



City of Yuma City Council Meeting Agenda

Wednesday, February 21, 2024

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.

PRESENTATIONS

- Presentation by the City's Auditors, Heinfeld, Meech & Co. PC, on the FY 2023 Annual Financial Statements and Audit Results
- Presentation by Nate Boulter regarding the AZ Anti-Trafficking Network (AATN)

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action may be taken separately.

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

1. [MC 2024-022](#) **Regular City Council Meeting Draft Minutes January 17, 2024**

Attachments: [2024 01 17 RCM Minutes](#)

B. Executive Sessions

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A(1), (3), (4), and (7). (City Attorney)

C. Approval of staff recommendations:

1. [MC 2024-020](#) **Cooperative Purchase Agreement: YRCS Ethernet Backhaul Migration**

Authorize the purchase of Ethernet backhaul network technical services utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$431,649.00 to Parsons Environment & Infrastructure Group, Inc., Tinton Falls, New Jersey (IT-24-001) (Jeremy W. Jeffcoat/ Robin R. Wilson)

2. [MC 2024-021](#) **Ratification: Pavement Replacement on Waterline Project**

Ratify and approve the purchase order increase for the Waterline Replacement, 24th Street to 25th Street between 5th and 6th Avenue project to Gutierrez Canales Engineering, Yuma, Arizona. The \$211,996.68 purchase order increase will bring the total cost of the project to \$878,613.06. (Engineering RFB-23-220) (David Wostenberg/ Robin Wilson)

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action may be taken separately.

1. [R2024-005](#) **Intergovernmental Agreement: Arizona Department of Revenue**

Authorize an Intergovernmental Agreement with the Arizona Department of Revenue for the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities or towns.
(Finance/Administration) (Douglas Allen)

Attachments:

- [1. RES IGA: Arizona Department of Revenue](#)
- [2. AGMT IGA: Arizona Department of Revenue](#)

2. [R2024-006](#) **Optional Supplemental Salary Deferral (457 Plans) with Nationwide Investment Services Corporation (Nationwide)**

Resolve to accept employee/employer participation in a Supplemental Salary Deferral 457 Plan with Nationwide as a deferred compensation option plan for City employees.
(Administration/Jay Simonton)

Attachments:

- [1. RES 457 Plans with Nationwide](#)

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item may be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2024-007](#) **Text Amendment: Cielo Verde Specific Plan**

Amend Title 15, Chapter 154, to update the list of uses within the Residential District of the Cielo Verde Specific Plan. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

- [1. P&Z RPT Cielo Verde Text Amendment.pdf](#)
- [2. ORD Cielo Verde Text Amendment.docx](#)

2. [O2024-008](#) **Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue**

Rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High Density Residential (R-3) District, for the properties located at 430 and 440 S. Magnolia Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning of Property: 430 Magnolia Avenue](#)
[2. ORD Rezoning of Property: 430 Magnolia Avenue](#)

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2024-009](#) **Rezoning of Property: 1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th Street**

Rezone approximately 2.82 acres from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning of Property: 1749 S. Arizona Ave and NE Corner of Riley Ave and 18th St](#)
[2. ORD Rezoning of Property: 1749 S. Arizona Ave and the NE Corner of Riley Ave and 18th St.](#)

V. WATER AND WASTEWATER RELATED ITEMS

Discussion of the following items may result in the adoption of the below noted resolutions

1. [R2024-007](#) **Water and Wastewater Utility Rates and Fees**

Pursuant to Arizona Revised Statutes, Section 9-511.01, adopt water and wastewater utility rates and fees adjustments by resolution. (Utilities/Administration) (Jeremy McCall)

Attachments: [1. RES Water and Wastewater Utility Rates and Fees](#)

2. [R2024-008](#) **Water Resources Trust Fund Surcharge**

Pursuant to Arizona Revised Statutes § 9-511.01, reinstate the Water Resources Trust Fund Surcharge by resolution. (Utilities/Administration) (Jeremy McCall)

Attachments: [1. RES Water Resources Trust Fund](#)

VI. PUBLIC HEARING AND RELATED ITEMS

The public hearing and discussion of the following item may result in the adoption of Resolution R2024-003

1. [R2024-003](#) **Minor General Plan Amendment: Palm Avenue**

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to High Density Residential, for the property located approximately 305 feet north of the northwest corner of 12th Street and Palm Avenue. (GP-41820-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: Palm Avenue](#)
[2. RES GP Amendment: Palm Avenue](#)

FINAL CALL

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Americans With Disabilities Act Advisory Commission – one appointment
- Parks, Arts, and Recreation Commission – one appointment

2. 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 February 8, 2024 through February 21, 2024. 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.

3. Scheduling:

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

VIII. 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.

IX. 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.

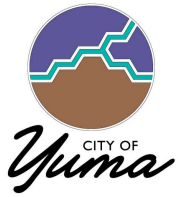
X. EXECUTIVE SESSION

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 or consideration of personnel issues. (A.R.S. § 38-431.03 A1)

ADJOURNMENT

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



City of Yuma

City Council Report

File #: MC 2024-022

Agenda Date: 2/21/2024

Agenda #: 1.

Regular City Council Meeting Draft Minutes January 17, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JANUARY 17, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Mayor Nicholls gave the invocation. **Randy Crist**, Director of Building Safety, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Engineering, Dave Wostenberg
Director of Utilities, Jeremy McCall
Deputy City Attorney, Rodney Short
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.

Reading of Anti-Human Trafficking Month Proclamation

Mayor Nicholls read a proclamation declaring January 2024 Anti-Human Trafficking Month. **Mayor Nicholls** urged all residents, churches, and schools of the City of Yuma to work together, and take a stand, to eliminate human trafficking from the community.

I. MOTION CONSENT AGENDA

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

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

Regular Council Worksession	December 19, 2023
Regular Council Meeting	December 20, 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

There are no additional motion consent items scheduled for approval at this time.

II. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-001- Grant of Utility Easement: Fire Station at Avenue 8 ½ E (grant a utility easement near the intersection of Avenue 8 ½ E and Desert Springs Drive to Arizona Public Service (APS) for the installation of electric facilities necessary to serve the new City fire station) (Admn)

Mayor Nicholls declared a conflict of interest on Ordinance O2024-001 and left the dais. There being no questions or speakers on this item, **Deputy Mayor Morris** entertained a Motion for Adoption.

Motion (Knight/Smith): To adopt Ordinance O2024-001 as recommended.

Bushong displayed the following title:

Ordinance O2024-001

An ordinance of the City Council of the City of Yuma, Arizona, Authorizing the granting of a utility easement for the installation of new electrical facilities at City-owned property near the intersection of Avenue 8 ½ E and Desert Springs Drive (Installation of electric facilities necessary to serve the new City fire station) (Admn)

Roll call vote: **adopted** 6-0-1. (**Mayor Nicholls** declared a Conflict of Interest)

Mayor Nicholls returned to the dais.

Ordinance O2024-002 – Intergovernmental Agreement Amendment: Yuma County and Yuma County Airport Authority, Inc. (amend the intergovernmental agreement (IGA) between the City and Yuma County with signature consent by the Yuma County Airport Authority, Inc. for the 40th Street Lift Station and force main improvements) (Eng)

Discussion

- The amendment grants a necessary easement by the Yuma County Airport Authority and Yuma County for a manhole that extends outside the right of way, avoiding a \$150,000 change order for additional bypass pumping and different piping, to connect existing sewer lines to the new lift station. (**Shelton/Wostenberg**)

Motion (Morales/Morris): To adopt Ordinances O2024-002, O2024-003, and O2024-004 as recommended.

Bushong displayed the following titles:

Ordinance O2024-002

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the amendment of an Intergovernmental Agreement with Yuma County and authorizing the acquisition of a new easement area necessary for the construction of a new sewer lift station and manhole near 40th Street and 4th Avenue (development of new sewer lift station and construction of a new manhole within the 40th street right of way) (Eng)

Ordinance O2024-003

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the abandonment of a portion of a sanitary sewer line in exchange for a water utility easement (sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place) (Eng/Dev Eng)

Ordinance O2024-004

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, and amending the zoning map to conform with the rezoning (approximately .15 acres, located at 1719 S. Madison Avenue) (Plng & Nbhd Svcs/Cmtty Plng)

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

Ordinance O2024-005 – Rezoning of Property: 1641 W. 10th Place (rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place) (Plng & Nbhd Svcs/Cmtty Plng)

Mayor Nicholls and **Deputy Mayor Morris** declared a conflict of interest on Ordinance O2024-005, turned the meeting over to **Mayor Pro Tem Knight** and left the dais. There being no questions or speakers on this item, **Mayor Pro Tem Knight** entertained a Motion for Adoption.

Motion (Morales/Smith): To adopt Ordinance O2024-005 as recommended.

Bushong displayed the following title:

Ordinance O2024-005

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (approximately 1.33 acres, located at 1641 W. 10th Place) (Plng & Nbhd Svcs/Cmtty Plng)

Roll call vote: **adopted** 5-0-2 (**Mayor Nicholls** and **Deputy Mayor Morris** declared a Conflict of Interest)

III. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-006

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, and amending the zoning map to conform with the rezoning (approximately 14,000 sqft. of undeveloped property located at 1010 and 1012 S. 2nd Avenue) (Plng & Nbhd Svcs/Cmty Plng)

FINAL CALL

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

IV. PUBLIC HEARING

MC 2024-008 – Public Hearing: Proposed Increases to Water and Wastewater Utility Rate Charges and Fees and Reinstatement of the Water Resource Trust Fund Surcharge (following a public hearing, staff is seeking City Council’s recommendation for the preferred water and wastewater rate charge and fee schedule including reinstatement of the Water Resource Trust Fund Surcharge, which will be presented as separate resolutions at a future City Council meeting) (Utl/Admn)

Mayor Nicholls opened the public hearing at 5:46 p.m.

McCall introduced **Dan Jackson** from Willdan Financial Services (Willdan) who gave a briefing on Water and Wastewater rate changes, the utilities long-term Financial Plan, and answered questions.

Jackson presented the following:

- Willdan has been the City’s water and wastewater rate consultants for going on 20 years
- In 2023 Willdan prepared a long-term rate study and financial plan; this is the 4th plan that Willdan conducted for the City
- As part of the plan, costs, expected growth and capital needs for the future were looked at
- A Notice of Intent to adjust water and wastewater rates was adopted by the City after Willdan developed a series of rate recommendations in November 2023

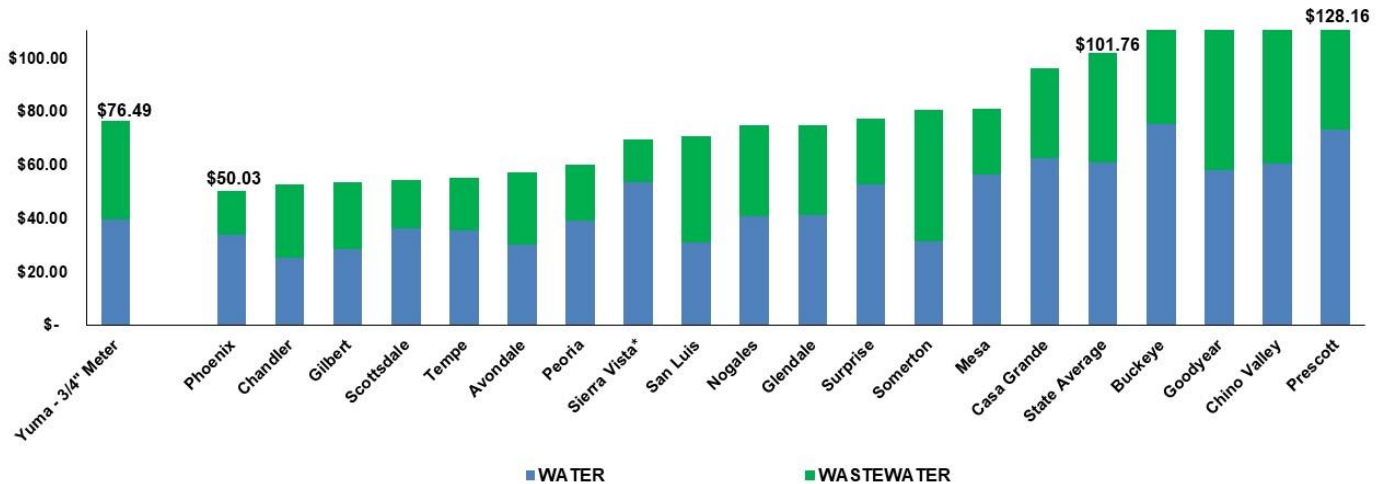
City of Yuma Rate History

- The City’s last water and wastewater rate adjustment was in January 2019
 - The average utility in the United States is increasing water and wastewater rates by 5% to 6% every year
- Yuma’s average monthly residential inside City charge is currently 25% below the average for the state of Arizona
- Operating costs continue to increase every year, primarily for reasons beyond the City’s control
 - Inevitably higher costs pass through to the rate payers
 - The City is not making a profit from water and wastewater rates, only seeking reimbursement from ratepayers for providing a service

- To keep rates low, some cities are not investing in their systems to ensure quality. Low rates are not always the best rates
- City must meet certain financial requirements as part of its debt obligations (i.e., debt coverage)

Monthly Residential Charge Comparison

**Monthly Residential Charge Comparison
 10,000 Gallons Water and 5,000 Gallons Wastewater**



- The average residential ratepayer in the City of Yuma uses about 10,000 gallons of water in a month, which costs \$76.49 for both water and sewer service
- Although the majority of the City of Yuma’s utility customers are residential, the City has a very sound commercial base

**Water and Wastewater Accounts
 December 2022**

WATER Customer Accounts

Residential Inside City	26,823
Residential Outside City	2,781
Multi Family Inside City	651
Multi Family Outside City	205
Commercial Inside City	2,380
Commercial Outside City	399
Irrigation Inside City	702
Irrigation Outside City	9
Total Accounts	33,950

WASTEWATER Customer Accounts

Residential Inside City	24,430
Residential Outside City	1,214
Non Residential Inside City	2,375
Non Residential Outside City	158
Industrial Inside City	18
Industrial Outside City	-
Total Accounts	28,195

Forecast Financial and Rate Plan

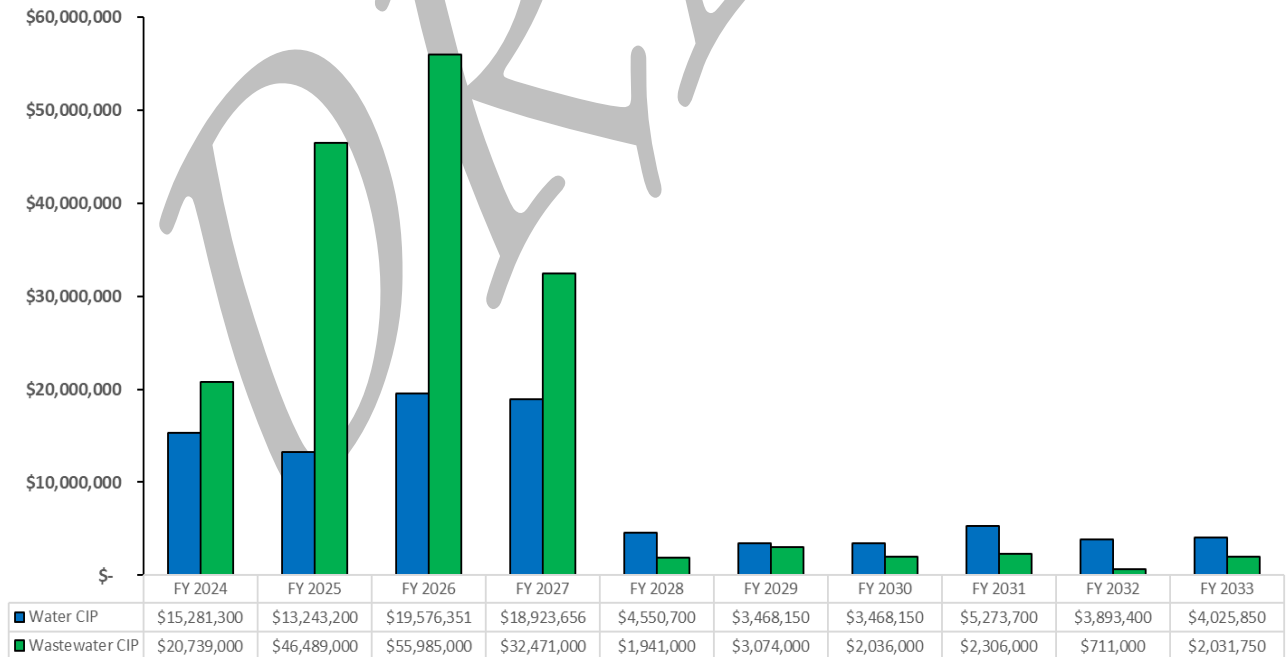
Key Assumptions Driving Forecast Financial and Rate Plan

- Based on FY 2024 Budget Projections
 - Robust growth will moderate need for rate adjustments
 - Inflation adjustment assumed to be 5.0% through FY 2025; afterward returns to 3.0%
 - Certain expenses increase at higher rates and/or are tied to increases in accounts/volumes
 - No significant increases in personnel levels or extraordinary operating expenses
 - Funding of \$259.5 million Capital Improvement Plan is most critical component of rate plan
- A forecast is a prediction based on a series of reasonable assumptions and not a guarantee
 - Forecasting for a long-term financial plan:
 - Based on the City’s budget with a proportional cost increase
 - Estimated yearly growth of the City, which is about 300 to 400 new accounts per year
 - Water system inflation is approximately 3% to 4% each year
 - Higher water utility costs: chemicals, electricity, insurance, workers compensation
 - \$260 million Capital Improvement Plan over the next 10 years to fix, repair, replace and expand the existing water and wastewater system



Capital Improvement Plan

Capital Improvement Plan: FY 2024 – FY 2033



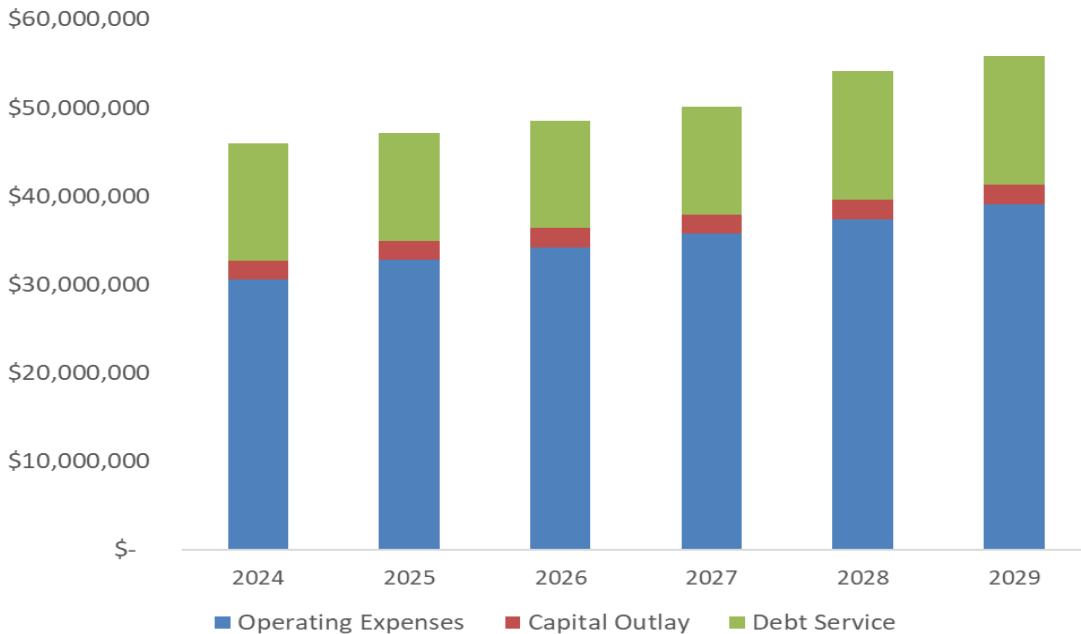
- Most of the Capital Improvement Plan will take place in the first four to five years of the 10-year plan
- The rate plan needs to be adjusted now due to the City issuing more debt and doing more capital improvements in the next five years

Capital Improvement Plan: Funding Sources:

- The City has been disciplined in financial management, and as a result the City has the ability to absorb capital expenses without significant rate increases for ratepayers
- Of the \$260 million in capital improvements, about \$5 million is expected to be funded through grants, almost \$100 million will be funded by existing funds set aside by the City, and \$83 million is from debt that was issued in 2021
- New debt for Capital Improvement Projects is forecasted to be around \$37 million; this amount will not have a significant impact on the Capital Improvement Plan, which keeps the rates lower than they otherwise would have been

Forecast Water and Wastewater Cost of Service

Forecast Water and Wastewater Cost of Service



- The City is currently incurring about \$46 million in costs to run the water system; it is forecasted to increase to approximately \$55.8 million by 2029, so it is recommended to implement a new rate plan to fund those costs
- Recommend an implementation of a 5-year plan
- Rate adjustments to be effective on January 1st of each year 2024-2028
 - The effective date for year 2024 will be somewhere in February or March

Rate Plan Scenario I – Status Quo

**Rate Plan Scenario I: Status Quo – Inside City
 FY 2024 – FY 2028**

Description	Current	Effective Jan-24	Effective Jan-25	Effective Jan-26	Effective Jan-27	Effective Jan-28
Base Charge						
All Customer Classes - By Meter Size						
5/8" x 3/4"	\$ 17.82	\$ 18.35	\$ 18.91	\$ 19.47	\$ 20.06	\$ 20.66
1"	21.56	22.21	22.87	23.56	24.27	24.99
1 1/2"	27.93	28.77	29.63	30.52	31.44	32.38
2"	34.26	35.29	36.35	37.44	38.56	39.72
3"	62.09	63.95	65.87	67.85	69.88	71.98
4"	93.72	96.53	99.43	102.41	105.48	108.65
6"	172.79	177.97	183.31	188.81	194.48	200.31
8"	251.83	259.38	267.17	275.18	283.44	291.94
Usage Charge per hcf						
Residential						
0 - 10	1.56	1.61	1.66	1.70	1.76	1.81
11 - 30	1.83	1.88	1.94	2.00	2.06	2.12
31 - Above	2.10	2.16	2.23	2.29	2.36	2.43
Multi-Family						
0 - 5	1.56	1.61	1.66	1.70	1.76	1.81
6 - 13	1.83	1.88	1.94	2.00	2.06	2.12
14 - Above	2.10	2.16	2.23	2.29	2.36	2.43
Commercial and Irrigation						
All Usage	1.75	1.80	1.86	1.91	1.97	2.03
Automated Metering Infrastructure Fee						
Per Meter	-	1.00	1.00	1.00	1.00	1.00
Residential						
Monthly Charge	\$ 36.91	\$ 38.39	\$ 39.92	\$ 41.52	\$ 43.18	\$ 44.91
Non-Residential						
Base Charge	4.74	4.93	5.13	5.33	5.55	5.77
Usage Charge Per hcf	2.10	2.18	2.27	2.36	2.46	2.55
Industrial						
Usage Charge Per hcf	2.10	2.18	2.27	2.36	2.46	2.55
BOD per lb	0.30	0.31	0.32	0.34	0.35	0.36
TSS per lb	0.30	0.31	0.32	0.34	0.35	0.36

- Assumes no change in rate structure; uniform percentage adjustments for base and usage charges
 - Increases the rate in place by a straight percentage each year
- Higher adjustments required for wastewater to recover its cost of service
 - Rate adjustments are going to be a bit higher for wastewater because the capital needs are higher
- Addition of an Automated Metering Infrastructure (AMI) fee
 - Implement an AMI fee of \$1 per connection
- Most ratepayers have a 5/8" x 3/4" meter and pay a base charge of \$17.82 per month for water; this rate will increase by 50 cents each year for five years, and will be higher for larger meters
- The higher the water usage, the more the ratepayer pays; this is intended to encourage conservation by providing a financial disincentive for greater amounts of water usage
 - The City currently has three water usage tiers: 0-10 units, 11-30 units, and 31 units and above
 - The average ratepayer uses 13 units, or 1,300 cubic feet of water a month
- Customers currently pay \$75.82 a month for water and wastewater services; their monthly bill will increase by \$2.64, which is about a 3.5% increase

- Water rates will steadily increase on the five-year plan
- Ratepayers pay a flat fee of \$36.91 a month for wastewater service; monthly rates will go up by about \$1.50 each year for the next five years

Impact on Monthly Charges

**Rate Plan Scenario I – Impact on Monthly Charges
 FY 2024 – FY 2028 (Inside City)**

	Current	Effective Jan-24	Effective Jan-25	Effective Jan-26	Effective Jan-27	Effective Jan-28
Residential 3/4" Meter (Inside City)						
<u>Water hcf</u>						
7	\$ 65.65	\$ 67.99	\$ 70.41	\$ 72.92	\$ 75.53	\$ 78.22
Increase -- \$		2.34	2.42	2.51	2.60	2.70
Increase -- %		3.6%	3.6%	3.6%	3.6%	3.6%
<u>WW hcf</u>						
13	\$ 75.82	\$ 78.46	\$ 81.20	\$ 84.04	\$ 86.97	\$ 90.01
Increase -- \$		2.64	2.74	2.84	2.94	3.04
Increase -- %		3.5%	3.5%	3.5%	3.5%	3.5%
20	\$ 88.63	\$ 91.66	\$ 94.79	\$ 98.03	\$ 101.39	\$ 104.86
Increase -- \$		3.03	3.13	3.24	3.36	3.47
Increase -- %		3.4%	3.4%	3.4%	3.4%	3.4%
Commercial - 1 1/2" Meter (Inside City)						
80	\$ 340.67	\$ 352.62	\$ 364.99	\$ 377.81	\$ 391.09	\$ 404.84
Increase -- \$		11.95	12.38	12.82	13.28	13.75
Increase -- %		3.5%	3.5%	3.5%	3.5%	3.5%

NOTE: Does not include AMI Fee

- Under this plan ratepayers will see a monthly increase of \$2 to \$3 for the next five years, generating revenue of about \$260 million that can be used for capital improvements and investment funds for the future of the City

Rate Plan Scenario II: Conservation

- Implements a fourth water usage tier to encourage conservation by moving more of the cost to the volume rate
- No increase on the minimum charge over the next five years
- Impact: lesser adjustments for low volume users, higher adjustment for high volume users
 - Ratepayers using 200 or 300 units a month will see a minimal increase to their monthly bill
- No change to commercial rates
 - Commercial ratepayers will pay a flat fee rate
- Wastewater Rates same adjustments as Scenario I
- The only disadvantage of the conservation rate is that it puts more of the revenue recovery on the volumes, which in turn affect the City’s bottom line
- When deciding to implement a conservation rate, having sufficient revenue recovery is imperative

Rate Plan Scenario II: Inside City

**Rate Plan Scenario II: Inside City
 FY 2024 – FY 2028**

Description		Current	Effective Jan-24	Effective Jan-25	Effective Jan-26	Effective Jan-27	Effective Jan-28
		Base Charge					
All Customer Classes - By Meter Size							
	5/8" x 3/4"	\$ 17.82	\$ 17.82	\$ 17.82	\$ 17.82	\$ 17.82	\$ 17.82
	1"	21.56	21.56	21.56	21.56	21.56	21.56
	1 1/2"	27.93	27.93	27.93	27.93	27.93	27.93
	2"	34.26	34.26	34.26	34.26	34.26	34.26
	3"	62.09	62.09	62.09	62.09	62.09	62.09
	4"	93.72	93.72	93.72	93.72	93.72	93.72
	6"	172.79	172.79	172.79	172.79	172.79	172.79
	8"	251.83	251.83	251.83	251.83	251.83	251.83
		Usage Charge per hcf					
W A T E R	Residential						
	0 - 10	1.56	1.61	1.66	1.70	1.76	1.81
	11 - 20	1.83	1.93	1.99	2.05	2.11	2.17
	21 - 30	1.83	2.31	2.38	2.45	2.53	2.60
	31 - Above	2.10	2.78	2.86	2.95	3.03	3.13
	Multi-Family						
	0 - 5	1.56	1.61	1.66	1.70	1.76	1.81
	6 - 10	1.83	1.93	1.99	2.05	2.11	2.17
	11 - 15	1.83	2.31	2.38	2.45	2.53	2.60
	16 - Above	2.10	2.78	2.86	2.95	3.03	3.13
Commercial and Irrigation							
All Usage		1.75	1.80	1.86	1.91	1.97	2.03
Automated Metering Infrastructure Fee							
Per Meter		-	1.00	1.00	1.00	1.00	1.00

- Wastewater rates will stay the same under either scenario
- With conservation rates the minimum charge will stay the same until 2028
 - Essentially the minimum charge will have stayed the same for ten years
- An additional rate block will be added to the conservation rate, and the usage charge for the four rate blocks will get proportionately higher each year

Rate Plan Scenario II: Impact on Monthly Charges

**Rate Plan Scenario II – Impact on Monthly Charges
 FY 2024 – FY 2028 (Inside City)**

		Current	Effective Jan-24	Effective Jan-25	Effective Jan-26	Effective Jan-27	Effective Jan-28
Residential 3/4" Meter							
<u>Water hcf</u>	<u>WW hcf</u>						
7		\$ 65.65	\$ 67.45	\$ 69.33	\$ 71.27	\$ 73.29	\$ 75.39
	Increase -- \$		1.80	1.87	1.94	2.02	2.10
	Increase -- %		2.7%	2.8%	2.8%	2.8%	2.9%
13		\$ 75.82	\$ 78.06	\$ 80.25	\$ 82.52	\$ 84.88	\$ 87.32
	Increase -- \$		2.24	2.19	2.27	2.36	2.44
	Increase -- %		3.0%	2.8%	2.8%	2.9%	2.9%
20		\$ 88.63	\$ 91.56	\$ 94.15	\$ 96.84	\$ 99.63	\$ 102.51
	Increase -- \$		2.93	2.60	2.69	2.79	2.89
	Increase -- %		3.3%	2.8%	2.9%	2.9%	2.9%
40		\$ 127.93	\$ 142.46	\$ 146.58	\$ 150.84	\$ 155.25	\$ 159.81
	Increase -- \$		14.53	4.12	4.26	4.41	4.55
	Increase -- %		11.4%	2.9%	2.9%	2.9%	2.9%

- Low volume users, about 6,000 gallons of water in a month, will see an increase in their monthly bill of about 2.7%; this is less than it would be under Scenario I
- The average volume user, about 10,000 gallon of water a month, would see about a 3% increase on their monthly bill
- The high-volume user, about 35,000 gallons of water in a month or more, will see a significant increase of about 11% on their monthly bill
- There are not very many customers who use 40 units (32,000-35,000 gallons) of water a month; to use this amount of water, the customer will pay a high premium

Rate Plan Scenario Comparison

- If customers use 15,000 gallons of water or less in a month, the monthly bill increase will be slightly less under the Conservation Rate Plan Scenario II than under the Status Quo Rate Plan Scenario I
- A lot of customers will benefit, and a few people will see an additional charge under a conservation based scenario
- Both scenarios will earn the City the same amount of money

Presentation Summary

- Adoption of a rate plan is not just a financial decision; it is a social and community decision, as it will impact each person differently
- Adoption of either rate plan will result in the continued financial health of the utility by enabling the City to invest \$260 million in the future of the City of Yuma

Reinstatement of the Water Resource Trust Fund

Short proposed the following:

- To reinstate the City’s Water Resource Trust Fund (WRTF) that was established by the City Council in 1988 by Resolution R2558 and implements a surcharge that protects Yuma’s water resources
- Setting tight parameters and following those parameters to a tee for allocating funds for:
 - Major legal expenses
 - Acquisition of water rights
 - Water supply enhancements
 - Legislative assistance
 - Water source protection information and education

<p>1988</p> <ul style="list-style-type: none"> • \$300,000 <ul style="list-style-type: none"> ○ 3.0% on residential and commercial • Two years 	<p>2024 (proposed)</p> <ul style="list-style-type: none"> • \$500,000 <ul style="list-style-type: none"> ○ \$1.00 per month residential (single family) ○ \$2.00 per month multifamily (with 50 cents per each dwelling unit capped at \$10.00 max per month for the dwelling units) ○ \$2.00 per month for each commercial ○ \$10.00 per month for each industrial • 15 months (projected)
--	--

Speakers

- **Vinod Mohindra**, Chairman of the Water and Sewer Commission, informed Mayor and City Council that there was no one from the public in attendance at the public hearing held during the Water and Sewer Commission meeting on January 16, 2024, regarding the water rates increase, and the proposed rate plans. The Commission recommends the adoption of the Rate Plan Scenario II - Conservation rate plan, as they feel it will serve two purposes: it will keep the City financially healthy, and will conserve water for future use.
- **Greg Wilkinson**, City resident, expressed his support of the water trust fund, and recommended a sunset clause be put in place for the fund. **Wilkinson** recommended that capacity fees be tackled along with growth fees so that ratepayers are not subsidizing growth.

Discussion

- The WRTF has an automatic sunset clause. Once the \$500,000 has been collected in the WRTF, it will shut itself down. The projected time to collect this amount of money is 15 months. (**Mayor Nicholls/Wilkinson**)
- The original Desert Dunes plant has just been paid off with the capacity fees collected throughout the years. The new Desert Dunes plant expansion will be paid with the new projected capacity fees collected in the future. Capacity fees will also be looked at as the City goes through the Transportation Master Plan in about two years. (**Simonton/Wilkinson**)

Motion (Knight/Smith): To close the Public Hearing. Voice vote: approved 7-0. The Public Hearing closed at 6:22 p.m.

Discussion

- It is reasonable to assume that costs will continue to go up beyond the five-year period. In a ten-year rate model, rate adjustments will be slightly less in years 6 through 10 than they are today, but rates will continue to go up. In a realistic scenario, rates will continue to increase over a 10-year period. (**Morris/Jackson**)
- The Capital Improvement Plan covers both maintenance and potential future expansion. Expansion related expenses are included in rates because capacity fees are intended to reimburse a utility for growth related expenses; however, capacity fees are always a step behind. As a result, rates must be in place to issue the debt to do the expansion before recovering capacity fees to reimburse the City for the expansion. Capacity fees should be reviewed because that will minimize the burden on ratepayers. (**Morris/Jackson**)
- The bond issue will not impact the rate plan until the fourth year. In year 2027, if the bond does not need to be issued, the rates will be revisited to look at the last two rate adjustments and see whether the City can postpone or eliminate them. The expenses are still built into the model whether the City needs to use them or not. (**Morris/Jackson/Simonton**)
- If the bond issue was a guaranteed expense, acquiring the funds for that now saves interest. If it is an unknown expense, that is where the bonding allocation comes in and gives the City some flexibility in the future and does not over collect if it is not needed. (**Mayor Nicholls**)
- It is recommended to keep the rates modest versus increasing the rate to 5% in lieu of issuing debt. If we do not have to issue debt, then we can look at lower rates in years four, five, and beyond. (**Morris/Simonton**)
- Rate Plan I spreads the increase over the entire group of ratepayers. Because a family is low income or on a fixed income, it does not mean they will, or can use less water. There are large families

living paycheck to paycheck who might have 4, 5 or 6 children, or multiple family members living in the household, they are going to use more water and that family might not be able to afford more water. Everyone should take a little bit of the increase and spread it over. **(Knight)**

- Conservation rates have been very popular, it is estimated that 80% of utilities in the United States have some form of conservation rate in place. Populations continue to increase but sources of freshwater do not. Water is becoming more of a critical issue and more cities are looking at more aggressive conservation rates. **(Smith/Jackson)**
- In an apartment setting the water bill is either absorbed as part of the rent, or there is an individual bill. Generally, most of the larger units are going to be in the higher tier, this is one of the drawbacks of a conservation rate. In an apartment complex, there is no ability to influence an individual's usage, unless each apartment has its own meter. **(Shelton/Jackson)**
- Larger apartment complexes try to conserve by changing their landscape. Many will move away from grassy lawns and add gravel. **(Mohindra)**
- If any system, is not properly maintained it will begin to fail. Keeping low rates and not investing in the system, will cost more in the long run. Yuma's willingness to invest in its future and make the capital improvements needed is why its water system is of such superior quality. **(Shelton/Jackson)**
- Whether Rate Plan I or Rate Plan II is adopted, rates should not go higher than recommended. As of October, the City has 3,500 delinquent residential accounts, with 976 pending disconnection and 445 disconnected. Although losses and delinquencies are part of running a business, some of these accounts belong to retirees, veterans, and other fixed income categories. **(Morales)**
- Across the United States 30%-40% of water utilities/municipalities charge rates that do not cover their costs. It does not mean they are running a more efficient system; it might mean that they are subsidizing their water fund from their general fund, which is not illegal, but it also is not good financial management. **(Mayor Nicholls/Jackson)**
- 40 units is the equivalent of about 32,000 to 34,000 gallons of water a month. The average person uses about 200 gallons of water a day. The average residential usage is somewhere between 6,000 and 8,000 gallons of water a month. **(Mayor Nicholls/Jackson)**
- When modeling the conservation rate, we use an algorithm called the elasticity factor. Adding an additional conservation block, it is reasonable to assume people will use less water. The general rule of thumb in the water business is that for every 10% the rate is increased; people will reduce their water usage by 1%. **(Mayor Nicholls/Jackson)**
- Rate Plan Scenario II has a very large jump in the first year for the very high user, which seems to be almost punitive. Maybe it could be spread over two years' time. The idea that everyone pays the same is ideal, but not everyone's income is the same. If a customer has the ability to pull back their water usage to receive bigger savings, that is great. **(Mayor Nicholls)**

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

City Council Appointed Positions/Committees

Motion (Morales/Knight): That all City Councilmembers appointed to the 2023 City Council appointed positions/Committees remain in place for the 2024 calendar year, this includes the appointment of Chris Morris as Deputy Mayor. Voice Vote: **Approved** 7-0

Board and Commission appointments

Motion (Knight/Smith): to appoint Andrea Bereznak to the Clean and Beautiful Commission, with a term expiring December 31, 2025. Voice Vote: **Approved** 7-0.

Motion (Morris/Knight): to appoint Greg Counts and Chelsea Malouff to the Planning and Zoning Commission, with their terms expiring December 31, 2025, and December 31, 2026, respectively. Voice Vote: **Approved** 7-0.

Motion (Smith/Morales): to appoint Stephanie Cabrales to the Parks, Arts, and Recreation Commission, with a term expiring December 31, 2025. Voice Vote: **Approved** 7-0.

Announcements

Knight, Morales, 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 - None

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- January 29 – City of Yuma Job Fair at the Yuma Civic Center
- January 29 –Arts and Economic Prosperity Study Findings Release at The Historic Yuma Theatre
- February 8-11 and February 15-17 – 2024 Dinner Theatre: The Great Gatsby at the Yuma Art Center

VII. CALL TO THE PUBLIC

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

- **Sophia Ramirez**, City resident
- **Jennifer Reger**, City resident
- **Holly Danielle**, City resident
- **Sherri Levek**, City resident
- **Brianna Fila**, City resident
- **Layla Hassin**, City resident

Approved at the City Council Meeting of: _____ City Clerk: _____
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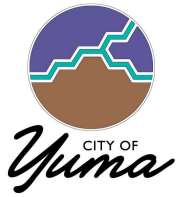
VIII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:34 p.m. No Executive Session was held.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor



City of Yuma

City Council Report

File #: MC 2024-020

Agenda Date: 2/21/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Procurement	<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:

Cooperative Purchase Agreement: YRCS Ethernet Backhaul Migration

SUMMARY RECOMMENDATION:

Authorize the purchase of Ethernet backhaul network technical services utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$431,649.00 to Parsons Environment & Infrastructure Group, Inc., Tinton Falls, New Jersey (IT-24-001) (Jeremy W. Jeffcoat/ Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase of backhaul network services contributes to the City Council’s strategic outcome of Safe and Prosperous by increasing the resiliency and efficiency of the regional public safety radio and software systems supporting public safety effectiveness.

REPORT:

The Yuma Regional Communications Systems (YRCS) current backhaul network uses circuit-switched technologies that are based on the original switched telephone network that public telephone companies and other backhaul network operators are retiring in favor of new packet-switched technologies. The vendor for the regional public safety radio system states that the YRCS backhaul network will not support any future upgrades to the system, and additional enhancements planned for the regional public safety radio system will not be possible without the requisite backhaul network. YRCS desires to expend funds from the Yuma Police Department Border Fencing and Technology agreement with Arizona Department of Military and Emergency Affairs for regional P25 system backhaul support.

Circuit-switched networks have less flexibility and resiliency to re-route around system failures as compared to the newer packet-switched networks. Telephone companies, wireless providers, radio systems, and other network operators have migrated their networks to packet-switched networks to achieve greater system resiliency, performance, and offer greater utilization of their investment with additional services. YRCS will realize these benefits by implementing the packet-switched backhaul network services and will be well positioned for the future needs and requirements of the member agencies.

YRCS’ current support agreement for the regional public safety radio system includes upgrades every other year. Under the terms of the current agreement, YRCS is entitled to three additional upgrades that cannot be executed without this backhaul network upgrade. In addition, YRCS is developing a disaster recovery site to

enhance the resiliency and availability of the regional public safety radio system but cannot implement this plan without the backhaul network upgrade. The proposed backhaul network services will implement a modern packet-switched network infrastructure that will meet all requirements to support sustaining the system and adding functionality to improve public safety for regional first responders.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 1,342,856.00
STATE FUNDS:	\$ 431,649.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$431,649.00			
193-60-12-BSGF.8970 State Grant			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2024 City Council approved budget for this purchase. This is grant funded and has no impact on the City’s general fund.

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: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023



City of Yuma

City Council Report

File #: MC 2024-021

Agenda Date: 2/21/2024

Agenda #: 2.

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

TITLE:

Ratification: Pavement Replacement on Waterline Project

SUMMARY RECOMMENDATION:

Ratify and approve the purchase order increase for the Waterline Replacement, 24th Street to 25th Street between 5th and 6th Avenue project to Gutierrez Canales Engineering, Yuma, Arizona. The \$211,996.68 purchase order increase will bring the total cost of the project to \$878,613.06. (Engineering RFB-23-220) (David Wostenberg/ Robin Wilson)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Safe and Prosperous by investing in a comprehensive asphalt replacement, to ensure long-term durability and stability of the road surface minimizing potential future maintenance and repair costs.

REPORT:

On September 20, 2023, City Council approved the waterline project in the amount of \$666,616.38. The project enhances water distribution by upgrading several of the water lines and installing new water meters to the front of several properties in the area. During the course of work, it was determined that the condition of the pavement in these areas was significantly deteriorated. As a result, it was deemed prudent and cost effective to approve a change order in the amount of \$211,996.68 to facilitate a complete replacement of the asphalt rather than opting for temporary patches.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 878,613.06	BUDGETED:	\$ 666,616.38
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 211,996.68
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$878,613.06	102-97-77-8140 Construction City Road Tax	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Without impacting capital projects in 2024, preserved budget capacity is available to transfer from other projects in City Council approved FY 2024 Budget and Capital Improvement Plan for this expenditure.

ADDITIONAL INFORMATION:

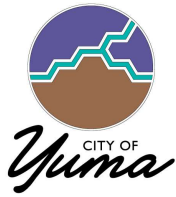
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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Acting City Administrator: John D. Simonton	Date: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/092023



City of Yuma

City Council Report

File #: R2024-005

Agenda Date: 2/21/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution
DIVISION: Administration	<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:
Intergovernmental Agreement: Arizona Department of Revenue

SUMMARY RECOMMENDATION:
 Authorize an Intergovernmental Agreement with the Arizona Department of Revenue for the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities or towns. (Finance/Administration) (Douglas Allen)

STRATEGIC OUTCOME:
 This item supports the City Council’s strategic outcome of Respected and Responsible, as it assures the City is being good stewards of public funds.

REPORT:
 The proposed intergovernmental agreement (the 2023 IGA) was negotiated with the Arizona Department of Revenue (ADOR) and Attorney General’s office by the City Tax Administrators Council Rulings Group, which includes the League of Arizona Cities and Towns, and with the assistance of several city attorneys and a multitude of tax and Information Technology experts from many municipalities.

Local Transaction Privilege Tax (TPT) administration is governed by A.R.S. § 42-6001. This statute requires ADOR to administer the transaction privilege and use taxes imposed by all cities and towns and to enter into an intergovernmental agreement (IGA) with each city and town to clearly define the working relationship between the ADOR and Arizona cities and towns.

This IGA establishes the framework for collaboration between the Department and the cities and towns for every aspect of TPT administration. It provides the principles, requirements, and responsibilities of both the City and the Department, and it defines the many specific operational processes related to tax collection, the protection of taxpayer confidentiality, and information security.

The 2023 IGA replaces the current IGA and represents a complete rewrite of the prior Agreement. Great emphasis was placed on improving the thoroughness and consistency of the Agreement as well as minimizing the need to look through multiple sections to answer a single question or resolve a specific issue.

The most notable changes are the 2023 IGA adds or clarifies the definitions of various terms including City Services, Collection, Development Fees, Options Chart, Primary Point of Contact, Profile, Independent

Contractor, State Tax, Tax Information, Authorized Access Lists, and Qualified Recipients of Information, and all defined terms are now capitalized throughout the Agreement for easy recognition.

Taxpayer confidentiality measures have been significantly strengthened, placing additional emphasis on the protection of Tax Information provided under Arizona statutes, and refining the details surrounding authorized access, disclosure restrictions, and remedies for improper disclosure such as the possible suspension of Tax Information sharing.

New procedures have been established for both the cities and the Department to regularly maintain the Authorized Access Lists that control who can see detailed taxpayer information, including clarifying confidentiality training requirements and adding that all responsibilities and restrictions apply to Independent Contractors in the same manner as they apply to regular employees.

The new IGA addresses the developing scope of city assistance offered to the Department with the addition of delinquent tax collection activities and new collections reports along with new language that covers cities assisting with reviews of selected refund claims. In addition to the services that have long been provided by city and town auditors, these new areas expand the ways that we can partner with the Department, leveraging our personnel to help the DOR achieve more efficient operations.

The 2023 IGA also provides new or improved coverage for several miscellaneous topics including the City's responsibility for reviewing its City Profile and the Model City Tax Code website; workers' compensation issues when sharing office space with other jurisdictions; the expiration, termination, or amendment of the Agreement; and the disclosure of aggregated financial information.

Finally, this version rewrote much of the previous IGA's handling and protection of confidential taxpayer information. Changes were made relative to identifying retention requirements and authorized disposal methods, critical information security protocols, and various software system requirements that cities and towns must follow to protect any confidential taxpayer data stored on their computer systems.

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			
NONE			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This IGA maintains status quo revenue collections for the City and administrative fees for ADOR.

ADDITIONAL INFORMATION:

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

NONE

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ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

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- Document to be codified

Acting City Administrator: John D. Simonton	Date: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023

RESOLUTION NO. R2024-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND THE STATE OF ARIZONA DEPARTMENT OF REVENUE FOR THE ADMINISTRATION, COLLECTION, AUDIT, AND LICENSING OF TRANSACTION PRIVILEGE TAXES, USE TAXES, SEVERANCE TAXES, JET FUEL EXCISE AND USE TAXES AND RENTAL OCCUPANCY TAXES IMPOSED BY THE STATE, CITIES OR TOWNS

WHEREAS, Title 11, Chapter 7, Article 3 (A.R.S. § 11-952) authorizes two or more public agencies to enter into intergovernmental agreements to contract for services if authorized by their legislative or governing bodies; and,

WHEREAS, A.R.S. § 42-6001 et seq. was amended effective January 1, 2015 to provide that the Arizona Department of Revenue, hereinafter referred to as ADOR, shall enter into an intergovernmental contract or agreement pursuant to A.R.S. § 11-952 to provide a uniform method of administration, collection, audit and licensing of transaction privilege and affiliated excise taxes imposed by the State, cities or towns; and,

WHEREAS, representatives of ADOR and representatives of Arizona cities and towns, with support from the League of Arizona Cities and Towns, have negotiated the terms of a new IGA to take effect as described within that document, which can be adopted individually by each Arizona city and town, and is the subject of this Resolution.

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

SECTION 1: The Intergovernmental Agreement between the City of Yuma and the Arizona Department of Revenue for the administration, collection, audit and licensing of transaction privilege taxes, use taxes, severance taxes, jet fuel excise and use taxes, and rental occupancy taxes imposed by the State, cities or towns, attached as Exhibit A, is approved in accordance with its terms.

SECTION 2: The City Administrator, Finance Director, or their duly authorized agent shall notify ADOR of the City's desire to enter into the IGA as required by A.R.S. § 42-6001, with an effective date as described within that document, together with the encapsulated provisions for annual renewals.

SECTION 3: The City Administrator shall enter into the proposed IGA on behalf of the City of Yuma, and execute all such other documents, contracts, amendments and agreements with ADOR as may be necessary to effectuate this agreement.

Adopted this ____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE ARIZONA DEPARTMENT OF REVENUE AND
THE CITY OF YUMA**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into this _____ day of _____, 2023, by and between the Arizona Department of Revenue (“Department”) and the City of Yuma, an Arizona municipal corporation (“City”). This Agreement shall supersede and replace all previous intergovernmental agreements, including amendments thereto, entered into by the Department and City regarding the administration, collection, audit, and/or licensing of transaction privilege tax, use tax, severance tax, jet fuel excise and use taxes, and rental occupancy taxes (collectively referred to as “Taxes”) imposed by the State, City, and other Arizona municipalities.

RECITALS

WHEREAS, A.R.S. Title 11, Chapter 7, Article 3 (A.R.S. § 11-952 *et seq.*) authorizes two (2) or more public agencies to enter into intergovernmental agreements to contract for services, if authorized by their legislative or governing bodies.

WHEREAS, A.R.S. § 42-6001 *et seq.* was amended effective January 1, 2015 to provide that the Department shall collect and administer any transaction privilege and affiliated excise taxes imposed by any Arizona municipality and that the Department and each municipality shall enter into an intergovernmental contract or agreement pursuant to A.R.S. § 11-952 to provide a uniform method of administration, collection, audit, and licensing of transaction privilege and affiliated excise taxes imposed by the State and Arizona municipalities.

WHEREAS, City/Town has taken appropriate action by ordinance, resolution, or otherwise, pursuant to the laws applicable to the governing body of City/Town, to approve and authorize City/Town to enter into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the Department and City/Town enter into this Agreement as follows:

1. Definitions

1.1 A.R.S. means the Arizona Revised Statutes.

1.2 Adoption of an Ordinance means final approval by majority vote of the City/Town council.

- 1.3 **Ambassador Program** means the Department’s provided structure and support of curriculum related to tax administration and compliance education.
- 1.4 **Arizona Management System** means the State’s professional, results-driven management system that focuses on customer value and vital mission outcomes for citizens. The system is based on principles of Lean, a proven people-centered approach that has delivered effective results in both public and private sectors. Lean focuses on customer value, continuous improvement and engaged employees to improve productivity, quality, and service.
- 1.5 **Audit** means an examination and verification of accounts and records to determine taxpayer compliance with A.R.S. Title 42 and the Model City Tax Code, or any other assessment issued pursuant to A.R.S. § 42-1108.
- 1.6 **City Services** means the Department’s team or successor unit thereof that assists Arizona municipalities with administrative functions and all other activities related to transaction privilege tax licensing, collection, and compliance of any kind. In this Agreement, all references to electronic communications with City Services shall be directed to the team’s address at citiesunit@azdor.gov.
- 1.7 **Closing Agreement** means an agreement to settle a tax liability pursuant to A.R.S. § 42-1113.
- 1.8 **Collection** means activities to collect established liabilities for transaction privilege taxes, fees, and related penalties and interest that are due and owing.
- 1.9 **Confidentiality Standards** means the standards set forth in A.R.S. § 42-2001 *et seq.*, Model City Tax Code § 510, Appendix A of this Agreement, and such other written standards mutually agreed to by the Department and City/Town, and which will be incorporated into Appendix A of this Agreement.
- 1.10 **Development Fees** has the same meaning prescribed in A.R.S. § 42-5075(B).
- 1.11 **Desk Review** means any assessment issued pursuant to A.R.S. § 42-1109(B).
- 1.12 **Federal Tax Information (“FTI”)** means Federal income tax returns or return information the Department receives from the Internal Revenue Service, including any information created by the Department derived from that information. Documents obtained from a taxpayer or State income tax returns are not considered Federal Tax Information. The scope of this Agreement does not permit the Department to share FTI with any Arizona municipality.
- 1.13 **Independent Contractor** means any individual or entity with which City/Town may enter into an agreement to perform transaction privilege tax administration, collection, audit, licensing, and any other related duties described in this Agreement or A.R.S. § 42-6001 *et seq.*
- 1.14 **Model City Tax Code** means the document defined in A.R.S. § 42-6051.

- 1.15 Municipal Tax or Municipal Taxes** means collectively the transaction privilege and affiliated excise taxes, including use tax, severance tax, jet fuel excise and use tax, and rental occupancy tax imposed by City/Town in accordance with the Model City Tax Code and similar taxes imposed by City/Town pursuant to a City/Town code section outside the Model City Tax Code that are collected via the standard transaction privilege tax return. Unless the context provides otherwise, this definition includes municipal privilege tax, municipal privilege tax license fees, and all related penalties, interest and other similar charges collected by the Department on behalf of an Arizona municipality.
- 1.16 Options Chart** means any chart contained in a section of the Model City Tax Code which identifies the various approved standard Options adopted by an Arizona municipality.
- 1.17 Primary Point of Contact (“PPOC”)** means a designated City/Town representative with the primary responsibility for communicating with the Department and their respective staff on any matters described within this Agreement. The PPOC must be an individual qualified to receive Tax Information under Section 2.1 of this Agreement and be included on the Master Authorization List referenced in Section 2.3 of this Agreement.
- 1.18 Profile** means a dedicated section of the Model City Tax Code that provides specific information for each Arizona municipality, including contact information, applicable tax rates, and amendments and provisions unique to City/Town.
- 1.19 Standard Audit Life Cycle Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities from the assignment of audits through final resolution consistent with this Agreement and the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Audit Life Cycle Process Map shall be referred to SMART for resolution.
- 1.20 Standard Authorization List Update Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities to keep an updated list of current employees and contractors who are authorized to receive Tax Information consistent with this Agreement and with the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Authorization List Update Process Map shall be referred to SMART for resolution.
- 1.21 Standard Inter-Jurisdictional Transfer Process Map** means a document containing the decisions and procedures adopted by the Department and Arizona municipalities to document and authorize the transfer of erroneously reported or

allocated tax from one (1) municipality to another based upon a municipality's request or during the audit process consistent with this Agreement and with the Arizona Management System principle of continuous improvement. This document shall be reviewed by the Department and Arizona municipalities as needed, not less than annually, with any changes memorialized in a revised map. In the event of a disagreement regarding proposed changes, the Standard Inter-Jurisdictional Transfer Process Map shall be referred to SMART for resolution.

- 1.22 State** means the State of Arizona.
- 1.23 State & Municipal Audit Resolution Team (“SMART”)** means an advisory committee responsible for resolving issues as set forth in Section 15 of this Agreement.
- 1.24 State Tax or State Taxes** means transaction privilege tax and affiliated excise taxes, including use tax, severance tax, and jet fuel excise and use taxes imposed by the State of Arizona or its counties.
- 1.25 Tax Information** means information deemed confidential taxpayer information protected from disclosure pursuant to A.R.S. § 42-2001 *et seq.* or Model City Tax Code § 510 concerning the business financial affairs or operations of a taxpayer as it relates to Municipal Taxes or State Taxes. Tax Information includes all financial information related to transaction privilege taxes obtained from any source related to an individual taxpayer and all such aggregate financial information related to any group of identified or identifiable taxpayers.
- (a) Examples of Tax Information include without limitation:
- (1) Any information provided by the Department to City/Town derived from any source including tax returns, reports, tax license applications, and the New License Report or License Update Report; and
 - (2) Any information received by, recorded by, prepared by, furnished to, or collected by the Department or City/Town with respect to a transaction privilege tax return or the termination or possible existence of liability of any person for any transaction privilege tax and related penalty or interest, such as the taxpayer's identity; the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, taxes withheld, deficiencies, over-assessments, or tax payments; or whether the taxpayer's account was, is being, or will be examined or subject to audit, desk review, investigation, collection, or processing.
- (b) Taxpayer identifying information obtained by City/Town from any source not identified in Section 1.25(a) of this Agreement is not Tax Information for purposes of this Agreement.

1.26 Voluntary Disclosure Agreement means a document used in a voluntary disclosure program designed for eligible taxpayers with exposure for tax liability and/or civil penalties arising from a failure to report and/or pay all Taxes due which allows the taxpayer to come into voluntary compliance.

2. Authorized Access Lists

2.1 Statutory Authority: The disclosure of information relating to State Taxes and Municipal Taxes is governed by A.R.S. § 42-2001 *et seq.*, and, for reporting periods prior to January 1, 2015, by Model City Tax Code § 510.

2.2 Qualified Recipients of Information: The Department and City/Town shall only disclose Tax Information related to State Tax and Municipal Tax pursuant to this Agreement to individuals authorized by law as described in Section 2.1 of this Agreement, including those authorized persons listed on the Authorized Access Lists provided by the Department and Arizona municipalities. Questions related to a listed Department recipient may be directed to City Services at citiesunit@azdor.gov. Questions related to a listed Arizona municipal recipient may be directed to the PPOC of the pertinent Arizona municipality.

2.3 Department's Authorized Access List: Pursuant to Section 2.4(c) of this Agreement, the Department shall maintain, update, and provide a current statewide Master Authorization List of names, job titles, and contact information of the Department staff and Arizona municipal representatives who are authorized by law as described in Section 2.1 of this Agreement to receive State Tax and Municipal Tax information from the Department or Arizona municipalities, as defined in the Standard Authorization List Update Process Map. Updates shall be provided on not less than a monthly basis. The Department shall promptly notify Arizona municipalities of any individual whose authorization to receive State Tax and Municipal Tax information has been revoked for any reason.

2.4 City/Town's Authorized Access List: City/Town shall maintain, update, and provide a current Authorized Access List of names, job titles, and contact information for all persons acting on behalf of City/Town authorized by law as described in Section 2.1 of this Agreement to receive State Tax and Municipal Tax information as defined in the Standard Authorization List Update Process Map.

(a) City/Town shall indicate one PPOC on the Authorized Access List to resolve any administrative issues with the Authorized Access List. At its discretion, City/Town may also indicate an additional individual as a back-up or alternate PPOC.

(b) City/Town shall ensure all personnel on the Authorized Access List meet the requirements indicated in the Confidentiality Standards (Appendix A) including completing all required confidentiality training certification and recertification as required from time to time, within the time required by the Department.

- (c) Upon execution of this Agreement and on the first day of each calendar quarter thereafter, City/Town shall email to City Services at citiesunit@azdor.gov a current Authorized Access List of its staff and representatives authorized to receive State Tax and Municipal Tax information from the Department and Arizona municipalities, including additions and deletions, changes in job titles, and contact information. City/Town's PPOC shall promptly notify the Department of any person whose authorization to receive State Tax and Municipal Tax information is revoked for any reason.
- (d) The Department shall review City/Town's Authorized Access List. If the Department finds that any person on the list has not completed the required confidentiality training in a timely manner or does not meet the Confidentiality Standards in Appendix A of this Agreement, the Department shall notify the City/Town PPOC to resolve the issue. The Department shall not include that person on the Master Authorization List until the issues have been resolved to the satisfaction of the Department.

2.5 Independent Contractors:

- (a) City/Town may at times choose to enter into a contract with an Independent Contractor to perform the transaction privilege tax administration, collection, audit, desk review, licensing, and other duties described in this Agreement or A.R.S. § 42-6001 *et seq.*
- (b) In accordance with A.R.S. §§ 42-1004 and 42-6002, no contract with an Independent Contractor may be entered into on a contingency fee basis for the performance of any transaction privilege tax related functions, including but not limited to license inspections, audits, desk reviews, or collections.
- (c) Within ten (10) business days of ratification of this Agreement, or subsequent execution of such a contract between City/Town and an Independent Contractor, City/Town shall provide a copy of each such contract to the City Services electronically at citiesunit@azdor.gov.
- (d) City/Town shall notify the Department of the expiration, termination, or amendment of any agreement with such Independent Contractors within ten (10) business days of such event.
- (e) In this Agreement it is presumed that any reference to a municipal employee such as a license inspector, auditor, desk reviewer, collector, supervisor, etc., also refers to an Independent Contractor performing that function on behalf of the Department or City/Town.
- (f) An Independent Contractor is subject to all training requirements, authorization limitations, and other privileges and restrictions incorporated into this Agreement or provided in statute in the same form and manner as

such conditions apply to an employee performing the same function on behalf of the Department or City/Town.

- (g) When an Independent Contractor issues any correspondence to a taxpayer on behalf of the Department or City/Town, the Independent Contractor shall expressly identify all of the following on such correspondence: the Independent Contractor's name; the name of the Independent Contractor's firm, if applicable; the Independent Contractor's status as a license inspector, auditor, desk reviewer, or collector acting on behalf of the Department or City/Town; the Independent Contractor's mailing address, telephone number, and e-mail address; and the telephone number and e-mail address of a specific person who is an employee of the Department or City/Town capable of responding to the issues raised in the correspondence for the Department or City/Town.
- (h) The Department and/or City/Town may pursue any remedy authorized by this Agreement or by statute for a violation of this Section by an Independent Contractor.

2.6 Sharing of Authorized Access Lists: The Department shall share the Department's Authorized Access List and the Authorized Access Lists for all Arizona municipalities provided to the Department on the Core SFTP site. The Department shall update the lists on a monthly basis with information provided by each Arizona municipality, or as needed to immediately remove any person whose authorized access has been revoked by the Department or an Arizona municipality.

3. Disclosure of Information by City/Town to the Department or Another Arizona Municipality

3.1 Disclosure and Use of Municipal Tax Information: Any Tax Information released by City/Town to the Department or another Arizona municipality may only be used by persons authorized to receive such Tax Information for tax administration and collection purposes and may not be disclosed to the public in any manner that does not comply with A.R.S. § 42-2003, and/or Model City Tax Code § 510 for reporting periods prior to January 1, 2015. All Tax Information shall be stored and destroyed in accordance with the Confidentiality Standards (Appendix A).

3.2 Municipal Ordinances: City/Town shall provide the Department with a copy of its Municipal Tax Code or any City/Town ordinances imposing the taxes to be collected hereunder within ten (10) calendar days of a request for such information from the Department. This information shall be sent to City Services electronically at citiesunit@azdor.gov.

- (a) Tax Code Changes: City/Town shall provide notice to the Department of any tax code change with a copy of any ordinance adopted by City/Town that imposes or modifies the Municipal Taxes or municipal privilege tax

license fees to be collected hereunder within ten (10) calendar days of adoption of the ordinance. This information shall be sent to City Services electronically at citiesunit@azdor.gov.

- (1) City/Town agrees that any ordinance that changes a tax rate, Option selection, or includes the addition or removal of a unique Model City Tax Code exception shall take effect on the first day of the month that is at least sixty (60) calendar days after the City/Town council adopts the change. City/Town and the Department recognize there may be occasions when the City/Town council establishes an effective date less than sixty (60) calendar days after adoption. If City/Town chooses to propose an ordinance with an effective date that is less than sixty (60) calendar days after adoption, City/Town shall notify the Department as soon as possible after that choice is made.
 - (2) The Department shall incorporate all ordinance changes into the official copy of the Model City Tax Code within ten (10) calendar days of receipt of notice from City/Town. The copy provided to the Department may be an electronic copy but shall reflect the identical language contained in the version adopted by the City/Town and shall contain the required signatures indicating council approval.
 - (3) The Department shall notify City/Town when the tax code change has been incorporated and City/Town is responsible for confirming the change has been correctly entered in the official copy of the Model City Tax Code.
 - (4) Pursuant to A.R.S. § 42-6052, if City/Town fails to notify the Department of a tax code change within ten (10) calendar days after City/Town council approval, the ordinance shall be considered null and void. All tax code changes described in this Section shall have no effect until reflected in the official copy of the Model City Tax Code.
- (b) Annexation Ordinances: Within fifteen (15) calendar days following the adoption of an annexation ordinance, one (1) copy of the ordinance and notification of the effective date of such ordinance shall be sent to the Department via email at GIS@azdor.gov and City Services at citiesunit@azdor.gov. City/Town may provide the Department with a list of businesses subject to Municipal Taxes known to be located in the annexed area.
- (c) Review of the Model City Tax Code: City/Town shall be responsible for reviewing the information contained on its Profile, the Options Charts, tax rates for City/Town, and other information specific to City/Town contained in the official copy of the Model City Tax Code and ensuring it is correct.

City/Town affirms that it has an ongoing obligation to notify City Services of any changes needed to such information at citiesunit@azdor.gov.

- 3.3 **Development Fees:** Upon request by the Department to City/Town's PPOC, City/Town shall provide to the Department any information regarding Development Fees imposed by City/Town under A.R.S. § 9-463.05 to assist the Department with the auditing of taxpayers and the ordinary billing and collection of taxes.
- 3.4 **Prior Audits:** Upon request by the Department, City/Town shall allow inspections and copies of any City/Town tax audits conducted prior to January 1, 2015.
- 3.5 **Other Information:** City/Town shall provide other relevant information necessary for tax administration and collection purposes as requested by the Department.

4. **Disclosure of Information by Department to City/Town**

- 4.1 **Statutory Authority:** The Department may disclose information relating to State Taxes and Municipal Taxes to City/Town pursuant to A.R.S. § 42-2003 if the information relates to a taxpayer who is or may be taxable by a county, city, or town or who may be subject to audit by the Department pursuant to A.R.S. § 42-6002.
- 4.2 **Restrictions on Use and Disclosure to Unauthorized Parties:** Any Tax Information disclosed by the Department to City/Town is subject to all restrictions provided for in A.R.S. § 42-2003. Tax Information shall only be used by persons authorized to receive such Tax Information for internal tax administration purposes, including audit, desk review, collection, and licensing activity, and may not be disclosed to the public or any unauthorized party in any manner that does not comply with the Confidentiality Standards (Appendix A).
- 4.3 **Liability for Improper Disclosure:** The disclosure of confidential information concerning Arizona taxes is governed by A.R.S. § 42-2001 *et seq.*, which strictly controls the accessibility and use of this information. Individuals who receive confidential information relating to State Taxes and Municipal Taxes from the Department are subject to the penalties provided in A.R.S. § 42-2004 and other applicable statutes if they misuse or improperly disclose this information to unauthorized individuals.
- 4.4 **Reporting Potential Disclosure Violations/Incidents:** The Department shall not withhold Tax Information from City/Town provided that City/Town complies with A.R.S. § 42-2001 *et seq.*, and the Confidentiality Standards (Appendix A).
 - (a) If City/Town or the Department has information to suggest City/Town or any of its duly authorized representatives has violated A.R.S. § 42-2001 *et seq.* or the Confidentiality Standards (Appendix A), City/Town or the Department shall immediately notify City Services at citiesunit@azdor.gov, the Department's Disclosure Officer at DisclosureOfficer@azdor.gov, and the Department's Information Security Team at InfoSec@azdor.gov.

- (b) City/Town and the Department shall fully cooperate with the Department's Disclosure Officer and Information Security Team in investigating the alleged violation and shall promptly address any identified issues.
- (c) The Department's Disclosure Officer and Information Security Team:
 - (1) Shall send written notice to City/Town's PPOC detailing the alleged breach as understood by the Department and request a response to the allegation within twenty (20) calendar days of the date of the letter, and
 - (2) May inspect City/Town's records, facilities, and equipment to determine whether there has been a violation, and
 - (3) Shall review the written response from City/Town and consider the information contained therein and all relevant circumstances surrounding the alleged violation prior to issuing any determination, and
 - (4) Shall issue a written determination delivered by certified mail to City/Town regarding the alleged violation within sixty (60) calendar days of the date of City/Town's response letter. If the Department determines that a violation has occurred, the Department shall indicate whether a suspension of information is warranted and the length of the suspension. During the period of suspension, City/Town shall not access information maintained or created by the Department related to City/Town.
- (d) If the Department makes a written determination to suspend sharing of information, City/Town may, within ten (10) calendar days of receiving the written determination, submit a written request to SMART requesting the group review the determination as provided in Section 15 of this Agreement.
- (e) If there is a suspension of Tax Information sharing with City/Town, the Department shall maintain all information collected or created during the suspension period related to City/Town that would otherwise have been shared with City/Town and shall assist City/Town with accessing the accumulated information for City/Town immediately upon termination of the suspension.
- (f) Under no circumstances shall the suspension of any right to receive Tax Information adversely impact the Department's delivery or transfer of any City/Town revenues in any manner.

4.5 Information to be Provided: The Department shall provide information pursuant to A.R.S. § 42-6001(B). The Department shall provide such information as outlined

in Appendix B and elsewhere in this Agreement, which shall only be modified in accordance with Section 4.7 of this Agreement.

- (a) The Department shall not provide Federal Tax Information to City/Town.
- (b) In addition to the information detailed in Appendix B of this Agreement, the Department shall disclose, upon request, the following information to City/Town:
 - (1) Department tax audits, including all information related to all Arizona municipalities included in the tax audit; and
 - (2) Other relevant information necessary for City/Town's tax administration and collection purposes, including all information necessary to verify that City/Town received all revenues collected by the Department on behalf of City/Town.

4.6 Storage and Destruction of Tax Information: All Tax Information provided by the Department to City/Town shall be managed, stored, protected, and destroyed in accordance with the Confidentiality Requirements (Appendix A).

4.7 Specificity of Data: Pursuant to A.R.S. § 42-6001, the Department and City/Town agree that the data fields identified in Appendix B of this Agreement and the JT-1, TPT-2, and TPT-EZ forms in Appendix C of this Agreement (also provided online at www.azdor.gov) meet the specificity requirements of City/Town. The data fields identified in Appendix B and the forms in Appendix C may be revised or replaced only by mutual agreement of the Department and Arizona municipalities, with any unresolved issues being referred to SMART for final determination.

4.8. Notwithstanding any provision to the contrary, nothing in this Section shall prevent the Department from complying with state information security requirements in the situation of a data breach or similar event.

5. Audit

The Department shall administer audit functions with City/Town in accordance with the Standard Audit Life Cycle Process Map and with the following provisions.

5.1 Training: All auditors, desk reviewers, and supervisors shall be trained in accordance with the policies of the Department. Auditors and desk reviewers who have not completed the training may only work in conjunction with a trained auditor or supervisor and cannot be the only auditor or desk reviewer assigned to the audit or desk review. The Department shall do all the following:

- (a) Provide semi-annual audit and desk review training in accordance with A.R.S. § 42-6002(C) and be responsible for the costs of the training, limited to any cost for procuring the site and training materials;

- (b) Notify City/Town of any training sessions at least thirty (30) calendar days before the date of the training session;
- (c) Permit City/Town auditors, desk reviewers, and supervisors to attend any scheduled training as space permits at any designated training location;
- (d) Provide additional training, as needed, to inform auditors, desk reviewers, and supervisors regarding changes in State law, the Model City Tax Code, audit and desk review procedures, or Department policy.

5.2 Conflicts of Interest:

- (a) An auditor, desk reviewer, supervisor, or Independent Contractor trained and authorized to conduct an audit or desk review, in addition to the restrictions provided under A.R.S. Title 38, Chapter 3, Article 8, § 38-501 *et seq.*, shall not conduct any of the following prohibited acts:
 - (1) Represent a taxpayer in any tax matter against the Department or City/Town while employed by or in an Independent Contractor relationship with the Department or City/Town.
 - (2) Attempt to use his/her official position to secure any valuable thing or valuable benefit for himself/herself or his/her family members.
 - (3) Represent a taxpayer before the Department or City/Town concerning any matter in which he/she personally participated for a period of one year after he/she ends employment or the Independent Contractor relationship with the Department or City/Town.
 - (4) Use information he/she acquires in the course of the official duties as an auditor, desk reviewer, supervisor, or Independent Contractor in a manner inconsistent with his/her official duties without prior written approval from the Department.
 - (5) For a period of one (1) calendar year after he/she ends employment by or an Independent Contractor relationship with the Department or City/Town, work in the same firm as a person who represents a taxpayer against the Department or City/Town unless the firm institutes a formal screen or ethical wall to prevent any sharing of information between the person and the remainder of the firm. Documentation of such formal screen or ethical wall shall be provided by the firm to the Department or City/Town upon request.
 - (6) Receive compensation from a source other than City/Town or pursuant to an agreement with City/Town for the performance of any work or transaction performed expressly on behalf of City/Town.

- (7) Make any representation of being an employee or contractor of City/Town or the Department in marketing and promotional materials soliciting work or transactions to be performed on behalf of a taxpayer or potential taxpayer.
- (b) In addition to any other remedies available to the Department and City/Town by statute and under the terms of this Agreement, the Department may revoke an individual's authority to audit or perform desk reviews on behalf of the Department or City/Town and prohibit the use of any auditor, desk reviewer, supervisor, or Independent Contractor who violates this provision.

5.3 Audits and Desk Reviews:

- (a) City/Town may request the Department conduct an audit or desk review of any taxpayer engaged in business in City/Town, including a taxpayer whose business activity is subject to tax by City/Town but is not subject to tax by the State. The Department and Arizona municipalities shall collaboratively establish and maintain minimum justification standards and procedures. City/Town shall adhere to when submitting an audit or desk review request.
- (b) City/Town may conduct an audit or desk review of a taxpayer engaged in business only in City/Town. Before commencing such audit, City/Town shall submit a Field Audit Request Form. Before commencing such desk review, City/Town shall submit the request using the Desk Review Approval Excel Sheet. The Department shall provide City/Town with a determination of approval or denial of the request within ten (10) calendar days of the notice from City/Town.
- (c) Except as permitted below, the Department shall conduct all audits and desk reviews of taxpayers having locations in two (2) or more Arizona municipalities. A City/Town auditor may participate in any audit or desk review City/Town requested the Department to perform.
- (d) City/Town shall notify the Department if it wants to conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose business activity is subject to tax by City/Town but is not subject to tax by the State. The Department shall authorize such audits or desk reviews, to be overseen by the Department, unless there is already an audit or desk review of the taxpayer in process, scheduled, or planned, or the Department determines the audit or desk review selection is discriminatory, an abuse of process, or poses other similar defects. The Department shall notify City/Town of its determination within ten (10) calendar days. No initial audit or desk review contact may occur between City/Town and a taxpayer until the Department approves the audit or desk review notice.

- (e) In the case of taxpayers doing business in more than one (1) Arizona municipality:
 - (1) City/Town may request the Department conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose primary business is subject to both Municipal Taxes and State Taxes.
 - (2) City/Town may request authorization from the Department for City/Town to conduct an audit or desk review of a taxpayer having locations in two (2) or more Arizona municipalities and whose primary business is subject to both Municipal Taxes and State Taxes.
 - (3) Requests pursuant to (e)(1) or (e)(2) shall be made using the Department's Field Audit Request Form or the Desk Review Approval Excel Sheet, as appropriate. The Department shall notify City/Town of its decision regarding the request within ten (10) calendar days of receipt of the request.
- (f) The Department may deny, in writing, City/Town's request for the Department to conduct an audit or desk review within ten (10) calendar days of receiving the request for any of the following reasons:
 - (1) An audit or desk review is already in process or is scheduled or planned for the taxpayer within six (6) months of the request;
 - (2) The requested audit or desk review would interfere with strategic tax administration planning;
 - (3) The audit or desk review selection is discriminatory, an abuse of process, or poses other similar defects;
 - (4) The request lacks sufficient information for the Department to determine whether it is appropriate;
 - (5) The Taxpayer was audited within the previous two (2) years;
 - (6) The Department lacks sufficient resources to conduct the audit or desk review;
 - (7) The scope or subject of the audit or desk review does not justify the use of Department resources.
- (g) If the Department denies a request to conduct an audit or desk review for the reasons provided in (f)(6) or (f)(7), and the audit or desk review is not for a taxpayer that only has a business location in City/Town, then City/Town may request to conduct the audit or desk review itself under the

supervision of the Department. No initial audit or desk review contact may occur between City/Town and a taxpayer until City/Town receives written Department approval.

- (h) Any decision by the Department denying City/Town's request to conduct any audit or desk review may be referred to SMART in accordance with Section 15 of this Agreement.
- (i) All audits or desk reviews conducted by City/Town shall be in accordance with standard audit procedures defined in the Department audit manual and the Standard Audit Life Cycle Process Map. All auditors and desk reviewers shall be trained in accordance with Section 5.1 of this Agreement.
- (j) The Department may appoint a Department manager to supervise any audit or desk review conducted by City/Town.
- (k) All audits shall include all taxing jurisdictions in the State regardless of which jurisdiction's auditors participate in the audit. All desk reviews must include all taxing jurisdictions for which there is information provided by the taxpayer.
- (l) The Department shall issue all audit or desk review assessments on behalf of all affected taxing jurisdictions in a single notice to the taxpayer.
- (m) The Department shall issue amendments to audit or desk review assessments on behalf of all affected taxing jurisdictions in a single notice to the taxpayer.

5.4 Claims for Refund:

- (a) When a taxpayer files a request for refund, including refunds requested by filing amended returns, the Department shall process the request and review it for mathematical errors or for the failure of the taxpayer to properly compute the tax based on the taxable income reported on the return or refund request.
- (b) The Department shall notify City/Town of all refund requests that are reviewed and approved involving City/Town's Municipal Taxes within thirty (30) calendar days of processing the refund. City/Town may request an audit of the taxpayer as set forth in Section 5.3 of this Agreement.
- (c) The Department may assign a Department auditor to review requests for refunds. The Department shall notify City/Town of all refunds under review by an auditor pertaining to a taxpayer who engages in business within City/Town within thirty (30) calendar days of initiating the review and may request that City/Town assist with such reviews, with acceptance of such request at the discretion of City/Town. The Department may assign a refund request to a City/Town for review, with acceptance of such assignment at

the discretion of City/Town. The Department may only assign refund requests to City/Town if taxes paid to City/Town are included in the refund request.

- (d) City/Town is responsible for payment of all amounts to be refunded to taxpayers for Municipal Tax incorrectly paid to City/Town. The Department may offset a remittance to City/Town under this Agreement to cover the amounts of allowed Municipal Tax refunds paid by the Department.
- (e) The Department shall issue refund approvals/denials on behalf of all taxing jurisdictions in a single notice to the taxpayer. City/Town may request copies of such determinations.

5.5 Protests: Taxpayer protests of audit assessments, desk review assessments, and refund denials shall be directed to the Department. Protests of audit assessments, desk review assessments, and refund denials shall be administered pursuant to A.R.S. Title 42, Chapter 1, Article 6. The Department shall notify City/Town of any protests within thirty (30) calendar days of receipt of the protest.

5.6 Status Reports: The Department shall keep all Arizona municipalities apprised of the status of each protested matter involving the imposition of Municipal Taxes. City/Town may request to be on a distribution list for monthly status reports by contacting City Services at citiesunit@azdor.gov.

6. Voluntary Disclosure Agreements

The Department may enter into a Voluntary Disclosure Agreement with a taxpayer. A Voluntary Disclosure Agreement may limit the years subject to audit and waive penalties. If the taxpayer discloses to the Department that it owes Municipal Taxes to City/Town, the Department shall notify City/Town of the Department's intent to enter into a Voluntary Disclosure Agreement and the Department shall provide the taxpayer's identity within thirty (30) calendar days of the identity being disclosed to Department. City/Town may subsequently request an audit of a taxpayer subject to a Voluntary Disclosure Agreement pursuant to Section 5.3 of this Agreement.

7. License Compliance

7.1 License Issuance and Renewal: The Department shall issue new municipal privilege tax licenses and shall annually renew such licenses for City/Town Municipal Tax. The Department shall provide City/Town with information about all persons obtaining and renewing municipal privilege tax licenses as set forth in Appendix B of this Agreement.

7.2 License Checks: The Department and City/Town shall coordinate efforts to conduct mutual tax license compliance checks through canvassing and other compliance methods.

- 7.3 Confidentiality:** Any tax license information City/Town obtains from the Department is confidential and may only be disclosed as authorized by A.R.S. § 42-2003. Any tax license information City/Town obtains through its own efforts may be disclosed as allowed by City/Town ordinance or policy.
- 7.4 Changes to License Fees:** Within ten (10) business days following the adoption of an ordinance (or official acknowledgment of an ordinance approved by voters in an election) creating or modifying a municipal privilege tax license fee, one (1) copy of the ordinance and notification of the effective date of such ordinance shall be sent to City Services at citiesunit@azdor.gov. The Department shall not be obligated to begin collection of the new or modified tax license fee any sooner than sixty (60) calendar days after the date the Department received the ordinance from City/Town.

8. Closing Agreements

The Department shall notify City/Town before entering into a Closing Agreement and shall seek a range of settlement authority from City/Town related to the tax levied and imposed by City/Town in accordance with the Standard Audit Life Cycle Process.

9. Responsibility for Representation in Litigation

- 9.1 Administrative Proceedings:** Pursuant to A.R.S. § 42-6002, the Department shall coordinate the litigation and defense of assessments and refund denials in any administrative appeals before the Office of Administrative Hearings or the Director of the Department regardless of the jurisdiction that conducted the audit, desk review, or refund review in accordance with the Standard Audit Life Cycle Process Map. The Department shall diligently defend the interests of City/Town and City/Town shall assist the Department in such representation as requested by either party.
- 9.2 Further Appeals:** The Arizona Attorney General is responsible for defending the assessment or refund denial at the Board of Tax Appeals, the Arizona Tax Court, and all higher courts. City/Town shall assist the Attorney General in such representation and litigation as requested by the Attorney General's Office in accordance with the Standard Audit Life Cycle Process Map.
- 9.3 Mutual Cooperation:** The Department and City/Town agree they shall cooperate in the appeal and litigation processes and shall ensure their auditors, desk reviewers, supervisors, and other necessary employees are available to assist the Department and the Attorney General through informal interviews, providing documents and records, preparing for depositions, attending depositions and trial as witnesses, and assisting in trial/hearing preparation, as needed.
- 9.4 Administrative Decisions:** The Department shall provide a copy of all administrative hearing level decisions regarding State Taxes and Municipal Taxes, including Director's decisions issued by the Department, to City/Town within ten (10) business days after issuance of the decision if City/Town requests to be

included on a distribution list created by the Department for the purposes of disseminating such decisions. City/Town may request to be on the distribution list by contacting City Services at citiesunit@azdor.gov. Administrative decisions contain Tax Information and must be stored and destroyed in accordance with the Confidentiality Standards (Appendix A).

10. Collection of Municipal Taxes

- 10.1 Tax Returns:** Taxpayers who are subject to City/Town Municipal Taxes are required to pay such taxes to the Department utilizing a form prescribed by the Department.
- 10.2 Delinquent Tax Collections:** Pursuant to A.R.S. § 42-6001, the Department shall collect any delinquent Municipal Tax imposed by City/Town recorded on the Department's tax accounting system. In the event this Agreement is terminated, the Department shall continue to collect delinquent Municipal Taxes recorded on the Department's accounting system on behalf of City/Town and distribute any such amounts collected to City/Town.
- 10.3 City/Town Assistance in Delinquent Tax Collections:** To expand the Department's State Tax and Municipal Tax collection efforts by leveraging City/Town resources, City/Town may choose to provide collection efforts by deploying City/Town collectors to work in conjunction with the Department on the following terms:
- (a) **Training:** All City/Town collectors authorized to collect obligations in cooperation with the Department shall be trained in accordance with the policies of the Department. Training shall be provided in the same manner as set forth in Section 5.1 of this Agreement.
 - (b) **Conflict of Interest:** A collector trained and authorized under this provision to perform collections activity shall not conduct any of the following prohibited acts:
 - (1) Represent a taxpayer in any tax matter against the Department or City/Town while employed by City/Town.
 - (2) Attempt to use his/her official position to secure any valuable thing or valuable benefit for himself/herself or his/her family members.
 - (3) Represent a taxpayer before the Department or City/Town concerning any matter in which he/she personally participated for a period of one (1) calendar year after he/she ends employment with City/Town.
 - (4) Use information he/she acquires in the course of the official duties as a collector in a manner inconsistent with his/her official duties without prior written approval from the Department.

- (5) For a period of one (1) calendar year after he/she ends employment with City/Town, work in the same firm as a person who represents a taxpayer against the Department or City/Town unless the firm institutes formal barriers to prevent any sharing of information between the trained collector and the remainder of the firm.
 - (c) **Revocation:** The Department may revoke the authorization of City/Town or of any individual City/Town employee to collect obligations under this Section. A revocation determination may be subject to review by SMART upon request by the individual or City/Town.
- 10.4 State of Arizona Liquor License Affidavit:** City/Town may request that the Department issue a liquor license affidavit. The Department shall respond to the request via secured e-mail to indicate the status of completion of the request with a note stating complete, in-process, or unable to complete.
- 10.5 Uncollectible/Discretionary Write-offs:** The Department shall share the annual list of uncollectible/discretionary write-offs of City/Town's Municipal Taxes prior to the write-off event at the end of the fiscal year. City/Town shall have forty-five (45) calendar days to submit feedback.
- 10.6 Remittance:** All amounts collected by the Department for City/Town's Municipal Taxes under this Agreement shall be remitted to City/Town weekly on the basis of actual collections. To the extent possible, the Department shall initiate the electronic payment by Noon on the Monday after the end of the week in which the collections were received by the Department. If the Monday falls on a holiday, payment will be initiated by Noon on the Tuesday after the end of the week in which the collections were received by the Department. Remittance shall be made in the form of immediately available funds transferred electronically to the bank account designated by City/Town.
- 10.7 Abatement:** Pursuant to A.R.S. § 42-1004, the Department, with the approval of the Attorney General, may abate tax under certain circumstances including Municipal Taxes. During the ordinary course of business, the Department may determine that certain taxpayer accounts shall be closed or cancelled. The Department shall seek input from City/Town or SMART before abating Municipal Taxes or closing accounts with Municipal Taxes due. The Department may request a telephonic meeting of SMART if time or circumstances require immediate action.
- 10.8 Funds Owed to City/Town:** At all times and under all circumstances, payments remitted by a taxpayer to the Department for City/Town Municipal Taxes shall be considered property of City/Town. The Department may not retain or fail to remit such funds to City/Town for any reason not specifically set forth in this Agreement including, but not limited to, during the course of a dispute between City/Town and the Department.

10.9 Adjustments to Reported Taxes: If the Department determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department may temporarily hold the payment until the distribution of the payment is corrected to ensure the appropriate city or town receives the payment. If a payment by the Department has been made to an incorrect City/Town, the Department and affected Arizona municipalities shall follow the Standard Inter-Jurisdictional Transfer Process Map.

10.10 Collection Reports: The Department shall keep all Arizona municipalities apprised of the status of every open case in a collection status involving the imposition of Municipal Taxes. City/Town may request to be on a distribution list for monthly status reports by contacting Cities Collections at citiescollection@azdor.gov.

11. Taxpayer Rulings and Uniformity

The Department shall be responsible for issuing the official responses to taxpayer ruling requests and requests for interpretation of the Model City Tax Code. City/Town acknowledges that pursuant to A.R.S. § 42-6005(B), when the state statutes and Model City Tax Code are the same and where the Department has issued written guidance, the Department's interpretation is binding on Arizona municipalities and interpretation of Model City Tax Code. The Department acknowledges that in all other situations, interpretation of the Model City Tax Code is the sole purview of Municipal Tax Code Commission or its designee. This Section is not intended to affect procedures for appeals and litigation as outlined in Section 5.5 and Section 9 of this Agreement.

12. Financing Collection of Taxes

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City/Town of any financial obligation imposed by statute.

13. Inter-Jurisdictional Transfers (“IJTs”)

The Department shall administer Inter-Jurisdictional Transfers of Municipal Tax monies in accordance with the Standard Inter-Jurisdictional Transfer Process Map. The affected Arizona municipalities shall agree on any amounts to be transferred before notifying the Department of such amounts to be transferred under this Section.

14. Education and Outreach Efforts

To further its focus on serving taxpayers and its commitment to funding Arizona’s future through enhanced customer service, continuous improvement, and innovation, the Department is expanding its outreach and education program to connect with all citizens of Arizona by strategically working with taxpayer and industry groups, tax practitioners, and Arizona’s municipalities to ensure consistent tax education is widely available.

Any City/Town may further this mission, at its own expense, in providing education and outreach to taxpayers. Education and outreach programs and content shall be consistent with applicable law and the Department's written guidance.

Increased education and outreach efforts undertaken by the Department and Arizona municipalities will ensure collaborative partnerships beneficial to both parties, emphasize an ongoing two-way exchange of information, enhance communication on issues of common interest, and promote cooperation in areas of overlapping special projects. Therefore, upon request, City/Town shall provide information to the Department concerning such education and outreach efforts.

The Department shall implement an Ambassador Program, whereby the Department provides curriculum, structure, and support for education related to tax administration and compliance. City/Town shall be provided a standard work process when participating in Department-led educational events.

15. State & Municipal Audit Resolution Team ("SMART")

15.1 Members: The SMART committee shall consist of four (4) primary (voting) members representing municipal taxing jurisdictions and four (4) primary (voting) members representing the Department. There shall also be two (2) alternate members representing each party, who are non-voting representatives unless required to vote due to the absence, recusal, or disqualification of a primary (voting) member. All primary and alternate members are required to attend all meetings unless excused.

15.2 Selection: The Director of the Department shall appoint Department employees to serve as primary and alternate members representing the Department. Arizona municipalities shall collectively appoint municipal employees to serve as primary and alternate members representing the Arizona municipalities. The members representing either party may be changed at any time following the standard work process agreed upon by both parties.

15.3 Meetings: SMART shall meet monthly unless there is no business to be conducted. Additional meetings can be scheduled as necessary to timely discuss issues presented.

15.4 Issues: The Department or City/Town may refer issues to SMART for resolution including but not limited to:

- (a) Decisions by the Department to not audit a taxpayer;
- (b) Amendments to Department audit procedures or manuals;
- (c) Closing Agreements or a range of settlement authority;
- (d) Abatement or account closure in collections;

- (e) Suspension of disclosure of Tax Information to City/Town;
- (f) Disagreements regarding proposed changes to the process maps defined in Sections 1.19, 1.20, and 1.21 of this Agreement;
- (g) Revocation of collection authority; and
- (h) Other issues as authorized by the Director of the Department or agreed upon by the parties, subject to the limitations described in Section 29 of this Agreement.

15.5 Recommendations: SMART shall make recommendations to the Director of the Department or Director's designee. If the recommendation is approved by at least five (5) members of SMART, the Director shall accept the recommendation of SMART. If SMART cannot reach a recommendation agreeable to at least five (5) members of the group, the Director or Director's designee may act as they deem to be in the best interests of all parties. Notwithstanding the above, upon request by City/Town, the Director shall submit their decision to the Attorney General's Office for review.

15.6 Voting: Any voting member of the committee may request the vote be held by secret ballot.

15.7 Procedures: SMART shall develop procedures concerning the operation of the committee consistent with this Agreement.

16. Funding of Additional Auditors by City/Town

16.1 Funding: At the sole discretion of City/Town, City/Town may contribute funding to the Department to pay for additional auditors to assist the Department in the performance of audits of Municipal Tax owed to City/Town. Such additional auditors funded by City/Town shall at all times be deemed to be employees of the Department and under no circumstances shall be deemed to be employees or agents of City/Town. It is the Parties' intention that any City/Town funding provided pursuant to this Section shall be used to increase the resources and capabilities of the Department to perform Municipal Tax audits and not to subsidize or replace State funding required for audit and collection of taxes.

16.2 Use of Funds: City/Town funding for additional auditors under this Section shall be used to fund the auditors' salaries and related expenses and shall not be used to pay for Department office space, utilities, equipment, supplies, or similar kinds of overhead.

16.3 Pool of Funds: The Department may pool any City/Town funding with any other similar funding provided by other Arizona municipalities to pay for additional auditors dedicated to serving those jurisdictions. The Department shall separately account for such funds in its annual budget.

16.4 Accounting: The Department shall provide an annual accounting to City/Town, by August 31 each year describing how City/Town funding was used during the prior fiscal year.

17. Satellite Offices for Department Auditors

17.1 Funding: City/Town, at its own expense and at its sole discretion, may provide one (1) or more satellite offices and associated amenities for use by Department employees to provide audit and/or customer service to taxpayers. Use of such facilities by Department employees shall be at the sole discretion of the Department. Nothing in this Section shall require the Department to make use of such facilities provided by City/Town.

17.2 Requirements: Any Department employee using a City/Town satellite office must meet reasonable requirements of City/Town related to the use of the facility. City/Town shall be responsible for notifying the Department of any concerns and the Department shall be responsible for taking appropriate actions to resolve those concerns.

17.3 Termination: Once a satellite office is established, City/Town shall provide at least one hundred eighty (180) calendar days' written notice to the Department prior to the termination or relocation of a satellite office. The Department may discontinue the use of a satellite office at any time upon notice to City/Town and shall promptly remove all Department property.

17.4 License: All requirements of City/Town and the Department related to the satellite office shall be outlined in a mutually acceptable form of license and subject to separate approval.

17.5 Workers' Compensation for Satellite Offices and Certain Site Visits: If employees of City/Town or Department are working at the facility of the other public agency pursuant to this Agreement, it is agreed that:

- (a) Each employee will be deemed an employee of both public agencies for the purposes of A.R.S. § 23-1022(D) and Arizona workers' compensation laws.
- (b) Each employee's primary employer (*i.e.*, the State of Arizona for a Department employee, and City/Town for a City/Town employee or Independent Contractor) shall be solely liable for the payment of workers' compensation benefits.
- (c) Each public agency for which employees of City/Town or Department are working at the facility of the other public agency under this Agreement shall post a notice complying with A.R.S. § 23-1022(E).
- (d) In all circumstances other than as provided in the foregoing, nothing in this Agreement shall be construed to result in any person being the officer,

agent, employee, or servant of either party when such person, absent this Agreement and the performance thereof, would not in law have such status.

18. Non-availability of Funds

Every payment obligation of the Department and City/Town pursuant to this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation, except for the rendering of funds to City/Town paid by a taxpayer for Municipal Taxes or municipal privilege tax license fees of City/Town. If funds are not appropriated, allocated, and available, or if the appropriation is changed resulting in funds no longer being available for the continuance of this Agreement, this Agreement may be terminated at the end of the period for which funds are available. No liability shall accrue to the State or City/Town, as applicable, in the event this provision is exercised and the State or City/Town, as applicable, shall not be obligated or liable for any future payments or for any damages as a result of termination under this Section. The termination of this Agreement shall not entitle the Department to retain any Municipal Tax collected on behalf of City/Town pursuant to this Agreement.

19. Waiver

Nothing in this Agreement should be interpreted as City/Town relinquishing its legal rights under the Arizona Constitution or other applicable law, nor that City/Town is conceding the administration and collection of its Municipal Tax is not of a local interest or should not be under local control.

20. Cancellation

The requirements of A.R.S. § 38-511 apply to this Agreement. The Department or City/Town may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the Department or City/Town is, at any time while this Agreement or any extension is in effect, an employee, agent, or consultant of the other party with respect to the subject matter of this Agreement. The obligation of the Department to remit City/Town taxes shall survive cancellation.

21. Notice

- (a) When any Notice to City/Town is required under the terms of this Agreement, such Notice shall be sent by electronic correspondence to:
Douglas Allen, Director of Finance, douglas.allen@yumaaz.gov
- (b) When any Notice to the Department is required under the terms of this Agreement, such Notice shall be sent by electronic correspondence to City Services at citiesunit@azdor.gov.

22. Non-discrimination

ADOR and City/Town shall comply with Executive Order 2023-01, which prohibits discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status, by persons performing state contracts or subcontracts. ADOR and City/Town also agree to comply with Executive Orders 2003-22 and 2009-09 as amended by Executive Order 2023-01, all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act of 1990. ADOR and the City/Town shall also comply with Executive Order 2023-09 prohibiting race-based hair discrimination.

23. Compliance with Immigration Laws and A.R.S. § 41-4401

23.1 The Department and City/Town shall comply with all Federal immigration laws and regulations relating to employees and warrants compliance with A.R.S. § 23-214 which reads in part: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.”

23.2 A breach of compliance with immigration laws and regulations shall be deemed a material breach of this Agreement and may be grounds for the immediate termination of this Agreement.

23.3 The Department and City/Town retain the legal right to confirm the authorized presence and work authorization of any employee who works under this Agreement to ensure the Department and City/Town are complying with the applicable Federal immigration laws and regulations, and State statutes as set forth above.

24. Audit of Records

City/Town and the Department shall retain all data, books, and other records (“Records”) relating to this Agreement for at least six (6) years

(a) after termination of this Agreement, and

(b) following each annual renewal thereof.

All Records shall be subject to inspection by the Department at reasonable times. Upon request, the Department and City/Town shall produce any or all such records. This Agreement is subject to A.R.S. § 35-214 and A.R.S. § 35-215.

25. Amendments

Any amendments to the enumerated provisions or Appendices A, B, and C of this Agreement must be executed in writing in accordance with the provisions of this

Agreement. The Standard Process Maps described within certain enumerated provisions are not themselves part of this Agreement.

26. Mutual Cooperation

In the event of a disagreement between the parties regarding the terms, provisions, and requirements of this Agreement, or in the event of the occurrence of any circumstances bearing upon or affecting this Agreement, parties hereby agree to mutually cooperate to resolve the said disagreement or deal with the said circumstance.

27. Arbitration

To the extent required by A.R.S. § 12-1518 and as provided for in A.R.S. § 12-133, the parties agree to resolve any dispute arising out of this Agreement by arbitration. The parties agree that any lawsuit filed by City/Town relating to the issues outlined in Section 19 of this Agreement is not considered to be a dispute arising out of this Agreement.

28. Implementation

The implementation and execution of the provisions of this Agreement shall be the responsibility of the Director of the Department or his/her designee and the Mayor of City/Town, his/her designee, or another party with designated authority pursuant to applicable law or City/Town charter to act on behalf of City/Town.

29. Limitations

Nothing in this Agreement shall be construed as limiting or expanding the statutory responsibilities of the parties in performing functions beyond those granted to them by law, or as requiring the parties to expend any sum in excess of their appropriations.

30. Duration

30.1 The term of this Agreement shall commence from the latest date as indicated in Section 33 of this Agreement and continue in force through December 31st of the following calendar year unless canceled or terminated as provided herein. The term of this Agreement shall automatically be extended for successive one (1) year terms commencing on January 1st and ending on December 31st of each year thereafter unless canceled or terminated as provided herein.

30.2 Amendments to this Agreement that are negotiated and agreed to by a simple majority of the review committee referenced in Section 30.9 of this Agreement shall thereafter be executed by the parties hereto by a separate signed amendment and incorporated herein to be effective during the term of this Agreement and any extensions.

30.3 This Agreement may be canceled or terminated effective on December 31st of any year by either party by providing written notice no later than sixty (60) calendar days prior to the expiration of the term then in effect.

- 30.4** This Agreement shall expire on December 31st of any year the Department is subject to sunset review by the legislature. Upon expiration, cancellation, or termination, any subsequent Agreement must be ratified through signature by both parties.
- 30.5** If State legislation enacted subsequent to the date of this Agreement substantially affects the performance of this Agreement by either party or substantially diminishes the benefits either party would receive under this Agreement, either party may then terminate this Agreement by giving at least thirty (30) calendar days' notice to the other party. The termination shall become effective immediately upon the expiration of the notice period unless otherwise agreed to by the parties.
- 30.6** Notwithstanding any provision to the contrary herein, both parties may by mutual agreement provide for the termination of this Agreement upon such terms and at such time as is mutually agreeable to them.
- 30.7** Any notice of termination shall be mailed and served on the other party in accordance with Section 21 of this Agreement.
- 30.8** In the event of a partial or complete termination of this Agreement, if the parties have shared or exchanged property the parties will return the property to its original owner or dispose of it in a manner required by the original owner as described in this Agreement.
- 30.9** During the term of this Agreement, the terms and conditions of this Agreement shall undergo an annual review to be initiated no later than June 1st of each year. The review shall be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

31. Choice of Law

The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this Agreement, and any disputes arising from this Agreement.

32. Entire Agreement

This document, including the specific appendices attached hereto, and any approved subcontracts, amendments, and modifications made thereto, shall constitute the entire Agreement between the parties and shall supersede all other understandings, oral or written.

33. Signature Authority

33.1 By signing below, the signer certifies he or she has the authority to enter into this Agreement on behalf of his or her respective party, and he or she has read the foregoing and agrees to accept the provisions herein on said party's behalf.

33.2 This Agreement may be executed in counterpart.

For the Department:

For City/Town:

Signature			Date			Signature			Date		
Robert Woods, Director						John D. Simonton, Acting City Administrator					
Typed Name and Title						Typed Name and Title					
Arizona Department of Revenue						City of Yuma, AZ					
Entity Name						Entity Name					
1600 W. Monroe St.						One City Plaza					
Address						Address					
Phoenix		Arizona		85007		Yuma		AZ		85364	
City		State		Zip		City		State		Zip	
RESERVED FOR THE ATTORNEY GENERAL:						RESERVED FOR CITY/TOWN ATTORNEY:					
<p>This agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General.</p> <p style="text-align: center;">KRIS MAYES The Attorney General</p> <p>BY: _____ Signature Assistant Attorney General</p> <p>Date: _____</p>						<p>This agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952 by the undersigned City/Town Attorney who has determined, on behalf of the City/Town only, that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the City/Town.</p> <p>APPROVED AS TO FORM AND AUTHORITY:</p> <p>BY: _____ CITY ATTORNEY</p> <p>Date: _____</p>					

APPENDIX A

ARIZONA DEPARTMENT OF REVENUE CONFIDENTIALITY REQUIREMENTS

1. Confidential Information

- 1.1 “Confidential Information” is defined in A.R.S. § 42-2001. Confidential Information may not be disclosed except as provided by statute. A.R.S. §§ 42-2001 through 42-2004.
- 1.2 “Tax Information” as defined in this Agreement is Confidential Information.
- 1.3 **Disclosure of aggregated financial information.** Under no circumstance shall aggregated financial information related to transaction privilege taxes allow any person who is not authorized to receive Tax Information to identify or discover the financial information of an individual taxpayer.
 - (a) Except as provided in Section 1.3(b) of this Appendix, City/Town will disclose aggregated financial information in accordance with the Department’s standard:
 - (1) City/Town shall only disclose aggregated financial information from not less than ten (10) taxpayers within the political boundaries of City/Town.
 - (2) No individual taxpayer’s financial information should be discernible due to its relative size compared to other members of the aggregated group. For example, if one of the taxpayers in the data set represents 90% or more of the data point, then that data point must not be disclosed, regardless of the number of taxpayers.
 - (b) City/Town may disclose its aggregated financial information from less than ten (10) taxpayers provided City/Town first determines the aggregated data could not potentially reveal the financial information of an individual taxpayer. Such a determination shall take all the following into consideration:
 - (1) *Ownership.* All taxpayers with common ownership entities shall be considered a single taxpayer for aggregation purposes; and
 - (2) *Proportionality.* No individual taxpayer’s financial information should be discernible due to its relative size compared to other members of the aggregated group; and

- (3) Any other factor that might allow any person who is not authorized to receive Tax Information to identify or discover the financial information of an individual taxpayer.

2. **Protecting Information**

- 2.1 City/Town must identify all places, both physical and logical, where City/Town receives, processes, and stores Tax Information and create a plan to adequately secure those areas.
- 2.2 Tax Information must be protected during transmission, storage, use, and destruction. City/Town must have written policies, standards, and procedures to document how it protects its information systems, including Tax Information so that it conforms to the State of Arizona statutes A.R.S. §§ 42-2001 through 42-2004 and policies, standards, and procedures found on the Arizona Strategic Enterprise Technology (“ASET”) website at aset.az.gov/resources/policies-standards-and-procedures or ASET’s successor agency or website and Arizona Department of Homeland Security’s website at <https://azdohs.gov/information-security-policies-standards-and-procedures>.
- 2.3 Department staff and authorized City/Town staff are prohibited from inspecting Tax Information unless they have a business reason. Browsing through Tax Information concerning friends, neighbors, family members, or people in the news is strictly prohibited.
- 2.4 All removable media, including paper and CDs, containing Tax Information must be secured when not in use and after normal business hours by placing all materials in a locked drawer or cabinet. During use, Tax Information must be protected so that it is not visible to members of the public or anyone without a business need for the information.
- 2.5 All individuals accessing or storing Tax Information from an alternative work site must enter into a signed agreement that specifies how the Tax Information will be protected while at that site. Only trusted employees shall be permitted to access Tax Information from alternative sites. Tax Information may not be accessed while in public places such as restaurants, lounges, or pools.
- 2.6 Tax Information may not be discussed in elevators, restrooms, the cafeteria, or other public areas. Terminals should be placed in such a manner that prohibits public viewing of Tax Information.
- 2.7 When transporting confidential materials, the materials should be covered so that others cannot see the Tax Information. When sending Tax Information by fax, a cover sheet should always be used.
- 2.8 Any person with unsupervised access to Tax Information shall receive training on the confidentiality laws and requirements to protect such information before being given access to such information and annually thereafter. They must sign

certificates after the training acknowledging that they understand their responsibilities. City/Town must keep records to document this training and certification and submit a copy of the certification to the Department.

3. Disclosure of Information

- 3.1 Tax Information may only be disclosed as permitted by A.R.S. § 42-2003.
- 3.2 Tax Information is protected by statute and, therefore, shall not be disclosed in response to a public records request except as authorized by law. A state agency, including political subdivisions (City/Town), may deny inspection of public records if the records are deemed confidential by statute. *Berry v. State*, 145 Ariz. 12, 13 699 P.2d 387, 388 (App. 1985).
- 3.3 A taxpayer may designate a person to whom Tax Information may be disclosed by completing an [Arizona Department of Revenue Form 285](#) or [Form 285B](#), or such other form that contains the authorizing information included in those forms. City/Town may contact the Department's Disclosure Officer at DisclosureOfficer@azdor.gov if there are any questions concerning this requirement.

4. Retention and Disposal of Information

- 4.1 All records received from the Department must be kept for the duration of the records retention period as listed in the official records retention schedules approved by the Secretary of State Library Archives and Public Records Division ("LAPR") published on the LAPR website.
 - (a) The Department's custom records retention schedule is published on the LAPR website at apps.azlibrary.gov/records/schedules.aspx.
 - (b) In the event of a legal hold (such as a litigation hold or investigative hold), Department and/or City/Town may be required to retain records beyond the retention period.
- 4.2 The Department and City/Town shall follow the legal requirements for reporting the disposition and destruction of records to the Arizona State Library Archives, & Public Records Division under A.R.S. § 41-151.19. Certificate of Records Destruction Forms are found at: azlibrary.gov/arm/forms.
- 4.3 All removable media containing Tax Information must be returned to the Department or sanitized before disposal or release from the control of City/Town.
- 4.4 Tax Information must be destroyed by shredding or burning the materials when the retention period has been met and no legal holds are in place. Tax Information may not be disposed of by placing the materials in the garbage or recycle bins. Destruction of Tax Information may be performed by a third-party vendor.

City/Town must take appropriate actions to protect the Tax Information in transit and storage before it is destroyed, such as periodic inspections of the vendor.

- 4.5 Computer system components and devices, such as copiers and scanners, which have been used to store or process Tax Information may not be repurposed for non-tax administration uses unless the memory or hard drive of the device is sanitized to ensure under no circumstances Tax Information can be restored or recovered.

5. **Information Security**

- 5.1 Systems containing Tax Information must be protected in accordance with the State of Arizona Policies, Standards, and Procedures that govern State data found at <https://azdohs.gov/information-security-policies-standards-and-procedures>, particularly Policies and Standards 8000-8410 and the Arizona NIST Security Baseline Controls.
- 5.2 City/Town is responsible for creating architectural diagrams of any systems connecting to the Department's systems and depicting the flow of State Tax Information. Architectural diagrams for systems connecting to the ADOR shall be shared with the ADOR and updated after any architectural changes.
- 5.3 Incident Reporting. City/Town is required to notify the Department in the event of a suspected or actual unauthorized disclosure of Tax Information, data loss, breach, or other security concern regarding Tax Information by reporting the incident to the Department's: 1) City Services Manager by email at citiesunit@azdor.gov, 2) Disclosure Officer by email at DisclosureOfficer@azdor.gov, and 3) Chief Information Security Officer's Information Security Team by email at InfoSec@azdor.gov.
- 5.4 The Department may send employees or auditors to inspect any of City/Town information systems and/or facilities used to process, store, or transmit any Department data at any time to ensure that Department information is adequately protected. City/Town shall provide audit records and evidence of system and application hardening to the department's information security team upon request. Hardening evidence can include, but is not limited to: RiskSense, CIS benchmarks, SCSEMs, STIGs, or other security best practices. If City/Town hires a third-party for any system or information support, all security provisions apply.

6. **Wireless Access (if accessing State Confidential Information from a wireless network)**

City/Town must:

- 6.1 Establish restrictions, configuration/connection requirements, and implementation guidance for wireless access.
- 6.2 Authorize wireless access to the information system prior to allowing such connections.

- 6.3 Employ a wireless intrusion detection system to identify rogue wireless devices and to detect attack attempts and potential compromises/breaches to the information system.

APPENDIX B

REQUIRED REPORTS AND DATA FIELDS

At a minimum, the Department of Revenue shall provide the following reports which display all of fields identified below, per report:

NEW LICENSE REPORT and LICENSE UPDATE REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- Update Date
- ID Type
- ID
- Account ID
- Entity Name
- Ownership Type
- License ID
- OTO/Applied For indicator
- Bankruptcy Indicator
- Filing Frequency
- Issue Date
- Account Start Date
- Business Start Date
- Arizona Start Date
- Doc Loc Nbr
- Accounting Method
- Close Date
- Close Code
- Business Description
- NAICS1
- NAICS2
- NAICS3
- NAICS4
- Mailing Street1
- Mailing Street2
- Mailing Street3
- Mailing City
- Mailing State
- Mailing ZIP
- Mailing Country
- Mailing Phone Number
- Mailing Address Add date
- Mailing Address End Date

- Audit Street1
- Audit Street 2
- Audit Street 3
- Audit City
- Audit State
- Audit Zip
- Audit Country
- Audit Phone Number
- Audit Address Add Date
- Audit Address End Date
- Location Code
- Business Codes
- Location Name (DBA)
- Number of Units
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- Location Phone Number
- Location Start Date
- Location End Date
- Primary Location Street 1
- Primary Location Street 2
- Primary Location Street 3
- Primary Location City
- Primary Location State
- Primary Location Zip Code
- Primary Location Country
- Primary Location Phone Number
- Primary Location Start Date
- Primary Location End Date
- Owner Name
- Owner Title
- Owner Name 2
- Owner Title 2
- Owner Name 3
- Owner Title 3

CITY PAYMENT JOURNAL

- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period

ADOR-Municipal IGA for TPT Administration

- Period End Date
- Payment received date
- Return received date
- Payment process date
- Return process date
- Filing Frequency
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- NAICS
- Business Code
- Doc Loc Nbr
- Pmt Loc Nbr
- Gross Receipts
- Total Deductions
- Tax or Fee Collected
- P & I Collected
- Audit Collections
- Tran Type
- Tran Subtype
- Rev Type

CITY PAYMENT JOURNAL SUMMARY

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Business Code
- Number of Accounts
- Collections

NO MONEY REPORT

- Region Code
- GL Accounting Period
- Period End Date
- Payment received date
- Return received date

- Payment process date
- Return process date
- Filing Frequency
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Location Street 1
- Location Street 2
- Location Street 3
- Location City
- Location State
- Location Zip
- Location Country
- NAICS
- Business Code
- Doc Loc Nbr
- Pmt Loc Nbr
- Gross Receipts
- Total Deductions
- Tax or Fee Collected
- P & I Collected
- Audit Collections
- Tran Type
- Tran Subtype

DEDUCTION REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Period End Date
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Business Code
- Doc Loc Nbr
- Deduction Code
- Deduction Amount
- Tran Type
- Tran Subtype
- Rev Type

FUND DISTRIBUTION REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Period End Date
- Payment Received Date
- Return Received Date
- Payment Processed Date
- Return Processed Date
- License ID
- Entity Name
- Location Code
- Location Name (DBA)
- Business Code
- Doc Loc Nbr
- Fund Allocation Code
- Amount Distributed

FUND DISTRIBUTION SUMMARY REPORT

- Region Code
- Run Date
- Report Start Date
- Report End Date
- GL Accounting Period
- Fund Allocation Code
- Amount Distributed

APPENDIX C

REQUIRED FORMS

1. **JT-1 Joint Tax Application for a TPT License**

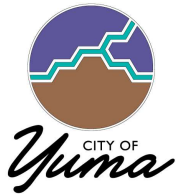
[ADOR Form 10196](#)

2. **TPT-2 Transaction Privilege, Use and Severance Tax Return (filing periods beginning on or AFTER June 1, 2016)**

[ADOR Form 11249](#)

3. **TPT-EZ Transaction Privilege, Use and Severance Tax Return**

[ADOR Form 11263](#)



City of Yuma

City Council Report

File #: R2024-006

Agenda Date: 2/21/2024

Agenda #: 2.

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

TITLE:

Optional Supplemental Salary Deferral (457 Plans) with Nationwide Investment Services Corporation (Nationwide)

SUMMARY RECOMMENDATION:

Resolve to accept employee/employer participation in a Supplemental Salary Deferral 457 Plan with Nationwide as a deferred compensation option plan for City employees. (Administration/Jay Simonton)

STRATEGIC OUTCOME:

Adopting this resolution achieves the City Council’s Strategic Outcome of Respected and Responsible by providing City of Yuma employees an additional alternative for retirement savings.

REPORT:

Public Safety employees have requested that the City add the 457 Nationwide plan as an option for City employees. A “section 457 plan” is a deferred compensation plan that is maintained by an Eligible Employer and complies with the specific requirements set out in Internal Revenue Code (IRC) § 457(b). As defined by the IRC, Eligible Employers may be a State or a State’s political subdivision which includes the City of Yuma.

The Nationwide 457 plans have been approved by the Public Safety Personnel Retirement System (PSPRS), the Arizona State Retirement System (ASRS), and the State of Arizona has worked with Nationwide to provide standardized acceptance forms for City participation. Although the inclusion of the Nationwide 457 plan was specifically requested by public safety employees in the Arizona Public Safety Retirement System (PSPRS), civilian employees participating in the Arizona State Retirement System (ASRS) are also eligible to enroll.

The City of Yuma currently maintains two other 457 plans, Mission Square and Empower. Adopting Resolution R2024-006 would add the Nationwide 457 plans as an option to the existing plans for employees to choose.

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: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023

RESOLUTION NO. R2024-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING A THIRD OPTIONAL DEFERRED COMPENSATION PLAN FOR CITY EMPLOYEES PURSUANT TO INTERNAL REVENUE CODE § 457(b)

WHEREAS, Nationwide Investment Services Corporation (Nationwide) offers deferred compensation plans under Internal Revenue Code § 457(b) to qualifying institutional employers such as the City of Yuma; and,

WHEREAS, although public safety employees initially requested that the City add Nationwide Investment Service as a third option for deferred compensation, Nationwide’s 457 Plans are open to all City employees on a voluntary basis; and,

WHEREAS, the Yuma City Council seeks to ensure that the City of Yuma remains an employer of choice, believes in empowering City employees to plan and systematically save for the future, understands that Nationwide’s 457 plans are administered by the Public Safety Personnel Retirement System (PSPRS) and the Arizona State Retirement System (ASRS), and would like to offer City employees these third 457 investment options as a means to voluntarily defer income and taxes on such income in accordance with the Internal Revenue Code.

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

SECTION 1: On behalf of the City of Yuma, the City Administrator is authorized and directed to apply for City of Yuma participation as an employer of choice in the PSPRS 457 Supplemental Salary Deferral Plan and the ASRS 457 Supplemental Salary Deferral Plan offered through Nationwide Investment Service.

SECTION 2: The City Administrator or the Finance Director as authorized by the City Administrator, may take all necessary actions and execute all necessary documents to make enrollment in either the PSPRS 457 Supplemental Salary Deferral Plan or the ASRS 457 Supplemental Salary Deferral Plan offered through Nationwide Investment Service available to City of Yuma employees desiring this benefit.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-007

Agenda Date: 2/7/2024

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
DIVISION: Community Planning	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input checked="" type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Text Amendment: Cielo Verde Specific Plan

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, to update the list of uses within the Residential District of the Cielo Verde Specific Plan. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support the balance of land uses within the Cielo Verde development, supporting the City Council’s strategic outcome of Safe and Prosperous.

REPORT:

The City of Yuma City Council adopted the Cielo Verde Specific Plan (CVSP) June 20, 2001 as Ordinance O2001-53. The Specific Plan was developed to provide a planned community with a variety of land uses that supported commercial and residential development in respective zoning districts. Each Zoning District: CVSP-Commercial and CVSP-Residential was adopted with a specific list of allowed primary uses at the request of the developer. The CVSP-Commercial zoning district allows religious uses as a Primary Use. At the time the Cielo Verde Specific Plan was developed and adopted the developer intended to primarily provide residential uses within the CVSP-Residential district. Over time, the opportunity for new uses have been brought forward for consideration.

This current request is to allow a religious institution on a portion of the parcel located at the southeast corner of 36th Street and Avenue 8E. The request is similar to case Z2009-022 adopted by the City Council on February 10, 2010, as Ordinance O2010-12 which allowed a religious use at the southwest corner of 36th Street and Avenue 8½E.

Typically, the City of Yuma Zoning Code allows religious institutions within the residential zoning districts, but the Cielo Verde Specific Plan has special zoning with a specific list of Primary Uses.

On January 8, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to amend the list of primary uses within the Cielo Verde Residential District, subject to the conditions of approval outlined below:

1. The conditions listed below 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. Owner/Developer shall complete one of the following:
 - a. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - b. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets but will have to be tied to a development agreement that is approved by the Yuma City Council.
- 4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to ARS § 9-462.01.

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

QUESTIONS FOR STAFF - None

PUBLIC COMMENT -

“Mandy Moreno, 3656 S. Blue Grass Drive, Yuma, AZ expressed concerns on increased traffic.”

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Joshua Scott - Planning and Zoning Commissioner, to APPROVE ZONE-42037-2023 to update the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions in Attachment A.”

“Motion carried unanimously (4-0), with John Mahon - Planning and Zoning Commissioner absent and two vacancies.”

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			
-			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

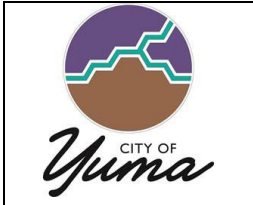
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER L. ALBERS**

Hearing Date January 8, 2024

Case Number: ZONE-42037-2023

Project Description: This is a request by Gordon Jacobson on behalf of the Jacobson Companies Inc. for a Zoning Code Text Amendment of Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42037-2023 as presented in the staff report, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

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 the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The City of Yuma City Council adopted the Cielo Verde Specific Plan (CCSP) June 20, 2001 as Ordinance O2001-53. The Specific Plan was developed to provide a planned community with a variety of land uses that supported commercial and residential development in respective zoning districts. Each Zoning District: CVSP-Commercial and CVSP-Residential was adopted at the request of the developer with a specific list of allowed primary uses. The CVSP-Commercial zoning district allows religious uses as a Primary Use. At the time the Cielo Verde Specific Plan was developed and adopted the developer intended to primarily provide residential uses within the CVSP-Residential district. However over time, the opportunity for new uses have been brought forward for consideration.

This current request is to allow a religious institution on a portion of the parcel located at the southeast corner of 36th Street and Avenue 8E. The request is similar to case Z2009-022 adopted by the City Council on February 10, 2010 as O2010-12 which allowed a religious use at the southwest corner of 36th Street and Avenue 8½E.

Typically, the City of Yuma Zoning Code allows religious institution within the residential zoning districts, but the Cielo Verde Specific Plan has special zoning

districts brought forward at the request of the developer to support their future plans at the time.

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

Yes A Goal of the General Plan is to “Create a community where all uses and activities are mutually in balance”. This text amendment will help ensure the balance of uses and activities remains, while allowing a new compatible use with a location restriction.

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

Yes The overall purpose and intent of the Zoning Ordinance is to protect the public health, safety and general welfare.

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

Yes The proposed amendment will allow a religious institution as a Primary Use in a specific location.

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

No The development standards will not be amended.

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

The proposed amendment will allow a religious institution as a Primary Use at the southeast corner of 36th Street and Avenue 8E.

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 proposed amendment is consistent with the intent of the Cielo Verde Specific Plan as approved by City Council.

Public Comments Received:

Name:	Brent Mudhenke			Contact Information: (605) 203-0312				
Method of Contact:	Phone	X	FAX	Email	Letter	Other		
Concerned about traffic on 36 th Street and Avenue 8E. Very difficult to cross Avenue 8E at 36 th Street. Speed limit on Avenue 8E needs to be reduced to 35 miles per hour or less.								
Name:	Michael Owners			Contact Information: (928) 919-8187				
Method of Contact:	Phone	X	FAX	Email				
Questions about meeting schedule and process.								

External Agency Comments:

None Received

Neighborhood Meeting Comments:

See Attachment D

Final staff report delivered to applicant on: 12/14/23

- Applicant agreed with all of the conditions of approval on: 12/13/23
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A	B	C	D	E
Conditions of Approval	Draft Text	Location Map	Agency Notification	Neighborhood Meeting Comments

Prepared By: *Jennifer L. Albers* **Date:** 12/13/23
 Jennifer L. Albers
 Assistant Director of Planning Jennifer.Albers@YumaAZ.gov (928) 373-5180

Approved By: *Alyssa Linville* **Date:** 12/14/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed text amendment to the Cielo Verde Specific Plan:

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

1. The conditions listed below 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.

Department of Engineering Comments: Andrew McGarvie, Engineering Manager (928) 373-5000, x 3044:

3. Owner/Developer shall complete one of the following:
 - A. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - B. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

Community Planning: Jennifer Albers, Assistant Director of Planning, (928) 373-5180

4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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.

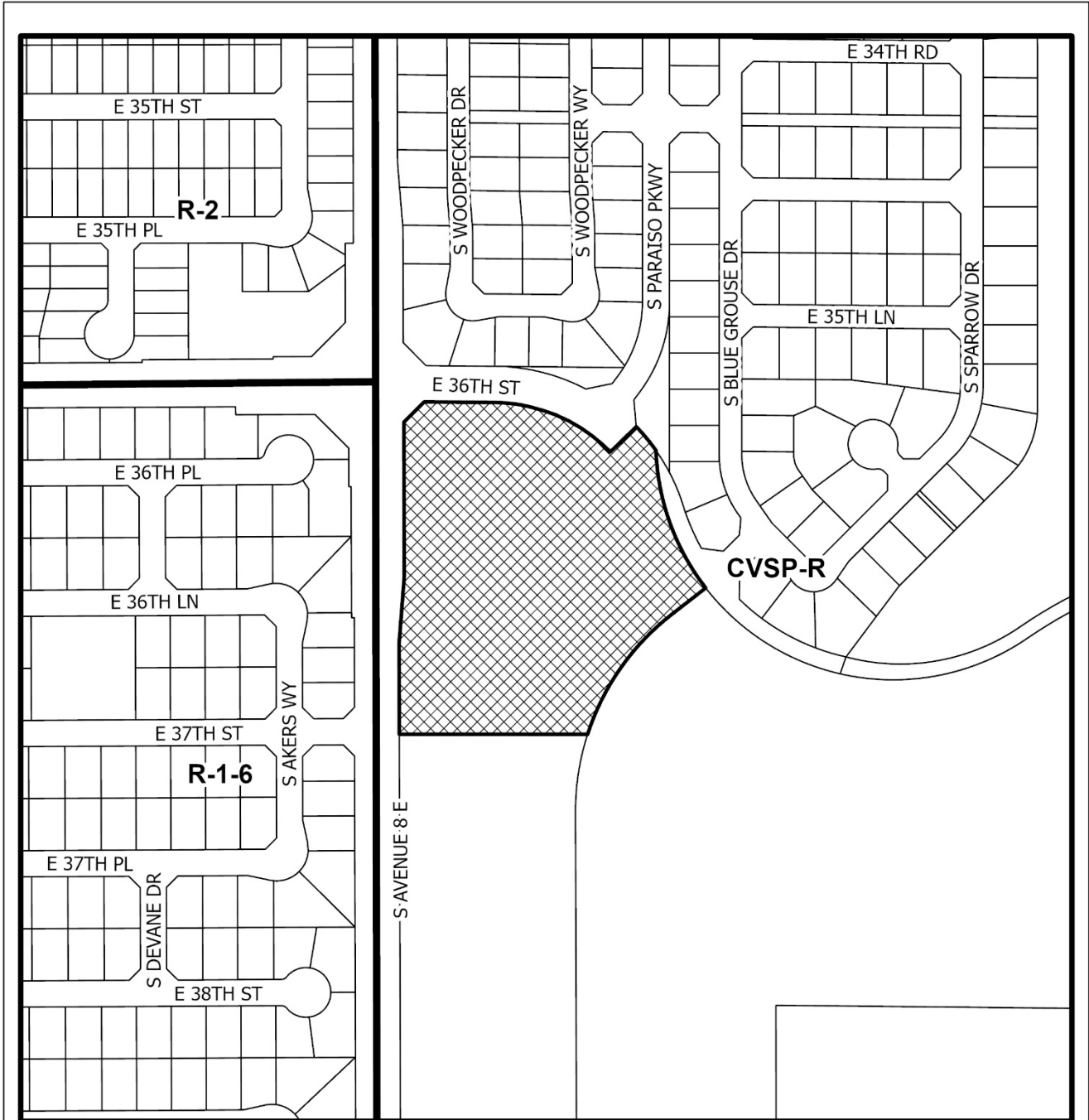
ATTACHMENT B
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District be amended to insert the bolded text and delete the strike through text:


(2) Primary Uses permitted in the Cielo Verde Residential District include the following:

- (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

**ATTACHMENT C
LOCATION MAP**



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: DG
Checked by: JLA



Date: 11/13/2023
Revised:
Revised:

Case #:
ZONE-42037-2023

**ATTACHMENT D
AGENCY NOTIFICATION**

- Legal Ad Published - The Sun: 12/16/23
- 34 Commenting/Reviewing Agencies noticed: 11/23/23
- Neighborhood Meeting: 11/30/23
- Hearing Date: 1/8/23
- Comments due: 12/4/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	11/29/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	Yes	11/27/23	X		
Yuma County Water Users’ Assoc.	Yes	11/28/23	X		
Yuma County Planning & Zoning	Yes	11/28/23	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.	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	Yes	11/28/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/30/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
11/30/23	See Staff Report Attachment D

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/30/23

Location: SWC of 36th Street and E. Oriole Drive

Attendees:

Applicant - Gordon Jacobson, Staff – Jennifer Albers

Neighbors – Michael Owens, Robert Owens, Ricki Contreras, Jesus Contreras, Ron Ceton, and Felicia Linn

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- Applicant described proposed project: New church with 200 person capacity, buildings would be 40-50 feet tall with a spire at 130 feet. Project will be on about 9 acres and will include parking and enhanced landscaping. No activities will occur outside the building. This facility will not have a school and will not have a mission. Access will be from 36th Street but traffic analysis will occur to identify whether access to Avenue 8E will be warranted. Stated facility would be a positive addition to the neighborhood.
- Neighbors noted concerns with the following:
 - Traffic is already an issue and this new facility could make it worse
 - Activities and lighting on site could be disturbing
 - Concerned that use of site will expand over time
 - Bought in area believing this would be houses and now proposing changes
 - One neighbor noted that a religious use would have less traffic than more homes.
 - Following a question about grading, the applicant noted that the site would be graded to bring more in level with the street as there has been a buildup of sand.

ORDINANCE NO. O2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO CIELO VERDE SPECIFIC PLAN TO UPDATE THE LIST OF USES WITHIN THE CIELO VERDE RESIDENTIAL DISTRICT

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 8, 2024 in Case No: ZONE-42037-2023 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 December 16, 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-42037-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this text amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District is amended to insert the bolded text and delete the strike through text:

- (2) Primary Uses permitted in the Cielo Verde Residential District include the following:
 - (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below 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. Owner/Developer shall complete one of the following:
 - a. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - b. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

SECTION 3: Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to ARS § 9-462.01.

SECTION 4: 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 _____, 2024.

APPROVED:

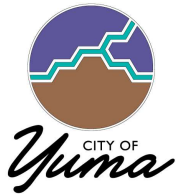
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-008

Agenda Date: 2/7/2024

Agenda #: 2.

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
DIVISION: Community Planning	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input checked="" type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue

SUMMARY RECOMMENDATION:

Rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High Density Residential (R-3) District, for the properties located at 430 and 440 S. Magnolia Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

Approval of this rezone will support residential development in the City that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

The undeveloped properties are located along S. Magnolia Avenue and total 1.17 acres in size. The applicant is requesting to rezone the property from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, while maintaining the Infill Overlay (IO) District. The property owner, Arizona Housing Development Corporation (AHDC), intends to develop a multi-family housing project on the subject properties and is currently in the process of combining the parcels prior to the development of the site.

Below are some of the development standards which apply to the High-Density Residential (R-3) District:

- The maximum lot coverage in the High-Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings;
- The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet;
- A minimum rear yard setback of 10 feet; and
- A maximum building height of 40 feet, however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low-Density Residential District.

In accordance with the current City Codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all the development standards for

the High-Density Residential District (R-3) are met.

The potential residential development could contain between 15 and 35 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District is in conformance with the General Plan.

On December 11, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with three absent) of the request to rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, while maintaining the Infill Overlay (IO) District, for the properties located at 430 and 440 S. Magnolia Avenue, subject to the conditions of approval outlined below:

1. The conditions listed below are in addition to the City codes, rules, fees and regulations that are applicable to this section.
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. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to A.R.S. § 9-462.01.

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

Questions for Staff:

“John Mahon - Planning and Zoning Commissioner stated that the site plan showed a two-story building, but that the R-3 Zoning was limited to one story maximum and asked for clarification from staff.

“Jennifer Albers - Assistant Director of Planning said that the applicant could pursue a variance to change that, but that the City was also considering a Text Amendment that would allow the 40-foot distance as opposed to a 60-foot distance, allowing for a two-story building.

“Lorraine Arney - Planning and Zoning Commissioner asked if the apartments would be affordable housing or market rate.

“Zenia Fiveash - Assistant Planner confirmed that the units would be affordable.

APPLICANT/APPLICANT'S REPRESENTATIVE

“Christopher Thompson, 675 W. 16th Street, Yuma, AZ confirmed that the apartments would be affordable housing.

“Arney asked if the apartments would be like the Mesa Heights Apartments.

“Thompson confirmed.

PUBLIC COMMENT

None

“Motion by Edgar Olvera - Planning and Zoning Commissioner, second by Mahon to APPROVE ZONE-

41394-2023 as presented. Motion carried unanimously, (4-0) with three 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: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ZENIA FIVEASH**

Hearing Date: December 11, 2023

Case Number: ZONE-41394-2023

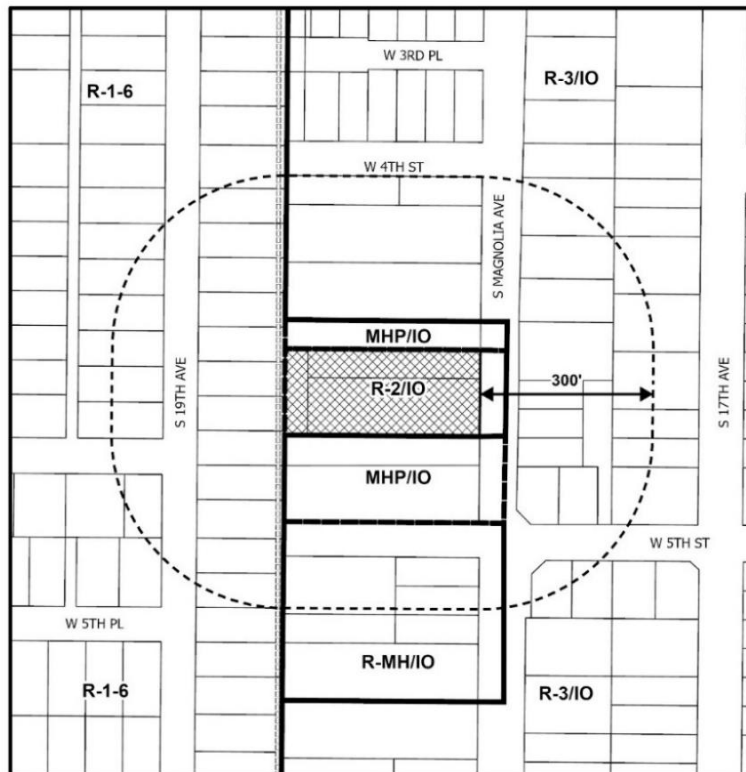
Project

Description/Location:

This is a request by Thompson Design Architects PC, on behalf of Arizona Housing Development Corporation to rezone two parcels, approximately 1.17 acres, from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for the properties located at 430 & 440 Magnolia Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Medium Density Residential/Infill Overlay (R-2/IO) District	Undeveloped Land	High Density Residential
North	Manufactured Housing Park/Infill Overlay (MHP/IO) District	Single Family Residence	Medium Density Residential
South	Manufactured Housing Park/Infill Overlay (MHP/IO) District	Manufactured Home	Medium Density Residential
East	High Density Residential/Infill Overlay (R-3/IO) District	Single Family Residence & Duplex	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single Family Residence	Low Density Residential

Location Map



Prior site actions: Annexation: Ordinance 605, West Yuma (February 6, 1954); Subdivision: Townsend Tract Subdivision (March 23, 1905); Lot Split: Robles Lot Tie (October 28, 1999); General Plan Amendment: Resolution No. R2023-042 (Medium Density Residential to High Density Residential, September 20, 2023); Lot Tie: AHDC Magnolia Apartments Lot Tie (In process)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41394-2023 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 rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to High Density Residential/Infill Overlay (R-3/IO) District for the property located at 430 & 440 Magnolia Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject properties are located along S. Magnolia Avenue. In total, the subject properties are approximately 1.17 acres in size and are currently undeveloped.

The applicant is requesting to rezone the property from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District. The property owner, Arizona Housing Development Corporation, intends on developing a multi-family housing project on the subject properties. In addition, the property owner is currently in the Lot Tie process to combine both parcels prior to the development of the site.

Below, are some of the development standards which apply to the High Density Residential (R-3) District:

High Density Residential (R-3) District:

- The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet; and
- A minimum rear yard setback of 10 feet;
- A maximum building height of 40 feet, however, the maximum building height is reduced to 20 feet (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

The surrounding properties are developed with site-built, manufactured, and multi-family residences. The proposed rezone request is in character with the surrounding neighborhood.

The potential residential development could contain between 15 and 35 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element? Yes.

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

2. Are there any dedications or property easements identified by the Transportation Element? Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Magnolia Avenue Local	40 FT H/W ROW	40 FT H/W ROW				
5 th Street - Local	40 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	Magnolia Avenue – Existing Bike Route					
YCAT Transit System	Purple Route 6/6A					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan? Yes

Parks, Recreation and Open Space Element:						
Parks and Recreation Facility Plan						
Neighborhood Park:		Existing: Kiwanis Park			Future: Kiwanis Park	
Community Park:		Existing: Carver Park Complex			Future: Carver Park Complex	
Linear Park:		Existing: East Main Canal			Future: East Main Canal	
Issues:		None				
Housing Element:						
Special Need Household:		N/A				
Issues:		None				
Redevelopment Element:						
Planned Redevelopment Area:		Carver Park				
Adopted Redevelopment Plan:		North End:		Carver Park:	X	None:
Conforms:		Yes	X	No		
Conservation, Energy & Environmental Element:						
Impact on Air or Water Resources		Yes		No	X	
Renewable Energy Source		Yes		No	X	
Issues:		None				
Public Services Element:						

Population Impacts Population projection per 2017-2021 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	Dwellings & Type		Projected	Police	Water		Wastewater
	<i>Multi-Family</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	35	1.9	67	0.13	13,766	15.4	4,655
Minimum							
15		1.9	29	0.05	5,900	6.6	1,995
Fire Facilities Plan:	Existing: Fire Station No. 1			Future: Fire Station No. 1			
Water Facility Plan:	Source:	City	X	Private	Connection: 10" Water		
Sewer Facility Plan:	Treatment:	City	X	Septic	Private Connection: 6" Sewer		
Issues:	None						
Safety Element:							
Flood Plain Designation:	X			Liquefaction Hazard Area:	Yes	X	No
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						

4. Does the proposed rezoning conform to the adopted facilities plan? Yes.

5. Does the proposed rezoning conform to Council’s prior approval of rezonings, development agreements or subdivisions for this site? Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment D.

Proposed conditions delivered to applicant on: 11-13-23

Final staff report delivered to applicant on: 11-30-23

Applicant agreed with all of the conditions of approval on: 11-13-23

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Conceptual Site Plan	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Zenia Fiveash* **Date:** 11/30/2023
 Zenia Fiveash
 Assistant Planner Zenia.Fiveash@yumaaz.gov (928)373-5000, x3040

Reviewed By: *Jennifer L. Albers* **Date:** 11/21/23
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 11/30/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

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

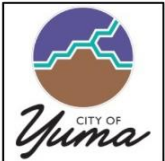
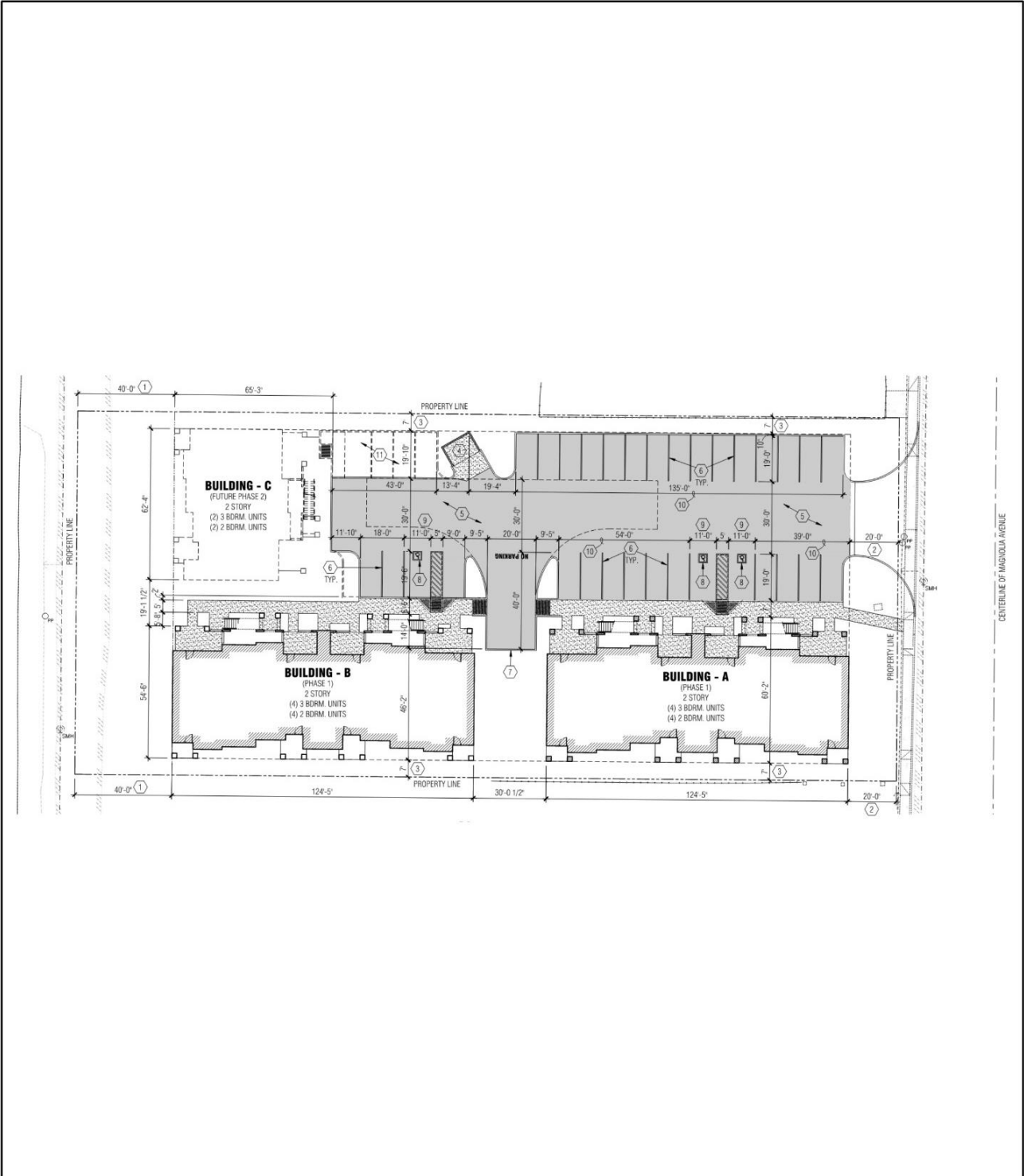
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Zenia Fiveash, Assistant Planner, (928) 373-5000 x3040

3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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 CONCEPTUAL SITE PLAN

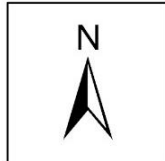


Prepared by:
DG
Date:
10/26/2023

ZONE-41394-2023
APNs 632-54-180 & 632-54-181

Site Plan

Plan/Case:
41394



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/17/23)
- **300' Vicinity Mailing:** (10/23/23)
- **34 Commenting/Reviewing Agencies noticed:** (11/06/23)
- **Site Posted on:** (12/04/23)
- **Neighborhood Meeting:** (6/13/23)
- **Hearing Date:** (12/11/23)
- **Comments due:** (11/06/23)

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.	11-06-23		X		
Yuma County Planning & Zoning	10-30-23				X
Yuma County Assessor	NR				
Yuma Proving Ground	10-30-23		X		
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 Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	10-26-23		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	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	11-01-23				X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

Yuma County boundary is located approximately 0.4 miles south, on the SW corner of Magnolia Avenue and 8th Street. On this area of Yuma County, there is a mixture of residential and commercial zoning districts. The denser zoning district in this area is Medium Density (R-2) and Manufacture Home Park (MHP).

DATE: 10/27/23 NAME: Javier Barraza TITLE: S.P.

AGENCY: DDS, Planning and Zoning Division

PHONE: (928) 817-5000

RETURN TO: Zenia Fiveash

Condition(s) No Condition(s) Comment

Enter conditions here: Subject parcel is located approximately 0.37 miles from Kiwanis Park, a known landing zone for the Weapons and Tacticts Instructors (WTI) course. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 1 Nov 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist

CITY DEPT: MCAS Yuma
 PHONE: 928-269-2103
 RETURN TO: Zenia Fiveash
 Zenia.Fiveash@YumaAZ.gov

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ALFARO MANUEL A & SILVIA RIVAS	153 N 21ST AVE	YUMA	AZ	85364
ALVAREZ FRANCISCO & EDITH S JT	414 S 19TH AVE	YUMA	AZ	85364
AMBRIZ JOSE & JESSIE JT	472 S 17TH AVE	YUMA	AZ	85364
ARIZONA HOUSING DEVELOPMENT CORP	420 S MADISON AVE	YUMA	AZ	85364
BEDELL CHRISTOPHER H & TINA M TRUST 3-8-2006	430 S 19TH AVE	YUMA	AZ	85364
BEECROFT ROBERT K	501 S 19TH AVE	YUMA	AZ	85364
BUROS LESLIE C	8039 W DILLON WASH RD	PRESCOTT	AZ	86305
CABRERA BERNABE T	949 S 12TH AVE	YUMA	AZ	85364
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	340 W 32ND ST #504	YUMA	AZ	85364
CAMPUZANO ALFRED C & CLARA M JT	417 S 19TH AVE	YUMA	AZ	85364
CARVAJAL CARLOS AND IRENE B TR 12-14-09	433 S 19TH AVE	YUMA	AZ	85364
CARVER PARK TOWNHOMES AZ LLC	420 S MADISON AVE	YUMA	AZ	85364
CHAVEZ EDUARDO & ROSEMARIE	504 S MAGNOLIA AVE	YUMA	AZ	85364
CHAVEZ LUPE R	502 S MAGNOLIA AVE	YUMA	AZ	85364
CORDOVA FRANCISCO	1901 W 5TH ST	YUMA	AZ	85364
DAVIS MELVA G	420 S MAGNOLIA AVE	YUMA	AZ	85364
DOMINGUEZ ADRIANA	413 S 19TH AVE	YUMA	AZ	85364
DURAN ANA MARTHA GARCIA	1775 W 5TH ST	YUMA	AZ	85364
EMBREE KATHLEEN M	509 S 19TH AVE	YUMA	AZ	85364
FELIX ZEFERINO & MARIA ESTHER JT	425 S 19TH AVE	YUMA	AZ	85364
FLORES JOHN A	1855 W 5TH ST	YUMA	AZ	85364
GARCIA MIGUEL ANGEL AND NORMA ALICIA JT	PO BOX 25492	YUMA	AZ	85367
GASTELUM JESUS M & MARTHA JT	4156 W 17TH ST	YUMA	AZ	85364
GODOY OCTAVIO & GRACIELA JT	1845 W 4TH ST	YUMA	AZ	85364
GUTHRIE TRUST 7-9-2019	429 S 19TH AVE	YUMA	AZ	85364
HOLMAN GARTH S/S	409 S 19TH AVE	YUMA	AZ	85364
HUBBARD JOHNNY L & VANDORIA L JT	450 S 17TH AVE	YUMA	AZ	85364
INFINITI PROPERTIES AZ LLC	PO BOX 4077	YUMA	AZ	85366
LAZO MIGUEL & MARIA JT	501 S MAGNOLIA AVE	YUMA	AZ	85364
LEE VERLAN & JEANNE R LVNG TR 02-23-98	505 S 19TH AVE	YUMA	AZ	85364
MARTINEZ JOEL A	3876 W 26TH PL	YUMA	AZ	85364
MONTANA THOMAS P TRUST 11-01-2011	517 S 19TH AVE	YUMA	AZ	85364
MOTTER ANNA MARIE	452 S 17TH AVE	YUMA	AZ	85364
NAVARRO GRISELDA	402 S MAGNOLIA AVE	YUMA	AZ	85364
ORELLANA GUADALUPE	1902 W 5TH PL	YUMA	AZ	85364
PERRY THOMAS J TRUST 10-24-2003	3128 EL CAJON BLVD	DIEGO	CA	92104
RANGEL SERGIO R	405 S MAGNOLIA AVE	YUMA	AZ	85364
RIVERA SAMUEL & MATILDE	426 S 19TH AVE	YUMA	AZ	85364
RUBIO JESUS R	513 S 19TH AVE	YUMA	AZ	85364
SHAW JIMMIE C & MARY A JT	448 S 17TH AVE	YUMA	AZ	85364
SMITH ARTHUR E	422 S 19TH AVE	YUMA	AZ	85364
SNOOK EDWARD W & TAMMY JT	1905 W 5TH ST	YUMA	AZ	85364
TORRES ALEX C & LUCILLE R	408 S 19TH AVE	YUMA	AZ	85364
TORRES JESUS	407 S 19TH AVE	YUMA	AZ	85364

TRUJILLO RAYMOND J & IDA JT
ZAVALA JOEL V & ELIZABETH G CPWROS

404 S 17TH AVE YUMA
2499 S DANETTE WAY YUMA

AZ 85364
AZ 85365

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Thompson Design Architects PC, on behalf of Arizona Housing Development Corporation to rezone two parcels, approximately 1.1667 acres, from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for the properties located at 430 & 440 Magnolia Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41394-2023**

PUBLIC HEARING
12/11/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 430 & 440 Magnolia Ave, Yuma, AZ. 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 Zenia Fiveash by phone at (928) 373-5000 ext. 3040 or by email at Zenia.Fiveash@Yumaaz.gov

ATTACHMENT G
AERIAL PHOTO



ORDINANCE NO. O2024-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT TO THE HIGH-DENSITY RESIDENTIAL (R-3) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 11, 2023 in Zoning Case no: ZONE-41394-2023 in the manner prescribed by law for the purpose of rezoning parcels of real property hereafter described to the High- Density Residential (R-3) District as provided in Chapter 154 of the Yuma City 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 November 13, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41394-2023 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: The following described real property, depicted in Exhibit A, attached:

That portion of the Northeast quarter of the Southwest quarter of Section 20, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the midsection line monument (Found 3" Brass Cap "LS 19329) at the intersection of 4th (Jessie) Street and Magnolia Avenue with a Basis of Bearings to the midsection line monument (Found 3" Brass Cap "LS 38886, 2009" flush with AC) at the intersection of 5th (Pearl) Street and Magnolia Avenue of South 00°00'00" East;

thence South 00°00'00" East along said midsection line a distance of 379.96 feet;

thence North 89°58'18" West a distance of 43.19 feet to a point on the West Right-of-Way line of Magnolia Avenue and the TRUE POINT OF BEGINNING;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 99.99 feet;

thence North 89°58'04" West along the South line of the North half of Lots 5 and 8 of Block 27 of Townsend Tract as recorded in Book 1 of Plats, Page 14, Records of Yuma County a distance of 338.88 feet;

thence North 00°00'49" East along the centerline of vacated Olive Avenue of said Townsend Tract a distance of 149.96 feet;

thence South 89°58'18" East along the North line of Lots 4 and 9 of said Townsend Tract a distance of 338.86 feet to a point on the West Right-of-Way line of Magnolia Avenue;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 49.99 feet to the TRUE POINT OF BEGINNING;

Aforementioned area contains 50,820 square feet, 1.1667 acres, more or less.

shall be placed in the High Density Residential (R-3) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the High Density Residential (R-3) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the High Density Residential (R-3) District, and

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below 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.

SECTION 3: Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to A.R.S. §9-462.01.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

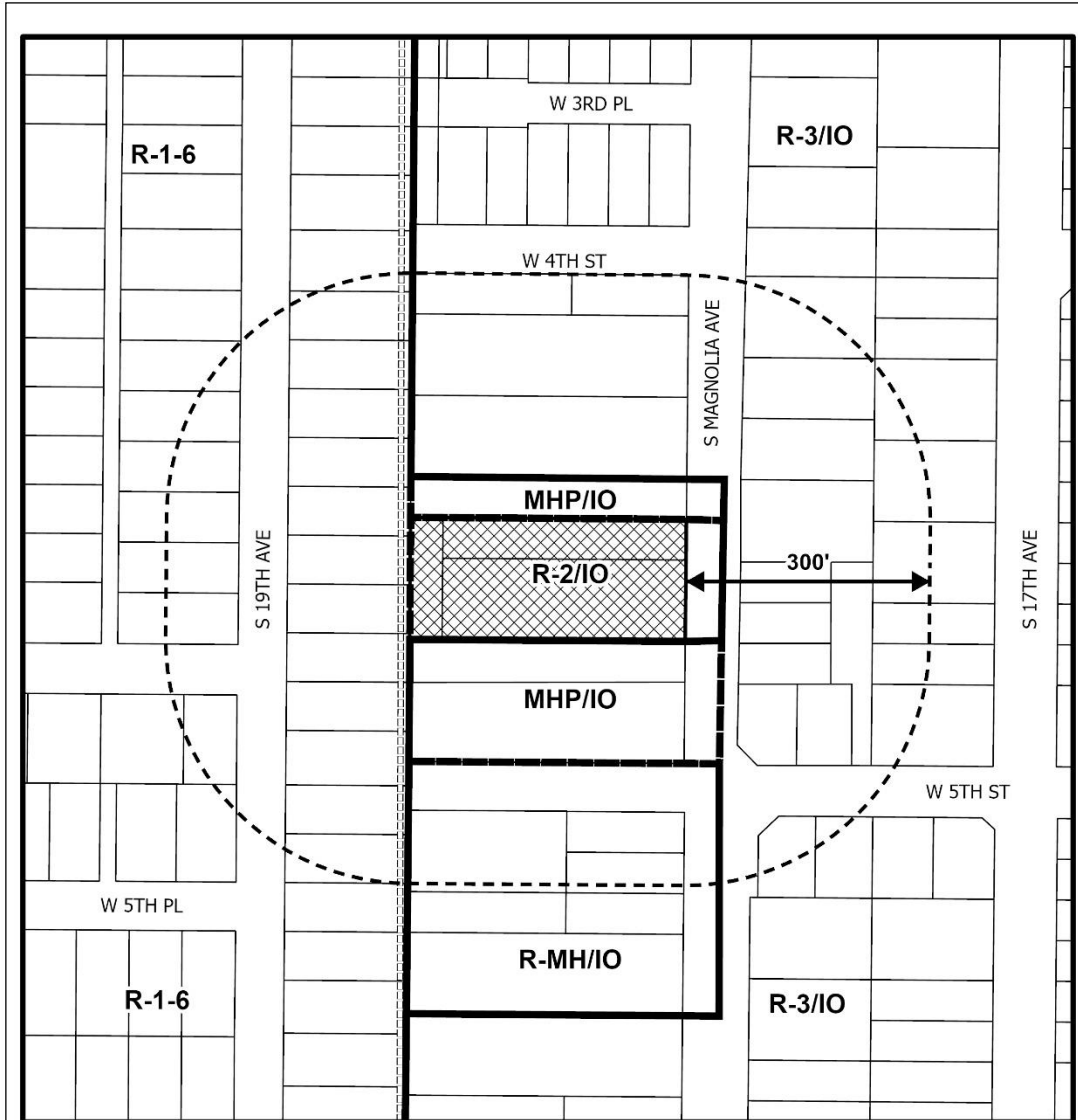
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: JLA



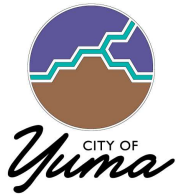
Date: 10/26/2023

Revised:

Revised:

Case #:

ZONE-41394-2023



City of Yuma

City Council Report

File #: O2024-009

Agenda Date: 2/21/2024

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
DIVISION: Community Planning	<input checked="" type="checkbox"/> Respected & Responsible	<input checked="" 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:

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

SUMMARY RECOMMENDATION:

Rezone approximately 2.82 acres from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

Approval of this rezone supports residential development in the City that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

The subject properties are located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street as depicted in the ordinance. In their entirety, the subject parcels are approximately 8.19 acres. The requested rezone only relates to a portion of the properties, 2.82 acres as indicated, which were part of a Major General Plan Amendment approved on November 15, 2023, changing the land use designation from Commercial to High Density Residential.

With this request, the applicant seeks to rezone the subject areas to the High Density Residential (R-3) District, with the intent to develop the properties with a multi-family residential development, while maintaining the existing Infill Overlay (IO) District.

Some permitted principal uses in the High Density Residential (R-3) District include: one single-family dwelling, one two-family dwelling, multi-family dwellings, schools, parks, and community gardens.

Yuma City Code §154-07.03, describes the development standards required of development within the High Density Residential (R-3) District:

1. The density within the High Density Residential (R-3) District shall be 13 to 30 dwelling units/acres (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the High Density Residential (R-3) District shall be 35% of the lot area.

An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total lot coverage does not exceed 50% of the lot area;

3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks of 7 feet;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet.

The request to rezone the property from the General Commercial (B-2) District to the High Density Residential (R-3) District is in conformance with the General Plan.

On February 12, 2024, the Planning and Zoning Commission voted 7-0 to recommend the rezoning from the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, subject to the following conditions:

1. The conditions listed below 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. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance.

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Ashlie Pendleton - Planning and Zoning Commissioner to APPROVE ZONE-42076-2023 as presented.

“Motion carried unanimously, (7-0).”

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:

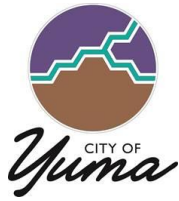
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ERIKA PETERSON

Hearing Date: February 12, 2024

Case Number: ZONE-42076-2023

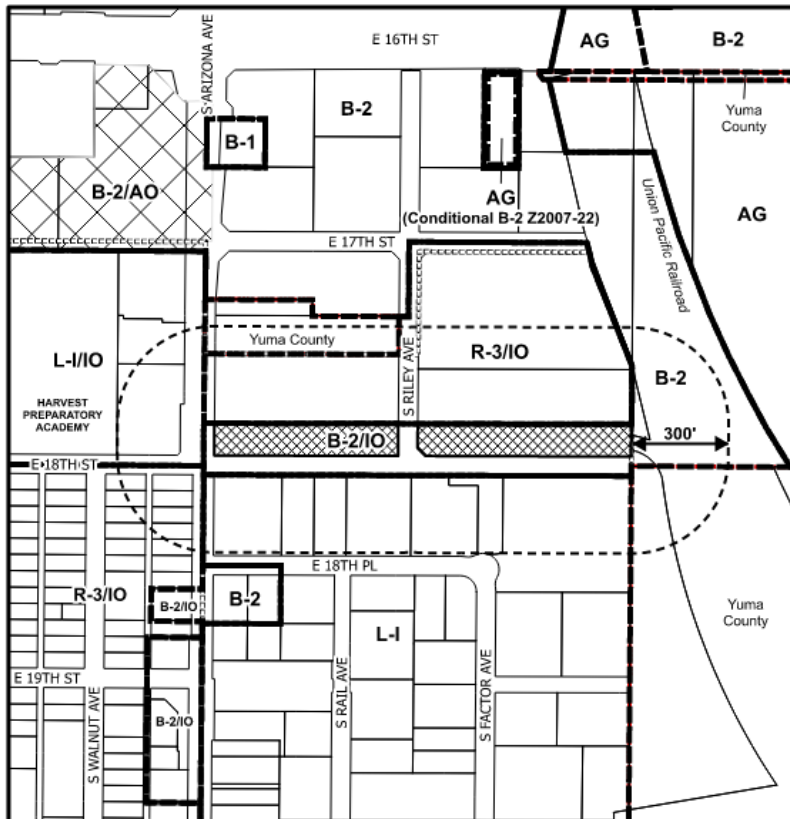
Project

Description/Location:

This is a request by Dahl, Robins & Associates, Inc. on behalf of Bruce and Linda Butcher, to rezone approximately 2.82 acres from the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for a portion of the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay (B-2/IO) District	Undeveloped	High Density Residential
North	High Density Residential (R-3)	Undeveloped	High Density Residential
South	Light Industrial (L-I) District	Retail and industrial uses	Industrial
East	General Commercial (B-2) District	Union Pacific Railroad	Commercial
West	Light Industrial (L-I) District	Church	Commercial

Location Map



Prior site actions: Pre-Development Meeting: 9/29/2022; Annexation: Ordinance O2023-004 (3/17/2023); General Plan Amendment: Resolution R2023-052 (12/15/2023)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-42076-2023 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 rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 2.82 acres from the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District for a portion of the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject properties are located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. In their entirety, the subject parcels are approximately 8.19 acres. However, the requested rezone only relates to a portion of the properties, 2.82 acres as indicated. The portion of subject properties were recently part of a Major General Plan Amendment which was approved on November 15, 2023, changing the land use designation from Commercial to High Density Residential.

With this request, the applicant is seeking to rezone the subject areas to the High Density Residential (R-3) District, with the intent to develop the properties with a multi-family residential development, while maintaining the existing Infill Overlay (IO) District.

Some permitted principal uses in the High Density Residential (R-3) District are as follows: one single-family dwelling, one two-family dwelling, multi-family dwellings, schools, parks, and community gardens.

As discussed in further detail in §154-07.03, the following are some of the main development standards required of development within the High Density Residential (R-3) District:

1. The density within the High Density Residential (R-3) District shall be 13 to 30 dwelling units/acres (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the High Density Residential (R-3) District shall be 35% of the lot area. An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total lot coverage does not exceed 50% of the lot area;
3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks of 7 feet;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet.

The request to rezone the property from the General Commercial (B-2) District to the High Density Residential (R-3) District is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element?

Yes.

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

2. Are there any dedications or property easements identified by the Transportation Element?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Arizona Avenue- Collector	40 FT HW	33 FT HW				X
18 th Street- Local	29 FT HW	30 FT HW				
Bicycle Facilities Master Plan	Arizona Avenue - Proposed bike lane					
YCAT Transit System	Arizona Avenue- Green Route 4A					
Issues:	Right-of-way dedication will be needed along Arizona Avenue.					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes.

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Joe Henry Optimist Park				Future: Joe Henry Optimist Park				
Community Park:	Existing: Kennedy Park				Future: Kennedy Park				
Linear Park:	Existing: East Mesa Canal Linear Park				Future: "B" Canal Linear Park				
Issues:	None								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	N/A								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes		No		N/A				
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources	Yes		No	X					
Renewable Energy Source	Yes		No	X					
Issues:	None								
Public Services Element:									

<u>Population Impacts</u> Population projection per 2018-2022 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	Dwellings & Type		Projected	Police	Water		Wastewater
	<i>Multi-Family</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	84	1.6	134	0.25	27,821	31.2	9,408
	Minimum						
	36	1.6	58	0.11	11,923	13.4	4,032
Fire Facilities Plan:	Existing: Fire Station No. 3			Future: Fire Station No. 3			
Water Facility Plan:	Source:	City	X	Private	Connection:	8" PVC on Riley Ave., 36" PVC of 18 th St & 24" on Arizona Ave	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC on 17 th St and 12" PVC on Riley Ave	
Issues:	None						
Safety Element:							
Flood Plain Designation:	500 Year Flood			Liquefaction Hazard Area:	Yes	No	X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St	X	Avenue B & 32 nd St.	
	North End		Pacific Ave & 8 th St		Estancia		None
Issues:	None						

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes. A General Plan Amendment which was approved on November 15, 2023, changing the land use designation from Commercial to High Density Residential.

Public Comments Received: None Received.

External Agency Comments: See Attachment C.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 12/28/2023

Final staff report delivered to applicant on: 1/9/2024

- Applicant agreed with all of the conditions of approval on: 1/11/2024
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant –

Attachments

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

Prepared By: *Erika Peterson*

Date: 1/8/2024

Erika Peterson
Associate Planner

Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Reviewed By: *Jennifer L. Albers*

Date: 1/9/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 01/11/2023

Alyssa Linville
Director, Planning and Neighborhood Services

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

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

1. The conditions listed below 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.

Community Planning, Erika Peterson, Associate Planner, (928) 373-5000 x3071

3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance.

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
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 12/29/2023
- **300' Vicinity Mailing:** 12/4/2023
- **34 Commenting/Reviewing Agencies noticed:** 12/7/2023
- **Site Posted on:** 1/16/2024
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 1/22/2024
- **Comments due:** 12/18/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	12/7/2023	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	12/7/2023	X		
Yuma County Planning & Zoning	YES	12/7/2023	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.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	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	12/11/2023	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	12/28/2023		X	
Fire	YES	12/7/2023	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	12/11/2023			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C
AGENCY COMMENTS**


Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s)

No Condition(s)

Comment

Enter conditions here: Subject parcel (APN 665-37-031) is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	11 Dec 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Erika Peterson				
	Erika.Peterson@YumaAZ.gov				

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

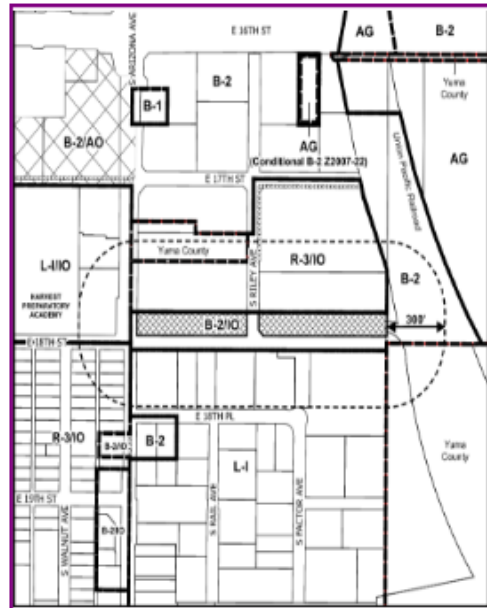
Property Owner	Mailing Address		City/State/Zip Code	
AMERICAN BUILDERS & CONTRACTORS SUPPLY CO INC	ONE ABC PARKWAY	BELOIT	WI	53511
BEJ FAMILY AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
BEJ FAMILY AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
BEJ FAMILY LLC AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
BEJ FAMILY LLC AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
CARRUTHERS JAMES R & JACQUELINE	800 E COUNTRY CLUB DR UNIT 18	YUMA	AZ	85365
CITIZENS TITLE & TRUST NO 398	1101 W 16TH ST	YUMA	AZ	85364
CITIZENS TITLE & TRUST NO 398	1101 W 16TH ST	YUMA	AZ	85364
CITIZENS TITLE & TRUST NO 398	1101 W 16TH ST	YUMA	AZ	85364
DI-MARK OF YUMA AZ LLC	660 E 18TH PL STE A	YUMA	AZ	85365
E & C NEGRONI LLC	2616 N OAKMONT DR	FLAGSTAFF	AZ	86004
HARVEST POWER COMMUNITY DEVELOPMENT	350 E 18TH ST	YUMA	AZ	85364
HUTCHESON DOUGLAS E & NANCY I JT	1813 S WALNUT AVE	YUMA	AZ	85364
MC CAIN MARTHA LOU	690 E 18TH PL	YUMA	AZ	85365
MCNEEL KAREN J ETAL	1466 S 8TH AVE	YUMA	AZ	85364
MCNEEL KAREN J ETAL	1466 S 8TH AVE	YUMA	AZ	85364
POWER HOUSE CHURCH OF YUMA INC	1798 S ARIZONA AVE	YUMA	AZ	85364
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
USA	7341 E 30TH ST STE A	YUMA	AZ	85365
USA	7341 E 30TH ST STE A	YUMA	AZ	85365
VALENZUELA MARIA DE JESUS & VERDUZCO ISRAEL FRIAS	PO BOX 223	BEARDSTOWN	IL	62618
YUMA CITY OF	1805 S WALNUT AVE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA COUNTY FLOOD CONTROL DISTRICT	2351 W 26TH ST	YUMA	AZ	85364

**ATTACHMENT E
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates, Inc. on behalf of Bruce and Linda Butcher, to rezone approximately 2.82 acres from the General Commercial/Infill Overlay (B-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for a portion of the properties located at located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-42076-2023**

PUBLIC HEARING
01/22/2024 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1749 S. Arizona Avenue and the northeast corner of Riley Avenue & 18th Street, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT F
AERIAL PHOTO



ORDINANCE NO. O2024-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE GENERAL COMMERCIAL/INFILL OVERLAY (B-2/IO) DISTRICT TO THE HIGH DENSITY RESIDENTIAL/INFILL OVERLAY (R-3/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on February 12, 2024 in Zoning Case No: ZONE- 42076-2023 in the manner prescribed by law for the purpose of rezoning 2.82 acres of real property hereafter described to the High Density/Infill Overlay (R-3/IO) District as provided in Chapter 154 of the Yuma City 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 December 29, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE- 42076-2023 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: That the following described real property, depicted in Exhibit A, attached:

(Portion of APN 665-37-018)

The South 130.00 feet of the Southeast quarter of the Northwest quarter of the Northwest quarter of Section 34, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(Portion of APN 665-37-031)

The South 130.00 feet of the Southwest quarter of the Northwest quarter of the Northwest quarter of Section 34, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

shall be placed in the High Density Residential/Infill Overlay (R-3/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements

of Chapter 154 of the Yuma City Code, as amended, pertaining to the High Density Residential/Infill Overlay (R-3/IO) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the High Density Residential/Infill Overlay (R-3/IO) District.

SECTION 2: That the following conditions (s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below 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.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above time frame, then the rezone shall be subject to A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

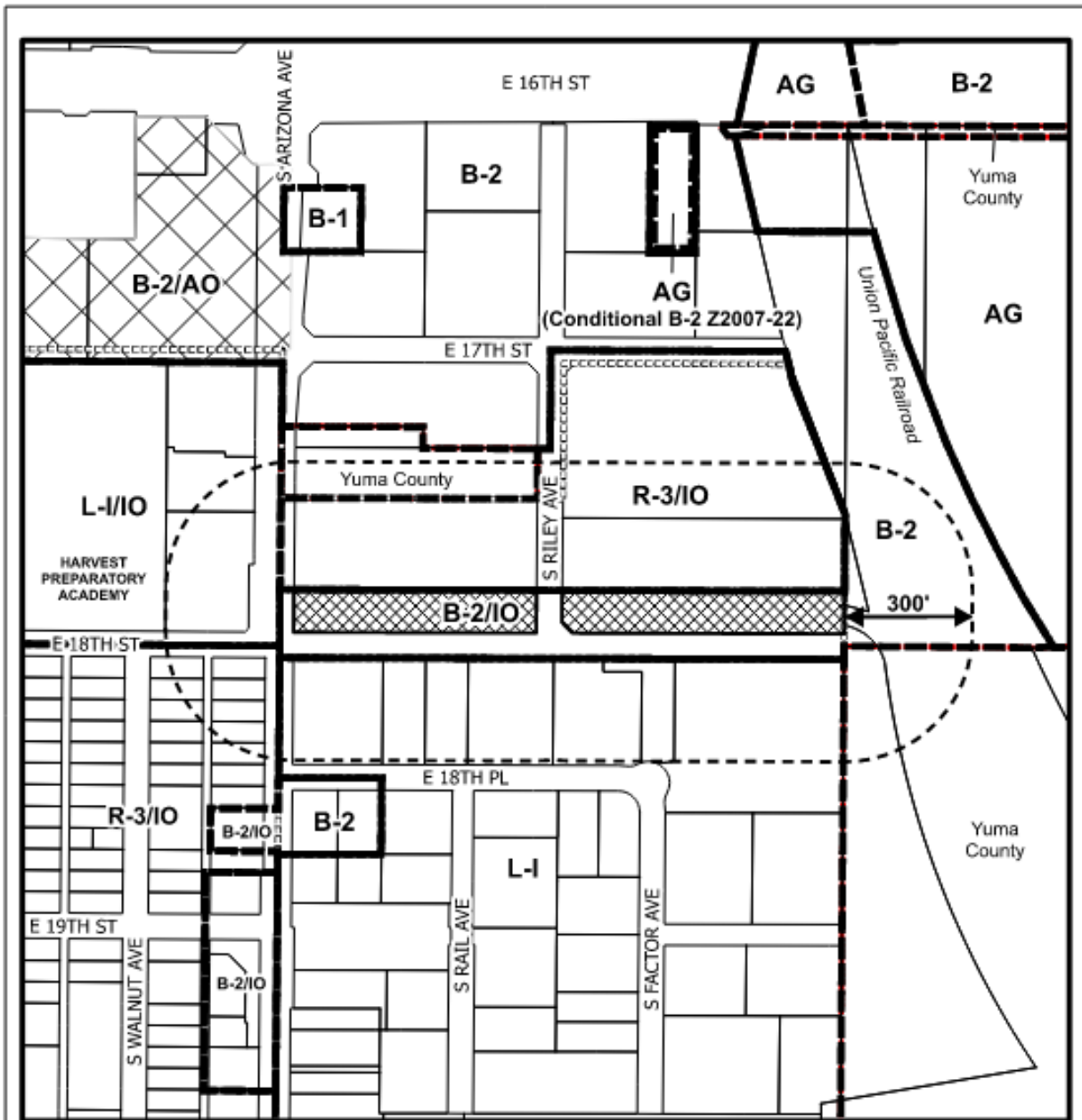
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG
 Checked by: EP



Date: 11/20/2023
 Revised:
 Revised:

Case #:
 ZONE-42076-2023



City of Yuma

City Council Report

File #: R2024-007

Agenda Date: 2/21/2024

Agenda #: 1.

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

TITLE:
Water and Wastewater Utility Rates and Fees

SUMMARY RECOMMENDATION:
Pursuant to Arizona Revised Statutes, Section 9-511.01, adopt water and wastewater utility rates and fees adjustments by resolution. (Utilities/Administration) (Jeremy McCall)

STRATEGIC OUTCOME:
This action item supports the City Council’s strategic outcome of Safe and Prosperous by ensuring the future reliability and quality of the City’s water and wastewater systems.

REPORT:
While a number of jurisdictions have automatic increases to water and wastewater charges, the City of Yuma City Council has held rates the same since 2019. There is a need to increase water and wastewater utility capital to fund current operations and maintenance activities, as well as Capital Improvement Program infrastructure.

At the regularly scheduled Water and Sewer Commission meeting on March 13, 2023, the City’s water and wastewater consultant, Willdan Financial Services, proposed a utility rates study and financial plan. On October 10, 2023, the results of the 2023 Water and Wastewater Rate Study and Long-Term Financial Plan was presented to the Water and Sewer Commission. On November 15, 2023, Willdan presented the same information to the City Council.

At the conclusion of the presentation, City Council adopted a Notice of Intention to adjust water and wastewater utility rates and fees based on the revenue requirements outlined by the City’s consultant. A copy of the 2023 Water and Wastewater Rate Study and Long-Term Financial Plan, along with data supporting the new rates and fees, was placed on file with the office of the City Clerk.

On January 16, 2024, the City of Yuma Water and Sewer Commission held the first of two statutory public hearings on the rates and fees increase. City Council held the second of two required public hearings on January 17, 2024.

The 2023 Water and Wastewater Rate Study and Long-Term Financial Plan recommends City Council adoption of either of two alternative water rate plans:

- Option 1, the Traditional Water Rate Schedule represents a five-year, 3% adjustment each year to both the base rate and the usage charge (which also increases incrementally through Hundred Cubic Feet (HCF) used).
- Option 2, the Conservation Water Rate Schedule represents a flat base rate at the current rate but increases the usage charge at a more progressive incremental rate that also increases at 3% per year so that substantial users pay a much higher rate for additional water use.

The recommended schedule for Wastewater Rates increases by a flat 4% per year for each of the first five years. Rate adjustments begin August 1, 2024, with subsequent adjustments annually on August 1 in years 2025, 2026, 2027 and 2028.

The Water and Sewer Commission recommended Option 2, the Conservation Water Rate Schedule, although City staff recommends Option 1. Both Option 1 and Option 2 are shown below and available for review in the City Clerk’s Office:

Traditional Water Rate Plan: Option 1

Schedule of Water Rates						
Effective as follows						
		August 2024	August 2025	August 2026	August 2027	August 2028
		\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
INSIDE THE CITY						
Base Charge	5/8" x 3/4" meter	\$18.35	\$18.91	\$19.47	\$20.06	\$20.66
Base Charge	1" meter	\$22.21	\$22.87	\$23.56	\$24.27	\$24.99
Base Charge	1 1/2 " meter	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38
Base Charge	2" meter	\$35.29	\$36.35	\$37.44	\$38.56	\$39.72
Base Charge	3" meter	\$63.95	\$65.87	\$67.85	\$69.88	\$71.98
Base Charge	4" meter	\$96.53	\$99.43	\$102.41	\$105.48	\$108.65
Base Charge	6" meter	\$177.97	\$183.31	\$188.81	\$194.48	\$200.31
Base Charge	8" meter	\$259.38	\$267.17	\$275.18	\$283.44	\$291.94
OUTSIDE THE CITY						
Base Charge	5/8" x 3/4" meter	\$24.41	\$25.14	\$25.90	\$26.68	\$27.48
Base Charge	1" meter	\$29.54	\$30.42	\$31.33	\$32.27	\$33.24
Base Charge	1 1/2" meter	\$38.26	\$39.41	\$40.59	\$41.81	\$43.06
Base Charge	2" meter	\$46.93	\$48.34	\$49.79	\$51.28	\$52.82
Base Charge	3" meter	\$82.58	\$85.06	\$87.61	\$90.24	\$92.94
Base Charge	4" meter	\$124.65	\$128.39	\$132.24	\$136.21	\$140.29
Base Charge	6" meter	\$229.81	\$236.71	\$243.81	\$251.12	\$258.65
Base Charge	8" meter	\$334.93	\$344.98	\$355.33	\$365.99	\$376.97
RESIDENTIAL INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81

	11 - 30 hcf	\$1.88	\$1.94	\$2.00	\$2.06	\$2.12
	31 hcf and above	\$2.16	\$2.23	\$2.29	\$2.36	\$2.43
RESIDENTIAL OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	11 - 30 hcf	\$2.51	\$2.58	\$2.66	\$2.74	\$2.82
	31 hcf and above	\$2.88	\$2.96	\$3.05	\$3.14	\$3.24
MULTI FAMILY INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81
	6 - 13 hcf	\$1.88	\$1.94	\$2.00	\$2.06	\$2.12
	14 hcf and above	\$2.16	\$2.23	\$2.29	\$2.36	\$2.43
MULTIFAMILY OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	6 - 13 hcf	\$2.51	\$2.58	\$2.66	\$2.74	\$2.82
	14 hcf and above	\$2.88	\$2.96	\$3.05	\$3.14	\$3.24
COMMERCIAL AND IRRIGATION INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$1.80	\$1.86	\$1.91	\$1.97	\$2.03
COMMERCIAL AND IRRIGATION OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$2.36	\$2.43	\$2.50	\$2.58	\$2.65
AUTOMATED METERING INFRASTRUCTURE FEE (\$ per meter)						
AMI Charge	Per AMI Meter	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00

Conservation Water Rate Plan: Option 2

Schedule of Water Rates						
Effective as follows						
		August 2024	August 2025	August 2026	August 2027	August 2028
		\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
INSIDE THE CITY						
Base Charge	5/8" x 3/4"meter	\$17.82	\$17.82	\$17.82	\$17.82	\$17.82
Base Charge	1" meter	\$21.56	\$21.56	\$21.56	\$21.56	\$21.56
Base Charge	1 1/2 " meter	\$27.93	\$27.93	\$27.93	\$27.93	\$27.93
Base Charge	2" meter	\$34.26	\$34.26	\$34.26	\$34.26	\$34.26
Base Charge	3" meter	\$62.09	\$62.09	\$62.09	\$62.09	\$62.09
Base Charge	4" meter	\$93.72	\$93.72	\$93.72	\$93.72	\$93.72
Base Charge	6" meter	\$172.79	\$172.79	\$172.79	\$172.79	\$172.79
Base Charge	8" meter	\$259.38	\$259.38	\$259.38	\$259.38	\$259.38
OUTSIDE THE CITY						
Base Charge	5/8" x 3/4"meter	\$23.70	\$23.70	\$23.70	\$23.70	\$23.70

Base Charge	1" meter	\$28.67	\$28.67	\$28.67	\$28.67	\$28.67
Base Charge	1 ½" meter	\$37.15	\$37.15	\$37.15	\$37.15	\$37.15
Base Charge	2" meter	\$45.57	\$45.57	\$45.57	\$45.57	\$45.57
Base Charge	3" meter	\$82.58	\$82.58	\$82.58	\$82.58	\$82.58
Base Charge	4" meter	\$124.65	\$124.65	\$124.65	\$124.65	\$124.65
Base Charge	6" meter	\$229.81	\$229.81	\$229.81	\$229.81	\$229.81
Base Charge	8" meter	\$334.93	\$334.93	\$334.93	\$334.93	\$334.93
RESIDENTIAL INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81
	11 - 20 hcf	\$1.93	\$1.99	\$2.05	\$2.11	\$2.17
	21 - 30 hcf	\$2.31	\$2.38	\$2.45	\$2.53	\$2.60
	31 hcf and above	\$2.78	\$2.86	\$2.95	\$3.03	\$3.13
RESIDENTIAL OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	11 - 20 hcf	\$2.56	\$2.64	\$2.72	\$2.80	\$2.89
	21 - 30 hcf	\$3.08	\$3.17	\$3.26	\$3.36	\$3.46
	31 hcf and above	\$3.69	\$3.80	\$3.92	\$4.04	\$4.16
MULTI FAMILY INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81
	6 - 10 hcf	\$1.93	\$1.99	\$2.05	\$2.11	\$2.17
	11 - 15 hcf	\$2.31	\$2.38	\$2.45	\$2.53	\$2.60
	16 hcf and above	\$2.78	\$2.86	\$2.95	\$3.03	\$3.13
MULTIFAMILY OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	6 - 10 hcf	\$2.56	\$2.64	\$2.72	\$2.80	\$2.89
	11 - 15 hcf	\$3.08	\$3.17	\$3.26	\$3.36	\$3.46
	16 hcf and above	\$3.69	\$3.80	\$3.92	\$4.04	\$4.16
COMMERCIAL AND IRRIGATION INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$1.80	\$1.86	\$1.91	\$1.97	\$2.03
COMMERCIAL AND IRRIGATION OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$2.36	\$2.43	\$2.50	\$2.58	\$2.65
AUTOMATED METERING INFRASTRUCTURE FEE (\$ per meter)						
AMI Charge	Per AMI Meter	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00

In addition, both Option 1 and Option 2 include a \$1 per month advanced metering infrastructure charge.

The attached proposed resolution of adoption incorporates Option 1, the Traditional 3% per year increase for both base charges and usage charges for water rates and a 4% per year increase for wastewater charges. Should City Council choose to substitute Option 2, the Conservation Water Rate Plan, an appropriate motion may be made prior to adoption.

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: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023

RESOLUTION NO. R2024-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2015-02, AS AMENDED, GOVERNING THE USE OF THE WATER AND WASTEWATER SYSTEM, ARTICLE I, SECTION 2.2 AND ARTICLE II, SECTION 2.7 OF THE CITY OF YUMA UTILITY REGULATIONS PRESCRIBING UTILITY RATE CHARGES AND FEES

WHEREAS, there is a need to maintain acceptable operating reserve funds for the operation and maintenance of the water and wastewater utilities and capital improvement project funds for water and wastewater transmission, collection and treatment facilities; and,

WHEREAS, the City of Yuma undertook a study to update proposed capital improvements to water and sewer utility infrastructure, associated revenue requirements, costs of service, existing rates and charges, and to perform the financial analysis and recommendations presented in a written report prepared by Willdan Financial Service titled, *2023 Water and Wastewater Rate Study and Long-Term Financial Plan*; and,

WHEREAS, the *2023 Water and Wastewater Rate Study and Long-Term Financial Plan* has been reviewed by City Staff and the Water and Sewer Commission; and,

WHEREAS, on November 15, 2023 the City Council approved a Notice of Intention to Adjust Water and Wastewater Utility Rates and Fees; and,

WHEREAS, on November 19, 2023 a copy of the Notice of Intention was published in the local newspaper, *The Sun*. A copy of the consultant's report along with data supporting the new rates and fees was placed on file in the office of the City Clerk on November 16, 2023, at least thirty days before the noticed public hearing; and,

WHEREAS, on January 16, 2024, the City of Yuma Water and Sewer Commission held a public hearing on rate and fee increases in the Thomas F. Allt Utilities Complex Training Room, 270 West 13th Street, Yuma, Arizona, at 5:00pm. At this public hearing, the Water and Sewer Commission took public comments; and,

WHEREAS, on January 17, 2024, the Yuma City Council conducted a second public hearing on rate and fee increases in the City Council Chambers, One City Plaza, Yuma, Arizona. At this public hearing, the City Council took public comments; and,

WHEREAS, the provisions of Arizona Revised Statutes, Section 9-511.01, regarding water and wastewater rates, fees and charges, have been followed in accordance with law; and,

WHEREAS, the Yuma City Code Section 193-18, authorizes the City Council to prescribe utility rates and charges by resolution.

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

SECTION 1: City of Yuma, Utility Regulations, Article I, *Water Regulations*, Section 2.2, *Rate and Charges Schedule* is amended at Subsection B to substitute the following Schedule of Water Rates for the existing Schedule of Water Rates:

Schedule of Water Rates						
Effective as follows						
		August 2024	August 2025	August 2026	August 2027	August 2028
		\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
INSIDE THE CITY						
Base Charge	5/8" x 3/4" meter	\$18.35	\$18.91	\$19.47	\$20.06	\$20.66
Base Charge	1" meter	\$22.21	\$22.87	\$23.56	\$24.27	\$24.99
Base Charge	1 1/2" meter	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38
Base Charge	2" meter	\$35.29	\$36.35	\$37.44	\$38.56	\$39.72
Base Charge	3" meter	\$63.95	\$65.87	\$67.85	\$69.88	\$71.98
Base Charge	4" meter	\$96.53	\$99.43	\$102.41	\$105.48	\$108.65
Base Charge	6" meter	\$177.97	\$183.31	\$188.81	\$194.48	\$200.31
Base Charge	8" meter	\$259.38	\$267.17	\$275.18	\$283.44	\$291.94
OUTSIDE THE CITY						
Base Charge	5/8" x 3/4" meter	\$24.41	\$25.14	\$25.90	\$26.68	\$27.48
Base Charge	1" meter	\$29.54	\$30.42	\$31.33	\$32.27	\$33.24
Base Charge	1 1/2" meter	\$38.26	\$39.41	\$40.59	\$41.81	\$43.06
Base Charge	2" meter	\$46.93	\$48.34	\$49.79	\$51.28	\$52.82
Base Charge	3" meter	\$82.58	\$85.06	\$87.61	\$90.24	\$92.94
Base Charge	4" meter	\$124.65	\$128.39	\$132.24	\$136.21	\$140.29
Base Charge	6" meter	\$229.81	\$236.71	\$243.81	\$251.12	\$258.65
Base Charge	8" meter	\$334.93	\$344.98	\$355.33	\$365.99	\$376.97
RESIDENTIAL INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81
	11 - 30 hcf	\$1.88	\$1.94	\$2.00	\$2.06	\$2.12
	31 hcf and above	\$2.16	\$2.23	\$2.29	\$2.36	\$2.43

RESIDENTIAL OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 10 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	11 - 30 hcf	\$2.51	\$2.58	\$2.66	\$2.74	\$2.82
	31 hcf and above	\$2.88	\$2.96	\$3.05	\$3.14	\$3.24
MULTI FAMILY INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$1.61	\$1.66	\$1.70	\$1.76	\$1.81
	6 - 13 hcf	\$1.88	\$1.94	\$2.00	\$2.06	\$2.12
	14 hcf and above	\$2.16	\$2.23	\$2.29	\$2.36	\$2.43
MULTIFAMILY OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	0 - 5 hcf	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41
	6 - 13 hcf	\$2.51	\$2.58	\$2.66	\$2.74	\$2.82
	14 hcf and above	\$2.88	\$2.96	\$3.05	\$3.14	\$3.24
COMMERCIAL AND IRRIGATION INSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$1.80	\$1.86	\$1.91	\$1.97	\$2.03
COMMERCIAL AND IRRIGATION OUTSIDE THE CITY (\$ per hundred cubic feet)						
Usage Charge	hcf	\$2.36	\$2.43	\$2.50	\$2.58	\$2.65
AUTOMATED METERING INFRASTRUCTURE FEE (\$ per meter)						
AMI Charge	Per AMI Meter	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00

SECTION 2: City of Yuma, Utility Regulations, Article II, *Sewer Regulations*, Section 2.7, *Rates and Charges for Sewer Service*, is amended at Subsection F, to substitute the following Schedule of Wastewater Rates for the existing Schedule of Wastewater Rates:

SCHEDULE OF WASTEWATER RATES					
Effective as follows					
	August 2024	August 2025	August 2026	August 2027	August 2028
	\$/mo	\$/mo	\$/mo	\$/mo	\$/mo
RESIDENTIAL INSIDE THE CITY					
Base Charge	\$38.39	\$39.92	\$41.52	\$43.18	\$44.91
NON-RESIDENTIAL INSIDE THE CITY					
Base Charge	\$4.93	\$5.13	\$5.33	\$5.55	\$5.77
Usage Charge per hcf	\$2.18	\$2.27	\$2.36	\$2.46	\$2.55
INDUSTRIAL INSIDE THE CITY					
Flow per hcf	\$2.18	\$2.27	\$2.36	\$2.46	\$2.55
BOD per LB.	\$0.31	\$0.32	\$0.34	\$0.35	\$0.36
TSS per LB.	\$0.31	\$0.32	\$0.34	\$0.35	\$0.36
BOD and TSS fees are to be assessed in excess of 300mg/l of BOD and TSS concentrations respectively					

RESIDENTIAL OUTSIDE THE CITY					
Base Charge	\$51.08	\$53.13	\$55.25	\$57.46	\$59.76
NON-RESIDENTIAL OUTSIDE THE CITY					
Base Charge	\$6.56	\$6.82	\$7.09	\$7.37	\$7.67
Usage Charge per hcf	\$2.91	\$3.02	\$3.14	\$3.27	\$3.40
INDUSTRIAL OUTSIDE THE CITY					
Flow per hcf	\$2.88	\$3.00	\$3.12	\$3.24	\$3.37
BOD per LB.	\$0.40	\$0.42	\$0.43	\$0.45	\$0.47
TSS per LB.	\$0.40	\$0.42	\$0.43	\$0.45	\$0.47
BOD and TSS fees are to be assessed in excess of 300mg/l of BOD and TSS concentrations respectively					

Adopted this 21st day of February 2024

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 #: R2024-008

Agenda Date: 2/21/2024

Agenda #: 2.

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

TITLE:
Water Resources Trust Fund Surcharge

SUMMARY RECOMMENDATION:
Pursuant to Arizona Revised Statutes § 9-511.01, reinstate the Water Resources Trust Fund Surcharge by resolution. (Utilities/Administration) (Jeremy McCall)

STRATEGIC OUTCOME:
This action item supports the City Council’s strategic outcome of Safe and Prosperous by safeguarding the security of the City’s water resources.

REPORT:
The City’s water resources, in particular the City’s Colorado River water allocations, are at risk due to added pressure on the river system as drought conditions persist, Arizona’s population increases, and new rules governing the operation of the Colorado River are developed.

The City of Yuma’s water supply is a natural resource asset, and it must be protected. The re-establishment of the Water Resources Trust Fund will benefit the residents of the City. The funds from the trust fund are to be used for general purposes as they apply to water resource protection including major legal expenses, acquisition of water rights, water supply enhancements, legislative assistance, and other purposes as determined by City Council.

The Water and Sewer Commission of the City of Yuma has recommended reinstatement of a proposed water surcharge to cover these expenses.

On October 10, 2023, City staff presented the Water Resources Trust Fund surcharge assessments to the Water and Sewer Commission. On November 15, 2023, at a regularly scheduled City Council Meeting, the same information was presented to the City Council.

On November 15, 2023, City Council adopted a Notice of Intention to adjust water and wastewater utility rates and fees as required by Arizona Revised Statutes § 9-511.01.

On December 11, 2023, a copy of the Reinstating Water Resource Trust Fund Report was placed on file with the office of the City Clerk.

On January 16, 2024, the City of Yuma Water and Sewer Commission held the first of two public hearings on the rates and fees increase. During this meeting the Water and Sewer Commission supported the recommendation to reestablish the Water Resources Trust Fund. The public hearing was held in the Thomas F. Allt Training Room at 270 West 13th, Street, Yuma, Arizona at 5:00pm.

At the regularly scheduled City Council Meeting on January 17, 2024, City Council conducted the second of two public hearings on the water and wastewater utility rates and fees increases.

Upon completion of the second public hearing, City staff is recommending City Council reestablish the Water Resources Trust Fund with monthly assessments being implemented beginning August 1, 2024, and continuing to November 30, 2025, or when the trust fund balance exceeds \$500,000, whichever occurs first.

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: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023

RESOLUTION NO. R2024-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE “CITY OF YUMA UTILITY REGULATIONS”, AS ADOPTED BY ORDINANCE O2006-35, GOVERNING THE USE OF THE WATER AND SEWER SYSTEM AND PRESCRIBING UTILITY RATES AND FEES TO REINSTATE A WATER RESOURCE TRUST FUND

WHEREAS, the City of Yuma’s water supply is a natural resource asset and must be protected; and,

WHEREAS, the Water and Sewer Commission of the City of Yuma has recommended to the City Council the need to establish funds for the protection and enhancement of this natural resource; and,

WHEREAS, the establishment of these funds would be of public benefit to the residents of the City; and,

WHEREAS, these funds are to be used for the following general purposes as they apply to water resource protection: major legal expenses; acquisition of water rights; water supply enhancements; legislative assistance; water source protection information and education; and other purposes as determined by the City Council; and,

WHEREAS, at the November 15, 2023 regular City Council meeting, City Council approved a Notice of Intention to adjust water and waste water utility rates as fees as required by Arizona Revised Statutes (A.R.S.) § 9-511.01; and,

WHEREAS, a report titled “Report on Reinstating the Water Resource Trust Fund” dated December 11, 2023, was placed on file with the Yuma City Clerk and available to the public via the City’s website; and,

WHEREAS, in accordance with A.R.S. § 9-511.01, a public hearing was held in front of the Water and Sewer Commission meeting on Tuesday, January 16, 2024 at the Thomas F. Allt Utilities Complex, 270 West 13th Street, Yuma, Arizona 85364 and a second public hearing was held at the regular City Council meeting of Wednesday, January 17, 2023 in City Council Chambers; and,

WHEREAS, both public hearings were advertised in the Yuma Sun on Sunday, November 19, 2023 and on Saturday, December 9, 2023; and,

WHEREAS, the Water and Sewer Commission recommends reinstating the Water Resource Trust Fund originally created and adopted by City Council through Resolution R2558 on September 1988.

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

SECTION 1: Yuma City Code Section 193-18 authorizes the City Council to prescribe utility rates by Resolution.

SECTION 2: There is hereby established a Water Resources Trust Fund. All monies derived from a Water Resource Trust Fund surcharge shall be allocated to this Fund.

SECTION 3: Section 2.2 of Article I, Water Regulations, “City of Yuma Utility Regulations”, as adopted by Ordinance O2006-35, is amended to include the following:

D. Water Resources Trust Fund Surcharge

A Water Resource Trust Fund surcharge shall be added to the monthly utility bill. This surcharge shall be in the amounts shown for residential, multi-family, commercial, and industrial water services.

1. Residential \$1.00 per month
2. Multi-Family \$2.00 per month with an additional 50 cents per month for each dwelling unit, capped at \$10.00 for dwelling units (maximum surcharge \$12.00 per account)
3. Commercial \$2.00 per month
4. Industrial \$10.00 per month

SECTION 4: All expenditures from the Water Resource Trust Fund must be approved by the City Council by motion.

SECTION 5: The surcharge adopted by this Resolution shall become effective and be reflected on water bills issued August 1, 2024 through November 30, 2025.

SECTION 6: The collection of surcharges adopted by this Resolution shall sunset when fund balances exceed \$500,000 but may be reinstated when deemed necessary by City Council resolution. At such time the City Council determines that there is no longer a need for the Water Resource Trust Fund, any monies still on hand at such date shall be transferred to the Water Utility Fund Restricted Account for water plant capacity.

SECTION 7: The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared invalid, unenforceable or unconstitutional by the valid judgment of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraph or sections of this Resolution.

Adopted this _____ day of _____, 2024.

APPROVED:

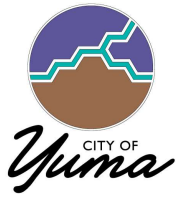
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: R2024-003

Agenda Date: 2/21/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Motion <input checked="" 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 checked="" type="checkbox"/> Public Hearing

TITLE:
Minor General Plan Amendment: Palm Avenue

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to High Density Residential, for the property located approximately 305 feet north of the northwest corner of 12th Street and Palm Avenue. (GP-41820-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This General Plan amendment furthers the City Council’s strategic outcome of Safe and Prosperous by providing an adequate mixture and balance of land uses.

REPORT:

This is a Minor General Plan Amendment request by Dahl, Robins, and Associates, Inc. on behalf of Javier and Angela Cruz and John and Lilia Cruz, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.04 acres, for the properties located approximately 305 feet north of the northwest corner of W. 12th Street and Palm Avenue, Yuma AZ.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estate (RE-12, RE-18, RE-35), Low Density Single-Family Residential (R-1-5), Low Density Residential (R-1-6, R-1-8, R-1-12, R-1-20, R-1-40), and Residence-Manufactured Housing (R-MH) districts.

The proposed High Density Residential land use designation supports the following types of zoning: High Density Family Residential (R-3), Residence-Manufactured Housing (R-MH), Recreation Vehicle Subdivision (RVS), and Manufactured Housing Park (MHP) districts.

The applicant’s intent in changing the land use designation is to pursue a rezoning of the site to High Density Residential (R-3) in Yuma County. The proposed land use designation would allow the applicant to develop a multi-family residential development.

The proposed High Density Residential land use designation will provide additional new City water and sewer infrastructure to this multi-family residential development and allow the property owner to enter into a Pre-

Annexation Agreement with the City to provide water and sewer connections.

On January 8, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with one absent and two vacancies) of the General Plan amendment request to change the land use designation to High Density Residential.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (1/8/24):

QUESTIONS FOR STAFF

“Chris Hamel - Planning and Zoning Commissioner asked how many units were on the property to the South.

“Fiveash said she did not have that information.

APPLICANT/APPLICANT’S REPRESENTATIVE

“Jose Salazar, 3378 W. 17th Place, Yuma, AZ, was available for questions.

“Hamel asked if the proposed apartments would be single level or two-story units.

“Salazar stated they would develop two-story apartments.

“Lorraine Arney - Planning and Zoning Commissioner asked if the proposed apartments would be affordable housing or market rate.

“Salazar said market rate.

PUBLIC COMMENT

None

“Motion by Arney, second by Joshua Scott - Planning and Zoning Commissioner to APPROVE GP-41820-2023 as presented.

“Motion carried unanimously, (4-0) with one absent and two vacancies.’

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			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

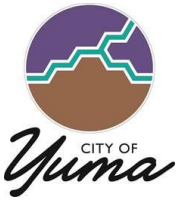
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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Acting City Administrator: John D. Simonton	Date: 02/12/2023
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Zenia Fiveash**

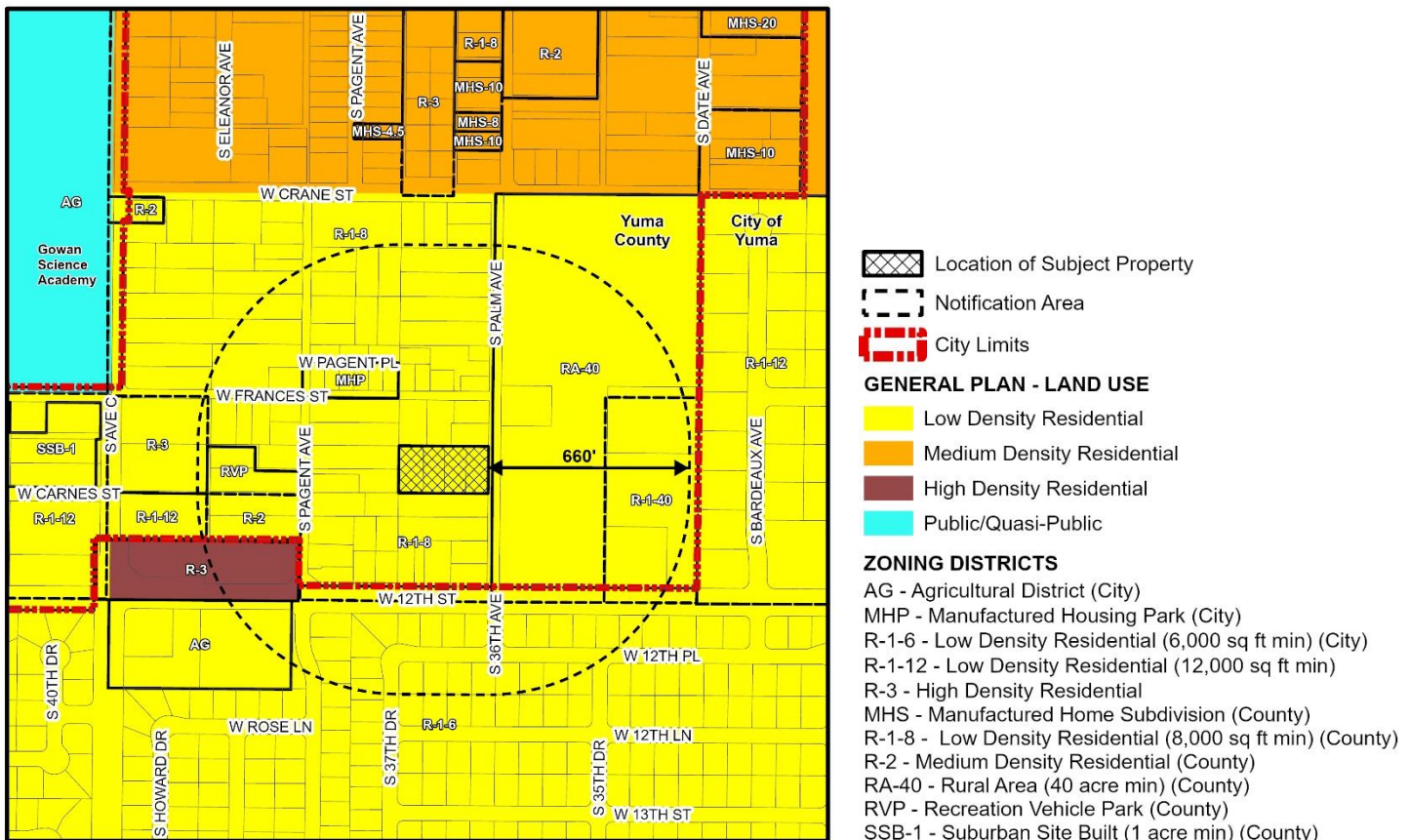
Hearing Date: January 8, 2024

Case Number: GP-41820-2023

Project Description/Location: This is a General Plan Amendment request by Dahl, Robins, and Associates, Inc. on behalf of Javier & Angela Cruz and John & Lilia Cruz, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.04 acres, for the properties located approximately 305 feet north of the northwest corner of W. 12th Street and Palm Avenue.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	County Low Density Residential (R-1-8)	Undeveloped	Low Density Residential
North	County Low Density Residential (R-1-8)	Single Family Residences	Low Density Residential
South	County Low Density Residential (R-1-8)	Oasis Apartments	Low Density Residential
East	County Low Density Residential (RA-40)	Single Family Residence	Low Density Residential
West	County Low Density Residential (R-1-12)	Mobile Home Park	Low Density Residential

Location Map



Prior site actions: Predevelopment Meeting: 41724-2023 held on August 10, 2023.

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for 1.04 acres to High Density Residential

Suggested Motion: Move to APPROVE the request to change the land use designation for 1.04 Acres to High Density Residential located at approximately 305 feet north of the northwest corner of 12th Street and Palm Avenue.

Staff Analysis: This is a General Plan Amendment request by Dahl, Robins, and Associates, Inc. on behalf of Javier & Angela Cruz and John & Lilia Cruz, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.04 acres, for the properties located approximately 305 feet north of the northwest corner of W. 12th Street and Palm Avenue, Yuma AZ.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estate (RE-12, RE-18, RE-35), Low Density Single-Family Residential (R-1-5), Low Density Residential (R-1-6, R-1-8, R-1-12, R-1-20, R-1-40), and Residence-Manufactured Housing (R-MH) districts.

The proposed High Density Residential land use designation supports the following types of zoning: High Density Family Residential (R-3), Residence-Manufactured Housing (R-MH), Recreation Vehicle Subdivision (RVS), and Manufactured Housing Park (MHP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to High Density Residential (R-3) in Yuma County. The proposed land use designation would allow the applicant to develop a multi-family residential development.

The proposed High Density Residential land use designation will provide additional new City water and sewer infrastructure to this multi-family residential development and allow the property owner to enter into a Pre-Annexation Agreement with the City to provide water and sewer connections.

Density

The current land use designation of Low Density Residential would allow the development of single-family homes.

The proposed High Density Residential land use designation would allow from 13 to 30 dwelling units to be constructed within a multi-family development on 1.04 acres. The applicant intends to pursue a rezoning that would support a future 20-unit, multi-family residential development.

Population

Information from the 2018-2022 American Community Survey provides data on population by housing unit type. The information shows an average household size of 2.71 persons per low density type dwelling and 1.6 persons per high density type dwelling in the City of Yuma.

Comparing the densities allowed within the General Plan, the potential persons expected are:

- Low Density Residential:
 - Minimum 1 homes – Expected population: 3
 - Maximum 5 homes – Expected population: 14
- High Density Residential:
 - Minimum 13 homes – Expected population: 21
 - Maximum 30 homes – Expected population: 48

The 2020 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore the expected school-age population is estimated at:

- Low Density Residential:
 - Minimum expected population: 3 – School Age: 1
 - Maximum expected population: 14 – School Age: 3
- High Density Residential:
 - Minimum expected population: 21 – School Age: 4
 - Maximum expected population: 48 – School Age: 10

Transportation

The property is located along Palm Avenue. Access to the property will be from Palm Avenue. There is an existing bus stop at Avenue C and 8th Street, for bus route Purple Route 6A and an existing bike lane on 12th Street.

According to the City of Yuma Transportation Master Plan, 12th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2022 as 4,337 vehicles on West 12th Street near the Avenue C intersection. Palm Avenue is currently a 2-lane roadway and is identified in the Transportation Master Plan as a local roadway.

Housing

The Housing Element of the City of Yuma 2022 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

Objective 1.3: Encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.

An Action Item of the Housing Element is to consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options.

The General Plan amendment request is to provide a housing choice other than Low Density Residential single-family homes, which is the predominant housing option in the City of Yuma.

Public Services Education

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Crane Elementary School District 13 and the Yuma Union High School District.

According to the Crane Elementary School District 13 School Boundary Maps, the elementary students in the subject area are within the boundary of Salida Del Sol Elementary School located at 910 S. Avenue C and junior high school students are within the boundary of Centennial Middle School at 2650 W. 20th Street.

According to the Yuma Union High School District, the high school students are within the boundary of Cibola High School located at 4100 W. 20th Street.

1. Does the proposed amendment impact any elements of the General Plan?

No The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:		
FACILITY PLANS		
Transportation Master Plan	Planned	Existing
Palm Avenue - Local	29 FT HW	30 FT HW
Median Disclosure	No	

2. Does the proposed amendment impact any of the facility plans?

No The change in land use will not significantly impact any of the facility plans.

3. Is the proposed amendment in conflict with Council's prior actions?

Yes This area has been designated with the Low Density Residential land use designation since the adoption of the 1983 City of Yuma General Plan on January 5, 1983, Resolution No. 2292.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: January 8, 2024
- City of Yuma City Council: February 7, 2024

Public Comments Received: See Attachment A
Agency Comments: See Attachment B
Neighborhood Meeting Comments: See Attachment D

Attachments

A	B	C	D	E	F
Public Comments	Agency Comments	Staff Worksheet	Neighborhood Meeting Comments	Neighbor Notification List	Aerial Photo

Prepared By: Zenia Fiveash **Date:** 12-20-2023
 Zenia Fiveash,
 Assistant Planner Zenia.Fiveash@yumaaz.gov (928) 373-5000, x3040

Reviewed By: Jennifer L. Albers **Date:** 12/20/23
 Jennifer L. Albers,
 Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 12/27/23
 Alyssa Linville,
 Director, Planning and Neighborhood Services

**ATTACHMENT A
PUBLIC COMMENTS**


Name:	Pamela Walsma			Contact Information:	pwalsma@hotmail.com					
Method of Contact:	Phone	<input type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input checked="" type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input type="checkbox"/>
<p>Comment: I am a property owner at 3644 W 12th Lane. Ear the proposed project. I strenuously object to the change to the General Plan Amendment.</p> <p>This area is single family homes. It is not suitable for multi-family housing. It will be a significant change to the area. The zoning should not be changed.</p> <p>This area of 12th Street already has high traffic and speeding vehicles. Multi-family housing on 12th will only cause more traffic. We have not even experienced the traffic resulting from the huge multi-family development on Avenue B. It will be horrific and detrimental to all the homes and neighborhoods off 12 Street. This will make it even worse.</p> <p>Please do not change the General Plan. Keep this area single family homes.</p> <p>Thank you, Pamela Walsma</p>										

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	10-18-23	NAME:	Kayla Franklin	TITLE:	Fire Marshall
AGENCY:	Yuma Fire Department			PHONE:	928-373-4865
<i>Enter comments below:</i>					
Provide adequate primary and secondary fire department access and site flow. Please show on site plan how the proposed access meets the fire code requirements.					

DATE:	11-20-23	NAME:	Andrew McGarvie	TITLE:	Development Engineering Manager
AGENCY:	City of Yuma			PHONE:	928-373-500 ext. 3044
<i>Enter comments below:</i>					
<p>Right-of-way: The Cruz/Fair Acres Lot Split recorded in FEE # 2007-20854 indicates that 30 feet of right-of-way exists on the west side of Palm Avenue, thus no additional right-of-way is required for a local street.</p> <p>Water: There is an existing 2 inch service on Palm Avenue that services the area. Based on the 20 unit apartment request for fire service will require the developer to extend an 8 inch water main from the existing 10 inch waterline on 12th Street to their north property frontage along Palm Ave.</p> <p>Sewer: There is no sewer service on Palm Avenue north of 12th Street to 8th Street. The developer will have to extend an 8 inch minimum sewer line from the existing stub-out on 12th Street north across their Property frontage along Palm Ave. The City may request a larger line based on depth and grade requirements to serve a larger area at the ultimate buildout. A 15 year sewer payback maybe available for the sewer line extension.</p>					

**ATTACHMENT C
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: GP-41820-2023 CASE PLANNER: ZENIA FIVEASH</p>
---	--

I. PROJECT DATA

Project Location:		Northwest corner Palm Ave and 12 th Street							
Parcel Number(s):		664-09-071, 664-09-072, 664-090-073 & 664-09-074							
Parcel Size(s):		45,483 SF							
Total Acreage:		1.04							
Proposed Dwelling Units:		Maximum: 30		Minimum: 13					
Address:									
Applicant:		Javier & Angela Cruz and John & Lilia Cruz							
Applicant's Agent:		Christopher Robins, Dahl Robins and Associates, Inc.							
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes	No	X			
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE		
	Existing Zoning			Current Use		General Plan Designation			
Site	County Low Density Residential (R-1-8)			Undeveloped		Low Density Residential			
North	County Low Density Residential (R-1-8)			Single Family Residences		Low Density Residential			
South	County Low Density Residential (R-1-8)			Oasis Apartments		Low Density Residential			
East	County Low Density Residential (RA-40)			Single Family Residence		Low Density Residential			
West	County Low Density Residential (R-1-12)			Mobile Home Park		Low Density Residential			
Prior Cases or Related Actions:									
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>					
Pre-Annexation Agreement	Yes	No		N/A					
Annexation	Yes	No		N/A					
General Plan Amendment	Yes	No		N/A					
Development Agreement	Yes	No		N/A					
Rezone	Yes	No		N/A					
Subdivision	Yes	No		N/A					
Conditional Use Permit	Yes	No		N/A					
Pre-Development Meeting	Yes	X	No	Date: 8/10/2023 PDM-41724-2023					
Enforcement Actions	Yes	No		N/A					
Land Division Status:		Legal lots of record							
Irrigation District:		YCWUA							
Adjacent Irrigation Canals & Drains:		Thacker Canal							
Water Conversion: (5.83 ac ft/acre)		5.85 Acre Feet a Year							
Water Conversion Agreement Required		Yes	X	No					

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Low Density Residential

Issues:									
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	
Palm Avenue - Local	29 FT HW	30 FT HW					
12 th Street - 2 Lane Collector	40 FT HW	40 FT HW					
Bicycle Facilities Master Plan	12 th Street – Bike Lane						
YCAT Transit System	Avenue C and 8 th Street – Purple Route 6A						
Issues:							

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Winsor Rotary Park	Future: Winsor Rotary Park
Community Park:	Existing: Yuma Valley Park	Future: Yuma Valley Park
Linear Park:	Existing: East Main Canal Linear Park	Future: East Main Canal Linear Park
Issues:		

Housing Element:

Special Need Household:	N/A
Issues:	

Redevelopment Element:

Planned Redevelopment Area:	N/A			
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:			

Public Services Element:

<u>Population Impacts</u> Population projection per 2018-2022 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	Dwellings & Type		Projected	Police	Water		Wastewater
	<i>Multi-Family</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	30	1.60	48	0.09	9,936	11.1	3,360
Minimum							
	13	1.60	21	0.04	4,306	4.8	1,456
Fire Facilities Plan:	Existing: Fire Station No. 4			Future: Fire Station No. 10 Northwest Valley			
Water Facility Plan:	Source:	City	X	Private	Connection:	Palm Avenue - 2" AC	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 21" on 12 th Street	
Issues: Utility extensions required to site.							

Safety Element:

Flood Plain Designation:	500 Year Flood	Liquefaction Hazard Area:	Yes	X	No
Issues:					

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			

NOTIFICATION

- **Legal Ad Published: The Sun** (12/16/23)
- **Display Ad Published:** (12/16/23)
- **660' Vicinity Mailing:** (12/11/23)
- **54 Commenting/Reviewing Agencies noticed:**
(12/09/23)

- **Site Posted:** (11/03/23)
- **Neighborhood Meeting:** (11/06/23)
- **Hearing Dates:** (1/08/24 & 2/07/24)
- **Comments Due:** (12/09/23)

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization	NR			
<small>(ARS)</small>				
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning <small>(ARS)</small>	NR			
Yuma County Public Works	10-25-23		X	
Yuma County Airport Authority	10-19-23		X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 <small>(ARS)</small>	NR			
Yuma Elementary School District #1 <small>(ARS)</small>	NR			
Crane School District #13 <small>(ARS)</small>	NR			
City of San Luis <small>(ARS)</small>	NR			
City of Somerton <small>(ARS)</small>	NR			
Imperial County, California <small>(ARS)</small>	NR			
Qwest Communications <small>(ARS)</small>	NR			
Arizona Public Service <small>(ARS)</small>	NR			
Time Warner Cable <small>(ARS)</small>	NR			
Southwest Gas <small>(ARS)</small>	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce <small>(ARS)</small>	NR			
Arizona State Attorney General <small>(ARS)</small>	NR			
Arizona Dept. of Water Resources <small>(ARS)</small>	NR			
Arizona State Land Department <small>(ARS)</small>	NR			
MCAS / C P & L Office <small>(ARS)</small>	10-23-23		X	
Bureau of Land Management <small>(ARS)</small>	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	10-19-23		X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			

AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	10-18-23		X	

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	11-20-23			X
Kayla Franklin, Fire – Prevention	10-18-23			X
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
11/06/23	See Attachment D
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

ATTACHMENT D
NEIGHBORHOOD MEETING
COMMENTS

Date Held: 8/7/23

Location: On-site

Attendees:

Neighbors: Howard Walker, Arnie Martinez, Donnie Fairchild, Mike Fairchild, Margaret Thompson, Arturo Casas & Tim McNeel

Applicant and Agent: Jose Salazar & Christopher Thompson

Staff: Zenia Fiveash

SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:

- The Agent noted that the project could have up to 20 units
- The Agent noted that they would have an Apartment Management Company managing units.
- The Neighbors noted the following concerns:
 - - 12th Street already carries heavy, speeding traffic and again more traffic could make that worse.
 - - The neighbors have no issues with the current land use designation of Low Density but would prefer to see a single family home project
 - - The neighbors have issues with sewer odors. Would like to see that resolved.
 - - The neighbors understand the need for more housing but do not want to see more density and traffic in their neighborhood.

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

A & I BUILDERS LLC	1057 S PAGENT AVE	YUMA	AZ	85364
A & I BUILDERS LLC	1057 S PAGENT AVE	YUMA	AZ	85364
ADAMSON EUGENE B & ALLENE G	402 W BROADWAY STE 400	SAN DIEGO	CA	92101
ALLEN FREDDIE L & CHRISTINA JT	1110 S PAGENT AVE	YUMA	AZ	85364
ANDERSON FRANKIE M	451 S 1ST AVE	YUMA	AZ	85364
ARANDA ADRIAN & LIZET V	3593 W 12TH PL	YUMA	AZ	85364
ARIZONA PUBLIC SERVICE COMPANY		PHOENIX	AZ	85072-3940
ATCHLEY MARY F 1/4 &	1111 S PALM AVE	YUMA	AZ	85364
ATCHLEY MARY FRANCES TRUST	1111 S PALM AVE	YUMA	AZ	85364
ATCHLEY TRACY N & NANCY J	PO BOX 4462	YUMA	AZ	85366
AVENDANO EVERARDO J	9365 STETSON ST	YUMA	AZ	85365
AVENDANO EVERARDO J	9365 STETSON ST	YUMA	AZ	85365
AVILA JESUS & MARIA DEL LOS ANGELES JT	1104 S PALM AVE	YUMA	AZ	85364
BELTRAN MERCADO CRUZ	3678 W PAGEANT PL	YUMA	AZ	85364
BENAVIDES JULIO C	3705 W PAGENT PL	YUMA	AZ	85364
BERNAL RODOLFO & ELVA G LIVING TRUST 12-7-2007	224 S 17TH AVE	YUMA	AZ	85365
BOYLAN JOHN J & JOANN JT	1074 S PALM AVE	YUMA	AZ	85364
BUENROSTRO JOSE L & SILVIA	1239 S PAGENT AVE	YUMA	AZ	85364
BURGOS ANDRES T & MARSHA M CPWROS	3794 W 27TH LN	YUMA	AZ	85364
CALZADA AUGUSTINE REY	3752 W 12TH ST	YUMA	AZ	85364
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	2603 S 4TH AVE	YUMA	AZ	85364
CARDENAS ALEJANDRO	1147 S PAGEANT AVE	YUMA	AZ	85364
CARRILLO JOSE H & ANGELA J JT	1054 S PALM AVE	YUMA	AZ	85364
CASAS ARTURO &	1050 S PAGENT AVE	YUMA	AZ	85364
CASTILLO JOSE J	1057 S PAGENT AVE	YUMA	AZ	85364
COIL JAMES F & MADELEINE R JT	3528 W 12TH PL	YUMA	AZ	85364
COLQUITT J C JR	1058 S PAGENT AVE	YUMA	AZ	85364
CRUZ JAVIER & ANGELA M JT	2179 W 22ND LN	YUMA	AZ	85364
CRUZ JOHN A JR & LILIA JT	118 3RD BEACH RD	MIDLETOWN	RI	02842
CRUZ JOHN A JR & LILIA JT	118 3RD BEACH RD	MIDLETOWN	RI	02842
CRUZ TRUST 5-27-2022	2179 W 22ND LN	YUMA	AZ	85364
DE JESUS PEARLITA C	1236 S 37TH DR	YUMA	AZ	85364
DEL TORO CESAR HEGLLEN PEREZ	3536 W 12TH PL	YUMA	AZ	85364
DURKIN MICHAEL THOMAS & ELVA ESCAMILLA JOSE L & MARTHA RODRIGUEZ JT	1227 S PAGENT AVE	YUMA	AZ	85364
RODRIGUEZ JT	125 VALENCIA ST	SALINAS	CA	93905
FAULKNER DAVID M & PATRICIA TR 12-13-05	3420 W 12TH ST	YUMA	AZ	85364
FAULKNER GEORGE A TRUST 6-12- 97	3400 W 12TH ST	YUMA	AZ	85364
FLORES ADAN & IRMA	838 S 2ND AVE	YUMA	AZ	85364
FLORES ADAN & IRMA	838 S 2ND AVE	YUMA	AZ	85364
FLORES ADAN & IRMA	1057 S PAGENT AVE	YUMA	AZ	85364
GARCIA HORACIO JR & CHARLENE	1114 S PALM AVE	YUMA	AZ	85364

GOBER GLADYS L	37 AIRLANE DR	CLEARFIELD	UT	84015
GONZALEZ MARIA D	1084 S PALM AVE	YUMA	AZ	85364
GRIGGS JOHN ANDREW	3578 W 12TH PL	YUMA	AZ	85364
GUTIERREZ MAURICIO & MARIA M JT	3710 W PAGENT PL	YUMA	AZ	85364
HILL MADRICK H & GINGER R	2450 W 11TH ST	YUMA	AZ	85364
HOFFMEYER FRED W & CAROLYN ANN TRUST	3606 W 12TH PL	YUMA	AZ	85364
HULBERT RODGER D & JENNIFER N	3508 W 12TH PL	YUMA	AZ	85364
JIMENEZ ANATOTLO & MARIA ROSARIO*	3681 W PAGENT AVE	YUMA	AZ	85364
JOHANNIG DANIEL L	3566 W 12TH PL	YUMA	AZ	85364
KENNEDY JAMES R	3610 W FRANCIS ST	YUMA	AZ	85364
KRAJNIK CLARA E	2617 S ELM ST	TEMPE	AZ	85282
LAWRENCE BRADFORD & BARBARA TRUST 1-5-2017	1052 S PAGENT AVE	YUMA	AZ	85364
LOPEZ DANIEL R	3821 W FRANCIS ST	YUMA	AZ	85364
LUNA JORGE G & GLORIA JT	1080 S PALM AVE	YUMA	AZ	85364
MANNING PATRICK F S/S	3579 W 12TH PL	YUMA	AZ	85364
MARTINEZ ARNULFO & MARTINEZ RAFAELA*	1177 S PAGEANT AVE	YUMA	AZ	85364
MARTINEZ RHICARDO J	8375 S YAVAPAI LN	YUMA	AZ	85364
MC NEEL TIM A	1024 S PALM AVE	YUMA	AZ	85364
MEDRANO ANTONIO	1098 S PALM AVE	YUMA	AZ	85364
MENDIVIL SECUNDINO LEON & NATALIA J JT	1324 W 20TH ST	YUMA	AZ	85364
MORALES ALEJANDRO & ROSALEZ HORTENCIA TRUST 10-28-2014	3689 W PAGENT PL	YUMA	AZ	85364
MORENO MARIA LUISA	3632 W 12TH PL	YUMA	AZ	85364
MORENO MELANIE R & DOMINGO D JT	3612 W FRANCIS ST	YUMA	AZ	85364
MOSSO JORGE I MUNOZ	1246 S 37TH DR	YUMA	AZ	85364
MOTA OSCAR H	3758 W 12TH ST	YUMA	AZ	85365
MOTA OSCAR H & NANCY JT	1507 W. EMMA AVENUE	SPRINGDALE	AR	72764
MUNROE GARY W JR TRUST 7-30- 09	1507 W. EMMA AVENUE	SPRINGDALE	AR	72764
NAVARRETE MARIA GUADALUPE MORALES	6214 GOPHER CT	WALDORF	MD	20603
NAVARRO JOSE LUIS	3697 W PAGEANT PL	YUMA	AZ	85364
NAVARRO JOSE LUIS	4188 W 5TH LN	YUMA	AZ	85364
NAVARRO JOSE LUIS	1047 S PAGEANT AVE	YUMA	AZ	85364
PACO ABEL O & LORENA	3611 W FRANCIS ST	YUMA	AZ	85364
PADRON GEORGE	PO BOX 1913	YUMA	AZ	85366
PEDROZA MARIA C & ALVARO CHAVEZ CPWROS	1077 S PAGENT AVE	YUMA	AZ	85364
PEREZ GILBERTO PADILLA &	1075 S PAGENT AVE	YUMA	AZ	85364
PEREZ MARK ANTHONY	2341 MEADOWVALE AVE	LOS ANGELES	CA	90031
PHILLIPS NEWTON A & NINA E JT	2920 BRIARWOOD RD UNIT J15	BONITA	CA	91902
PLYMALE LINDA JO	PO BOX 5296	YUMA	AZ	85366
PLYMALE LINDA JO	PO BOX 5296	YUMA	AZ	85366
POCOCK GARY & DIANA FAMILY TRUST 9-1-10	PO BOX 6481	YUMA	AZ	85365

PURPLE ORCHID HOLDINGS LLC	2030 W BASELINE RD SUITE 182 740	PHOENIX	AZ	85041
QUIJADA JACK ADAM	1834 E JACKSON ST	PHOENIX	AZ	85034
QUIJADA MANUEL & CATALINA	1107 S PAGEANT AVE	YUMA	AZ	85364
REESE JEFFREY O & MELISSA A	1215 S PAGEANT AVE	YUMA	AZ	85364
ROBLES ARNULFO & NORMA A GARCIA DE CPWROS	3553 W 12TH PLACE	YUMA	AZ	85364
ROBLES FRANCISCO J & MARIA JT	3608 W FRANCIS ST	YUMA	AZ	85364
RODRIGUEZ BENJAMIN	PO BOX 4843	YUMA	AZ	85366
ROMERO JUDITH S	3692 W 12TH PL	YUMA	AZ	85364
SAENZ ELGA	1098 S PAGENT AVE	YUMA	AZ	85364
SANCHEZ REVOCBLE TRUST 7-14- 99	3624 W 12TH LN	YUMA	AZ	85364
SEVERO GIRLIE G & ALEXANDER BASILIO	3641 W CRANE ST	YUMA	AZ	85364
SEWARD & SONS LLC	10763 S PEARL AVE	YUMA	AZ	85365
SHORT RODNEY C & MELISSA TOLER JT	3641 W 12TH PL	YUMA	AZ	85364
STARCORD AZ LLC	3818 E DOWNING CIR	MESA	AZ	85205
STOFFREGEN BRIAN P & LINDA A JT	3605 W 12TH PL	YUMA	AZ	85364
SWANSON LOUIS C & PAMELA L	16925 W SETTERS RD	WORLEY	ID	83876
SWARTZENDRUBER TYLER	1205 S PAGENT AVE	YUMA	AZ	85364
T3AZ LLC	5840 E 27TH PL	YUMA	AZ	85365
THOMPSON MARGARET F TRUST 6-26-97	3450 W 12TH ST	YUMA	AZ	85364
TORTOLANO ELIZABETH S TR 3-20- 09	3664 W 12TH LN	YUMA	AZ	85364
TULLER DANIEL O	3750 W 12TH ST	YUMA	AZ	85364
VALENZUELA RUBEN CASTANEDA JR	1127 S PAGENT AVE	YUMA	AZ	85364
VALLENI-MOERKE TRUST 12-8-2017	3590 W 12TH LN	YUMA	AZ	85364
VAN DYN HAVEN PATRICK L & KRISTIE A JT	3631 W 12TH PL	YUMA	AZ	85364
VASQUEZ GABRIEL PALAFOX & VIDALES ANNA JUDITH JT	2786 S 17TH AVE	YUMA	AZ	85364
WALKER HOWARD & BARBARA JT	1157 S PAGENT AVE	YUMA	AZ	85364
WALSMA PAMELA TRUST 11-4-04	3644 W 12TH LN	YUMA	AZ	85364
WARD STEVEN M & KATHLEEN M JT	3620 W 12TH PL	YUMA	AZ	85364
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA	AZ	85364
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA	AZ	85364
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA	AZ	85364
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA	AZ	85364
YOUNG FAYE H	1167 S PAGENT AVE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
ZAMORA MAXIMO & LETICIA TRUST 4-1-2009	513 S 16TH AVE	YUMA	AZ	85364
ZAMORA MAXIMO AND LETICIA JT	513 S 16TH AVE	YUMA	AZ	85364

ATTACHMENT F
AERIAL PHOTO



RESOLUTION NO. R2024-003

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 LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED ON PALM AVENUE

WHEREAS, the General Plan of the City of Yuma was adopted in 2022 by Resolution R2022-011 for the orderly and balanced development of lands through efficient and systematic land use planning; and,

WHEREAS, the General Plan provides a vision of development into the future based on existing development, the needs of the community, and the desires of property owners; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 8, 2024 for General Plan Amendment Case No. GP-41820-2023, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on December 15, 2023; and,

WHEREAS, as the community grows and prospers, it may be necessary to amend the General Plan to reflect development trends and opportunities; and,

WHEREAS, the proposed General Plan Amendment meets the goals and objectives of the General Plan, and retains an adequate mixture and balance of land uses.

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

SECTION 1: Resolution R2022-011, the City of Yuma 2022 General Plan, is amended to change the land use designation of the real property depicted with crosshatching in Exhibit A, attached and by this reference made a part of this Resolution, from Low Density Residential to High Density Residential.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

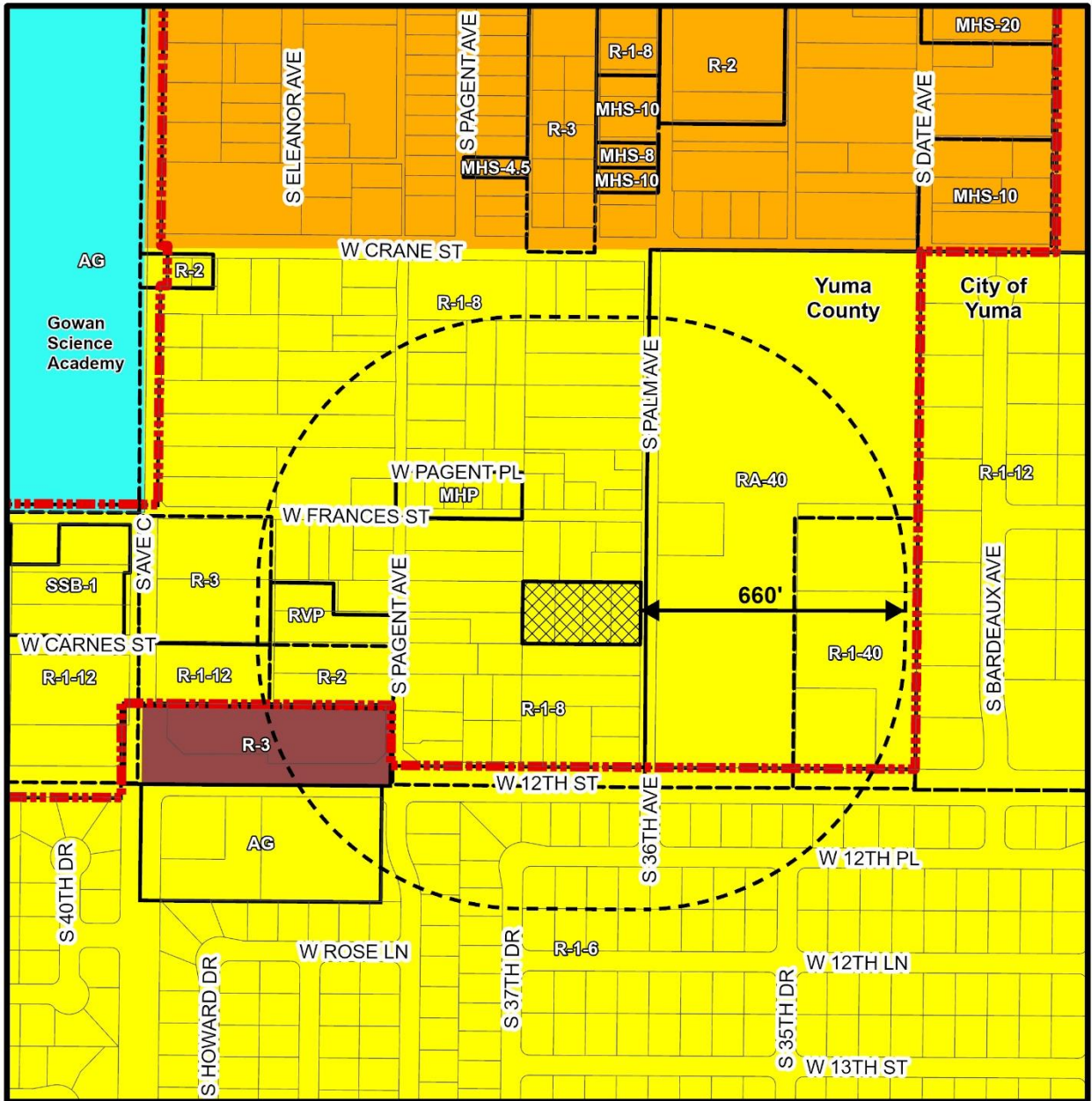
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



GENERAL PLAN - LAND USE

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public/Quasi-Public

LOCATION MAP

- LOCATION OF SUBJECT PROPERTY
- NOTIFICATION AREA
- CITY LIMITS

ZONING DISTRICTS

- AG - Agricultural District (City)
- MHP - Manufactured Housing Park (City)
- R-1-6 - Low Density Residential (6,000 sq ft min) (City)
- R-1-12 - Low Density Residential (12,000 sq ft min)
- R-3 - High Density Residential
- MHS - Manufactured Home Subdivision (County)
- R-1-8 - Low Density Residential (8,000 sq ft min) (County)
- R-2 - Medium Density Residential (County)
- RA-40 - Rural Area (40 acre min) (County)
- RVP - Recreation Vehicle Park (County)
- SSB-1 - Suburban Site Built (1 acre min) (County)



Prepared by: DG

Checked by: ZF



Date: 9/27/2023

Revised:

Revised:

Case #:

GP-41820-2023