approximately 6:00 a.m. in the 1800 Block of W. 8th Street, involving a City employee driving a City vehicle and Plaintiffs C. Aguayo and Rios, the driver and passenger of a 2010 Chevrolet Silverado pick-up truck owned by Plaintiff A. Aguayo.

The occupants of the vehicle sought \$140,000.00 to settle their personal injury claims and the owner of the vehicle sought \$24,175.00 to settle her property damage claim (\$164,175.00 total). The City believes there was some comparative fault in the matter and offered an early global settlement of \$46,000.00 to resolve all claims. Plaintiffs rejected the offer and filed a lawsuit against the City.

During litigation, the City successfully dismissed part of the lawsuit through a motion to dismiss. Plaintiffs appealed the City’s dismissal and the matter was assigned to Division 2 of the Arizona Court of Appeals in Tucson where the judges and attorneys flagged the matter for mediation.

After a half-day mediation and subject to approval by the City Council, the Parties agreed to a full and final global settlement of \$51,700.00 with \$43,200.00 apportioned to the occupants of the Silverado, C. Aguayo and Rios, for their personal injury; and \$8,500.00 to A. Aguayo for her property damage to completely resolve the lawsuit. The City Attorney’s Office believes this settlement is fair and reasonable considering the facts and the potentials costs of further litigation and appeal.

Adoption of this motion authorizes and directs the City Attorney’s Office to settle the Aguayo, Rios, and Aguayo claims for \$51,700.00 for personal injuries and property damage.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 51,700.00	BUDGETED:	\$ 51,700.00
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 \$ 51,700.00

Insurance reserve Fund: 502-20-10.6305		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

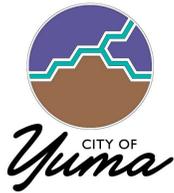
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023



City of Yuma

City Council Report

File #: R2023-056

Agenda Date: 12/20/2023

Agenda #: 1.

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

TITLE:

Lease Agreement: Yuma Crossing National Heritage Area Corporation

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a lease agreement with the Yuma Crossing National Heritage Area Corporation (YCNHAC) for the real property and building known as the Heritage Center (Historic City Hall) located at 180 West 1st Street. (Administration/ Heritage Area Development) (Cathy Douglas)

STRATEGIC OUTCOME:

This action supports City Council’s strategic outcome of Active and Appealing and Respected and Responsible. Entering into a lease agreement for the Heritage Center will ensure that this City-owned historic asset is maintained, will provide administrative office space for the YCNHAC for the purpose of conducting its activities to update and implement the Plan for the Yuma Crossing National Heritage Area, and will provide in-kind match for federal funds being received by the YCNHAC.

REPORT:

In 2002, the City of Yuma and the YCNHAC entered into an initial 10-year lease agreement for the Heritage Center (2002 Lease). The purpose of the 2002 Lease was two-fold: (1) to provide a home for the YCNHAC in a property which is on the National Register of Historic Places, and (2) to provide additional in-kind local match for federal funds being received by the YCNHAC.

The 2002 Lease was extended in 2012 through September 30, 2017, revised and extended again in 2015 through September 30, 2022, and extended again by addendum in 2022 through December 31, 2023. In December 2022, Public Law 117-339 extended the federal designation and authorization of all National Heritage Areas, including the Yuma Crossing National Heritage Area, through September 30, 2037. Based on this reauthorization by Congress, the City and YCNHAC want to enter into a new lease agreement for the Heritage Center.

Under the proposed lease agreement, the YCNHAC will pay annual rent of \$12.00, will continue to pay for all operating and routine maintenance costs for the building and property, and will keep the property in good condition. The City and YCNHAC shall jointly determine how best to fund capital repairs and improvements in excess of \$25,000. Such capital repairs and improvements may be requested through the City’s Capital Improvement Program upon recommendation of City Staff and subject to the discretionary approval of the Yuma City Council. The YCNHAC will continue to insure the building with property casualty and liability

insurance, with the City of Yuma named as "additional insured". The YCNHAC pays for these costs through their own funds and through rental revenue received from tenants who sublease office space in the Heritage Center.

The lease agreement for the real property and building known as the Heritage Center is proposed for a period of one (1) year, beginning January 1, 2024, and may be renewed for two (2) additional one-year terms. This lease is intended to supersede the lease agreement between the City and YCNHAC dated August 17, 2015, identified as City Contract No. 2015.078, which was extended by addendum through December 31, 2023.

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: 12/11/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/07/2023

RESOLUTION NO. R2023-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF YUMA AND YUMA CROSSING NATIONAL HERITAGE AREA CORPORATION FOR THE CITY-OWNED PROPERTY LOCATED AT 180 WEST 1ST STREET FOR OFFICE SPACE USE AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT

WHEREAS, the City of Yuma (“City”) is authorized, pursuant to the Yuma City Charter, Article III, Section 2, to lease City-owned property as the public interest of the City may require and as would be of public benefit; and,

WHEREAS, the City owns real property at 180 West 1st Street (“City Property”) known as the Heritage Center (Historic City Hall) which is currently leased to Yuma Crossing National Heritage Area Corporation (“YCNHAC”); and,

WHEREAS, since 2002, the City has leased the City Property to YCNHAC for use as office space, to provide in-kind local match for federal funds being received by the YCNHAC, and for the purposes of maintaining the City Property; and,

WHEREAS, the YCNHAC desires to continue to lease the City Property for its administrative office space, to utilize the in-kind value of the City Property as a match for federal funds received by the YCNHAC, and to maintain the City Property; and,

WHEREAS, authorizing the lease agreement supports the YCNHAC’s activities relating to updating and implementing the Plan for the YCNHAC and provides a revenue stream to YCNHAC from tenant sublease agreements to help YCNHAC pay for the maintenance and upkeep of the City Property.

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

SECTION 1: The City Council finds that leasing the City Property to YCNHAC is in the public interest of the City and would be of public benefit.

SECTION 2: The lease attached as Exhibit A and incorporated as part of this Resolution, is approved for signature by the City Administrator on behalf of the City of Yuma.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

LEASE AGREEMENT

THIS LEASE (“Lease”), dated this _____ day of _____, 2023 is entered into between the City of Yuma, an Arizona municipal corporation (“Lessor”), and the Yuma Crossing National Heritage Area Corporation, a 501(c)3 nonprofit corporation (“Lessee”), concerning the real property referred to as the “Premises” described and defined in Section 1 below. In this Lease, Lessor and Lessee may be referred to individually as a “Party” or collectively as the “Parties.”

WITNESSETH

WHEREAS, Lessor seeks to preserve and promote Yuma’s future and historic interconnection with the Colorado River which transverses the Yuma area, including development within the Yuma Crossing National Heritage Area; and,

WHEREAS, Lessee is organized exclusively for charitable and educational purposes whose primary mission is to conserve, interpret, and promote the Yuma Crossing National Heritage Area, and by doing so, to assist the Lessor with economic development in the historic Downtown and Riverfront area, and the education and general welfare of all people; and,

WHEREAS, Lessee has leased and operated the real property and building at 180 W First Street, known as the Heritage Center or Historic City Hall, under a ten-year lease through September 30, 2012. That lease was extended in 2012 through September 30, 2017, revised and extended again in 2015 through September 30, 2022, and extended again in 2022 through December 31, 2023. The Heritage Center is a historic building on the National Register of Historic Places and is an important part of the Yuma Crossing National Heritage Area; and,

WHEREAS, In December 2022, Congress enacted the National Heritage Area Act, S.1942, which reauthorized all National Heritage Areas, including the Yuma Crossing National Heritage Area, for an additional 15 years through September 30, 2037; and,

WHEREAS, Lessee continues to require facilities for the purpose of conducting its activities relating to updating and implementing the Plan for the Yuma Crossing National Heritage Area (the “Plan”) through September 30, 2037, which Congress authorized through the National Heritage Area Act of 2022; and,

WHEREAS, Lessor is entering into this Lease as a local match for Federal Yuma Crossing National Heritage Area Funding and for the purpose of maintaining the Heritage Center.

NOW THEREFORE, IT IS AGREED by and between the Parties as follows:

1. Description of Premises. Lessor hereby leases to Lessee, on the terms and conditions set forth in this Lease, the real property and premises at 180 West First Street, Yuma, Arizona 85364 (“Premises”), more particularly described in Exhibit “A” attached and incorporated into this Lease by this reference.

2. Term. This Lease is effective for a period of one year, beginning on January 1, 2024 (the “Effective Date”). This lease may be renewed for two (2) additional one-year periods. Lessee shall notify Lessor in writing not less than sixty (60) days prior to the end of the current Lease term of Lessee’s intent to renew.
3. Rent. Lessee agrees to pay Lessor the sum of Twelve Dollars (\$12.00) annually as rent for the Premises, due and payable in advance on January 1 of each year and prorated by month for any partial year periods. Lessee shall mail all payments of rent to the City of Yuma, Attention: Finance Director, One City Plaza, Yuma, Arizona 85364.
4. Use. The Premises shall be used to further the mission and purposes of Lessee consistent with the terms of this Lease.
5. Premises Leased As Is. Lessee acknowledges the Premises is leased in “as is” condition. Lessee, at the termination of this Lease, agrees to surrender the Premises to Lessor in as good or better condition and repair as at the commencement of the Lease, normal wear and tear excepted.
6. Taxes. Any excise, sales, property, transaction privilege or use tax, or any other applicable tax imposed or levied by any government or governmental agency upon Lessor or Lessee and attributable to the rent payable by Lessee shall be paid by Lessee in addition to the rent otherwise payable under this Lease.
7. Compliance With All Laws. Lessee shall, at Lessee’s sole cost and expense, comply with the requirements of any and all Municipal, County, State and Federal laws, ordinances, contracts, and regulations now in force or which may hereafter be amended or enacted which affect the Premises or affect Lessee’s use of the Premises.
8. Alterations and Improvements. Lessee may make alterations, additions, or modifications to the Premises, but only upon written approval of Lessor, such approval not to be unreasonably withheld. All additions, alterations, or modifications to the Premises shall be completed at the sole expense of Lessee and at no expense to Lessor, unless otherwise agreed to in writing by both Parties. Any alterations to the exterior of the Premises shall require prior approval of the Historic District Review Commission. Lessee shall indemnify Lessor for any mechanic’s or materialmen’s liens place on the Premises as a result of Lessee’s improvements.
9. Maintenance. Lessee at Lessee’s sole expense shall maintain the Premises in as good condition and repair as when received.
10. Capital Improvements. Lessor acknowledges that, should a need arise for major capital repairs and improvements in excess of \$25,000, Lessor and Lessee shall jointly determine how best to fund those improvements. During the term of this Lease, Lessor shall undertake a capital needs assessment and Lessee may request inclusion of capital improvements through the Lessor’s Capital Improvement Project Budget upon the recommendation of City staff and subject to the discretionary approval of the Yuma City Council.

11. Utilities. Lessee agrees to contract for and pay the cost of all utilities provided to Lessee upon the Premises, including without limitation, all electricity, gas, telephone, trash, cable and video services, internet data services, and water and sanitary sewer service charges.
12. Insurance. Before the commencement of this Lease, Lessee shall name the Lessor, Lessor's employees, officials, officers, and agents as Additional Insured on all of Lessee's required insurance policies and provide Lessor with the Additional Insured endorsements. The insurance policies required under this Section 12 shall be endorsed as primary insurance policies, and any insurance carried by the Lessor shall be excess and not contributory coverage to that provided by the Lessee. All required insurance policies shall be endorsed with a waiver of subrogation as to Lessor and Lessor's employees, officials, officers, and agents, and are subject to approval by the Lessor. The existence of excess insurance policies of Lessor or Lessee shall in no way be construed to limit the requirements of insurance described in this Lease. Evidence of the Lessee's insurance coverage and all endorsements required in this Section 12 shall be provided before the commencement of this Lease. Lessee shall also furnish Lessor with Certificates of Insurance. Failure to provide the required coverage and failure to comply with the terms and conditions of this Lease shall not waive the obligations in this Lease. Any such required policy may not be cancelled or materially altered by either the insurer or the insured without 30 days prior written notice provided to the Lessor and the City Attorney at the addresses described in Section 24 below.

Lessee shall, during the term of this Lease agreement, at the expense of Lessee:

- A. Insure the fixtures and equipment belonging to Lessee against broad perils of property loss or casualty.
 - B. Carry public liability insurance on the Premises providing for a minimum of One Million Dollars (\$1,000,000.00) per occurrence and Three Million Dollars (\$3,000,000.00) in the aggregate.
 - C. Lessee shall during the term of this Lease, at the expense of Lessee, insure the Premises and other improvements owned by Lessor on the Premises against broad perils of property loss or casualty for a minimum of Three Million Dollars (\$3,000,000.00).
13. Vacation or Abandonment. Lessee shall not vacate or abandon the Premises at any time during the term of this Lease. If Lessee abandons, vacates, or surrenders the Premises, or is dispossessed by process of law or otherwise, any personal property left on the Premises belonging to Lessee, at the sole option of Lessor, shall be deemed to be abandoned.
 14. Injury or Damage to Premises. In the event of a partial destruction of the Premises from any cause covered by Lessee's property insurance for the Premises, Lessee shall immediately repair such destruction provided that such repairs can be made within one-hundred eighty (180) days of the date of the loss. Partial destruction of the Premises shall in no way annul or void this Lease agreement, and Lessee shall not be entitled to a proportionate reduction of rent while Lessee makes the repairs. If the partial destruction of the Premises was caused

by any risk not covered by Lessee's insurance, Lessor may, at its sole option, make such repairs, provided the repairs can be made within one-hundred eighty (180) days of the date of the loss, and this Lease shall remain in full force and effect. In no event of partial or greater destruction of the Premises shall Lessor bear any responsibility to Lessee's permitted sublessees as described in Section 16 below.

- A. If Lessor elects not to make any optional repairs, or if repairs cannot be made within 180 days, or if repairs cannot be made under law, this Lease may be terminated at the option of either Party.
 - B. In the event that more than forty percent (40%) of the replacement cost of the Premises is destroyed, either Party may elect to terminate this Lease, without liability of payment of rent to the other Party.
 - C. A total destruction of the Premises, or of the building, shall terminate this Lease.
 - D. The proceeds from Lessee's insurance policy shall only be used for repair or restoration if Lessor elects to repair the building, otherwise the entire insurance proceeds shall belong to and be payable to the Lessor.
15. Entry and Inspection. Lessee shall permit Lessor or Lessor's agents or employees to enter the Premises at reasonable times for the purpose of inspecting or maintaining the Premises.
16. Assignment and Subletting. So long as Lessee continues to occupy space in the Premises as Lessee, Lessee may sublet a portion of the Premises or any part thereof to other non-profit agencies, if and only if, Lessee receives approval in writing from Lessor, such approval not to be unreasonably withheld. This Lease shall not, nor shall any interest in this Lease be assignable, as to the interest of Lessee, without the prior written and signed consent of Lessor. In addition to non-profit agencies, Lessor shall permit Lessee to continue subletting space to no more than one for-profit entity or professional at a time.
17. Default. The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Lessee:
- A. The vacating or abandonment of the Premises by the Lessee.
 - B. The failure by Lessee to make any payment of rent or any payment required to be made by Lessee hereunder within ten (10) days of the due date.
 - C. The failure by Lessee to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by the Lessee, other than described in Subsection (B) above, where such failure shall continue for a period of thirty (30) days after written notice thereof from Lessor to Lessee.
 - D. Any failure of Lessee to provide and maintain in force, at all times, the required insurance and endorsements.

18. Remedies. If Lessor at any time terminates this Lease for any breach, in addition to any other remedy Lessor may have, Lessor may recover from Lessee(s) all damages Lessor may incur by reason of such breach, including the cost of recovering the Premises. Lessee understands and agrees that the Lessor's remedies in this Lease shall be cumulative, and the exercise of any one remedy by Lessor shall not be to the exclusion of any other remedy.
19. Non-Waiver For Default. The waiver by Lessor of any default or breach of any term, covenant or condition contained in this Lease shall not be deemed to be a waiver of such term, covenant or condition, or any subsequent default or breach of the same or other term, covenant or condition of this Lease. The acceptance of rent shall not be a waiver of any default or breach by Lessee of any term, covenant or condition of this Lease.
20. Effectiveness. This Lease shall become effective as binding upon Lessor and Lessee when all of the following occurs:
- A. Authorization has been approved by the Yuma City Council and if required, the Yuma Crossing National Heritage Area Corporation's board;
 - B. Each Party has signed and delivered to the other Party a copy of this Lease; and,
 - C. All blanks in this Lease have been completed or filled in.
21. Indemnification. To the fullest extent permitted by law, Lessee shall indemnify, defend, and hold harmless Lessor, Lessor's agents, representatives, officers, directors, officials, volunteers, and employees from and against any and all liabilities, damages, losses, suits, claims, judgments, fines, demands, and expenses (including all reasonable costs for investigation, attorney fees and litigation expenses, and the cost of appellate proceedings) (collectively "Claims") to the extent such Claims result from or arise out of Lessee's use or occupancy of the Premises, or Lessee's intentional, reckless, or negligent directives, acts, errors, mistakes, or omissions in performance or non-performance of this Lease. This includes any intentional, reckless, or negligent acts, errors, mistakes, or omissions of Lessee's officers, agents, employees, volunteers, contractors, licensees, or invitees, regardless of where the injury, death or damage may occur, unless such injury, death or damage is caused by the negligence of the Lessor.

The amount and types of insurance coverage requirements set forth in this Lease shall in no way be construed as limiting the scope of the indemnity in this Lease.

22. Hazardous Materials Indemnification.
- A. As used in this Lease, the term "Hazardous Materials" shall mean any substance or material which has been determined by any state, federal or local governmental authority to be capable of posing a risk or injury to health, safety or property, including but not limited to all of those materials and substances designated as hazardous or toxic by the city and county in which the Premises is located, the U.S. Environmental Protection Agency, the Consumer Product Safety Commission, the U.S. Food and

Drug Enforcement Administration, the Arizona Department of Environmental Quality, or any other governmental agency now and hereafter authorized to regulate materials and substances in the environment.

B. Representations, Warranties and Indemnification by Lessor:

- (1) Lessor represents and warrants to Lessee that the Premises are in compliance with all applicable environmental laws. There are no current, pending, or threatened claims, administrative proceedings, judgments, declarations, or orders relating to the presence of Hazardous Materials on, in, or under all or part of the Premises. The Premises are being delivered to the Lessee free of all known Hazardous Materials.
- (2) Lessor shall indemnify and hold Lessee harmless from any and all liabilities which may result from the presence of Hazardous Materials on or in the surface or subsurface soils or water of the space and the land provided by Lessor, and the storage, release, emission, discharge, generation, disposition, handling or transportation of any Hazardous Materials in, on or from such Premises which predates Lessee's occupancy of such Premises, whether now known or discovered at a later date.

C. Representations, Warranties and Indemnification by Lessee:

- (1) Lessee agrees not to introduce any Hazardous Materials in, on or adjacent to the Premises without obtaining Lessor's prior written approval, providing Lessor with thirty (30) days prior written notice of the exact amount, nature, purpose and manner of intended use of such Hazardous Materials, and complying with all applicable federal, state and local laws, rules and regulations, ordinances, policies and authorities related to the storage, use, disposal and clean-up of Hazardous Materials, including, but not limited to, the obtaining of all proper permits.
- (2) Lessee warrants to Lessor that during the terms of this Lease, at Lessee's own cost and expense, Lessee shall promptly observe and comply with all present and future laws as they apply to the use of hazardous material or the disposal of hazardous wastes in the course of Lessee's operations.
- (3) Lessee shall indemnify, defend, and hold Lessor harmless from any liabilities and cleanup costs, which may result from environmental conditions relating to the generation of or use of Hazardous Materials as a result of Lessee's activities or manner of use of the Premises furnished by Lessor.

23. Exterior Signs. Lessee may affix exterior signs, logos, or other devices to the exterior portion of the Premises consistent with the guidelines of the Historic District

Review Commission of the City of Yuma, and approved by Lessor, such approval not to be unreasonably withheld.

24. Notice. Where written notice is required under this Lease, the Parties agree that delivery of notice will take place upon personal delivery, or three (3) days after proof of mailing by the U.S. Post Office to the address shown below for each Party, or substituted address acknowledged in writing by both Parties. The following is the initial address selected by each respective Party:

Lessor:

City Administrator
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

With a copy to:

City Attorney
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

Lessee:

Chairman
Yuma Crossing National Heritage Area
Corporation
180 West 1st Street, Suite #E
Yuma, Arizona 85364

With a copy to:

Benesch, Shadle & White, P.C.
833 E Plaza Cir #100,
Yuma, AZ 85365

25. Attorney's Fees. If any legal action or other legal proceeding is brought for the enforcement of this Lease, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of the Lease, or if an attorney is retained to enforce the provisions of this Lease, the successful or prevailing Party shall be entitled to reimbursement for reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which the prevailing Party may be entitled.
26. Governing Law. The Parties agree that this Lease shall be governed by the laws of Arizona.
27. Modification. This Lease sets forth the entire agreement of the Parties and shall not be modified except by written agreement signed by both Parties.
28. Time. Time is of the essence in this Lease.
29. Heirs, Assigns, Successors. The covenants and conditions in this Lease shall, subject to the provisions set forth in Section 16 of this Lease, apply to and bind the heirs, successors, executors, administrators and assigns of all of the Parties hereto.
30. Conflict of Interest. This Lease is subject to the conflict of interest provisions of A.R.S. § 38-511, *et. seq.*

31. Venue. Any action to enforce any provision of this Lease or to obtain any remedy with respect to this Lease shall be brought exclusively in the Superior Court, Yuma County, Arizona (or, as may be appropriate, in the United States District Court for the District of Arizona, if, but only if, the Superior Court lacks jurisdiction over such action). The Parties expressly and irrevocably consent to the exclusive jurisdiction and venue of such courts and expressly waive the right to transfer or remove any such action commenced in accordance with the terms of this Section 30.
32. Severability. If any terms, parts, or provisions of this Lease are for any reason invalid or unenforceable, the remaining terms, parts, or provisions are nevertheless valid and enforceable.
33. Integration. This Agreement contains the entire agreement between the Parties and supersedes any prior lease agreements between the Parties. No oral or written statements, promises, or inducements made by either Party or the Party's agents not contained or specifically referred to in this Agreement is valid or binding. All modifications to this Agreement must be made in writing, signed by all Parties.
34. No Partnership. Nothing in this Lease constitutes a partnership or joint venture between the Parties and neither Party is the principal or agent of the other.
35. Non-Discrimination. The Parties shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order No. 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. The Parties shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, and the Americans with Disabilities Act.
36. Rights/Obligations of Parties Only. The terms of this Lease are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third party beneficiary or other person, agency or organization.

[Remainder of page intentionally blank]

WITNESSED, the Parties executed this Lease through their authorized representatives as of the date first written above.

CITY OF YUMA

**YUMA CROSSING NATIONAL
HERITAGE AREA CORPORATION**

By: _____
John D. Simonton
Acting City Administrator

Lessee: _____
Shelley Mellon
Chair

ATTEST:

By: _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By: _____
Richard W. Files
City Attorney

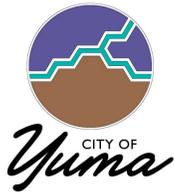
Exhibit "A"

That part of Tract One Section 35, Township 16 South, Range 22 East, San Bernardino Meridian, Yuma County, Arizona, more particularly described as follows:

The East 547.97 feet of said Tract One.

EXCEPTING therefrom the east 332.00 feet.

Containing 1.874367734 acres, more or less.



City of Yuma

City Council Report

File #: O2023-039

Agenda Date: 12/6/2023

Agenda #: 1.

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

TITLE:

Text Amendment: Home Occupations

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154 of the Yuma City Code, to update the permitted Home Occupations. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This proposed text amendment will expand the permitted home occupations, increasing employment opportunities within residential districts, in support of the City Council's strategic outcomes of Safe and Prosperous and Unique and Creative.

REPORT:

The City of Yuma adopted the Home Occupation ordinance on July 7, 2010, as Ordinance O2010-32. The purpose of the Home Occupation ordinance is to permit and regulate the conduct of home occupations in a dwelling unit and ensure that home occupations do not have a negative impact on adjacent and nearby residential properties and uses.

The proposed text amendment would expand the permitted home occupations and increase employment opportunities within residential districts. Many people are making personal decisions to work from their residence instead of commuting to a physical place of employment and it is important to recognize these changes in today's workforce. This proposed text amendment would allow more residents of the community to use their residence as a place to enhance or fulfill personal economic goals, while maintaining the character and integrity of the residential neighborhood.

This text amendment also aligns the City of Yuma zoning code with the State of Arizona statutes for Home Occupations. Currently, the zoning code limits the number of employees to the residents of the principal dwelling unit on the site. State statute allows home-based businesses to employ residents of the primary dwelling, immediate family members, and up to two individuals who are not residents of the primary dwelling. In addition, state statute allows having more than one client on the property at one time.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

“Commissioner Branden Freeman said he is pleased with the proposed text amendment.

“Commissioner John Mahan asked if no other sections of the code related to home occupation would change. Amelia Domby, Senior Planner confirmed.

PUBLIC COMMENT

“Gary Wright, 1801 S. 13th Avenue, Yuma, AZ asked what home occupations were allowed. Gary Wright asked if the proposed amendment would increase on-street parking, taking away rights from homeowners. Gary Wright also expressed concerns on how the City would manage home businesses.

“Chairman Chris Hamel asked if the amount of parking once a home occupancy goes in effect, would not exceed the parking requirements. Amelia Domby, Senior Planner clarified that the Home Occupation code was adopted in 2010 and that the parking would be limited to one parking spot related to the home occupation.

“Commissioner John Mahon said that neighborhoods wouldn’t be affected by the proposed text amendment, and that it would be great for people who are trying to start or grow their business from home.

“Motion by Branden Freeman, Planning and Zoning Commissioner, second by Joshua Scott, Planning and Zoning Commissioner to APPROVE Case Number ZONE-41786-2023, to amend Title 15, Chapter 154, to update permitted home occupations.

“Motion carried unanimously (5-0) with Edgar Olvera - Planning and Zoning Commissioner and Ashlie Pendleton - Planning and Zoning Commissioner absent.’

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:

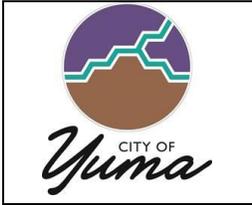
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 11/21/2023
Reviewed by City Attorney: Rodney Short for Richard W. Files	Date: 11/20/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: AMELIA DOMBY**

Hearing Date October 23, 2023

Case Number: ZONE-41786-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154, to update permitted Home Occupations.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the permitted Home Occupations.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41786-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update the permitted Home Occupations.

Staff Analysis: The City of Yuma adopted the Home Occupation ordinance on July 7, 2010, as Ordinance O2010-32. The purpose of the Home Occupation ordinance is to permit and regulate the conduct of home occupations in a dwelling unit and ensure that home occupations do not have a negative impact on adjacent and nearby residential properties and uses.

The proposed text amendment would expand the permitted home occupations and increase employment opportunities within residential districts. Many people are making personal decisions to work from their residence instead of commuting to a physical place of employment and it is important to recognize these changes in today's workforce. This proposed text amendment would allow more residents of the community to use their residence as a place to enhance or fulfill personal economic goals, while maintaining the character and integrity of the residential neighborhood.

This text amendment also aligns the City of Yuma zoning code with the State of Arizona statutes for Home Occupations. Currently, the zoning code limits the number of employees to the residents of the principal dwelling unit on the site. State statute allows home-based businesses to employ residents of the primary dwelling, immediate family members, and up to two individuals who are not residents of the primary dwelling. In addition, state statute allows having more than one client on the property at one time.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes. The City of Yuma General Plan Land Use Chapter Goal 3.0 specifically addresses the need to create a community with an excellent quality of life with a targeted objective and policy that encourages promoting a multitude of employment opportunities.

Goal 3.0: Create a community with an excellent quality of life.

Objective 3.1: Provide opportunities in Yuma that exemplify a great community to live, work and play.

Policy 3.1.1: *The City shall maintain a balance of residential types, promote a multitude of employment opportunities, and provide easily accessible daily retail and service needs.*

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes. This amendment will expand the permitted home-based businesses within residential districts.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No. This proposed text amendment will not change the development standards of the zoning or subdivision ordinances.

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment.

This proposed text amendment will support additional employment opportunities within residential districts.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes. This amendment supports City Council's past action adopting the Home Occupation zoning code.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

No Conditions of Approval

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Amelia Domby*

Date: September 28, 2023

Amelia Domby
Senior Planner

Amelia.Domby@yumaaz.gov (928)373-5000, x1234

Reviewed By: *Jennifer L. Albers*

Date: 9/28/23

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: October 12, 2023

Alyssa Linville
Director of Planning and Neighborhood Services

**ATTACHMENT A
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection B Performance Standards be amended to insert the following bolded text:

- (4) *Employees.* The number of employees involveds with a home occupation shall be limited to the residents of the principal dwelling unit on the site., **immediate family members, and up to two other individuals who are not residents of the site.**
- (5) *Hours of operation.* Clients shall only be received between the hours of 7:00 a.m. and 8:00 p.m.
- (6) *Clients.* The number of clients that can visit the residence is limited to ~~one~~ **two clients per hour., one at a time.**

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection C Uses Not Permitted be amended to insert the following bolded text and delete the strike through text, and renumber accordingly:

(C) *Uses not permitted.* The following types of uses shall not be permitted as home occupations in all residential zoning districts:

- (1) Barber shop **and beauty salons with more than one client station within a dwelling;**
- ~~(2) Beauty parlor;~~
- ~~(2) (3) Dance studios;~~
- ~~(3) (4) Electrical repair shops;~~ **which are not mobile;**
- ~~(4) (5) Massage parlor services;~~ **which are not mobile;**
- ~~(5) (6) Motor vehicle repairing services;~~ **which are not mobile;**
- ~~(7) Real estate or insurance office;~~
- ~~(6) (8) Veterinary office~~ **or animal grooming services; which are not mobile;**
- ~~(7)~~ **Animal kennels, boarding, or similar uses;**
- ~~(9) Engine repair;~~
- ~~(10) Furniture refinishing;~~
- ~~(11) Medical/cosmetic facilities for animals including animal care or boarding facilities;~~
- ~~(8) (12) Machine shop/metal working;~~ **which are not mobile;**
- ~~(9) (13) Mortuaries;~~
- ~~(10) (14) Taxi service with more than one vehicle;~~
- ~~(11) (15) Commercial insecticide, fungicide, herbicide or rodenticide operators; and~~
- ~~(12) (16) Medical or Dental office;~~
- ~~(13)~~ **Medical office, not including telehealth;**
- ~~(14)~~ **Car Sales; and**
- ~~(15)~~ **Other uses as determined by the Zoning Administrator**

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection D Limited Use Home Occupation be amended to insert the following bolded text and delete the strike through text, and renumber accordingly:

- (1) *Merchandise parties.* Merchandise parties (i.e., Tupperware, Avon, Mary Kay and the like) held for the purpose of soliciting sales shall be limited to no more than one party per month on the site of the home occupation, merchandise parties are not inclusive of yard sales;
- (2) **Construction Contracting service.** Contracting services must, in addition to, the performance standards listed in division (B) above, comply with all of the following additional performance standards:
 - ~~(a) The contracting service is a sole ownership business;~~
 - ~~(b) The contracting service has no employees other than those living in the home;~~

- (a) ~~(c)~~ There are no materials stored on the lot of the residence of the home occupation;
- (b) ~~(d)~~ There are no more than 1 one and one-half-ton vehicle associated with the business, parked at the home; and
- (c) ~~(e)~~ The home occupation can not serve as a headquarters or dispatch center, where employees come to be dispatched to other locations.

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (09/29/23)
- 34 Commenting/Reviewing Agencies noticed: (09/07/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (10/23/23)
- Comments due: (09/18/23)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	YES	09/11/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	YES	09/08/23	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
Greater Yuma Economic Development Corp.	YES	09/08/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	09/11/23	X		
Building Safety	YES	09/20/23	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	09/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

ORDINANCE NO. O2023-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, UPDATING ZONING REGULATIONS RELATING TO PERMITTED HOME OCCUPATIONS WITHIN RESIDENTIAL ZONING DISTRICTS

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 23, 2023 in Zoning Case No: ZONE-41786-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 29, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the text amendment in Zoning Case No: ZONE-41786-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection B Performance Standards is amended to insert the following bolded text and delete the strike through text:

- (4) *Employees.* The number of employees involveds with a home occupation shall be limited to the residents ~~of the principal dwelling unit~~ on the site., **immediate family members, and up to two other individuals who are not residents of the site.**
- (5) *Hours of operation.* Clients shall only be received between the hours of 7:00 a.m. and 8:00 p.m.
- (6) *Clients.* The number of clients that can visit the residence is limited to ~~one~~ **two** clients per hour., ~~one at a time.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection C, Uses Not Permitted, is amended to insert the following bolded text and delete the strike through text, and renumber accordingly:

(C) *Uses not permitted.* The following types of uses shall not be permitted as home occupations in all residential zoning districts:

- (1) Barber shop **and beauty salons with more than one client station within a dwelling;**
- ~~(2) Beauty parlor;~~
- (2) ~~(3)~~ Dance studios;
- (3) ~~(4)~~ Electrical repair shops; **which are not mobile;**
- (4) ~~(5)~~ Massage parlor services; **which are not mobile;**
- (5) ~~(6)~~ Motor vehicle repairing services; **which are not mobile;**
- ~~(7) Real estate or insurance office;~~
- (6) ~~(8)~~ Veterinary office **or animal grooming services; which are not mobile;**
- (7) **Animal kennels, boarding, or similar uses;**
- ~~(9) Engine repair;~~
- ~~(10) Furniture refinishing;~~
- ~~(11) Medical/cosmetic facilities for animals including animal care or boarding facilities;~~
- (8) ~~(12)~~ Machine shop/metal working; **which are not mobile;**
- (9) ~~(13)~~ Mortuaries;
- (10) ~~(14)~~ Taxi service with more than one vehicle;
- (11) ~~(15)~~ Commercial insecticide, fungicide, herbicide or rodenticide operators;
- and
- (12) ~~(16)~~ Medical or Dental office;
- (13) **Medical office, not including telehealth;**
- (14) **Car Sales; and**
- (15) **Other uses as determined by the Zoning Administrator**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection D, Limited Use Home Occupation, is amended to insert the following bolded text, delete the strike through text, and renumber accordingly:

- (1) *Merchandise parties.* Merchandise parties (~~i.e., Tupperware, Avon, Mary Kay and the like~~) held for the purpose of soliciting sales shall be limited to no more than one party per month on the site of the home occupation, **merchandise parties are not inclusive of yard sales;**
- (2) *Construction Contracting service.* Contracting services must, in addition to, the performance standards listed in division (B) above, comply with all of the following additional performance standards:
 - ~~(a) The contracting service is a sole ownership business;~~
 - ~~(b) The contracting service has no employees other than those living in the home;~~
 - (a) ~~(c)~~ There are no materials stored on the lot of the residence of the home occupation;
 - (b) ~~(d)~~ There are no more than 1 one and one-half-ton vehicle associated with the business, parked at the home; and

(c)(e)The home occupation can not serve as a headquarters or dispatch center, where employees come to be dispatched to other locations.

SECTION 4: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, 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 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which such violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2023.

APPROVED:

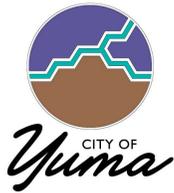
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-040

Agenda Date: 12/20/2023

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Planning & Neighborhood Svc	<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: Community Planning	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Text Amendment: Off-Street Parking

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154 of the Yuma City Code, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate reducing the costs associated with development and the impacts of the urban heat island effect, while also freeing land for additional development opportunity, supporting the City Council's strategic outcomes of Active and Appealing and Respected and Responsible.

REPORT:

This text amendment updates the existing off-street parking regulations to reduce the number of required parking spaces for certain uses, updates the section on permitted reductions for special circumstances, clarifies language and provisions related to shared parking, formalizes allowances for compact parking, and updates language related to the parking of vehicles and recreational vehicles within the front yard setback of residentially zoned properties.

The goal of the text amendment is to provide adequate parking while limiting excessive, unnecessary parking spaces. Land within the City is a finite resource that can be put to a more productive use than parking. With the cost of one surface parking space exceeding \$5,000, reducing parking also serves to reduce the cost of development. Fewer parking spaces also allow for a more walkable environment and reduce the impacts of the urban heat island effect.

Below is a more detailed description of each proposed amendment:

- 1. Paving materials:** In an effort to reduce pavement requirements within residential districts, the proposed amendment identifies the use of rock or gravel for certain primary and secondary parking areas. Additionally, the proposed amendment formalizes provisions for utilizing ribbon driveways for single and two-family residential developments.
- 2. Shared parking:** The proposed amendment attempts to simplify and encourage the use of shared parking agreements when mixed use developments support such a design.
- 3. Parking space dimensions:** This component of the amendment will locate parking stall dimensions

into one singular location of the code, as well as identify provisions for compact parking and parking space overhangs.

4. **Parking in residential districts:** The code currently permits 40% of the front yard setback to be utilized for parking. The proposed amendment will increase this amount to 60%, which has proven to be a more feasible and realistic parking need within our community.
5. **Recreational vehicle parking:** The proposed amendment will limit the number of recreational vehicles permitted to park within the front yard setback to one. Any additional vehicles will need to be parked and/or stored beyond the front yard setback.
6. **Parking spaces required:** The proposed reductions in the parking requirements are based on national standards as well as recent development trends specific to our community and communities across Arizona. Parking reductions identified within this amendment include, but are not limited to, restaurants, education facilities, hotels, medical offices, general offices, and multiple-dwelling units.
7. **Redevelopment areas:** The proposed amendment makes several changes to ease barriers to development in the infill area, which is defined as those areas designated in the Redevelopment Element of the General Plan. For these specific areas, the amendment allows on-street parking to be counted towards 50% of the parking requirement for single, two-family and three-family dwellings, and allows a 20% percent reduction of the total parking requirement for non-residential uses.

Public outreach was a major component throughout this process. During the initial drafting of the update, staff met with several local designers to seek input and suggestions on how to better reflect the parking needs of our community. Then, once a draft was complete, the draft was provided to the development community for further review and comments. Overall, the feedback has been positive; all were excited to see such an inclusive approach to the update and appreciative of the opportunity to review and provide feedback on the proposed amendment.

On October 23, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

“**Gary Wright, 1801 S. 18th Ave, Yuma, AZ** expressed his concerns regarding off-street parking and concerns on how the proposed text amendment would affect public safety. **Wright** asked if the reason why parking is being increased in residential areas was because of a shortage of commercial property in the City of Yuma.

“**Andrew McGarvie, Engineering Manager** said he couldn’t answer that question.

“**John Mahon, Planning and Zoning Commissioner** stated that the intent of the proposed text amendment is not to add additional parking to the streets but to allow for better development. **Mahon** noted that current parking regulations kill projects and that the proposed text amendment would allow growth and better future development.

“**Alyssa Linville, Director of Planning and Neighborhood Services** addressed **Wright’s** concerns regarding the parking and stated that the current regulation are not realistic for the community. **Linville** noted that recreational vehicle parking has been allowed since 2017, noting that the proposed text amendment would just limit the number of recreational vehicles allowed to park in the front yard setback. **Linville** also said that the proposed text amendment is in response to community comments that staff have received.

“Commissioner Mahon congratulated Linville and staff for keeping up with parking regulations.

“Chris Hamel, Planning and Zoning Commissioner addressed the fire safety concerns brought up by Wright and said that the proposed text amendment wouldn’t be a problem for public safety.

“Branden Freeman, Planning and Zoning Commissioner stated that the proposed text amendment was provided to the Fire Department, and they had no comments in opposition.

MOTION

“Motion by Freeman, second by Mahon to APPROVE ZONE-41775-2023 as presented.

“Motion carried unanimously, (5-0) with two absent.’

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:

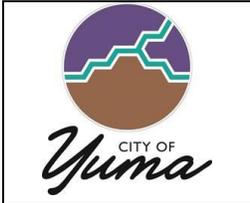
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: Jennifer Reichelt for John D. Simonton	Date: 12/13/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/13/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ALYSSA LINVILLE**

Hearing Date October 23, 2023

Case Number: ZONE-41775-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41775-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

Staff Analysis: This text amendment updates the existing off-street parking regulations to reduce the number of required parking spaces for certain uses, updates the section on permitted reductions for special circumstances, clarifies language and provisions related to shared parking, formalizes allowances for compact parking, and updates language related to the parking of vehicles and recreational vehicles within the front yard setback of residentially zoned properties.

The goal of the text amendment is to provide adequate parking while limiting excessive, unnecessary parking spaces. Land within the City is a finite resource that can be put to a more productive use than parking. With the cost of one surface parking space exceeding \$5,000, reducing parking also serves to reduce the cost of development. Fewer parking spaces also allow for a more walkable environment and reduce the impacts of the urban heat island effect.

Below is a more detailed description of each proposed amendment:

1. **Paving materials:** In an effort to reduce pavement requirements within residential districts, the proposed amendment identifies the use of rock or gravel for certain primary and secondary parking areas. Additionally, the proposed amendment formalizes provisions for utilizing ribbon driveways for single and two-family residential developments.
2. **Shared parking:** The proposed amendment attempts to simplify and encourage the use of shared parking agreements when mixed use developments support such a design.
3. **Parking space dimensions:** This component of the amendment will locate parking stall dimensions into one singular location of the code, as well as identify provisions for compact parking and parking space overhangs.
4. **Parking in residential districts:** The code currently permits 40% of the front yard setback to be utilized for parking. The proposed amendment will

increase this amount to 60%, which has proven to be a more feasible and realistic parking need within our community.

5. **Recreational vehicle parking:** The proposed amendment will limit the number of recreational vehicles permitted to park within the front yard setback to one. Any additional vehicles will need to be parked and/or stored beyond the front yard setback.
6. **Parking spaces required:** The proposed reductions in the parking requirements are based on national standards as well as recent development trends specific to our community and communities across Arizona. Parking reductions identified within this amendment include, but are not limited to, restaurants, education facilities, hotels, medical offices, general offices, and multiple-dwelling units.
7. **Redevelopment areas:** The proposed amendment makes several changes to ease barriers to development in the infill area, which is defined as those areas designated in the Redevelopment Element of the General Plan. For these specific areas, the amendment allows on-street parking to be counted towards 50% of the parking requirement for single, two-family and three-family dwellings, and allows a 20% percent reduction of the total parking requirement for non-residential uses.

Public outreach was a major component throughout this process. During the initial drafting of the update, staff met with several local designers to seek input and suggestions on how to better reflect the parking needs of our community. Then, once a draft was complete, the draft was provided to the development community for further review and comments. Overall, the feedback has been positive; all were excited to see such an inclusive approach to the update and were appreciative of the opportunity to review and provide feedback of the proposed amendment.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The proposed amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No. The proposed amendment will merely change certain parking requirements for particular uses, but will have no impact on the range of uses permitted within the zoning code.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes. The proposed amendment will modify certain development standards of the parking requirements within the zoning code.

5. What are the potential impacts of the proposed amendment?

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include:

- Reduce costs associated with commercial development
- Reduce urban heat island effect
- Free land for additional development opportunity

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?
Yes.
7. Does the proposed amendment conform to prior City Council actions regarding this issue?
Yes.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Alyssa Linville*

Date: October 12, 2023

Alyssa Linville, Director of Planning and
Neighborhood Services

Alyssa.Linville@yumaaz.gov

(928) 373-5000, ext.
3037

Approved By: *Jennifer L. Albers*
Jennifer L. Albers,
Assistant Director of Planning

Date: 10/12/23

**ATTACHMENT A
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection C be amended to insert the bolded text:

- (C) *Paving; materials.* All off-street parking spaces, parking lots, access ways, and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement concrete, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture, or suburban ranch, **Low Density Residential (R-1-40), or the Residential Estate (RE-35)** zoning districts where **alternative paving materials, such as rock, gravel or ABC** may be used. **Secondary driveways in residential districts may also utilize gravel or rock.**

Alternative paving materials.

- (1) **The rock or gravel may not be smaller than one-quarter inch and no larger than three-quarter inch.**
- (2) **The depth of the gravel shall be three inches.**
- (3) **The gravel driveway must be contained within a permanent border deep enough to maintain required gravel depth.**

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection E be amended to insert the bolded text and delete the strike through text:

- (E) ~~Joint usage of~~ **Shared parking.** **Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.** ~~The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:~~

- ~~(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;~~
- ~~(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and~~
- ~~(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.~~

Shared parking shall be subject to the review and approval of the Director of the Department of Planning and Neighborhood Services. An application for shared parking shall conform to the following standards:

- (1) **A narrative statement shall be supplied explaining how shared parking will be managed. This narrative must explain the proposed hours of operation for each use on site;**
- (2) **Floor plans and a parking count analysis shall be included, and the analysis will illustrate parking needs without a shared use and with a shared use plan; and**

(3) **Completion of a recorded agreement between business and/or property owners, and the City of Yuma.**

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection F be amended to insert the bolded text and delete the strike through text:

- (F) *Parking spaces for ~~the disabled~~ **people with disabilities**.* In accordance with the current Americans with Disabilities Act (ADA) standards, parking for **people with disabilities** ~~disabled persons~~ shall be provided in all public places in convenient locations and reserved for **people with disabilities** ~~the disabled~~. A ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection A be amended to insert the bolded text and delete the strike through text:

(A) *Design standards.*

- (1) *Site plan.* A site plan for any proposed parking lot for five or more required spaces shall be submitted to the ~~Department of Development Services~~ **Department of Planning and Neighborhood Services** for review and approval at the time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.
- (2) *Minimum parking lot ~~lot~~ **space** dimensions.* All parking ~~lots~~ **spaces** shall conform to the following minimum parking lot dimensions: ~~where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.~~
- (a) **Minimum space length: 19 feet;**
 - (b) **Minimum space width: 10 feet, except for employee parking which can be 9 feet when clearly identified (pavement marking, signs, or other method);**
 - (c) **Compact parking: 16 feet by 9 feet. Compact parking may be utilized in commercial and high-density residential zoning districts where there are 10 or more parking spaces. Up to 20% of proposed parking may be compact. Compact parking must be clearly identified (pavement markings, signs, or other method);**
 - (d) **Parking space overhang: Parking space dimensions can utilize an overhang of up to 24 inches when located adjacent to an internal walkway/sidewalk or a landscape area provided that:**
 - i. **The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or the trunk of a tree; and**

- ii. **The unobstructed width of the walkway/sidewalk, exclusive of the 24-inch overhang, is not less than 3 feet.**
 - (e) **Single-family residential parking shall provide parking space dimensions each measuring 10 feet in width by 20 feet in depth.**
- (3) ~~Site plan.~~ *The scale of the site plan shall contain not more than 50 feet to the inch.* The site plan shall be drawn according to the following requirements and shall show these items detailed herein:
 - (a) Zoning, setbacks and statement of use;
 - (b) North arrow and scale;
 - (c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;
 - (d) Ownership of the parcel being developed;
 - (e) Use, total floor area and location of each existing and proposed structure;
 - (f) Complete dimensions of parking lot;
 - (g) Grading and drainage plan of parking lot;
 - (h) Landscaping, walls, ~~lighting~~ and irrigation system;
 - (i) **Lighting, including a parking lot light coverage plan;**
 - (ij) Type and thickness surface and base of parking;
 - (jk) **If applicable, N**number of employees in proposed business;
 - (kl) If public assembly, number of seats and/or occupant capacity; and
 - (~~lm~~) If applicable, the number of rooms or beds.
- (4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of ~~Public Safety and Engineering Division~~.

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection B (3) be amended to insert the bolded text and delete the strike through text:

- (3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the ~~Engineering Division~~ **Department of Engineering**;

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection B (6) be amended to insert the bolded text and delete the strike through text:

- (6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with ~~four~~ **five** or more parking spaces. Open parking lots shall ~~be illuminated~~ **illuminate parking stalls** with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection A be amended to delete the strike through text:

- (A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In instances where the rear property line is adjacent to an alley and parking is accessed from the rear yard alley, parking spaces may be set back zero feet from the property line. ~~In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection B be amended to insert the bolded text and delete the strike through text:

- (B) In residential districts, parking is permitted within the front yard setback in front of garages, carports or on ~~an adjacent paved~~ **a surface in accordance with § 154-16.02(C).** Such area shall not exceed ~~40%~~ **60%** of the front yard setback, **while continuing to provide adequate on-site retention.**

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection D be amended to insert the bolded text and delete the strike through text:

- (3) That said vehicle shall be located on ~~a paved~~ surface in accordance with § 154-16.02(C); and
- (4) Each residential lot shall ~~have no more than one area of~~ **be limited to the parking and/or storage of one recreational equipment, recreational vehicle, or watercraft within the front yard setback.**

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, be amended to insert Subsection E:

- (E) **Ribbon or Hollywood driveways may be utilized in single and two-family residential developments, where such parking spaces are accessed perpendicularly from the adjacent roadway. The hard surfaced material of the parallel strips shall be a minimum of two feet in width and shall be separated by a three foot wide pervious area (grass or decorative rock). The total extent of the parking area shall be in conformance with the parking dimensions required of the residential use.**

SECTION 11: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 7 be amended to insert the bolded text, delete the strike through text, and renumber accordingly:

- ~~(A)~~ ~~Adult arcade.~~ One space for each arcade machine plus one space for each employee per shift.
- ~~(B)~~ ~~Adult bookstore.~~ One space for each 300 square feet of gross floor area.
- ~~(C)~~ ~~Adult cabaret.~~ One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.
- ~~(D)~~ ~~Adult motel.~~ One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:
 - ~~(1)~~ One parking space for every 100 square feet of gross floor area where public is served;
 - ~~(2)~~ One parking space for every 400 square feet of gross floor area of commercial accessory use; and
 - ~~(4)~~ One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.
- ~~(E)~~ ~~Adult motion picture theater.~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(F)~~ ~~Adult theater.~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(G)~~ ~~Adult video store.~~ One space for each 300 square feet of gross floor area.
- ~~(H)~~ **(A)** *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.
- ~~(I)~~ **(B)** *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)
- ~~(J)~~ **(C)** *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)
- ~~(K)~~ **(D)** *Banks.* One space for every 200 square feet of gross floor area.
- ~~(L)~~ **(E)** *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)
- ~~(M)~~ **(F)** *Cafes, restaurants, cocktail lounges or bars.*
 - (1)** **Sit down establishments.** One space for each ~~50~~ **75** square feet of gross floor area where the public is served.

- (2) **Establishments with drive-thru windows.** One space for each 100 square feet of gross floor area where the public is served.
- (3) **Establishments with take-out only.** One space for each 300 square feet of building area.
- ~~(N)~~ **(G)** *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.
- ~~(O)~~ **(H)** *Child day care services, large.* One space per 300 square feet of gross floor area.
- ~~(P)~~ **(I)** *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or “stack-up”, preceding customer service space:
 - (1) *Drive-in bank.* Three spaces for each service window.
 - (2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.
 - (3) *Drive-in theater.* One space for each four viewing spaces within theater.
 - (4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.
- ~~(Q)~~ **(J)** *Educational facilities.*
 - (1) *Elementary and secondary schools, kindergartens and parochial schools.* ~~shall provide one~~ One space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.
 - (2) **Colleges, universities, trade or vocational schools.** One space for each 200 square feet of classroom and office space.
- ~~(R)~~ ~~Escort agency.~~ One space for each 300 square feet of gross floor area.
- ~~(S)~~ **(K)** *Grocery, supermarkets.* One space for each 300 square feet of gross floor area.
- ~~(T)~~ **(L)** *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.
- ~~(U)~~ **(M)** *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.
- ~~(V)~~ **(N)** *Hotels and motels.* One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:
 - (1) One parking space for every 100 square feet of gross floor area where public is served;
 - (2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and

- (3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.
- ~~(W)~~ **(O)** *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.
- ~~(X)~~ **(P)** *Offices and clinics; medical, **dental, clinic.*** One space for each ~~150~~ **250** square feet of gross floor area.
- ~~(Y)~~ **(Q)** *Motor fuel sales (wholesale).* One parking space per employee per shift.
- ~~(Z)~~ **(R)** *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one for each 20 outdoor vehicle display spaces.
- ~~(AA)~~ **(S)** *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.
- ~~(BB)~~ ~~—~~ *Nude model studio.* ~~One space for each 300 square feet of gross floor area.~~
- ~~(CC)~~ **(T)** *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.
- ~~(DD)~~ **(U)** *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.
- ~~(EE)~~ **(V)** *Offices (not otherwise specified herein).* One space for each ~~300~~ **400** square feet of gross floor area, exclusive of floor area used for utility equipment.
- ~~(FF)~~ **(W)** *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.
- (1) *Single-family dwellings.* Two spaces for each dwelling unit.
 - (2) *Duplex dwellings.* Two spaces for each dwelling unit.
 - (3) ~~*Multiple-dwellings. One and one-half spaces for each efficiency one-bedroom or two-bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.*~~
 - (b) *One-bedroom dwelling unit.* One space for each dwelling unit.**
 - (c) *Two-bedroom dwelling unit.* One and one-half spaces for each dwelling unit.**
 - (d) *Three or more-bedroom dwelling unit.* Two spaces for each dwelling unit.**

- (4) Rooming and boarding houses. One space for each two guest rooms, plus two spaces for any permanent residence on the property.
- ~~(5) *Manufactured housing park (MHP)*. Two spaces for each manufactured home or one space for each park model or recreational vehicle.~~
- ~~(6) *Manufactured housing subdivision (MHS)*. Two spaces for each lot.~~
- ~~(7) *Recreational vehicle subdivision (RVS)*. Two spaces for each manufactured home or one for each park model or recreational vehicle.~~
- (5) *Manufactured homes*. Two spaces for each manufactured housing unit.**
- (6) *Park models or recreational vehicles*. One space for each park model or recreational vehicle.**

~~(GG) (X) *Retail stores, shops, convenience food stores*. One space for each 400 square feet of gross floor area.~~

~~(HH) *Trade schools, business colleges*. One space for each 200 square feet of gross floor area.~~

~~(H) (Y) *Wholesaling and warehousing*. One space for each 1,500 square feet of gross floor area.~~

~~(JJ) (Z) *Shopping centers*. One space per 250 square feet of gross floor area.~~

~~(KK) (AA) *Self-storage facilities*. One space for each 50 storage cubicles plus two spaces.~~

~~(LL) *Sexual encounter center*. Parking spaces shall be not less than 30% of maximum occupancy as determined by the International Building Code as amended.~~

SECTION 12: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 8, Subsection B, Table No. 4 be amended to insert the bolded text and delete the strike through text:

Table No. 4 – Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
12,500 up to and including 40,000 100,000	1
40,001 up to and including 100,000	2
100,001 up to and including 160,000	3 2
160,001 up to and including 240,000	4 3
240,001 up to and including 320,000	5 4
320,001 up to and including 400,000	6 5
For each additional 90,000 over 400,000	1 additional

SECTION 13: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 9, Subsection B be amended to insert the bolded text and delete the strike through text:

- (B) The ~~Community Development~~ Director **of Planning and Neighborhood Services** shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of ~~Community Development~~ **Planning and Neighborhood Services** and recorded against the properties.

SECTION 14: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 10, Subsection A (1) be amended to insert the bolded text and delete the strike through text:

(A) *Reductions for certain uses in areas designated in the Redevelopment Element of the General Plan.*

- (1) *Reduction based on on-street parking for certain residential uses in areas designated in the redevelopment element of the General Plan.* On-street parking for single-family dwellings, **two-family dwellings, three-family dwellings**, ~~small Residential Care Facilities Home~~, small Child Care Services, and community gardens may be counted on a space-for-space basis toward the total required amount of parking up to 50% provided the parking is located on the same side of the street as the use, does not extend beyond the street frontage of the subject property, and on-street parking spaces are approved by the City of Yuma Traffic Engineering. If a single-family dwelling meets the exception provided for in § ~~154-16.07~~(FF), the single space required for the dwelling unit may be provided on-street in accordance with this section.

SECTION 15: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 10, Subsection A (3) be amended to insert the bolded text and delete the strike through text:

- (3) *Reduction based on certain non-residential uses in areas designated in the Redevelopment Element of the General Plan.* Non-residential uses located within an area designated in the Redevelopment Element of the General Plan ~~with a parking formula of one space per 300 square feet of gross floor area or less intense formula~~ are allowed a **parking** reduction of up to ~~10%~~ **20%** of the total required parking.

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (09/29/23)
- 34 Commenting/Reviewing Agencies noticed: (09/07/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (10/23/23)
- Comments due: (09/18/23)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor					
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
N/A	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

ORDINANCE NO. O2023-040

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 ALLOWABLE PAVING MATERIALS, PARKING DIMENSIONS, AND PARKING ALLOWANCES WITHIN RESIDENTIAL AND COMMERCIAL DISTRICTS

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 23, 2023 in Case no: ZONE-41775-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 29, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-41775-2023 and **the probable impact on the cost to construct housing for sale or rent that may occur as a result of this zoning code text amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.**

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection C is amended to insert the following bolded text:

- (C) *Paving; materials.* All off-street parking spaces, parking lots, access ways, and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement concrete, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture, ~~or~~ suburban ranch, **Low Density Residential (R-1-40), or the Residential Estate (RE-35)** zoning districts where **alternative paving materials, such as rock, gravel or ABC** may be used. **Secondary driveways in residential districts may also utilize gravel or rock.**

Alternative paving materials.

- (1) **The rock or gravel may not be smaller than one-quarter inch and no larger than three-quarter inch.**
- (2) **The depth of the gravel shall be three inches.**
- (3) **The gravel driveway must be contained within a permanent border deep enough to maintain required gravel depth.**

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection E is amended to insert the following bolded text and delete the strike through text:

(E) *Joint usage of Shared parking.* **Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.** ~~The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:~~

- ~~(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;~~
- ~~(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and~~
- ~~(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.~~

Shared parking shall be subject to the review and approval of the Director of the Department of Planning and Neighborhood Services. An application for shared parking shall conform to the following standards:

- (1) A narrative statement shall be supplied explaining how shared parking will be managed. This narrative must explain the proposed hours of operation for each use on site;**
- (2) Floor plans and a parking count analysis shall be included, and the analysis will illustrate parking needs without a shared use and with a shared use plan; and**
- (3) Completion of a recorded agreement between business and/or property owners, and the City of Yuma.**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection F is amended to insert the following bolded text and delete the strike through text:

- (F) *Parking spaces for ~~the disabled~~ **people with disabilities**.* In accordance with the current Americans with Disabilities Act (ADA) standards, parking for **people with disabilities** ~~disabled persons~~ shall be provided in all public places in convenient locations and reserved for **people with disabilities** ~~the disabled~~. ~~A ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.~~

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection A is amended to insert the following bolded text and delete the strike through text:

- (A) *Design standards.*
- (1) Site plan.** A site plan for any proposed parking lot for five or more required spaces shall be submitted to the ~~Department of Development Services~~ **Department of Planning and Neighborhood Services** for review and approval at **the** time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.

- (2) *Minimum parking lot space dimensions.* All parking lots spaces shall conform to the following minimum parking lot dimensions: ~~where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.~~
- (a) **Minimum space length: 19 feet;**
 - (b) **Minimum space width: 10 feet, except for employee parking which can be 9 feet when clearly identified (pavement marking, signs, or other method);**
 - (c) **Compact parking: 16 feet by 9 feet. Compact parking may be utilized in commercial and high-density residential zoning districts where there are 10 or more parking spaces. Up to 20% of proposed parking may be compact. Compact parking must be clearly identified (pavement markings, signs, or other method);**
 - (d) **Parking space overhang: Parking space dimensions can utilize an overhang of up to 24 inches when located adjacent to an internal walkway/sidewalk or a landscape area provided that:**
 - i. **The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or the trunk of a tree; and**
 - ii. **The unobstructed width of the walkway/sidewalk, exclusive of the 24-inch overhang, is not less than 3 feet.**
 - (e) **Single-family residential parking shall provide parking space dimensions each measuring 10 feet in width by 20 feet in depth.**
- (3) *Site plan.* ~~The scale of the site plan shall contain not more than 50 feet to the inch.~~ The site plan shall be drawn according to the following requirements and shall show these items detailed herein:
- (a) Zoning, setbacks and statement of use;
 - (b) North arrow and scale;
 - (c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;
 - (d) Ownership of the parcel being developed;
 - (e) Use, total floor area and location of each existing and proposed structure;
 - (f) Complete dimensions of parking lot;

- (g) Grading and drainage plan of parking lot;
 - (h) Landscaping, walls, ~~lighting~~ and irrigation system;
 - (i) **Lighting, including a parking lot light coverage plan;**
 - (ij) Type and thickness surface and base of parking;
 - (jk) **If applicable, N**number of employees in proposed business;
 - (kl) If public assembly, number of seats and/or occupant capacity; and
 - (lm) If applicable, the number of rooms or beds.
- (4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of ~~Public Safety and Engineering Division~~.

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (3) is amended to insert the following bolded text and delete the strike through text:

- (3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the ~~Engineering Division~~ **Department of Engineering;**

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (6) is amended to insert the following bolded text and delete the strike through text:

- (6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with ~~four~~ **five** or more parking spaces. Open parking lots shall ~~be illuminated~~ **illuminate parking stalls** with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection A is amended to delete the following strike through text:

- (A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In instances where the rear property line is adjacent to an alley and parking is accessed from the rear yard alley, parking spaces may be set back zero feet from the property line. ~~In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection B is amended to insert the following bolded text and delete the strike through text:

- (B) In residential districts, parking is permitted within the front yard setback in front of garages, carports or on ~~an adjacent paved~~ a surface in accordance with § 154-16.02(C). Such area shall not exceed ~~40%~~ **60%** of the front yard setback, **while continuing to provide adequate on-site retention.**

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection D is amended to insert the following bolded text and delete the strike through text:

- (3) That said vehicle shall be located on a ~~paved~~ surface in accordance with § 154-16.02(C); and
- (4) Each residential lot shall ~~have no more than one area of~~ **be limited to the parking and/or storage of one recreational equipment, recreational vehicle, or watercraft within the front yard setback.**

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, is amended to insert the following Subsection E:

- (E) **Ribbon or Hollywood driveways may be utilized in single and two-family residential developments, where such parking spaces are accessed perpendicularly from the adjacent roadway. The hard surfaced material of the parallel strips shall be a minimum of two feet in width and shall be separated by a three foot wide pervious area (grass or decorative rock). The total extent of the parking area shall be in conformance with the parking dimensions required of the residential use.**

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 7 is amended to insert the following bolded text, delete the strike through text, and renumber accordingly:

- (A) ~~Adult arcade. One space for each arcade machine plus one space for each employee per shift.~~
- (B) ~~Adult bookstore. One space for each 300 square feet of gross floor area.~~
- (C) ~~Adult cabaret. One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.~~
- (D) ~~Adult motel. One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:~~
- (1) ~~One parking space for every 100 square feet of gross floor area where public is served;~~
- (2) ~~One parking space for every 400 square feet of gross floor area of commercial accessory use; and~~
- (4) ~~One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.~~

- ~~(E)~~ ~~*Adult motion picture theater.*~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(F)~~ ~~*Adult theater.*~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(G)~~ ~~*Adult video store.*~~ One space for each 300 square feet of gross floor area.
- ~~(H)~~ (A) *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.
- ~~(I)~~ (B) *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)
- ~~(J)~~ (C) *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)
- ~~(K)~~ (D) *Banks.* One space for every 200 square feet of gross floor area.
- ~~(L)~~ (E) *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)
- ~~(M)~~ (F) *Cafes, restaurants, cocktail lounges or bars.*
- (1) ***Sit down establishments.*** One space for each 50 75 square feet of gross floor area where the public is served.
 - (2) ***Establishments with drive-thru windows.*** One space for each 100 square feet of gross floor area where the public is served.
 - (3) ***Establishments with take-out only.*** One space for each 300 square feet of building area.
- ~~(N)~~ (G) *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.
- ~~(O)~~ (H) *Child day care services, large.* One space per 300 square feet of gross floor area.
- ~~(P)~~ (I) *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or “stack-up”, preceding customer service space:
- (1) *Drive-in bank.* Three spaces for each service window.
 - (2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.

- (3) *Drive-in theater.* One space for each four viewing spaces within theater.
- (4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.

~~(J)~~ **(J)** *Educational facilities.*

- (1) *Elementary and secondary schools, kindergartens and parochial schools.* ~~shall provide~~ ~~One~~ One space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.
- (2) ***Colleges, universities, trade or vocational schools. One space for each 200 square feet of classroom and office space.***

~~(R)~~ ~~Escort agency. One space for each 300 square feet of gross floor area.~~

~~(S)~~ **(K)** *Grocery, supermarkets.* One space for each 300 square feet of gross floor area.

~~(T)~~ **(L)** *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.

~~(U)~~ **(M)** *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.

~~(V)~~ **(N)** *Hotels and motels.* One ~~and one-tenth~~ parking space shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:

- (1) One parking space for every 100 square feet of gross floor area where public is served;
- (2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and
- (3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.

~~(W)~~ **(O)** *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.

~~(X)~~ **(P)** *Offices and clinics; medical, dental, clinic.* One space for each ~~150~~ **250** square feet of gross floor area.

~~(Y)~~ **(Q)** *Motor fuel sales (wholesale).* One parking space per employee per shift.

~~(Z)~~ **(R)** *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one for each 20 outdoor vehicle display spaces.

~~(AA)~~ **(S)** *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.

- ~~(BB)~~ ~~*Nude model studio.*~~ One space for each ~~300~~ square feet of gross floor area.
- ~~(CC)~~ (T) *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.
- ~~(DD)~~ (U) *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.
- ~~(EE)~~ (V) *Offices (not otherwise specified herein).* One space for each ~~300~~ **400** square feet of gross floor area, exclusive of floor area used for utility equipment.
- ~~(FF)~~ (W) *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.
- (1) *Single-family dwellings.* Two spaces for each dwelling unit.
 - (2) *Duplex dwellings.* Two spaces for each dwelling unit.
 - (3) ~~*Multiple-dwellings. One and one-half spaces for each efficiency one bedroom or two bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.*~~
 - (b) ***One-bedroom dwelling unit. One space for each dwelling unit.***
 - (c) ***Two-bedroom dwelling unit. One and one-half spaces for each dwelling unit.***
 - (d) ***Three or more-bedroom dwelling unit. Two spaces for each dwelling unit.***
 - (4) Rooming and boarding houses. One space for each two guest rooms, plus two spaces for any permanent residence on the property.
 - ~~(5) *Manufactured housing park (MHP).* Two spaces for each manufactured home or one space for each park model or recreational vehicle.~~
 - ~~(6) *Manufactured housing subdivision (MHS).* Two spaces for each lot.~~
 - ~~(7) *Recreational vehicle subdivision (RVS).* Two spaces for each manufactured home or one for each park model or recreational vehicle.~~
 - (5) ***Manufactured homes. Two spaces for each manufactured housing unit.***

(6) **Park models or recreational vehicles. One space for each park model or recreational vehicle.**

~~(GG)~~ (X) *Retail stores, shops, convenience food stores.* One space for each 400 square feet of gross floor area.

~~(HH)~~ *Trade schools, business colleges.* One space for each 200 square feet of gross floor area.

~~(H)~~ (Y) *Wholesaling and warehousing.* One space for each 1,500 square feet of gross floor area.

~~(J)~~ (Z) *Shopping centers.* One space per 250 square feet of gross floor area.

~~(KK)~~ (AA) *Self-storage facilities.* One space for each 50 storage cubicles plus two spaces.

~~(LL)~~ *Sexual encounter center.* Parking spaces shall be not less than 30% of maximum occupancy as determined by the International Building Code as amended.

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 8, Subsection B, Table No. 4 is amended to insert the following bolded text and delete the strike through text:

Table No. 4 – Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
12,500 up to and including 40,000 100,000	1
40,001 up to and including 100,000	2
100,001 up to and including 160,000	3 2
160,001 up to and including 240,000	4 3
240,001 up to and including 320,000	5 4
320,001 up to and including 400,000	6 5
For each additional 90,000 over 400,000	1 additional

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 9, Subsection B is amended to insert the following bolded text and delete the strike through text:

(B) The ~~Community Development~~ Director **of Planning and Neighborhood Services** shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of ~~Community Development~~ **Planning and Neighborhood Services** and recorded against the properties.

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (1) is amended to insert the following bolded text and delete the strike through text:

(A) *Reductions for certain uses in areas designated in the Redevelopment Element of the General Plan.*

- (1) *Reduction based on on-street parking for certain residential uses in areas designated in the redevelopment element of the General Plan.* On-street parking for single-family dwellings, **two-family dwellings, three-family dwellings,** ~~small~~ Residential Care Facilities **Home**, small Child Care Services, and community gardens may be counted on a space-for-space basis toward the total required amount of parking up to 50% provided the parking is located on the same side of the street as the use, does not extend beyond the street frontage of the subject property, and on-street parking spaces are approved by the City of Yuma Traffic Engineering. If a single-family dwelling meets the exception provided for in § 154-16.07(FF), the single space required for the dwelling unit may be provided on-street in accordance with this section.

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (3) is amended to insert the following bolded text and delete the strike through text:

- (3) *Reduction based on certain non-residential uses in areas designated in the Redevelopment Element of the General Plan.* Non-residential uses located within an area designated in the Redevelopment Element of the General Plan ~~with a parking formula of one space per 300 square feet of gross floor area or less intense formula~~ are allowed a **parking** reduction of up to ~~10%~~ **20%** of the total required parking.

SECTION 16: 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 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney