



City of Yuma City Council Meeting Agenda

Wednesday, December 18, 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.

Those wishing to speak on an agenda item or during Call to the Public must complete a Speaker Request Form prior to the start of the meeting. Speaker Request Forms can be found on the City's website, in the Clerk's Office, as well as in the Council Chambers.

"Call to the Public" comments are limited to non-agenda items that pertain to City business under the authority and legislative functions of the City Council. The total time for "Call to the Public" is limited to 30 minutes.

Speaker Request Forms should be submitted to City clerk staff prior to the start of each meeting. All speakers, whether speaking on an agenda item or during "Call to the Public" are provided 3 minutes, with no more than 5 speakers permitted per topic/issue.

City Council Worksessions and Regular City Council Meetings can be viewed through the following platforms:

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.
- Live Stream – Residents can watch meetings on their computer or mobile device at www.yumaaz.gov/telvue. Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Teams on their computer or mobile device at www.yumaaz.gov/publicmeetings. Click on "Calendar" then select the City meeting and click "Join".

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL

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 2024-210](#) **Regular Council Worksession Draft Minutes November 19, 2024**
Attachments: [2024 11 19 RWS 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 2024-199](#) **Liquor License: Las Delicias De Mi Abuela**
Approve a Series #12: Restaurant Liquor License application submitted by Juanita Alicia Esparza, agent for Las Delicias De Mi Abuela located at 344 W. 24th Street. (LL24-17) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Las Delicias De Mi Abuela](#)
2. [MC 2024-200](#) **Bingo License: Westwind RV & Golf Resort LLC**
Approve a Class A Bingo License application submitted by Joyce Hahn on behalf of Westwind RV & Golf Resort LLC located at 9797 E. 32nd St. (BL24-01) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Bingo License: Westwind RV & Golf Resort LLC](#)
3. [MC 2024-201](#) **Bid Award: Avenue 9E Sewer Line Casing Extension Project**
Award a construction services contract for the Avenue 9E Sewer Line Casing Extension Project to the lowest responsive and responsible bidder in the amount of \$190,735.60 to Gutierrez Canales Engineering PC, Yuma, Arizona.
(Engineering-RFB-25-195) (David Wostenberg/Robin R. Wilson)

4. [MC 2024-202](#) **Bid Award: Replacement of 17 HVAC Units at Agua Viva Water Treatment Facility**
Authorize the purchase and installation of 17 HVAC Rooftop units to the lowest responsive and responsible bidder to Polar Cooling, Yuma, Arizona for a total cost of \$219,256.00. (Building Safety RFB-24-307/RFB-25-160) (Justin Lewis/Robin R. Wilson)
5. [MC 2024-203](#) **Contract Award: Professional Design Services for Yuma Police De-escalation and Scenario Facility**
Award a contract for professional design services for the Police De-escalation and Scenario Facility, to Pearlman Architects of Arizona, Inc., Phoenix, Arizona, for an estimated amount of \$425,230.41. (Engineering RFQ-25-060) (David Wostenberg/ Robin R. Wilson)
6. [MC 2024-204](#) **Cooperative Purchasing Agreement: Maintenance Repair and Operations (MRO) Supplies, Parts, Equipment, Materials and Related Services**
Authorize the use of the cooperative purchase agreement initiated by the City of Tucson through Omnia Partners Network, for the purchase and delivery of MRO supplies, parts, equipment, materials and related services with W.W. Grainger Inc. of Lake Forest, Illinois, for an estimated annual expenditure of \$195,000.00. (CPA-25-214 Building Safety) (Justin Lewis/Robin R. Wilson)
7. [MC 2024-205](#) **Declare Surplus and Award Bid: Sale of Firearms**
Declare surplus and award the sale of 108 surplus firearms to the highest responsive and responsible offer for a total of \$21,515.00 from the following vendors: (1) Nine Lives Auction, Phoenix, Arizona, \$9,688.00; and (2) ProForce Marketing, Inc. Prescott, Arizona, \$11,827.00. (Police Department-RFO-25-184) (Thomas Garrity/Robin R. Wilson)
8. [MC 2024-206](#) **Request for Qualifications Award: Investment Management Services**
Award a one-year professional services contract with the option to renew for four additional one-year periods, one period at a time, contingent on appropriations and satisfactory performance with Meeder Public Funds, Dublin, Ohio and PFM Asset Management, Tempe, Arizona. (Finance-RFQ-24-253) (Douglas Allen/Robin R. Wilson)

9. [MC 2024-207](#) **Sole Source Procurement: Badger Meters and Automated Meter Infrastructure**
Authorize the purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an estimated expenditure of \$846,232.40 to Badger Meter, Milwaukee, Wisconsin. (Utilities-SS-25-216) (Jeremy McCall/Robin R. Wilson)
10. [MC 2024-208](#) **Final Plat: Mariadawnlee Subdivision**
Approve the final plat of the Mariadawnlee Subdivision, located at the southwest corner of 33rd Drive and 24th Street. (Planning and Neighborhood Services/Community Planning)(Alyssa Linville)
- Attachments:** [1. PLAT Final Plat: Mariadawnlee Subdivision](#)
11. [MC 2024-209](#) **First Amendment to Design-Build Services Contract**
Authorize the City Administrator to amend the Design-Build construction contract with Willmeng Construction and add American Ramp Company to the extended warranty and bonding requirements for Kennedy Skate Park. (David Wostenberg/ Eric Urfer)
- Attachments:** [1. AGMT First Amendment to Design-Build Services Contract](#)

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. [R2024-068](#) **Water Delivery Agreement: Yuma Cogen**
Authorize the execution of a new Water Delivery Agreement between the City of Yuma (City) and Yuma Cogeneration Associates (Yuma Cogen). (Jeremy McCall/Utilities).
- Attachments:** [1. RES Water Delivery Agreement: Yuma Cogen](#)
[2. AGMT Water Delivery Agreement: Yuma Cogen](#)

2. [R2024-069](#)**Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) - Interstate-8 / Avenue 8½ E Traffic Interchange Design Concept Report (DCR).**

Authorize the City to apply for AZ SMART funds to develop a DCR for the Interstate-8 (I-8) / Avenue 8½ E traffic interchange. The Arizona Department of Transportation (ADOT) requires applicants for AZ SMART funds to have jurisdictional approval prior to submitting an application thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (Dave Wostenberg)

Attachments:

[1. RES AZ SMART Funding Application: I-8 and Ave 8 1/2 E](#)

3. [R2024-070](#)**Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) - Hacienda Estates Storm Drain Improvements.**

Authorize the City to apply for an AZ SMART funds to develop storm drain improvements for Hacienda Estates. The Arizona Department of Transportation (ADOT) requires applicants for AZ SMART funds to have jurisdictional approval prior to submitting an application, thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (Dave Wostenberg)

Attachments:

[1. RES AZ SMART Funding Application: Hacienda Estates](#)

4. [R2024-071](#)**Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund - 40th Street Construction from Avenue 6E to Fortuna Road**

Authorize the City to apply for an AZ SMART grant to serve as a portion of the required local match of the Multimodal Project Discretionary Grant (MPDG). The Arizona Department of Transportation (ADOT) has requested applicants for AZ SMART Funds to have jurisdictional approval prior to submitting an application, thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (David Wostenberg)

Attachments:

[1. RES AZ SMART Fund Application: 40th St](#)

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. [O2024-040](#)

Text Amendment: Zoning Amendments

Amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1 P&Z RPT Zoning Amendments.pdf](#)

[2 ORD Zoning Amendments.docx](#)

2. [O2024-041](#)

Rezoning of Property: Southeast Corner of S. Avenue 7E and E. 40th Street

Rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z RPT Rezone: Southeast corner of S. Avenue A and E. 40th Street](#)

[2. ORD Rezone: Southeast corner of S. Avenue A and E. 40th Street](#)

IV. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of December 5, 2024, through December 18, 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.

2. Scheduling:

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

V. 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.

VI. CALL TO THE PUBLIC

Members of the public may address the City Council on matters within City Council's authority and jurisdiction that are not listed on the agenda during the "Call to the Public" segment of the meeting. All speakers must complete a Speaker Request Form and submit it to City Clerk staff no later than the "Final Call for Speaker Request Forms" is made at the beginning of each meeting.

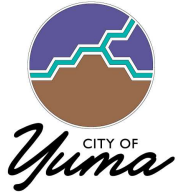
VII. EXECUTIVE SESSION

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

- A. Discussion, consultation with and/or instruction to legal counsel concerning a contract matter. (A.R.S. §38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel concerning Smucker Park Retention Basin damages. (A.R.S. §38-431.03 A3, A4 & A7)
- C. Discussion, consultation with and/or instruction to legal counsel concerning Joint Land Use Plan. (A.R.S. §38-431.03 A3 & A4)

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2024-210

Agenda Date: 12/18/2024

Agenda #: 1.

Regular Council Worksession Draft Minutes November 19, 2024

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

CALL TO ORDER

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

Councilmembers Present: Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Public Works, Joel Olea
Director of Engineering, David Wostenberg
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. SPACEPORT UPDATE

Simonton presented an update on the status of the spaceport project as follows:

- Spaceport Project History
 - It Started With a Simple Vision
 - March 2016 – Councilmember Shelton discussed the concept/goal of Yuma developing a spaceport at the Council Retreat
 - 2017/18 – The region received interest from commercial rocket companies regarding the possibility of developing a commercial spaceport
 - 2019 – Greater Yuma Economic Development Corporation (GYEDC) received a grant to complete a feasibility study
 - 2022 – City in partnership with GYEDC hired Launch on Demand to complete the Federal Aviation Administration (FAA) Site License Application Process
- Why Yuma?
 - It is all about location
 - Close to large bodies of water (Sea of Cortez/Pacific Ocean)
 - Rockets are usually two or more stages, and the first stage would break off over the Pacific Ocean
 - Ideal longitude and latitude to launch communication satellites toward a southerly polar orbit
 - Very low population densities
 - The launched rockets would travel over sparsely populated areas, reducing safety concerns
 - Very few viable commercial spaceports in the world
 - Fewer than 30 operational spaceports
 - Many spaceports are controlled by the federal government, making it difficult for smaller operators to launch their equipment into space

- Progress to Date
 - Need to obtain FAA Part 420 Site Operator License
 - Hired consultant Launch on Demand in 2022 to complete the Site License Application Process
 - Submitted Pre-Application to FAA in February of 2024
 - Working with an environmental consultant to complete the required National Environmental Policy Act (NEPA) documents
 - Anticipate environmental review process to be completed in the fall of 2025
 - FAA will have 180 days to review the application
 - If everything goes as planned, the goal is to have the site operator license approved in early 2026
- Challenges and Hurdles to Overcome
 - Land swap/acquisition with Arizona State Lands Department and Marine Corps Air Station (MCAS)
 - The City owns parcels of land that were acquired for a potential landfill, but their location is not optimal
 - FAA approval of inland spaceport
 - Size of launch vehicles
 - The tables used by the FAA to determine the safety of launching a rocket were for much larger rockets carrying significantly larger payloads than would be handled at Yuma's spaceport
 - The City's consultants had to submit a lot of extra documentation to prove that launching small rockets from the proposed location would be safe
 - Private investment in site infrastructure
 - The City does not have the funds to build the spaceport, and will need to find a private partner
 - Coordination with Mexico
- Project is Generating Interest
 - National Science Foundation (NSF) Engine Grant
 - Partnership with the City, GYEDC, Arizona Western College (AWC) and Elevate Southwest
 - Potential \$160 million grant over the next 10 years
 - Companies and Educational Interests
 - InterOrbital Systems (signed a Memorandum of Understanding)
 - Uses turpentine and nitric acid as fuel sources, which are much less dangerous to the environment and unlike traditional rocket fuel does not require a special storage system
 - They want to be the first to launch a rocket from the Yuma spaceport
 - Space-Tech Inc.
 - University of Arizona
 - Arizona State University
 - Raytheon
 - Jet Propulsion Laboratories




Discussion

- The long game is not so much about launching rockets, but about creating an industry base in Yuma; having a spaceport in Yuma would attract companies that develop and construct rockets, satellites, and peripheral information resources, which would bring hundreds of well-paying jobs to the area (**Mayor Nicholls**)
- The former President of Mexico supported this project, but their administration changed after the most recent election; it is expected that Mexico will see the spaceport as a benefit to them due to fabrication and other ancillary activities that could take place in San Luis (**Smith/Simonton**)
- Initial indications from Dr. Remy Martínez, Executive Director of 4FrontED, is that the spaceport will be viewed favorably by Mexico as a regional asset, not just an American asset (**Mayor Nicholls**)
- Some infrastructure development would be required for the spaceport, including a water source for fire suppression and high-speed internet (**Smith/Simonton**)
- The number of added jobs has not been estimated at this point as the current focus is on getting the site license and working with private industry to develop the required infrastructure; the number of jobs that could be created as a result of the spaceport could be enormous and would include many types of industries (**Shoop/Simonton**)
- The City has plenty of hotel rooms to accommodate contractors and people coming into town for launches or research activities; people who move to Yuma long-term as a result of the spaceport and ancillary facilities will add to the demand for housing and services (**Shoop/Simonton**)
- A feasibility study was conducted and can be provided to City Council; while the spaceport would be limited to the launch of small satellites due to location and other factors, this is a market with very high demand and a lack of facilities (**Mayor Nicholls/Morales/Simonton**)
- The \$160 million grant would not be just for the infrastructure of the spaceport, but for job development, career development, research, and other related activities; the City partnered with Elevate Southwest to apply for the grant because the City was not eligible to apply on its own (**Morales/Simonton**)
- While the City is very much involved in the planning and development of the spaceport, once it is up and running a private operator will likely be responsible for most of the day-to-day operations (**Morales/Simonton**)

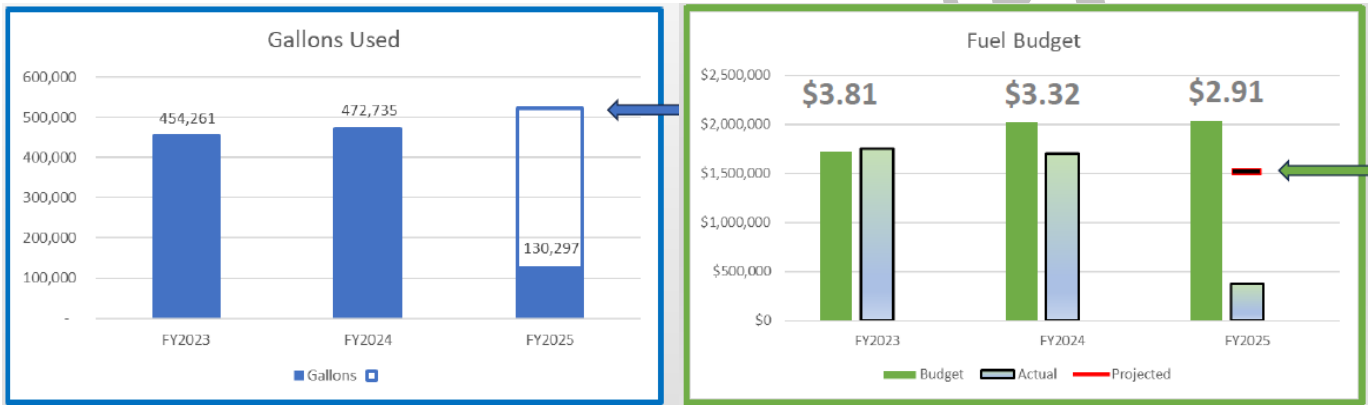
II. PUBLIC WORKS DEPARTMENT UPDATE

Olea presented the following Public Works department update:

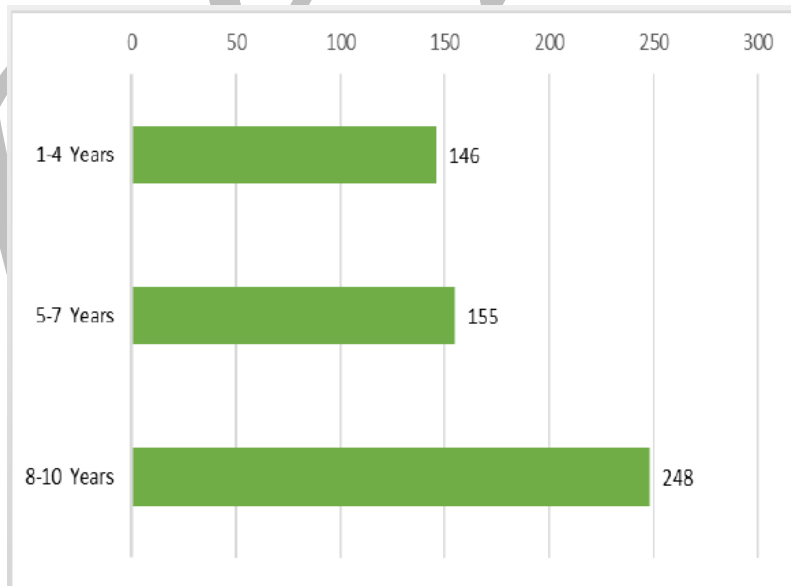
- Vehicle Inventory: 549

Class 1 - 2	Class 3 - 5	Class 6+
		
Sedans	SUV & Trucks	Heavy Equipment
87	383	79
16%	70%	14%

- The fleet is organized using Federal Highway Administration class codes determined by the number of axles, the weight of the vehicle, and the towing capacity
- Quarterly Performance Review: Q1
 - 877 work orders
 - 88 roadside assistance
 - 789 preventative repairs
 - 1.5 day turn around time
- Fuel Management
 - Fuel is the largest expense outside of the original purchase of a vehicle
 - Fuel use increased by 4% in Fiscal Year 2024



- Equipment Replacement
 - Over 50% of the City's fleet is seven years or younger
 - One to four years – 34%
 - Five to seven years – 28%
 - Eight to 10 years – 48%



- In the past there have been challenges in replacing vehicles in a timely manner because of various factors, such as the chip shortage several years ago, but now for the most part any delays are due to vehicle availability
- Currently there are 36 outstanding vehicle purchase orders; once those vehicles are received the percentage of vehicles eight to ten years old will decrease from 48% to 38%
- Safety Improvements
 - Global Positioning System (GPS)
 - Public Works has been using GPS for the last five years in solid waste trucks and street sweepers
 - Location of vehicle can be tracked at all times, and allows for pre-establishment of routes to avoid unnecessary driving
 - Supervisor is able to communicate with vehicle operator to inform of additional field requests for services
 - Camera systems
 - Testing 360 degree cameras mounted on larger equipment
 - The camera systems help eliminate blind spots and include a monitor screen in the vehicle's cab
 - Vehicle telematics
 - Provides a daily report of fuel efficiency, breaking events, and on-board diagnostics that send any mechanical codes directly to the shop
- Future of Four Wheels
 - Electric Vehicles (EVs)
 - If EVs are ever introduced into the City's fleet, Class One and Class Two vehicles would be the first to be replaced
 - Larger EVs, such as solid waste trucks, are currently being tested by manufacturers, but are not feasible at this time
 - Challenges include:
 - Balancing out the weight of a vehicle with its battery
 - Figuring out how to power vehicles so they can run the entirety of a work shift
 - Vehicle cost, which is about double that of a similar gas powered vehicle
 - Arizona Public Service (APS) is conducting an assessment of the City's fleet and will provide a recommendation on replacement options and potential cost savings

Discussion

- Vehicle lifespan varies depending on class, and the replacement matrix factors in mileage, age, and mechanical work that has been performed on the vehicle; Class One and Class Two vehicles have a lifespan of up to 10 years or 100,000 miles, and for Class Five through Class Seven the lifespan is up to eight years or 100,000 miles (**Morris/Olea**)
- The majority of Yuma Police Department's vehicles fall under Class Three and Class Four (**Mayor Nicholls/Olea**)

III. REGULAR CITY COUNCIL MEETING AGENDA OF NOVEMBER 20, 2024

Motion Consent Agenda Item C.1 – Bid Award: Avenue 5E Sanitary Sewer Main Extension and Turn Lane Improvements (construction services contract in the amount of \$3,454,137.38 with Gutierrez Canales Engineering) (RFB-25-102) (Eng)

Motion Consent Agenda Item C.2 – Bid Award: Ocean to Ocean Bridge Lighting Upgrades (construction services contract in the amount of \$224,900.50 with Westmoor Electric, Inc.) (RFB-25-058) (Eng)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Items C.1 and C.2 as his firm is involved in those contracts.

Resolution R2024-065 – Grant Agreement: U.S. Department of Transportation’s Federal Highway Administration – Safe Streets and Roads for All Grant (to develop a City of Yuma Comprehensive Safety Action Plan) (Eng)

Discussion

- The City will put out a Request for Qualifications for a consultant to complete the Comprehensive Safety Action Plan (Plan); the Plan will make the City eligible for future grants for infrastructure improvements (**Morris/Wostenberg**)
- The City will be utilizing a consultant to complete the study because it requires the expertise of traffic and safety engineers with experience developing safety action plans, which the City does not have on staff; there are excellent local engineering firms, but the sub-consultants are for the most part located in the Phoenix and Tucson areas (**Morris/Wostenberg**)
- In the future, the City may be able to utilize some of the grant funds by billing for staff time or to hire additional staff if needed (**Morris/Wostenberg**)
- The City does have a traffic engineer on staff who will be playing a key role in the project, but the Engineering Department does not have the capacity to complete the Plan itself at this time (**Morales/Wostenberg**)
- The Plan is developed every five years, and normally the City would be participating in a regional effort; the City had already applied for and received the grant and was unable to add the Yuma Metropolitan Planning Organization (YMPO) or any other entities, but will be collaborating with YMPO on the project (**Morales/Wostenberg**)
- The Plan is anticipated to be completed in about a year (**Smith/Wostenberg**)

Ordinance O2024-039 – Gift Acceptance: Utility Easement Property (approximately 8.35 acres of property located between Avenue 7 ½ E and 7 ¾ E along the United States Bureau of Reclamation “A” Canal) (Eng)

Discussion

- The property would not be able to be fenced off and utilized by Elliot Homes because the Western Area Power Authority needs access to the power lines at all times; it could potentially be used as a bike path or linear park with soccer fields, or for adjacent Capital Improvement Program projects (**Morris/Wostenberg**)

EXECUTIVE SESSION/ADJOURNMENT

Motion (Smith/Morales): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:26 p.m.

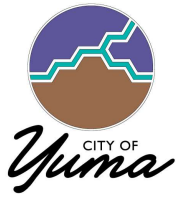
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

City Council Report

File #: MC 2024-199

Agenda Date: 12/18/2024

Agenda #: 1.

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

Liquor License: Las Delicias De Mi Abuela

SUMMARY RECOMMENDATION:

Approve a Series #12: Restaurant Liquor License application submitted by Juanita Alicia Esparza, agent for Las Delicias De Mi Abuela located at 344 W. 24th Street. (LL24-17) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

Approval of this Liquor License aligns with City Council’s Respected and Responsible strategic outcome as it provides notification to the public and transparency of City business.

REPORT:

Juanita Alicia Esparza, agent for Las Delicias De Mi Abuela located at 344 W. 24th Street, has applied for a Series #12: Restaurant Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of the license have been received.

The application has been reviewed by Planning & Neighborhood Services, the Police Department, the Fire Department, and Business Licensing.

Upon City Council’s recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

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:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

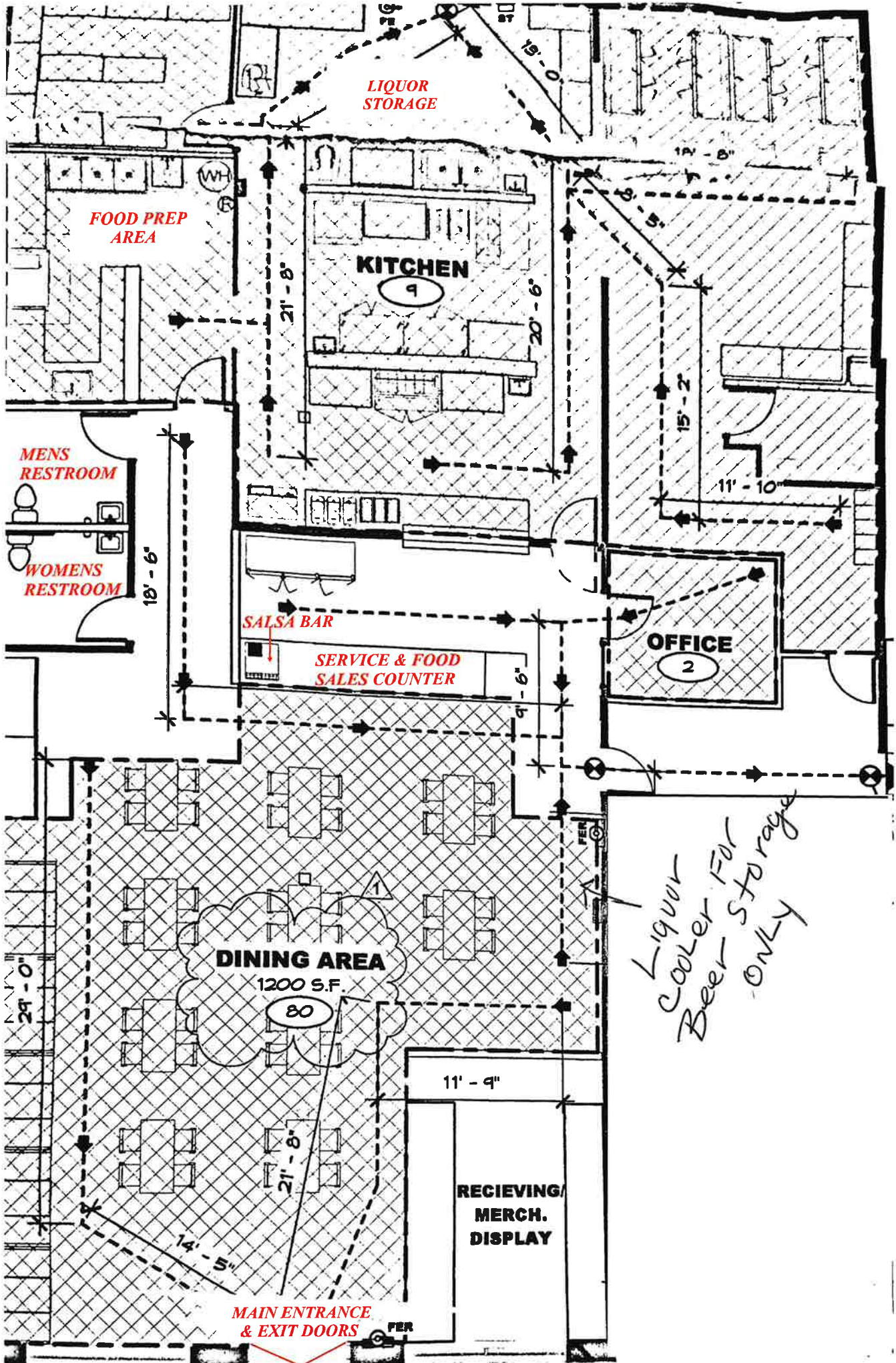
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

- 1. Series #12: Restaurant Liquor License application

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



1,807 total Sqaure footage



City of Yuma

City Council Report

File #: MC 2024-200

Agenda Date: 12/18/2024

Agenda #: 2.

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

TITLE:
Bingo License: Westwind RV & Golf Resort LLC

SUMMARY RECOMMENDATION:
 Approve a Class A Bingo License application submitted by Joyce Hahn on behalf of Westwind RV & Golf Resort LLC located at 9797 E. 32nd St. (BL24-01) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:
 Approval of this Class A Bingo License aligns with City Council's Respected and Responsible strategic outcome as it provides notification to the public and transparency of City business.

REPORT:
 Joyce Hahn, on behalf of Westwind RV & Golf Resort LLC located at 9797 E. 32nd St, has applied for a Class A Bingo License. This class of bingo license applies to licensees whose gross receipts do not exceed \$75,000.00 per year.

The application has been reviewed by Planning & Neighborhood Services, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Revenue for final processing.

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:

Application Fee: \$5.00

ADDITIONAL INFORMATION:

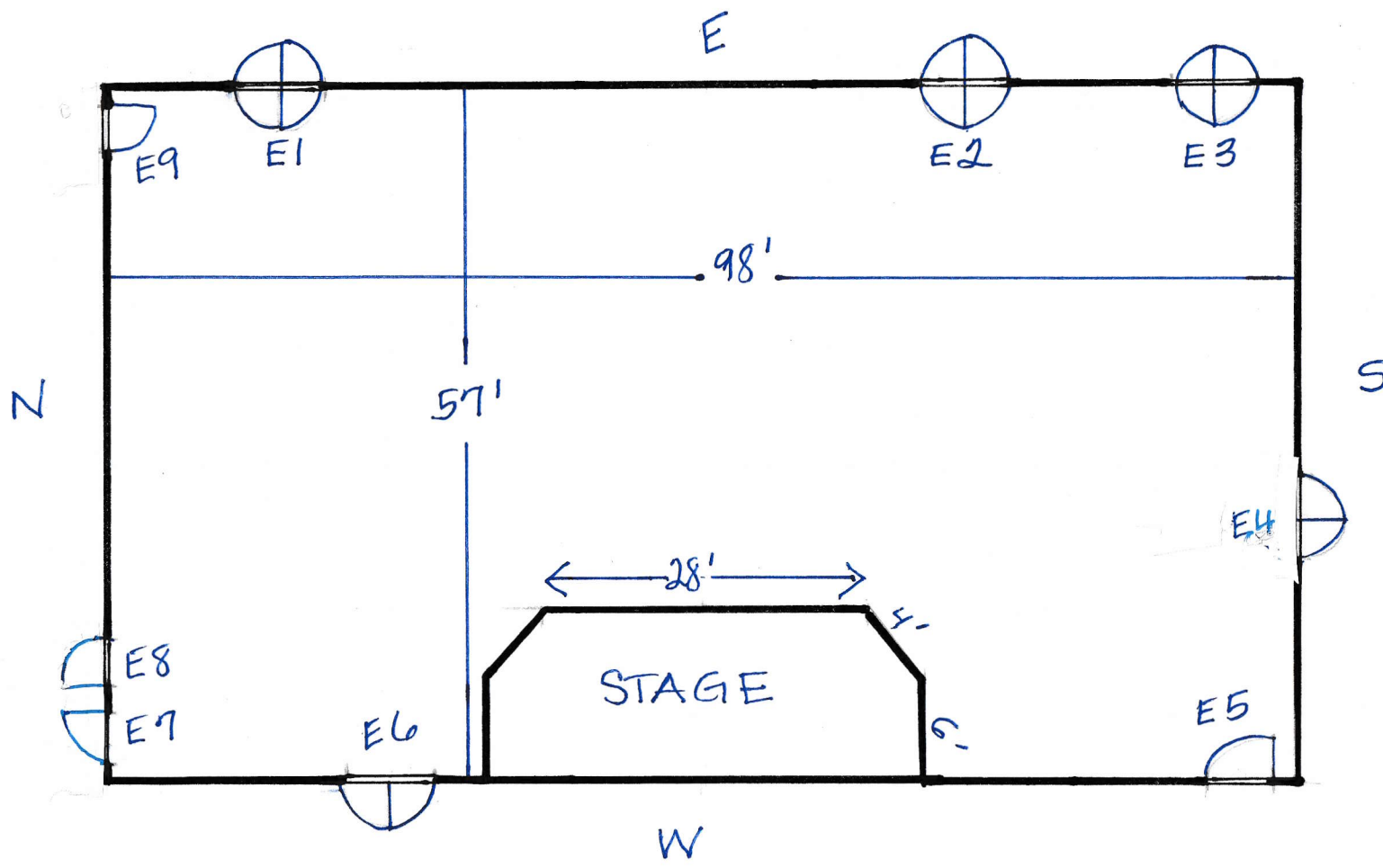
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

- 1. Class A Bingo License application

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



WESTWIND RV & GOLF RESORT
9797 E 32ND ST
YUMA AZ 85365

Exits E1, E2 and E3 swing both ways and are 6 ft wide

Exits E4 and E6 swing out and are 6 ft wide

Exits E7 and E8 swing out and are 3 ft wide

Exits E5 and E9 swing in and are 3 ft wide



City of Yuma

City Council Report

File #: MC 2024-201

Agenda Date: 12/18/2024

Agenda #: 3.

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

TITLE:

Bid Award: Avenue 9E Sewer Line Casing Extension Project

SUMMARY RECOMMENDATION:

Award a construction services contract for the Avenue 9E Sewer Line Casing Extension Project to the lowest responsive and responsible bidder in the amount of \$190,735.60 to Gutierrez Canales Engineering PC, Yuma, Arizona. (Engineering-RFB-25-195) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Respected and Responsible. The extension of this sewer line casing was requested by Union Pacific Railroad due to the expansion of the railroad from one track to two tracks in early 2025. This project may create a stronger relationship with the Union Pacific Railroad and lead to positive outcomes on future projects.

REPORT:

Per the Union Pacific Railroad requirements, the existing casing for the 6" sewer line needs to extend a minimum of 25' from the centerline of the new track. Therefore, the City will need to extend the existing steel casing 20' to comply with the requirement.

This project consists of extending the existing 16" steel casing pipe 20' southernly for the 6" wastewater force main carrier pipe crossing Mile Post 742.180 within Avenue 9E.

Two bids were received by the following general contractors:

Gutierrez Canales Engineering	\$190,735.60
TF Contracting	\$264,392.70

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 190,735.60	BUDGETED:	\$ 200,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 190,735.60			

Wastewater Fund		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget.

ADDITIONAL INFORMATION:

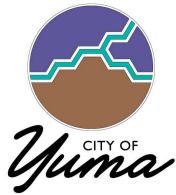
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-202

Agenda Date: 12/18/2024

Agenda #: 4.

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

TITLE:

Bid Award: Replacement of 17 HVAC Units at Agua Viva Water Treatment Facility

SUMMARY RECOMMENDATION:

Authorize the purchase and installation of 17 HVAC Rooftop units to the lowest responsive and responsible bidder to Polar Cooling, Yuma, Arizona for a total cost of \$219,256.00. (Building Safety RFB-24-307/RFB-25-160) (Justin Lewis/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Respected and Responsible, as it assures the City is being a good steward of public funds by utilizing the lowest responsive and responsible bid.

REPORT:

The Facilities Management division has maintained the aging HVAC system at the Agua Viva Water Treatment Facility for several years. The existing units are over 17 years old and no longer serviceable.

The replacement units have a serviceable life of approximately 15 to 20 years, and due to being more efficient, will result in operating and maintenance cost reduction.

The City requested bids from Hansberger Refrigeration and Polar Cooling; both vendors are currently under contract for HVAC Services. Polar Cooling shall provide and install the units, with a 5-year warranty, as Polar Cooling is the lowest responsive and responsible bidder.

The replaced units will be disposed of through the surplus process.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 219,256.00	BUDGETED:	\$ 225,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$219,256.00

Water and Wastewater Funds			
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To total; right click number & choose "Update Field"

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget to award this bid.

ADDITIONAL INFORMATION:

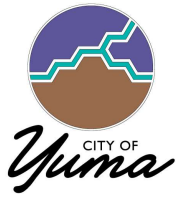
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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- Department
- City Clerk's Office
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Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-203

Agenda Date: 12/18/2024

Agenda #: 5.

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

TITLE:

Contract Award: Professional Design Services for Yuma Police De-escalation and Scenario Facility

SUMMARY RECOMMENDATION:

Award a contract for professional design services for the Police De-escalation and Scenario Facility, to Pearlman Architects of Arizona, Inc., Phoenix, Arizona, for an estimated amount of \$425,230.41. (Engineering RFQ-25-060) (David Wostenberg/ Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this contract meets the desired outcome of Safe and Prosperous by improving the police training facility, which will enhance the confidence of public safety members and increase the safety of Yuma citizens. It also meets the City Council’s strategic outcome of Connected and Engaged through shared use of the facility with other law enforcement training academies in the Yuma area.

REPORT:

The Police De-escalation and Scenario building will be used for training public safety officers in a dynamic setting, allowing the Yuma Police Department to apply various training scenarios to prepare and enhance the confidence of public safety officers responding to various calls. This building will simulate “real life” situations and allows for instant critique from trainers as well as other students, creating an immersive learning environment. This type of training will be a benefit to the community as the public safety officers will train on a more consistent basis, making for a better educated and confident public safety officer.

Phase 1 of the design entails producing a Design Concept Report to assist in applying for grant funding opportunities for the construction cost of this project and provide pre-design//programming, survey and geotechnical reports and schematic design.

Phase 2 of the project consists of design development and construction documents with bidding assistance in the request for information.

Phase 3 involves construction administration of the project.

The City received responses to the solicitation from the following two firms:

- Architects Alaska, Prescott, Arizona
- Perlman Architects of Arizona, Inc., Phoenix, Arizona

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 425,230.41	BUDGETED:	\$ 450,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$425,230.41			
Public Safety Tax Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget to award this contract.

ADDITIONAL INFORMATION:

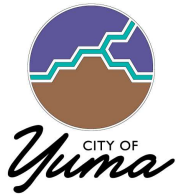
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NONE

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- Department
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Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-204

Agenda Date: 12/18/2024

Agenda #: 6.

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

TITLE:

Cooperative Purchasing Agreement: Maintenance Repair and Operations (MRO) Supplies, Parts, Equipment, Materials and Related Services

SUMMARY RECOMMENDATION:

Authorize the use of the cooperative purchase agreement initiated by the City of Tucson through Omnia Partners Network, for the purchase and delivery of MRO supplies, parts, equipment, materials and related services with W.W. Grainger Inc. of Lake Forest, Illinois, for an estimated annual expenditure of \$195,000.00. (CPA-25-214 Building Safety) (Justin Lewis/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Active and Appealing by ensuring public and office spaces are well-maintained and operational.

REPORT:

The City of Tucson competitively bid the contract for MRO supplies, parts, equipment, materials, and related services through Cooperative Purchasing Network. The City of Yuma makes these types of purchases as needed for many of the items in support of daily operations citywide.

Items include lamps, lighting and ballasts, motors, pumps and air filters. Prices range from 5% to 40% off list price and include many specialized items that are not available locally. W.W. Grainger also offers free training and safety programs that department divisions within the City take advantage of.

Staff has determined that sufficient savings and the most current contract prices can be obtained by utilizing this cooperative agreement. This agreement will provide cost savings opportunities due to volume purchasing and save on administrative overhead costs by not having to bid the same commodity.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 195,000.00	BUDGETED:	\$ 200,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$195,000.00

Various City Funds		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council FY 2025 approved budget to enter this agreement.

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: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-205

Agenda Date: 12/18/2024

Agenda #: 7.

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

TITLE:

Declare Surplus and Award Bid: Sale of Firearms

SUMMARY RECOMMENDATION:

Declare surplus and award the sale of 108 surplus firearms to the highest responsive and responsible offer for a total of \$21,515.00 from the following vendors: (1) Nine Lives Auction, Phoenix, Arizona, \$9,688.00; and (2) ProForce Marketing, Inc. Prescott, Arizona, \$11,827.00. (Police Department-RFO-25-184) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding the sale of surplus firearms to federally licensed vendors provides a safe and responsible method of declaring the firearms surplus in accordance with the City Council’s strategic outcomes of Respected and Responsible.

REPORT:

The Police Department declared 108 firearms for sale by Request for Offer (RFO). The firearms were made available for sale in accordance with Section 38-02 of the City Code of Ordinances. The state and federal computer systems were checked and none of the firearms were listed as stolen or missing.

Staff received four sealed bids from the following vendors:

- Kings Firearms,
- Nine Lives Auction,
- Proforce Marketing Inc., and
- Sprague’s Sports LLC.

Staff recommends awarding each lot to the highest bidders stated in the summary recommendation, as the two offers met all of the requirements outlined in the solicitation. Approval of this motion will declare the firearms surplus and authorize the award of the sale.

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:

Sale of surplus general fund assets is deposited the general fund.

ADDITIONAL INFORMATION:

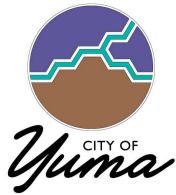
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-206

Agenda Date: 12/18/2024

Agenda #: 8.

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

TITLE:

Request for Qualifications Award: Investment Management Services

SUMMARY RECOMMENDATION:

Award a one-year professional services contract with the option to renew for four additional one-year periods, one period at a time, contingent on appropriations and satisfactory performance with Meeder Public Funds, Dublin, Ohio and PFM Asset Management, Tempe, Arizona. (Finance-RFQ-24-253) (Douglas Allen/Robin R. Wilson)

STRATEGIC OUTCOME:

Obtaining investment management services supports the City Council's strategic outcome of Respected and Responsible by ensuring accountability and transparency in managing public funds. Partnering with qualified firms that comply with regulations and prioritize capital preservation enhances financial stewardship, thereby building community trust. This responsible approach not only maximizes returns on investments but also demonstrates the City Council's commitment to prudent financial management for the benefit of residents.

REPORT:

The City of Yuma's Investment Policy, adopted by the City Council, outlines that public funds will be invested to achieve maximum security of principal while prioritizing the highest yield, all while meeting the City's daily cash flow needs. To comply with this policy, City staff conducted a solicitation to qualify vendors for investment management services. The Request for Qualifications (RFQ) was directed to identify and contract with qualified investment firms capable of providing a broad range of services in compliance with state law, governmental practices, and the City's Investment Policy.

The RFQ process successfully resulted in the qualification of two firms: Meeder Public Funds and PFM Asset Management. These firms were selected based on their proven expertise, strong reputations, and alignment with the City's investment objectives, including safety, liquidity, and yield optimization. Approval of this RFQ will enhance the City's investment capabilities and ensure a high standard of accountability and transparency in managing public funds. These partnerships will not only safeguard the City's investments but also create opportunities for improved operational efficiency and strategic portfolio management.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 25,000.00	BUDGETED:	\$ 25,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$25,000.00			
Proportionate share of all funds in the City's investment pool.			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Total program expenditures will exceed \$100,000 over five years. Expenditure per investment depends on the amount invested with each managing firm.

The City's investment programs earned \$16.5 million and \$11.6 million in FY 2024 and FY 2023, respectively. Retaining professional investment services is vital to continued success for the City's investment program.

ADDITIONAL INFORMATION:

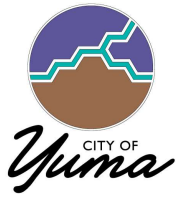
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None

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Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma

City Council Report

File #: MC 2024-207

Agenda Date: 12/18/2024

Agenda #: 9.

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

TITLE:

Sole Source Procurement: Badger Meters and Automated Meter Infrastructure

SUMMARY RECOMMENDATION:

Authorize the purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an estimated expenditure of \$846,232.40 to Badger Meter, Milwaukee, Wisconsin. (Utilities -SS-25-216) (Jeremy McCall/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council’s strategic outcomes of Safe and Prosperous by ensuring the reliability and quality of the City’s water distribution system and Connected and Engaged allowing active real-time engagement with City water services.

REPORT:

The Utilities Department standardized the use of water meters manufactured by Badger Meter, Inc. over 20 years ago. In 2006 the Utilities Department began implementing an Automated Meter Reading (AMR) metering system. The water meters and AMR endpoints are now reaching their end-of-life cycle. In response to the end-of-life water meters and AMR technology, beginning in 2023, the Utilities Department transitioned to an Automated Metering Infrastructure (AMI) metering system.

The AMI system provides real-time readings of water use and allows Yuma customers to interface with their water account via a cellular phone application. In addition to the customers’ ability to interact with their accounts in real-time, the City will be able to access meter usage data and generate a monthly water bill without having to utilize Meter Readers in the field. The water meters, encoders, and endpoints will be utilized for replacement of 4,000 existing units that have reached the end-of-life cycle and for new service installations. The total cost of each replacement including the meter is \$211.56.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 846,232.40	BUDGETED:	\$ 1,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 846,232.40

Water Fund CIP		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget for this purchase.

ADDITIONAL INFORMATION:

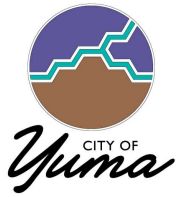
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Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024



City of Yuma
City Council Report

File #: MC 2024-208

Agenda Date: 12/18/2024

Agenda #: 10.

Table with 3 columns: DEPARTMENT, STRATEGIC OUTCOMES, ACTION. DEPARTMENT: Planning & Neighborhood Svc, DIVISION: Community Planning. STRATEGIC OUTCOMES: Safe & Prosperous, Active & Appealing, Respected & Responsible, Connected & Engaged, Unique & Creative. ACTION: Motion, Resolution, Ordinance - Introduction, Ordinance - Adoption, Public Hearing.

TITLE:
Final Plat: Mariadawnlee Subdivision

SUMMARY RECOMMENDATION:
Approve the final plat of the Mariadawnlee Subdivision, located at the southwest corner of 33rd Drive and 24th Street. (Planning and Neighborhood Services/Community Planning)(Alyssa Linville)

STRATEGIC OUTCOME:
This subdivision furthers the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible by supporting the development of new housing opportunities that will be responsibly constructed and will meet all City codes and development requirements.

REPORT:
The proposed Mariadawnlee Subdivision within the Low Density Residential (R-1-6) District will reconfigure one existing parcel into seven lots, intended for residential development. In its entirety, the subdivision area is approximately 1.7 acres in size.

- The following are some of the development standards required in the Low Density Residential (R-1-6) District:
1. The maximum lot coverage in the Low Density Residential (R-1-6) District shall be 50% of the lot area.
2. A minimum front yard setback of 20 feet.
3. A minimum side yard setback of 7 feet.
4. A minimum rear yard setback of 10 feet.
5. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Approval of the final plat for the Mariadawnlee Subdivision, shall be subject to the following conditions:
1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.

2. The Owner’s signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner’s signature on the application for this land use action shall serve as an acknowledgement regarding potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The City Council’s approval of this motion accepts the final plat of the Mariadawnlee Subdivision as submitted, including the conditions of approval written above.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NOT APPLICABLE

ADDITIONAL INFORMATION:

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

OFFICE OF THE CITY CLERK:

NONE

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

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

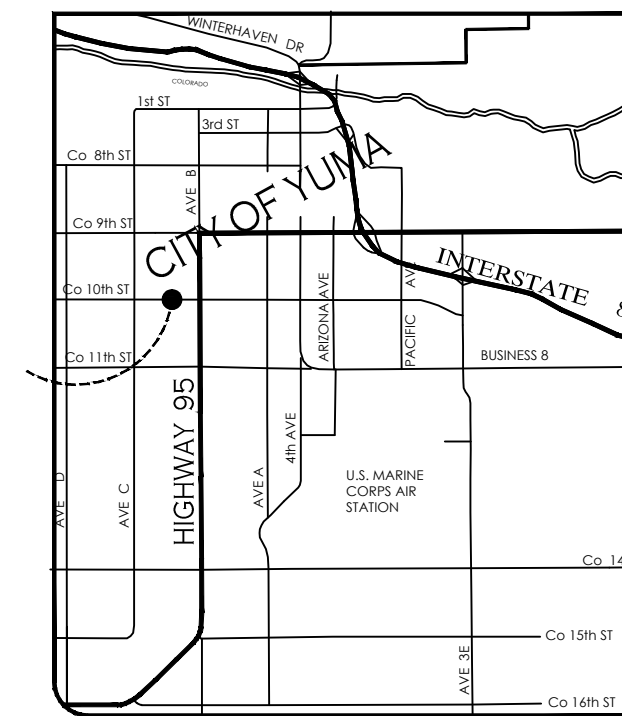
Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

MARIADAWNLEE SUBDIVISION

A PORTION OF THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 6,
TOWNSHIP 09 SOUTH, RANGE 23 WEST, G.&S.R.B.&M., YUMA COUNTY, AZ

OCTOBER 2024 ACREAGE: 1.69 AC

FINAL PLAT



OWNER OF RECORD:
CHRISTOPHER C. & PHYLLIS L. STREEBE
LIVING TRUST DATED APRIL 28, 2003
1681 S. 1st AVENUE
YUMA, AZ, 85364

DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT CHRISTOPHER C. & PHYLLIS L. STREEBE LIVING TRUST HAVE THIS ____ DAY OF _____, 20____ CAUSED A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 6, T9S, R23W, G.&S.R.B.&M., AS PLATED HEREON, TO BE SUBDIVIDED INTO LOTS, & TRACT UNDER THE NAME OF "MARIADAWNLEE SUBDIVISION" AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, AND THE TRACT CONSTITUTING SAID "MARIADAWNLEE SUBDIVISION" THAT EACH LOT SHALL BE KNOWN BY THE NUMBER, THE TRACT BY THE LETTER, AND THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT; AND CHRISTOPHER C. & PHYLLIS L. STREEBE LIVING TRUST, HEREBY DEDICATES THE STREETS SHOWN HEREON TO THE PUBLIC FOR ITS USE AND BENEFIT; TRACT "A" IS DEDICATED TO THE CITY OF YUMA FOR USE AS A STORMWATER RETENTION BASIN AND COMPATIBLE USES, AND THE EASEMENTS ARE DEDICATED FOR THE USES SHOWN AND DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HERewith.

ACKNOWLEDGMENT
STATE OF ARIZONA } SS
COUNTY OF YUMA }

ON THIS THE ____ DAY OF _____, 20____ BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED CHRISTOPHER C. STREEBE, WHO ACKNOWLEDGED HIMSELF TO BE A MEMBER OF CHRISTOPHER C. & PHYLLIS L. STREEBE LIVING TRUST AND AS, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING HIS NAME.

ACKNOWLEDGMENT
STATE OF ARIZONA } SS
COUNTY OF YUMA }

ON THIS THE ____ DAY OF _____, 20____ BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED PHYLLIS L. STREEBE, WHO ACKNOWLEDGED HERSELF TO BE THE MANAGER OF CHRISTOPHER C. & PHYLLIS L. STREEBE LIVING TRUST AND AS MEMBER, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING HER NAME.

- LEGEND**
- INDICATES BOUNDARY LINE
 - - - INDICATES CENTERLINE
 - - - - - INDICATES EASEMENT LINE
 - 13 NEW LOT NUMBER
 - NEW CITY OF YUMA STD. DETAIL NO. 4-030 SUBDIVISION BOUNDARY MONUMENT
 - NEW CITY OF YUMA STD. DETAIL NO. 4-080 STREET MONUMENT
 - EXISTING MONUMENT (TYPE AS SHOWN)
 - B.C. INDICATES BRASS CAP
 - Y.C.R.O. INDICATES YUMA COUNTY RECORDERS OFFICE
 - G.L.O. INDICATES GENERAL LAND OFFICE
 - N.A.E. INDICATES NON ACCESS EASEMENT
 - [M] INDICATES MEASURED DATA
 - [R1] DATA REFERS TO PARKWAY PLACE UNIT No 5 SUBDIVISION, AS RECORDED IN BOOK 20 OF PLATS, PAGE 81, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ.
 - [R2] DATA REFERS TO RECORDED DEED AS RECORDED IN FEE# 2008-35474, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ.
 - [R3] DATA REFERS TO THACKER CANAL RIGHT-OF-WAY OF SECTION 6, TOWNSHIP 09 SOUTH, RANGE 23 WEST, G.&S.R.B.M., BUREAU OF RECLAMATION, DWG 35-933-023

FLOOD ZONE
* THIS PROJECT IS LOCATED IN FLOOD ZONE X, AS PER FIRM FLOOD PLAIN (COY GIS)
ZONE X - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE.

OWNER OF RECORD:
CHRISTOPHER C. & PHYLLIS L. STREEBE
1681 S. 1st AVENUE
YUMA, AZ, 85364

NOTE

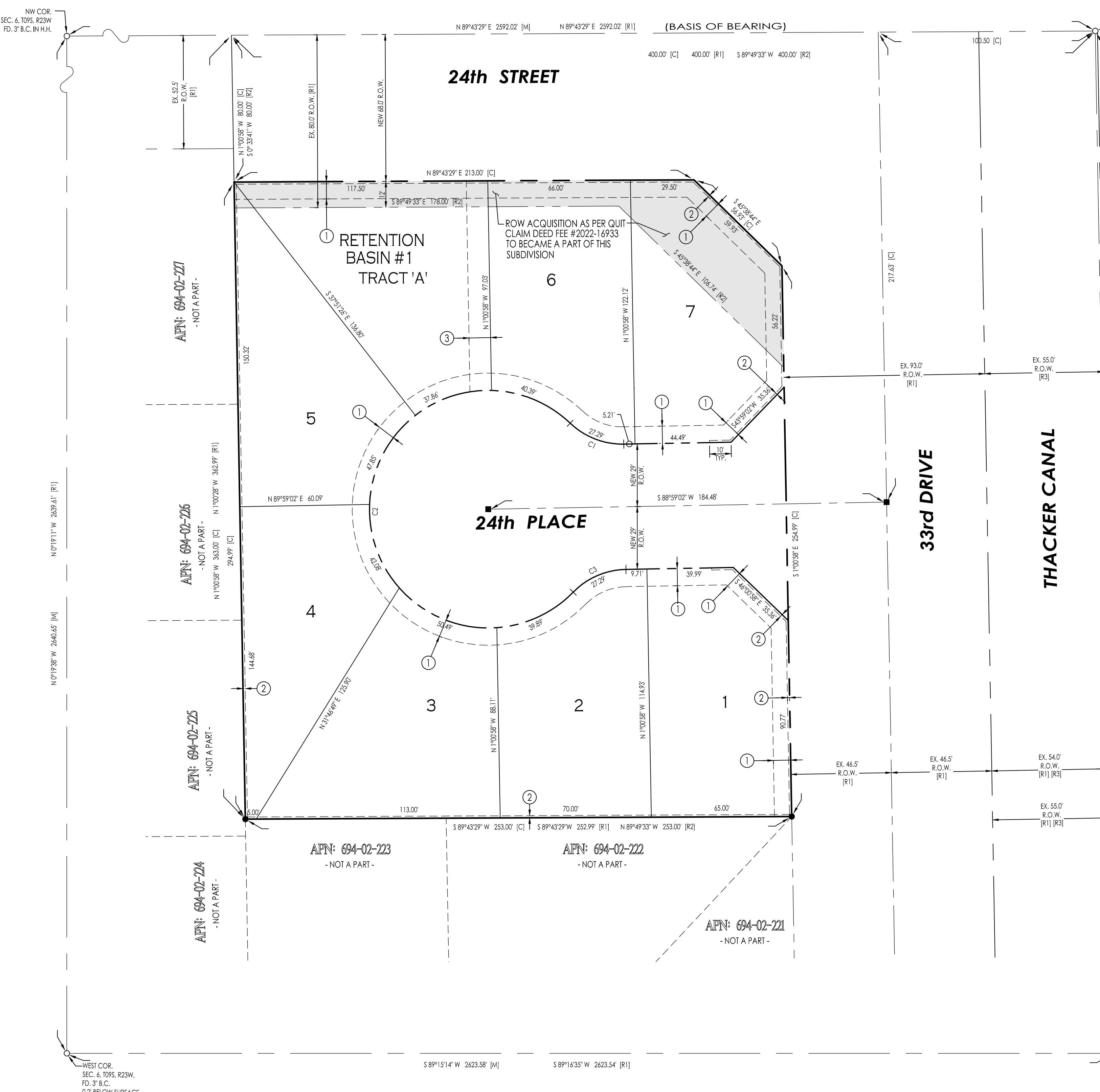
- ◆ PROPERTY CORNERS TO BE MARKED BY 1/2" DIAMETER REBAR TAGGED WITH CAP L.S. 16528
- ◆ PROJECT ZONING: R-1-6
- ◆ A PORTION OF THE NE 1/4, NW 1/4 OF SEC. 06, T09S, R23W

ELABORATED BY:
VNV21-700

VEGA & VEGA ENGINEERING, PLLC
2619 S. Ave. 2 1/2 E. STE. 3 928-329-0000 Tel
Yuma, AZ, 85365 928-247-6232 Fax
www.vega-vega.com

LAND SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING OCTOBER OF 2024 THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDED OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS PARTS.

BY: *John C. English II*
JOHN C. ENGLISH II
No. 16528
10/18/24
ARIZONA, U.S.A.



KEYNOTES

- ① NEW 8' UTILITY EASEMENT
- ② NEW 1' NON-ACCESS EASEMENT
- ③ NEW 10' SANITARY SEWER EASEMENT

LOT AREAS TABLE:

LOT #	AREA (SF)
1	7,184.69 SF
2	7,198.85 SF
3	7,815.24 SF
4	6,621.04 SF
5	7,231.80 SF
6	7,260.65 SF
7	7,343.02 SF
TRACT 'A'	8,009.52 SF

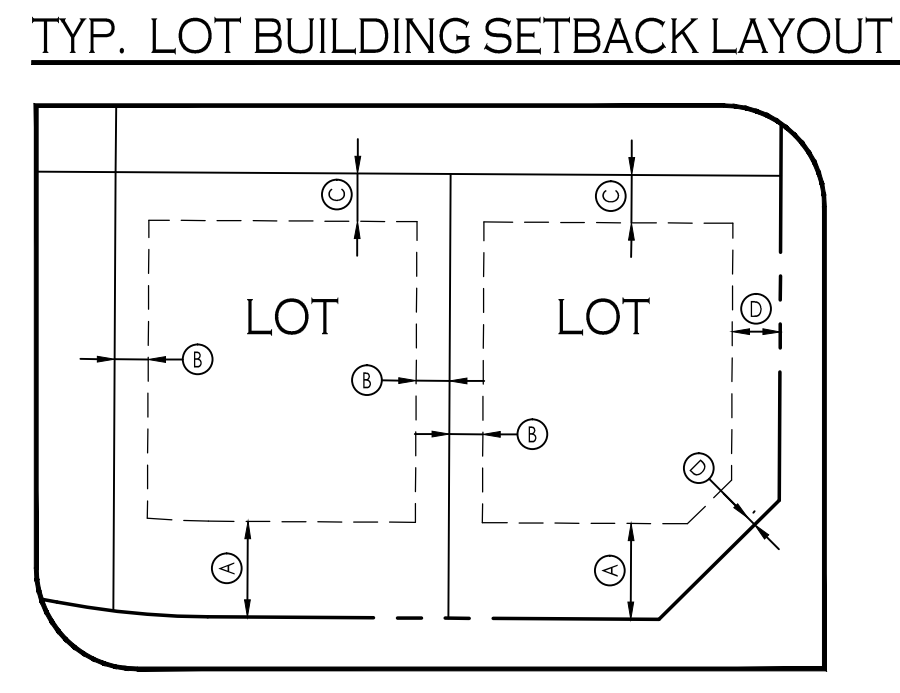
BASIS OF BEARING
THE CENTERLINE OF 24TH STREET, ALSO BEING THE NORTH SECTION LINE OF SEC. 6, T9S, R23W, AS SHOWN ON PARKWAY PLACE UNIT No 5 SUBDIVISION, AS RECORDED IN BOOK 20 OF PLATS, PAGE 81, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ.

BEARING: N 89°43'29" E

CURVE DATA

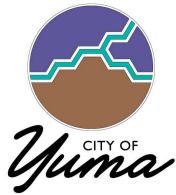
NUMBER	DELTA ANGLE	CHORD DIRECTION	CHORD LENGTH	TANGENT	RADIUS	ARC LENGTH
C1	44°40'29"	S 68°47'44" E	26.60	14.38	35.00	27.29'
C2	269°20'57"	N 1°03'58" W	78.27	55.63	55.00	738.56'
C3	44°40'29"	S 68°38'48" W	26.60	14.38	35.00	27.29'

- BUILDING SETBACKS KEYNOTES**
- (A) FRONT YARD SETBACK = 20 FEET
 - (B) SIDE YARD SETBACK = 7 FEET
 - (C) REAR YARD SETBACK = 10 FEET
 - (D) STREET SIDE YARD SETBACK = 10 FEET



WEST COR.
SEC. 6, T09S, R23W
FD. 3" B.C. IN H.H.
0.2' BELOW SURFACE

CENTER COR.
SEC. 6, T09S, R23W
FD. 3" B.C. IN H.H.
COY 2010 L.S. 19329



City of Yuma

City Council Report

File #: MC 2024-209

Agenda Date: 12/18/2024

Agenda #: 11.

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

TITLE:
First Amendment to Design-Build Services Contract

SUMMARY RECOMMENDATION:
 Authorize the City Administrator to amend the Design-Build construction contract with Willmeng Construction and add American Ramp Company to the extended warranty and bonding requirements for Kennedy Skate Park. (David Wostenberg/ Eric Urfer)

STRATEGIC OUTCOME:
 Parks and open spaces such as the Kennedy Skate Park support the City Council’s strategic outcome of Active and Appealing.

REPORT:
 Kennedy Skate Park is a 35,000 square foot facility located inside the Kennedy Memorial Park Complex. At the City’s request and at no additional cost to the City, Willmeng Construction and American Ramp Company have agreed to amend the contract to include an extended 5-year warranty with bonds and insurance remaining in full force and effect for the extended warranty period.

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:
 This contract amendment will have no additional fiscal impact on the City of Yuma.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

FIRST AMENDMENT TO DESIGN-BUILD SERVICES CONTRACT

THIS FIRST AMENDMENT TO THE DESIGN-BUILD SERVICES CONTRACT (the “Amendment”) is made, entered into and effective as of December ___, 2024 (the “Amendment Date”), between the City of Yuma, an Arizona municipal corporation (“Yuma”) and Willmeng Construction, Inc., an Arizona corporation (“Design-Builder”), together with American Ramp Company, a Missouri corporation (“ARC”). Yuma, Design-Builder and ARC may hereinafter be referred to individually as a “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, Yuma and Design-Builder entered into that certain Design-Build Services Contract for Design-Build (DB) Project for the Kennedy Skate Park Improvements, CIP Project No. 0096-PARKS, dated as of March 9, 2023 (the “Construction Contract”), in connection with the design and construction of the Kennedy Skate Park, which included the removal of the existing skate park, the re-construction of a new skate park plaza, skate bowl, and a bicycle pump track, shade canopies, site grading, irrigation systems, and electrical and lighting systems, as more fully described in the Construction Contract and Contract Documents, hereinafter referred to as the “Project.”

WHEREAS, Design-Builder contracted with ARC for the design, engineering and construction of the skate park component of the Project, including, but not limited to preparing the technical specifications as well as the installation of the concrete components of the Project as more fully described in the Contract Documents and the ARC Subcontract Agreement, hereinafter referred to as the “Concrete Work.”

WHEREAS, ARC is an additional signatory to this Amendment in connection with such Concrete Work and the provisions of this Amendment related to such Concrete Work.

WHEREAS, while inspecting the concrete flatwork for the Project, the Parties have determined that the concrete mix design used for the flatwork did not meet the Project specifications and has resulted in premature cracking and other deficiencies, hereinafter referred to as the “Deficient Work.”

WHEREAS, pursuant to the terms of the Construction Contract, among other requirements, Design-Builder is required to promptly correct the Deficient Work for failing to conform to the requirements of the Contract Documents, which correction, at the discretion of Yuma, require the removal and replacement of such Deficient Work.

WHEREAS, ARC’s licensed engineer has inspected the Deficient Work and has determined and expressly certified that the deficiencies will not adversely impact the intended use or safety of the Project.

WHEREAS, Designer-Builder’s licensed engineer has inspected the Deficient Work and has determined and expressly certified that the deficiencies will not adversely impact the intended use or safety of the Project.

WHEREAS, the Parties have agreed that in lieu of removal and replacement of the Deficient Work at this time, that Design-Builder and ARC will provide an extended warranty and additional assurances for the Concrete Work as provided for herein, agreeing that further degradation of the Deficient Work may still require the removal and replacement of the Deficient Work.

WHEREAS, the Parties have agreed to the terms of this Amendment for purposes of adjusting the terms of the Construction Contract to provide for an extension of the warranty on the concrete flatwork, annual inspections of the concrete flatwork and other assurances for the concrete flatwork and for making such other amendments as provided for herein.

NOW, THEREFORE, in consideration of their mutual undertakings and agreements hereunder, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties undertake and agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The Parties acknowledge that the foregoing Recitals are a material part of this Amendment and are incorporated herein.
2. **Definitions and Interpretation.** The terms used but not defined herein shall have the respective meanings ascribed to such terms in the Construction Contract.
3. **Amendments.** The Construction Contract is hereby amended as provided for in this Section 3.

3.1 Paragraph 2.31.3 of the Construction Contract is amended by deleting it in its entirety and replacing it with the following:

2.31.3 If, within five (5) years after the date of final acceptance by Yuma of all concrete flatwork required by the Contract Documents or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by the Contract Documents, any concrete flatwork that is determined by Yuma to be defective, deficient or not in strict accordance with the Contract Documents, Design-Builder shall within 30 days correct such work after receipt of written notice from Yuma to do so, at Design-Builder's sole expense. If, within one (1) year after the date of final acceptance by Yuma of the remaining scope required by the Contract Documents or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by the Contract Documents, any work that is determined by Yuma to be defective in strict accordance with the Contract Documents, Design-Builder shall correct such work after receipt of written notice from Yuma to do so, at Design-Builder's sole expense. The 30-day corrective period may be extended by Yuma upon determination that the required remedy will take longer than

30 days to complete. It is expressly understood that the corrective remedy shall be the removal and replacement of any defective, deficient and/or non-conforming work, unless otherwise waived by the City Engineer in writing. The obligations under this Section 2.31.3 shall survive acceptance of the Work under the Construction Contract and termination of the Construction Contract and shall in no way limit any of Yuma's other rights and remedies under the Construction Contract. Yuma shall give the notice required herein promptly after discovery of the condition or changed condition.

3.2 Paragraph 2.31 of the Construction Contract is amended by adding the following, which shall be inserted as Paragraph 2.31.9:

2.31.9 During the period of the five (5) year warranty, Design-Builder shall require that ARC's licensed engineer conduct an annual inspection and written report detailing the condition of the concrete flatwork, noting any defects or deficiencies and providing Yuma with the written report within 14 days of such annual inspection. The annual written report shall expressly certify, with the engineer's seal, that any noted deficiencies will not adversely impact the continued intended use or safety of the Project.

4. **Documents Otherwise Unchanged.** Except as provided for in this Amendment, the Construction Contract shall remain unchanged and in full force and effect in accordance with its terms. As of the Effective Date of this Amendment, each reference to the Construction Contract, and references in the Construction Contract to such agreement itself, shall reference the Construction Contract as amended hereby and as the same may be further amended, modified or supplemented from time to time.

5. **Bonds and Insurance.** Pursuant to the terms of the Construction Contract all insurance and bonds shall remain in full force and effect during and throughout the warranty period, which shall include the extended warranty period provided for in this Amendment. Design-Builder shall notify its appropriate insurers and bonding companies of the extended warranty period under this Amendment and verify that such coverages shall remain in full force and effect for the extended warranty period. Design-Builder shall provide Yuma with evidence of compliance with the extended bonding and insurance requirements in the form of endorsements and an extended maintenance bond for the extended warranty period. Any insurance or bonds cancelled or otherwise terminated prior to the expiration of the extended warranty period shall be immediately replaced. Failure to maintain required insurance and bonds shall be deemed a material breach of this Amendment and shall result in the requirement that all Deficient Work be immediately removed and replaced.

6. **Binding Effect; Successors and Assigns.** This Amendment shall be binding upon and inure to the benefit of the Parties and each of their respective permitted successors and assigns.



City of Yuma

City Council Report

File #: R2024-068

Agenda Date: 12/18/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Utilities	<input 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:	<input checked="" type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Water Delivery Agreement: Yuma Cogen

SUMMARY RECOMMENDATION:
 Authorize the execution of a new Water Delivery Agreement between the City of Yuma (City) and Yuma Cogeneration Associates (Yuma Cogen). (Jeremy McCall/Utilities).

STRATEGIC OUTCOME:
 This item furthers City Council’s strategic outcome of Connected and Engaged.

REPORT:
 Yuma Cogen owns and operates a 55-megawatt power plant at 280 N. 27th Drive, Yuma, Arizona. For the past 30 years, the City has provided between 300 to 800 acre-feet of untreated Colorado River water (Raw Water) per year to Yuma Cogen under a Water Delivery Agreement executed on May 19, 1993. This amounts to a little more than 1% of the City’s annual entitlement of 50,000 acre-feet of Colorado River Water.

Under the Water Delivery Agreement, which expires on December 31, 2024, Yuma Cogen paid the City a demand charge and a consumption charge for Raw Water deliveries. In 1993, the Raw Water demand charge was set at \$67 per acre-foot for 320 acre-feet of water but was subject to annual adjustment based on the Consumer Price Index (CPI). Due to annual CPI adjustments, the Raw Water demand charge was \$147 per acre-foot in 2023. The per acre-foot charge for Raw Water consumption was initially set (and has remained) at 45% of the amount determined by dividing the annual budget of the City’s Water Utility Division by the total volume of water delivered to customers for the previous year. In addition, Yuma Cogen holds an option to purchase effluent water from the City (provided that Yuma Cogen first constructs the infrastructure necessary to deliver effluent water from the City’s wastewater plant to Yuma Cogen’s power plant).

Yuma Cogen and City staff propose a new 20-year Water Delivery Agreement (New Agreement) that largely preserves the existing water delivery arrangement. Under the New Agreement, Yuma Cogen would continue to pay the City a demand charge and a consumption charge for Raw Water. The formula for calculating the annual consumption charge would remain the same. The demand charge, on the other hand, would start at \$150 dollars per acre-foot and would grow 3% per year over the life of the New Agreement instead of being subject to an annual CPI adjustment. This change allows the parties to calculate the annual increase in the demand charge over the 20 years instead of performing a yearly calculation based on annual CPI growth.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0	BUDGETED:	\$ 0
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

FY 2023 City Engineering Budget		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

This resolution would generate a positive fiscal impact.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

RESOLUTION NO. R2024-068

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, APPROVING A WATER DELIVERY AGREEMENT WITH
YUMA COGENERATION ASSOCIATES**

WHEREAS, On May 19, 1993, the City of Yuma (“City”) entered into a Water Delivery Agreement with Yuma Cogeneration Associates (“Yuma Cogen”) that expires on December 31, 2024; and,

WHEREAS, the City and Yuma Cogen propose a new 20-year Water Delivery Agreement (“New Water Delivery Agreement”) that largely preserves the existing water delivery arrangement between the City and Yuma Cogen.

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

SECTION 1: The terms of the attached and incorporated Water Delivery Agreement with Yuma Cogen is approved in accordance with its terms.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized and directed to execute the New Water Delivery Agreement with Yuma Cogen.

Adopted this _____ day of December, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

WATER DELIVERY AGREEMENT

The City of Yuma, an Arizona municipal corporation (“City”), and Yuma Cogeneration Associates, a Utah partnership (“Yuma Cogen”) enter into this Water Delivery Agreement (“Agreement”).

RECITALS

WHEREAS, Yuma Cogen owns Yuma County Parcel No. 180-18-009 consisting of approximately 42.75 acres of land located at 280 N. 27th Drive, Yuma, Arizona (the "Project Property") where it operates a 55 megawatt power station; and,

WHEREAS, the Project Property is member land located within the boundaries of the Yuma County Water Users' Association (the "Association"); and,

WHEREAS, the City has an entitlement, pursuant to a contract with the United States Secretary of the Interior, to 50,000 acre-feet annually of Colorado River Water; and,

WHEREAS, the City owns and operates a Water Pollution Control Facility located west of the Project Property (“WPCF”) pursuant to permit No. AZ0020443, issued by the United States Environmental Protection Agency; and,

WHEREAS, for the past thirty years the City has provided Yuma Cogen untreated Colorado River water (“Raw Water”) pursuant to a Water Delivery Agreement dated May 19, 1993; and,

WHEREAS, the May 19, 1993, Water Delivery Agreement expires on December 31, 2024; and,

WHEREAS, Yuma Cogen desires to continue to purchase Raw Water, with an option to also purchase wastewater effluent from the WPCF located west of the Project Property (“Effluent Water”), from the City for use in Yuma Cogen’s operations on the Project Property.

NOW, THEREFORE, in consideration of the recitals above, the City and Yuma Cogen covenant and agree as follows:

TERMS

1. **Recitals.** The recitals above are incorporated into this Agreement by reference.
2. **Term.** This Agreement shall commence on January 1, 2025, and shall terminate on December 31, 2045 (20-year term). Thereafter, this Agreement shall automatically renew annually for a one-year term unless notice of intent not to renew is given either party, no later than July 1 of the prior year.
3. **Raw Water Quantities; Flow Meter Required.** Except for years in which the United States Secretary of Interior declares a shortage of Colorado River water, the City shall provide Yuma Cogen up to 570 acre-feet of Raw Water per year at a maximum daily amount of 1.56 acre-feet per day. In years in which the Secretary of Interior declares a shortage of Colorado River water,

the City may reduce Raw Water deliveries to Yuma Cogen pro rata with all other industrial users of water served by the City.

Yuma Cogen shall maintain a flow meter, at a location acceptable to the City, to measure the amount of Raw Water received by Yuma Cogen. The flow meter must be capable of annual calibration, and it must calibrate within $\pm 10\%$ of a known volume. Yuma Cogen will supply documentation to the City of Yuma, Utilities Department of annual calibrations performed by a technician certified for the flow meter. These calibration reports are good for a maximum of twelve months from the date of calibration. Yuma Cogen shall perform the first calibration under this Agreement by February 1, 2025.

4. Raw Water Charges. Yuma Cogen will pay City a demand charge and a consumption charge for Raw Water as follows:

(a) Demand Charge for Raw Water. On or before January 15 of each year, Yuma Cogen will pay the City a demand charge for Raw Water for the remainder of the year unless it has elected to and is receiving Effluent Water and is paying Effluent Water fees pursuant to Section 5. The price for Raw Water shall be \$150.00 per acre-foot in 2025 and shall increase 3% per year over the life of this Agreement. Thus, the annual demand charge shall be as follows:

Year	Price per A/F	Quantity A/F	Demand Charge
2025	\$150.00	570	\$85,500.00
2026	\$154.50	570	\$88,065.00
2027	\$159.14	570	\$90,709.80
2028	\$163.91	570	\$93,428.70
2029	\$168.83	570	\$96,233.10
2030	\$173.89	570	\$99,117.30
2031	\$179.11	570	\$102,092.70
2032	\$184.48	570	\$105,153.60
2033	\$190.02	570	\$108,311.40
2034	\$195.72	570	\$111,560.40
2035	\$201.59	570	\$114,906.30
2036	\$207.64	570	\$118,354.80
2037	\$213.86	570	\$121,900.20
2038	\$220.28	570	\$125,559.60
2039	\$226.89	570	\$129,327.30
2040	\$233.70	570	\$133,209.00
2041	\$240.71	570	\$137,204.70
2042	\$247.93	570	\$141,320.10
2043	\$255.36	570	\$145,555.20
2044	\$263.03	570	\$149,927.10

The amount of 570 acre-feet will be used for purposes of calculating the Demand Charge for Raw Water in all calendar years except those in which the City has reduced Raw Water deliveries to Yuma Cogen based on a shortage of Colorado River water declared by the Secretary of Interior, in which event, the City shall reduce the Demand Charge based on the actual amount the

City intends to deliver to Yuma Cogen in that calendar year. Failure to pay the Raw Water Demand Charge on or before January 15 of each year shall result in interest being added thereto at a rate of 0.05% per day.

(b) Consumption Charge for Raw Water. The per acre-foot charge for Raw Water shall be an amount equal to 45% of the amount determined by dividing the annual budget (excluding capital costs for projects exceeding one million dollars in cost) for the Water Utility by the total volume of water delivered to customers for the previous year. However, such projects exceeding one million dollars shall be included and amortized over the life of the asset or period of debt financing whichever is shorter, but in no event shorter than five years.

The City shall submit invoices to Yuma Cogen for Raw Water Consumption Charges on a monthly basis, or under such other billing schedule as the City shall deem appropriate for commercial or industrial water customers. Yuma Cogen shall pay invoices for Raw Water Consumption Charges (Consumption Charge Invoices) within 30 days after Yuma Cogen receives such invoices from the City. The Consumption Charge invoices shall set forth in reasonable detail the rates used and the method for calculating the amount due. Failure to pay Consumption Charge invoices within the 30-day period shall result in interest being added thereto at a rate of 0.05% per day.

5. Option to Purchase Effluent Water. Provided Yuma Cogen constructs the necessary infrastructure, Yuma Cogen shall have the option to purchase Effluent Water from the City at the quantities and prices identified below. The Effluent Water charges shall only be payable once Yuma Cogen begins receiving Effluent Water.

(a) Effluent Water Line and Infrastructure. Prior to exercising this option to purchase Effluent Water from the City, Yuma Cogen shall, at its expense, construct a water line and all infrastructure, including pumping devices, necessary to convey Effluent Water to its operations on the Project Property. The water line and infrastructure shall be sufficiently sized to deliver Effluent Water to the Project Property at the maximum rate and quantity authorized under this Agreement. Plans and designs for the construction of the water line and infrastructure must be approved by the City prior to the commencement of construction, and upon completion of construction, title to and responsibility for maintenance shall remain with Yuma Cogen. The City shall grant Yuma Cogen a license to maintain and repair the water line and infrastructure on City-owned property.

(b) Effluent Water Quantities. Yuma Cogen may purchase up to 1,000 acre-feet of Effluent Water from the City per year at a maximum daily amount of 2.74 acre-feet per day. Yuma Cogen shall maintain a flow meter, at a location acceptable to the City, to measure the amount of Effluent Water received by Yuma Cogen.

(c) Effluent Water Charges. Yuma Cogen shall pay City an Effluent Water Demand Charge and an Effluent Water Consumption Charge. The yearly per acre-foot rates for Effluent Water shall be equal to 50% of the yearly per acre-foot rates set for Raw Water in Paragraph 4. Yuma Cogen shall pay, and the City shall bill, all Effluent Water charges consistent with the

timelines established for Raw Water in Paragraph 4. Failure to pay an Effluent Water Charge when due shall result in interest being added thereto at a rate of 0.05% per day.

6. Change in State Law. Any change to state legislation that adversely affects revenue to the City from Yuma Cogen will result in an automatic increase in rates equal to 100% of the decline in the City's revenue from Yuma Cogen.

7. Designated Use of Raw Water and Effluent Water. Any Raw Water and Effluent Water provided by the City under this Agreement may only be used for the co-generation of electricity and thermal output; e.g., makeup water for steam electric generating units, cooling, air emissions control and providing steam or hot water to a thermal host. Any other use of such water without the City's consent shall be deemed a breach of this Agreement. Yuma Cogen shall not sell, transfer or encumber the Raw Water and Effluent Water delivered to Yuma Cogen under this Agreement without the City's prior written consent.

8. Permit for Effluent Use. If required by law, Yuma Cogen shall apply for a wastewater re-use permit and shall use commercially reasonable efforts to obtain issuance of such permit and to comply with the terms and conditions of the permit. To the extent required by law, the City shall participate and support Yuma Cogen in the application process for a wastewater re-use Permit. Yuma Cogen shall utilize Effluent Water in compliance with the wastewater re-use permit, if any, and any applicable rules and regulations. Should amendment or clarification of this Agreement be required by such rules and regulations, both parties hereto agree to cooperate in good faith to comply with such requirements. If any governmental regulations or court orders preclude the City from providing Effluent Water or Yuma Cogen from using Effluent Water for the purposes specified in this Agreement, the City shall have no obligation to provide Effluent Water and Yuma Cogen shall have no obligation to take, use or dispose of Effluent Water to the extent any of those uses are prohibited by such regulations or order.

If Yuma Cogen's right to use Effluent Water is challenged by any third party, the City and Yuma Cogen agree to defend such action and equally share the resulting defense costs thereof. If, as a result of such legal action, the City is ordered by a court of competent jurisdiction to discontinue delivering Effluent Water to Yuma Cogen in the quantity specified herein, the City shall no longer have any obligation to deliver Effluent Water under this Agreement.

9. Right to Return Flow from Plant or Disposal of Effluent with City Approval. The City shall have, at its sole discretion, the option to recapture from Yuma Cogen unused Raw Water or Effluent Water used by Yuma Cogen at its facility on the Project Property, without cost to the City; provided, however, that 1) City shall pay for any additional piping, pumping or associated expenses, and 2) the City is under no obligation to recapture said Raw Water or Effluent Water, whether used or unused by Yuma Cogen. Yuma Cogen shall have full responsibility for treatment of Effluent Water to meet federal, state or City water quality standards applicable to the method of Yuma Cogen's discharge prior to the recapture of such effluent by the City.

10. Water Quality. Raw Water delivered to Yuma Cogen by the City shall be at least the same quality as the Raw Water delivered to the City from the Colorado River. Effluent Water delivered

to Yuma Cogen shall be of a quality sufficient to meet the discharge requirements of the City's current NPDES permit No. AZ0020443.

11. Water Rights. In the event the City and the Yuma County Water Users' Association ("Association") enter into an agreement pursuant to which Association members may appoint the City as their agent for delivery by the City of the water entitlements for urbanized association member lands, Yuma Cogen agrees to promptly appoint the City, as provided in the contract between the City and the Association, as its agent to deliver all water entitlement(s) for uses other than irrigation, greenhouse irrigation or landscape irrigation for all Association member lands owned by Yuma Cogen. Yuma Cogen shall take all actions reasonably necessary to appoint the City as its agent as provided in the preceding sentence.

12. Taxes. Yuma Cogen shall pay all applicable city, county, state and federal taxes levied on Yuma Cogen's use of Raw Water or Effluent Water. Yuma Cogen shall pay all surcharges levied by the City for the purpose of retaining and/or protecting the City water entitlements or other water resources at the same percentage rate of consumption charges as is applicable to all water or effluent users served by the City.

13. Termination. This Agreement shall be subject to termination as provided in this Section 13:

(a) Bankruptcy. This Agreement shall immediately terminate upon the filing by or against Yuma Cogen or its legal representative of a petition for relief in bankruptcy under any chapter of the Federal Bankruptcy Code if such filing is not dismissed within 90 days of such filing.

(b) Colorado River Contract. At such time, if any, that the City's Colorado River contract with the United States expires or terminates, and is not renewed, the City's obligation to deliver water pursuant to this Agreement shall automatically terminate; provided, however, that if the City's entitlement to 50,000 acre-feet of Colorado River water is reduced and the City is unable, using reasonable efforts, to secure replacement water, the City may, at its option, terminate this Agreement or reduce the amount committed to herein prorata in the same proportion as all other commercial or industrial water customers. The decision is in the sole discretion of the City Council. If this Agreement terminates pursuant to this subsection, Yuma Cogen shall be eligible to receive potable water from the City to the same extent and under the same terms and conditions as all other commercial or industrial water customers served by the City.

(c) Preemption. Any restriction or preemption under state or federal law which substantially restricts, substantially limits or prohibits the rate setting and control prerogatives of the City in this agreement automatically terminates this Agreement.

(d) De-annexation. If the Project Property is de-annexed from the City of Yuma or annexed into another municipality, this Agreement automatically terminates.

(e) Conflict of Interest. This Agreement may be cancelled in accordance with A.R.S. § 38-511.

14. On-site jobs. Throughout the duration of this Agreement, Yuma Cogen shall maintain a minimum of 10 full-time jobs at its facility on the Project Property.

15. Enforcement. The City shall enforce all applicable laws, ordinances, rules and regulations regarding discharges into its wastewater collection system. Control of connections to and discharges into said collection system shall be established and maintained in accordance with the applicable standards.

16. Cooperation. The parties hereto shall fully cooperate with and assist one another in obtaining all licenses, permits, authorizations, approvals and consents in all judicial and administrative proceedings required in or related to the performance of this Agreement, including but not limited to, the delivery and use of Effluent Water by the parties. To the extent, required by applicable law, Yuma Cogen or the City may file this Agreement with the Arizona Department of Environmental Quality.

17. Damage and Destruction to Yuma Cogen and City Water Lines and Infrastructure. Yuma Cogen shall repair and be responsible for any damage to or destruction of any part of the Raw Water, Effluent Water, lines and infrastructure constructed or maintained by Yuma Cogen under the May 19, 1993, Water Delivery Agreement or this Agreement that is not caused by City's or its employees', agents' or subcontractors' negligence. Yuma Cogen shall forthwith cause such repairs to be completed at its expense, and no such damage or destruction (including any destruction necessary in order to make repairs required by any declaration or order of any public authority) shall in any way annul or void this Agreement and the rights of Yuma Cogen to receive Raw Water or Effluent Water pursuant hereto. To the extent of any damage to such lines by the City or its employees, agents or subcontractors, the City shall be responsible to promptly complete such repairs or to promptly reimburse Yuma Cogen for all costs incurred in completing such repairs.

If Yuma Cogen causes any damage to or destruction of a water line or infrastructure that is owned and maintained by the City, Yuma Cogen shall promptly indemnify the City for all damages, to persons, property or otherwise, resulting from such damage to or destruction of the City water line or infrastructure. The City will use reasonable efforts to mitigate such damages and to timely repair such water lines or infrastructure.

18. Force Majeure. If either party hereto is delayed or prevented from performing any act required hereunder by reasons of acts of God, drought, floods, strikes, lockouts, labor troubles, civil disorder, war, destruction of delivery facilities, failure of the United States or the Yuma County Water Users' Association to deliver or make available Colorado River water to the City, inability to procure materials or other cause without fault and beyond the control of the party obligated hereunder (financial inability excepted), performance of such acts shall be excused for the period of delay and the period for the performance of any such acts shall be extended for a period equivalent to the period of such delay.

19. Specific Performance; Claims for Damages. In the event of any breach of or default on any of the terms or provisions of this Agreement by any of the parties hereto, the other party shall have, in addition to a claim for damages from such breach or default, and in addition to any

right or remedy available at law or in equity, the right to demand and have specific performance of this Agreement.

20. Jurisdiction/Venue; Attorneys' Fees; Jury Trial Waiver. Any action to enforce any provision of this Agreement or to obtain any remedy with respect to this Agreement shall be brought exclusively in the Superior Court, Yuma County, Arizona (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona, if, but only if, the Superior Court lacks jurisdiction over such action). The Parties expressly and irrevocably consent to the exclusive jurisdiction and venue of such courts and expressly waive the right to transfer or remove any such action commenced in accordance with the terms of this paragraph.

In the event any party hereto finds it necessary to bring an action at law or in equity, or commence other proceedings, against the other party to enforce any of the terms, covenants or conditions of this Agreement, or by reason of any breach or default hereunder, the party prevailing in any such action or other proceeding shall recover from the other party in such action or proceeding all reasonable costs and attorneys' fees, as determined by the Court. The parties agree to waive any right to a trial by jury to the maximum extent allowed by law.

21. Notices. All notices, demands, instructions, approvals, or other communications required or permitted to be given hereunder ("Notice Documents") shall be in writing and shall become effective (1) three calendar days after such are deposited in the United States mail, postage prepaid, addressed as shown below, or to such other address as either party hereto may, from time to time, designate in writing pursuant hereto or (2) 24-hours after Notice Documents are dispatched by overnight mail scheduled for delivery by 10:30 a.m. the day following that upon which the Notice Documents were placed in control of the overnight service.

Yuma Cogen: Yuma Cogeneration Associates
c/o BHE Renewables, LLC
1615 Locust Street
Des Moines, IA 50309
Attn: General Counsel

The City: City of Yuma
180 West First Street
Yuma, Arizona 85364
Attn: Director of Public Works

22. Entire Agreement; Arizona Law Governs; Time of the Essence; Amendments & Waivers. This Agreement constitutes the entire agreement between the parties hereto and no party shall be liable or bound to the other in any manner by any agreements, warranties, representations or guarantees except as specifically set forth herein. This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of Arizona. Time is of the essence in this Agreement. This Agreement may only be amended or modified by a written agreement executed by the parties. Any waiver shall be in writing and executed by the party against which it is enforced. No failure or delay by a party in exercising any

right, power, or privilege under this Agreement shall be deemed a waiver thereof or preclude exercise of any other or further right, power or privilege hereunder.

23. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective permitted successors and assigns; provided, however, that neither party nor its successors and assigns may assign this Agreement, or encumber all or any portion of its rights under this Agreement to any party without the prior written consent of the other party. Any attempt by either party to assign this Agreement, or assign or encumber all or any portion of its rights hereunder without the prior written consent of the other party shall be void. Further, provided, that without consent of the City, Yuma Cogen may assign rights and interests to a lender for purposes of providing security for financing Yuma Cogen's facility on the Project Property.

24. Compliance with Laws. Except as provided herein, the City shall, at its expense, comply with all applicable requirements of all municipal, county, state and federal authorities now or hereafter in force and shall faithfully observe all federal, state and local statutes, laws, ordinances, rules, regulations and orders now or hereafter in force. The judgment of any court of competent jurisdiction, or the admission of the City in any action or proceeding against the City, whether Yuma Cogen is a party thereto or otherwise, that the City has violated any such statute, law, rule, regulation or order, shall be conclusive of that fact as between the City and Yuma Cogen.

Yuma Cogen shall, at its expense, comply with all applicable requirements of all municipal, county, state and federal authorities now or hereafter in force and shall faithfully observe all federal, state and local statutes, laws, ordinances, rules, regulations and orders now or hereafter in force. If Yuma Cogen fails to comply with such laws, it shall be deemed a breach of this Agreement. The judgment of any court of competent jurisdiction, or the admission of Yuma Cogen in any action or proceeding against Yuma Cogen, whether the City is a party thereto, or otherwise, that Yuma Cogen has violated any such statute, law, rule, regulation or order, shall be conclusive of that fact as between the City and Yuma Cogen.

25. Severability. It is understood and agreed by the parties hereto that if any part, term or provision of this agreement is by the courts held to be illegal or in conflict with any law of the State of Arizona, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.

26. Boycott of Israel. Pursuant to A.R.S. § 35-393.01, Yuma Cogen certifies it is not engaged in a boycott of Israel as of the effective date of this Agreement and agrees for the duration of this Agreement to not engage in a boycott of Israel.

27. Authority to Act; Counterparts. Each undersigned representative of the parties to this Agreement certifies that he or she is authorized to enter into the terms and conditions of this Agreement and to execute and legally bind such party to this document.

This Agreement may be executed in one or more counterparts, and counterparts may be exchanged by electronic transmission (including by email), each of which will be deemed an original, but all of which together constitute one instrument.

IN WITNESS WHEREOF, this Agreement is executed effective as of the ____ day of December, 2024.

YUMA COGENERATION ASSOCIATES, a
Utah partnership

By: _____
Name: Eric Bowen
Its: VP Generation Operations

CITY OF YUMA, an Arizona municipal
corporation

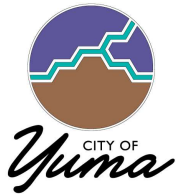
By: _____
Name: John D. Simonton
Title: City Administrator

Attest:

By: _____
Name: Lynda L. Bushong
Title: City Clerk

Approved as to form:

By: _____
Name: Richard W. Files
Title: City Attorney



City of Yuma

City Council Report

File #: R2024-069

Agenda Date: 12/18/2024

Agenda #: 2.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Engineering	<input checked="" 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: Engineering	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) - Interstate-8 / Avenue 8½ E Traffic Interchange Design Concept Report (DCR).

SUMMARY RECOMMENDATION:

Authorize the City to apply for AZ SMART funds to develop a DCR for the Interstate-8 (I-8) / Avenue 8½ E traffic interchange. The Arizona Department of Transportation (ADOT) requires applicants for AZ SMART funds to have jurisdictional approval prior to submitting an application thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (Dave Wostenberg)

STRATEGIC OUTCOME:

Authorization for the City to apply for AZ SMART funds meets the desired outcome of Safe and Prosperous, and Respected and Responsible by allowing the opportunity to develop a DCR to study alternatives to improve safety and traffic operations at the I-8 / Avenue 8½ E traffic interchange.

REPORT:

ADOT developed a DCR in March 2000 to investigate alternatives for a new traffic interchange at I-8 / Avenue 8½ E that would provide access to North Frontage Road and to 32nd Street. A tight diamond configuration was selected and the on and off-ramps were subsequently constructed. Due to fiscal constraints and that the North Frontage Road provides connectivity to 32nd Street at Avenue 8E, the proposed underpass on I-8 was not constructed. The partially constructed interchange has provided direct access to I-8 as an interim condition for over 20 years.

Significant development has occurred on both sides of I-8 resulting in traffic congestion in the vicinity of the I-8 / Avenue 8½ E traffic interchange since ADOT developed the DCR in March 2000. A new DCR is needed to evaluate alternatives to facilitate current and future travel demands.

The AZ SMART fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and ADOT to compete more effectively at the national level for Federal Grants established in 2021 Infrastructure Investments and Jobs Act (IIJA). AZ SMART fund awards are limited to federal discretionary grants, which are awarded at the discretion of the federal agency and are not funded or distributed by formula or allocation.

AZ SMART funds are proposed for the development of the DCR and require a 20% local match. The proposed total project cost is \$600,000, with \$480,000 to be funded from the AZ SMART fund and \$120,000 of

local matching funds from the City of Yuma. The City will be required to apply for a federal grant for design and construction within two years as a condition of receiving AZ SMART funds.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 120,000	BUDGETED:	\$ 120,000
STATE FUNDS:	\$ 480,000	AVAILABLE TO TRANSFER:	\$ 120,000
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$ 600,000	Road Tax-102	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This project will be using Road Tax funding in the amount of \$120,000.00.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

RESOLUTION NO. R2024-069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY TO APPLY FOR ARIZONA STATE MATCH ADVANTAGE FOR RURAL TRANSPORTATION (AZ SMART) FUND FOR DEVELOPMENT OF A DESIGN CONCEPT REPORT (DCR) FOR THE INTERSTATE-8 / AVENUE 8½ E TRAFFIC INTERCHANGE

WHEREAS, the AZ SMART Fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and the Arizona Department of Transportation (ADOT) to compete more effectively at the national level for Federal Grants established in the 2021 Infrastructure Investments and Jobs Act (IIJA); and,

WHEREAS, the AZ SMART fund awards are limited to federal discretionary grants for surface transportation purposes; and,

WHEREAS, the ADOT requires applicants to have jurisdictional approval prior to submitting an application for AZ SMART funds; and,

WHEREAS, the City seeks to apply for AZ SMART funds to develop a DCR to study alternatives to improve safety and traffic operations at the I-8 / Ave 8½ E traffic interchange; and,

WHEREAS, a project to improve safety and traffic operations at the I-8 / Ave 8½ E traffic interchange is of mutual benefit to the City and ADOT; and,

WHEREAS, the City, upon authorization by the City Council, will submit an application to ADOT for AZ SMART funding and commit to funding a 20% local match in the amount of \$120,000; and,

WHEREAS, the City, upon award of AZ SMART Funds, will develop a DCR to study alternatives to improve safety and traffic operations at the I-8 / Avenue 8½ E traffic interchange; and,

WHEREAS, the City, will apply for a federal discretionary grant for design and construction of the I-8 / Avenue 8½ E traffic interchange within two years upon receiving AZ SMART funds as required by the AZ SMART guidelines;

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

SECTION 1: The City Council authorizes the City Administrator and City staff to apply for AZ SMART funding.

SECTION 2: The City Administrator is authorized and directed to commit \$120,000 of local matching funds necessary to receive the AZ SMART funding from ADOT.

SECTION 3: The City Administrator is authorized and directed to execute an Intergovernmental Agreement with ADOT on behalf of the City of Yuma and to perform all such acts as may be necessary to implement the intent 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 #: R2024-070

Agenda Date: 12/18/2024

Agenda #: 3.

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

TITLE:

Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) - Hacienda Estates Storm Drain Improvements.

SUMMARY RECOMMENDATION:

Authorize the City to apply for an AZ SMART funds to develop storm drain improvements for Hacienda Estates. The Arizona Department of Transportation (ADOT) requires applicants for AZ SMART funds to have jurisdictional approval prior to submitting an application, thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (Dave Wostenberg)

STRATEGIC OUTCOME:

Authorization for the City to apply for AZ SMART funds meets the City Council’s strategic outcomes of Safe and Prosperous, and Respected and Responsible by creating the opportunity to alleviate flooding in Hacienda Estates.

REPORT:

Hacienda Estates is a residential subdivision prone to flooding. This area has flooded repeatedly in the past causing significant property damage. The proposed project will alleviate the flooding of this residential neighborhood.

This project will significantly benefit the community by preventing flooding and property damage in the area and so increasing the safety and wellbeing of the community as well as increasing property values of this neighborhood. The project will also reduce flood insurance cost in the future resulting from reduced flood levels in the Hacienda Estates subdivision during the 100-year storm event.

In September 2024, the City of Yuma received notification from the Flood Mitigation Assistance (FMA) grant program that the Hacienda Estates Stormwater Improvement project has been identified for further review under the FY 2023 call for projects. The City is seeking financial assistance from ADOT for AZ SMART funding for a portion of the matching funds required for the FMA grant.

The AZ SMART Fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and ADOT to compete more effectively at the national level for Federal Grants established in the 2021 Infrastructure Investments and Jobs Act (IIJA). AZ SMART Fund awards are limited to federal discretionary

grants, which are awarded at the discretion of the federal agency and are not funded or distributed by formula or allocation.

The estimated total project cost is \$5,280,000. A cost breakdown is as follows:

- \$3,950,000 (FMA Grant)
- \$480,000 (AZ SMART)
- \$850,000 (City Road tax) (includes \$120,000 for local match required for AZ SMART)

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 850,000	BUDGETED:	\$ 850,000.00
STATE FUNDS:	\$ 480,000	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 3,950,000	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$ 5,280,000	102-City Road Tax	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This City funded portion of the project to use City Road Tax funding in the amount of \$850,000.00

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

RESOLUTION NO. R2024-070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY TO APPLY FOR ARIZONA STATE MATCH ADVANTAGE FOR RURAL TRANSPORTATION (AZ SMART) FUND FOR HACIENDA ESTATES STORM DRAIN IMPROVEMENTS

WHEREAS, the AZ SMART Fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and ADOT to compete more effectively at the national level for Federal Grants established in 2021 Infrastructure Investments and Jobs Act (IIJA); and,

WHEREAS, the AZ SMART fund awards are limited to federal discretionary grants for surface transportation purposes; and,

WHEREAS, the Arizona Department of Transportation (ADOT) requires applicants to have jurisdictional approval prior to submitting an application for AZ SMART funds; and,

WHEREAS, the City seeks to apply for AZ SMART funds to develop a storm drain improvements for Hacienda Estates; and,

WHEREAS, a project to alleviate flooding in Hacienda Estates will improve safety and reduce property damage for the residents of the City; and,

WHEREAS, the City, upon authorization by the City Council, will submit an application to ADOT for AZ SMART funding; and,

WHEREAS, the City, upon award of AZ SMART Funds, will design and construct storm drain improvements; and,

WHEREAS, the City, upon award of AZ SMART Funds, will commit to funding for a local match in the amount of \$120,000; and,

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

SECTION 1: The City Council authorizes the City Administrator and City staff to apply for AZ SMART funding.

SECTION 2: The City Administrator is authorized and directed to commit \$120,000 of local matching funds necessary to receive the AZ SMART funding from ADOT.

SECTION 3: The City Administrator is authorized and directed to execute an Intergovernmental Agreement with ADOT on behalf of the City of Yuma.

Adopted this ____ day of _____, 2024.

APPROVED:

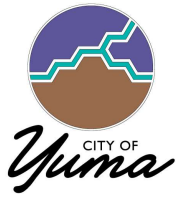
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: R2024-071

Agenda Date: 12/18/2024

Agenda #: 4.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Engineering	<input checked="" 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: Engineering	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund - 40th Street Construction from Avenue 6E to Fortuna Road

SUMMARY RECOMMENDATION:

Authorize the City to apply for an AZ SMART grant to serve as a portion of the required local match of the Multimodal Project Discretionary Grant (MPDG). The Arizona Department of Transportation (ADOT) has requested applicants for AZ SMART Funds to have jurisdictional approval prior to submitting an application, thereby committing to a minimum 20% local match if the grant is awarded. Approval of this action also authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with ADOT for the AZ SMART funding. (Engineering) (David Wostenberg)

STRATEGIC OUTCOME:

Authorization of the City to apply for an AZ SMART Fund meets the desired outcome of Safe and Prosperous by allowing the opportunity to construct the 40th Street Corridor which will improve traffic safety operations on 32nd Street. It also meets the Respected and Responsible outcome by utilizing AZ SMART funds as a portion of the City's local match for the MPDG grant.

REPORT:

The City has been working on a Design Concept Report (DCR) for building a 40th Street Corridor to help reduce the amount of traffic that utilizes 32nd Street to cross town in the east and west directions. During the creation of the DCR, the City has applied for a \$60 million MPDG opportunity with a 20% local match of \$15 million. If the City is to receive the MPDG opportunity it will apply for \$10 million of AZ SMART funding to help offset the fiscal impact associated with the \$15 million local match. The remaining \$5 million will be split between Yuma County and the City at \$1 million and \$4 million respectively, pursuant to the Intergovernmental Agreement with Yuma County for this project.

The AZ SMART Fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and ADOT to compete more effectively at the national level for Federal Grants established in 2021 Infrastructure Investments and Jobs Act (IIJA). AZ SMART Fund awards are limited to federal discretionary grants, which are awarded at the discretion of the federal agency and are not funded or distributed by formula or allocation.

Significant development has occurred on the east side of Yuma as well as the Foothills community, causing a strain on current roadway infrastructure along the two east-west Corridors of I-8 and 32nd Street. The 40th Street Corridor is expected to be a vital east-west throughfare that will connect the developing communities to

the east of SR 195 with much of the City to the west. The 40th Street corridor is expected to operate as a four-lane, minor arterial roadway. The project will improve safety, traffic, and emergency operations by providing a safer-east west connection for local traffic to cross the SR-195 corridor.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 4,000,000.00	BUDGETED:	\$ 500,000.00
STATE FUNDS:	\$ 10,000,000.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 60,000,000.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 1,000,000.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$75,000,000.00	102-Road Tax	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This project will utilize Road Tax funding for the \$4,000,000 local match requirement.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 12/09/2024

RESOLUTION NO. R2024-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY TO APPLY FOR ARIZONA STATE MATCH ADVANTAGE FOR RURAL TRANSPORTATION (AZ SMART) FUND FOR CONSTRUCTION OF 40TH STREET FROM AVENUE 6E TO FORTUNA ROAD

WHEREAS, the AZ SMART Fund was established by the Arizona Legislature in 2022 to help cities, towns, counties and the Arizona Department of Transportation (ADOT) to compete more effectively at the national level for Federal Grants established in 2021 Infrastructure Investments and Jobs Act (IIJA); and,

WHEREAS, the AZ SMART fund awards are limited to federal discretionary grants for surface transportation purposes; and,

WHEREAS, ADOT requires applicants to have jurisdictional approval prior to submitting an application for AZ SMART funds; and,

WHEREAS, the City seeks to apply for AZ SMART funds to assist in funding the local match requirements of the Multimodal Project Discretionary Grant (MPDG) to construct a minor arterial roadway along 40th Street from Avenue 6E to Fortuna Road (Project); and,

WHEREAS, the Project is intended to improve public safety, welfare, and traffic operations along I-8 and 32nd Street by providing an alternative route to Connect the City of Yuma and Foothills Community. The project is of mutual benefit to the City of Yuma, Yuma County, and ADOT; and,

WHEREAS, the City of Yuma, upon authorization by the City Council, and Notice of Award of the MPDG will submit an application to ADOT for AZ SMART funding in the amount of \$10,000,000; and,

WHEREAS, the City of Yuma and Yuma County, upon award of MPDG and AZ SMART Funds, will commit to funding a portion of the local match in the amount of \$4,000,000 for the City of Yuma, and \$1,000,000 for Yuma County;

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

SECTION 1: The City Council authorizes the City Administrator and City staff to apply for AZ SMART funding.

SECTION 2: The City Administrator is authorized and directed to commit \$4,000,000 of local matching funds necessary to receive the MPDG and AZ SMART funding.

SECTION 3: The City Administrator is authorized and directed to execute an Intergovernmental Agreement with ADOT on behalf of the City of Yuma and to perform all such acts as may be necessary to implement the intent 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 #: O2024-040

Agenda Date: 12/4/2024

Agenda #: 1.

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

TITLE:

Text Amendment: Zoning Amendments

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will ensure that City regulations reflect recent modifications to the state law, supporting the City Council’s strategic outcome of Respected and Responsible.

REPORT:

The purpose of this text amendment is to align the City of Yuma zoning code with recent legislative changes for review of zoning map amendment applications. The change in statute requires a maximum 30 days administrative review to determine whether a zoning application is complete. Once complete, the municipality shall approve or deny the application within 180 days from the date the application is administratively complete.

As required by Senate Bill 1162, the proposed Yuma City Code text amendment establishes a 30-day timeline for staff review of applications for completeness. In accordance with the new statute, the proposed text amendment further requires a written response from the City identifying any deficiencies in the application within that 30-days.

The Arizona legislature implemented this change to require cities and counties to review applications and either approve or deny zoning in a timely manner. This appears to be an issue in other parts of Arizona but rarely an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning approval or denial by the municipality for “extenuating circumstances, a onetime extension of not more than thirty days” may be granted, or a 30-day extension may be granted for each “applicant request.”

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote

(rounded to the nearest whole number) of the City Council will be necessary for a zoning change request to be successful. The statute change excludes government properties from the 20% requirement. The proposed amendment to the Yuma City Code also amends the corresponding 20% rule to exclude government property.

On October 28, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications.

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

QUESTIONS FOR STAFF

“Commissioner Greg Counts asked what the current timeline is. Jennifer Albers, Assistant Director of Planning, stated that there is no required timeline now.

PUBLIC COMMENT - None

“Motion by Greg Counts - Planning and Zoning Commissioner, second by Chelsea Malouf - Planning and Zoning Commissioner, to APPROVE ZONE-43152-2024 to address timelines for the review of zoning applications.

“Motion carried unanimously (6-0), with and Ashlie Pendleton - Planning and Zoning Commissioner absent.”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

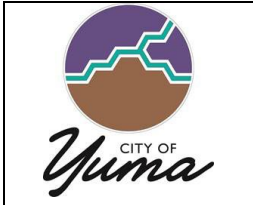
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



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

Hearing Date October 28, 2024

Case Number: ZONE-43152-2024

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning, variance and conditional use permit applications.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to address timelines for the review of zoning, variance and conditional use permit applications.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-43152-2014 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council to address timelines for the review of zoning, variance and conditional use permit applications.

Staff Analysis: The purpose of this text amendment is to align the City of Yuma zoning code with recent State of Arizona statute changes for the review of zoning map amendment applications. Recent changes in statute with regard to the time allowed to review an application for completeness has prompted staff to review the City code and propose the attached text amendment.

As required by Senate Bill 1162, the proposed amendment establishes a 30-day timeline for staff review of applications for completeness. And further requires a written response from the City identifying any deficiencies in the application within that 30-days. The legislature implemented this change to require cities and counties to review applications in a timely process. This appears to be an issue in other parts of Arizona but has never been an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning map amendments.

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote of the City Council will be necessary for a zoning change request to be successful. The statute change is to exclude government properties from the 20% requirement. This legislative change will likely make it easier for private properties owners to initiate a protest and prompt the three-fourths vote of City Council.

Staff originally intended to expand the 30-day review timeline to include variance and conditional use permit requests to be consistent in how we review applications and provide responses to applicants. But at this time staff has removed that

portion of the text amendment pending an evaluation of how the new process will have an effect on case schedules. Application review for other case types can be addressed at a later date.

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

Yes The City of Yuma 2022 General Plan reflects the Visions and Strategic Plan of the City Council for the City. This text amendment supports a Strategic Outcome to be Respected and Responsible as a trusted steward of City Resources and to be relied upon to provide premier services and regional leadership.

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

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

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

No

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

No

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

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

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

N/A

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

Yes This amendment supports City Council's commitment to provide premier services to the Yuma community.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Jennifer L. Albers*

Date: 10/17/24

Jennifer L. Albers

Assistant Director of Planning Jennifer.Albers@YumaAZ.gov (928) 373-5180

Approved By: *Alyssa Linville*

Date: 10/18/24

Alyssa Linville

Director, Planning and Neighborhood Services

**ATTACHMENT A
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) be amended to insert the bolded text and delete the strike through text:

(B) *Application for amendment of zoning map.* The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application ~~and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.~~

- (1) Administrative completeness review time frame.** The City shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the City will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the City receives the resubmitted application. The City shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.
- (2) Approval or Denial of Zoning Applications.** After determining that a zoning application is administratively complete, the City Council of the City of Yuma shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:
 - a. Staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
 - b. Staff may grant extensions in thirty (30) days increments at the request of the applicant.
- (3) Exceptions.** This Section does not apply to:
 - a. Land that is designated as a district of historical significance pursuant to ARS § 9-462.01(a); and
 - b. An area that is designated as historic on the national register of historic places;
 - c. Land that is already zoned as a planned area development (PAD).

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J) Sub-paragraph (1) be amended to insert the bolded text and delete the strike through text:

- (1) If the owners of 20% or more, **excluding government property**, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/20/24
- 34 Commenting/Reviewing Agencies noticed: 08/27/24
- Neighborhood Meeting: N/A
- Hearing Date: 10/14/24
- Comments due: 09/09/24

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.	Yes	9/3/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/29/24	X		
MCAS - Yuma	Yes	8/30/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/29/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

ORDINANCE NO. O2024-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE TO COMPLY WITH STATE STATUTE

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 October 28, 2024 in Case No: ZONE-43152-2024 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 20, 2024; 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-43152-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and supports the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) is amended to insert the following bolded text and delete the strike through text:

(B) *Application for amendment of zoning map.* The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application ~~and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.~~

- (1) Administrative completeness review time frame. The City shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the City will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the City receives the resubmitted application. The City shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.**
- (2) Approval or Denial of Zoning Applications. After determining that a zoning application is administratively complete, the City Council of the City of Yuma shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:**

- a. Staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
- b. Staff may grant extensions in thirty (30) day increments at the request of the applicant.

(3) Exceptions. This Section does not apply to:

- a. Land that is designated as a district of historical significance pursuant to ARS § 9-462.01(a); and
- b. An area that is designated as historic on the national register of historic places;
- c. Land that is already zoned as a planned area development (PAD).

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J), Sub-paragraph (1) is amended to insert the following bolded text:

- (1) If the owners of 20% or more, **excluding government property**, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

SECTION 3: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 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:

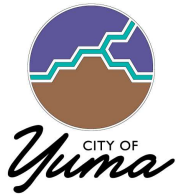
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-041

Agenda Date: 12/4/2024

Agenda #: 2.

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

TITLE:

Rezoning of Property: Southeast Corner of S. Avenue 7E and E. 40th Street

SUMMARY RECOMMENDATION:

Rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The rezoning of the described property will support residential development that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering the City Council’s strategic outcomes as it relates to Safe and Prosperous, and Respected and Responsible.

REPORT:

The applicant proposes developing the property for the Desert Sky Unit 4 townhome development. Currently, the site is undeveloped. The applicant proposes to construct 204 units on approximately 28.5 acres. With this request, the applicant seeks to rezone the property from Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

Density

The Planned Unit Development Overlay (PUD) District states, “the average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include only open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area (Yuma City Code (YCC) §154-14-07 (C)(4)).”

The zoning district regulation applicable to this project is the Medium Density Residential (R-2) District regulations contained within YCC §154-07-01. The R-2 District requires a minimum lot size of 4,500 square feet.

The total lot area of this subdivision, which includes the common areas and excludes the streets, is approximately 938,919 square feet. The density calculation: the total area divided by 208 lots, provides an average lot area of 4,514 square feet, as required by the R-2 District with the PUD Overlay.

Development Standards

“Planned Unit Development are intended to permit greater flexibility and, consequently more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning designations (YCC §154-14.07 (A)).”

The proposed development with the PUD overlay would allow the following dimensional variations:

- An increase in the number of 4,500 square foot lots from 72 lots to 103 lots.
- A decrease in the minimum lot size from 4,500 square feet to 3,300 square feet.
- A decrease in the minimum lot width from 50’ to 30’.
- Staggered front yard setbacks of 15’ and 20’ (20’ is the standard front yard setback).
- A reduction in the side yard setbacks from 7’ on each side to zero feet on each side.
- An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

Amenities

“PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces (YCC §154-14.07 (A)).”

The applicant has agreed to the following amenities for the proposed PUD:

1. A landscaped retention basin.
2. A 50’-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street. Additionally, this linear tract will be extended to 44th Street upon future development to the south.
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

Dwelling Unit Design and Massing Plan

The applicant proposes five different floor plans and two different garage roof designs. The units will include a combination of asphalt and tile roofing with the air conditioning units in the rear. The elevations for these floor plans are available in Attachment C of the Planning and Zoning Commission Report.

The massing plan illustrates the arrangement of the units with the staggered setbacks, the interconnected walking paths, the retention basin/common area, and the walking path connecting the two phases of development. The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density far beyond what would be allowed under the underlying zoning district. This increase in density is financially beneficial to the applicant. The tradeoff for the increased density is that the applicant provides a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this phase of development along with the required amenities in phase one, meet the intent for a Planned Unit Development as outlined in the City Code.

On October 28, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with Pendleton absent) of the request to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street, 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. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
6. Each of the conditions listed above shall be completed within five (5) 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:

“Zenia Fiveash, Assistant Planner, summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF:

“John Mahon - Planning and Zoning Commissioner asked if Condition No. 5 stopped the applicant from doing additional landscaping. **Fiveash** said that the front would consist of Bermuda grass and trees. **Fiveash** noted that the applicant agreed with all the conditions.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION:

“Motion by Chelsea Malouff, second by Gregory Counts to APPROVE ZONE-43195-2024 as presented, subject to the Conditions of Approval in Attachment A.

“Motion carried unanimously (6-0), with Ashlie Pendleton - Planning and Zoning Commissioner absent.’

Planning and Zoning Staff Report - Attached

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:

NOT APPLICABLE

ADDITIONAL INFORMATION:

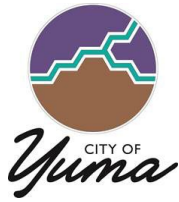
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



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

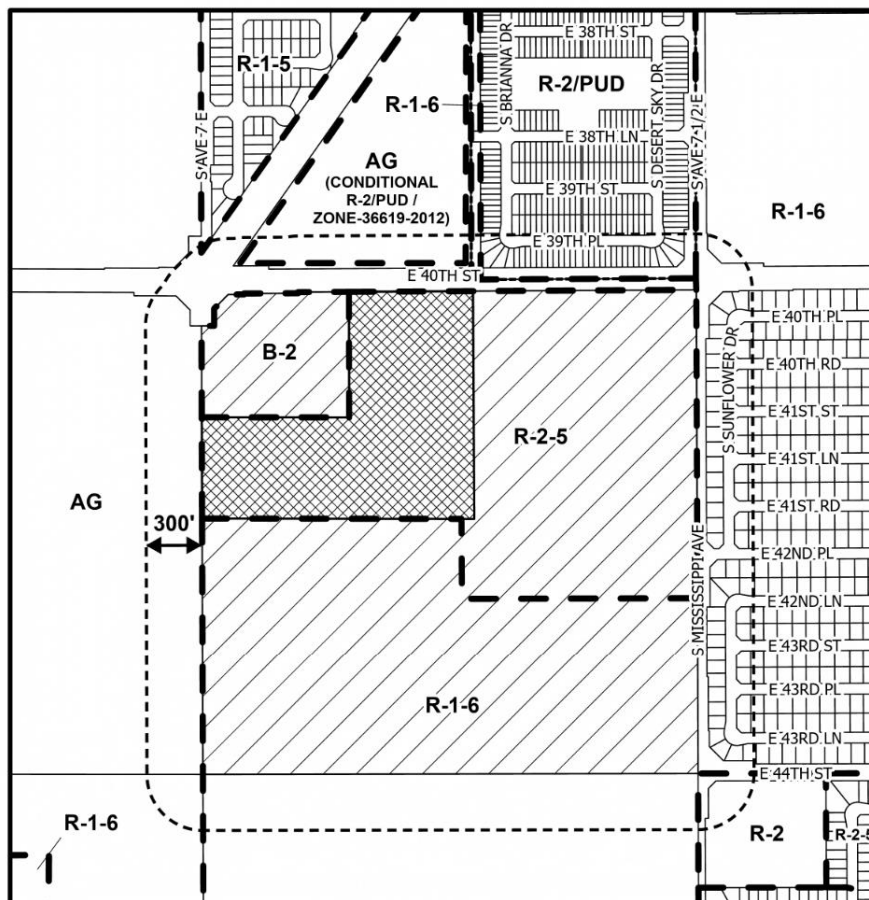
Hearing Date: October 28, 2024

Case Number: ZONE-43195-2024

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc. on behalf of Brian L Hall Trust, dated 12-1-2005, to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, for the property located at the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Medium Density Residential
North	Agriculture (AG) (Conditional R-2/PUD ZONE-36619-2012)	Undeveloped	Medium Density Residential
South	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
East	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Medium Density Residential
West	Agriculture (AG)	Undeveloped	Commercial

Location Map



Prior site actions: Annexation: Ordinance 097-81 (January 2, 1998); General Plan Amendment: Res. R2019-044 (October 16, 2019/Low Density Residential Use to Medium Density Residential)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-43195-2024 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 recommended approval to City Council for the request to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at , southeast corner of S. Avenue 7E and E. 40th 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 applicant proposes developing the subject property for the Desert Sky Unit 4 townhome development. Currently, the site is undeveloped land. The applicant is proposing to construct 204 units on approximately 28.5 acres. With this request, the applicant is seeking to rezone the property from Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

Density

The average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include only open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area §154-14-07 (C)(4).

The zoning district regulation applicable to this project is the Medium Density Residential District (R-2) regulations contained within §154-07-01. The R-2 District requires a minimum lot size of 4,500 square feet.

The total lot area of this subdivision, which includes the common areas, but not the street is 938,919 square feet. The density calculation: 208 lots divided by the area, gives an average lot area of 4,514 square feet.

Development Standards

“Planned Unit Development are intended to permit greater flexibility and, consequently more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning designations (§154-14.07 (A)).”

The proposed development with the PUD overlay would allow the following dimensional variations:

- An increase in the number of 4,500 square foot lots from 72 lots to 103 lots.

- A decrease in the minimum lot size from 4,500 square feet to 3,300 square feet.
- A decrease in the minimum lot width from 50' to 30'.
- Staggered front yard setbacks of 15' and 20' (20' is the standard front yard setback).
- A reduction in the side yard setbacks from 7' on each side to zero feet on each side.
- An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

Amenities

“PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces (§154-14.07 (A)).”

The applicant has agreed to the following amenities for the proposed PUD:

1. A landscaped retention basin.
2. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street. Additionally, this linear tract will be extended to 44th Street upon future development to the south.
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

Dwelling Unit Design and Massing Plan

The applicant proposes five different floor plans and two different garage roof designs. The units will include a combination of asphalt and tile roofing with the air conditioning units on the rear roofs. The elevations for these floor plans are available in Attachment C.

The massing plan illustrates the arrangement of the units with the staggered setbacks, the interconnected walking paths, the retention basin/common area, and the walking path connecting the two phases of development. The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density far beyond what would be allowed under the underlying zoning district. This increase in density is financially beneficial to the applicant. The tradeoff for the increased density is that the applicant provides a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this phase of development along with the required amenities in phase one, meet the intent for a Planned Unit Development as outlined in the City Code.

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

Land Use Element:							
Land Use Designation:		Medium Density Residential					
Issues:		None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None X

Historic Buildings on Site:	Yes	No	X
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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
40 th Street 4- Lane Minor Arterial	50 FT H/W ROW	62 FT H/W ROW				
Bicycle Facilities Master Plan	40 th Street – Proposed Bike Lane					
YCAT Transit System	None					
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: Saguaro Park	Future:
Community Park:	Existing: None	Future: South Mesa Community Park
Linear Park:	Existing: None	Future: "A" Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	None						
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:

Population Impacts 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	Multi-Family		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	386	1.6	618	1.17	127,843	143.2	43,232
	Minimum						
	149	1.6	238	0.45	49,349	55.3	16,688
Fire Facilities Plan:	Existing: Fire Station No. 7			Future:			
Water Facility Plan:	Source:	City	X	Private	Connection:	10" PVC Line	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC Line	
Issues:	None						

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X
Issues:	None				

Growth Area Element:									
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St			Estancia		None	
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

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 10/17/24

Final staff report delivered to applicant on: 10/18/24

- Applicant agreed with all of the conditions of approval on: 10/18/24
- 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	Conceptual Site Plan	Elevations	Massing Plan	Agency Notifications
F	G	H	I	
Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo	

Prepared By: *Zenia Fiveash*

Date: 10-17-24

Zenia Fiveash
Assistant Planner
Zenia.Fiveash@yumaaz.gov

(928) 373-5000, x3040

Reviewed By: *Jennifer L. Albers*

Date: 10/17/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 10/18/24

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:

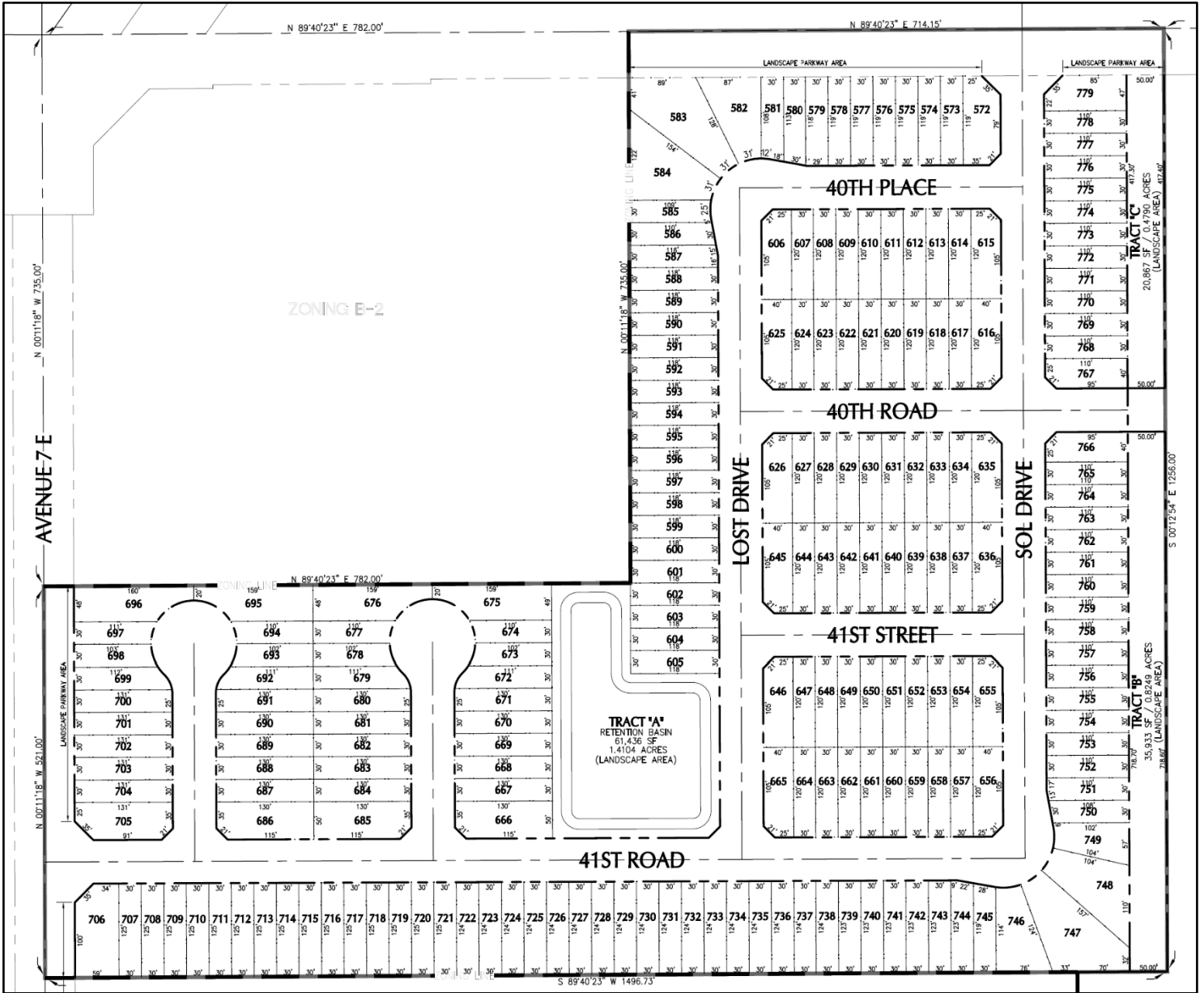
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner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

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

4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
6. Each of the conditions listed above shall be completed within five (5) 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.

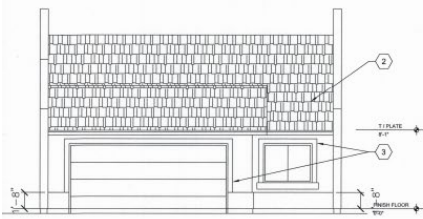
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B CONCEPTUAL SITE PLAN



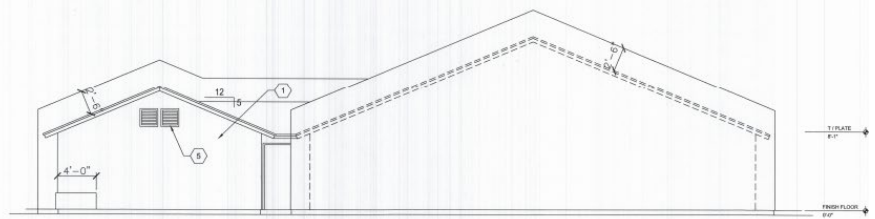
ATTACHMENT C ELEVATIONS

Model 1236:



1 Front Elevation

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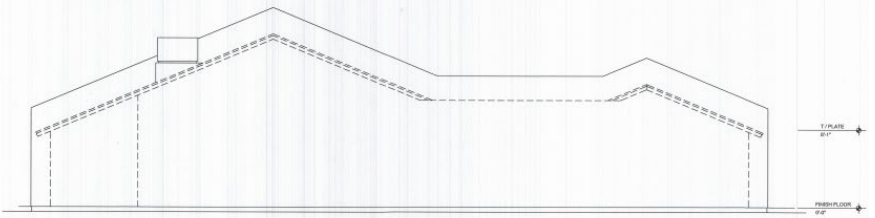
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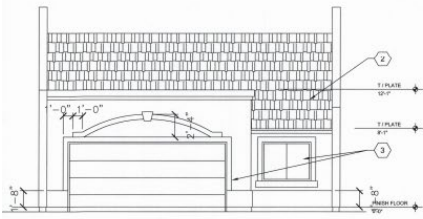
1 Rear Elevation

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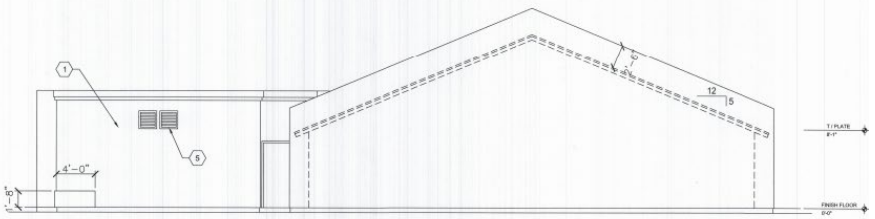
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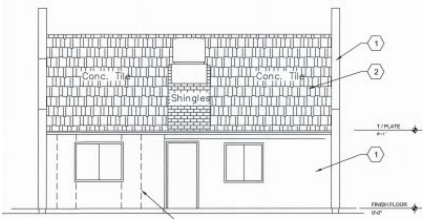
1 Front Elevation

SCALE: 3/16"=1'-0"



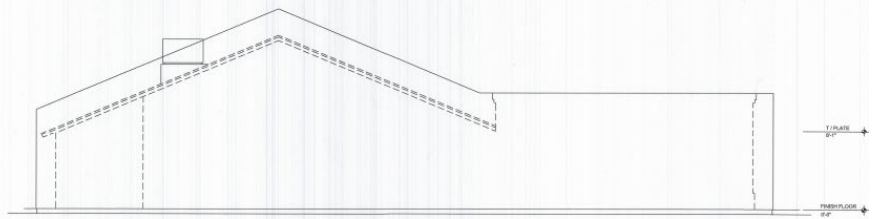
1 Right Side Elevation

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1 Rear Elevation

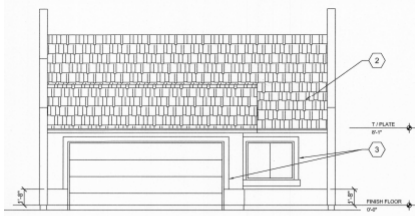
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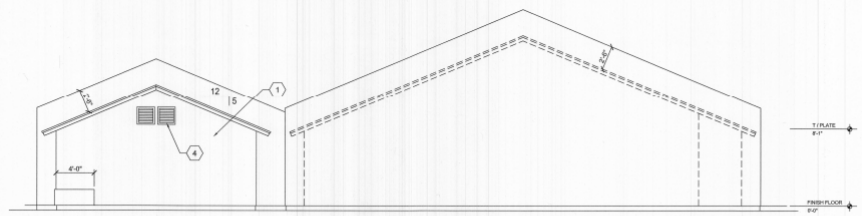
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Model 1280:



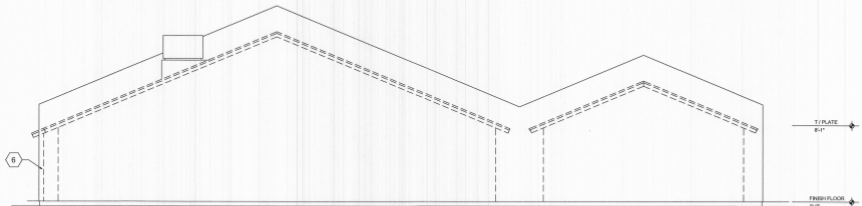
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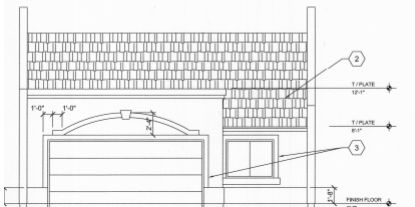
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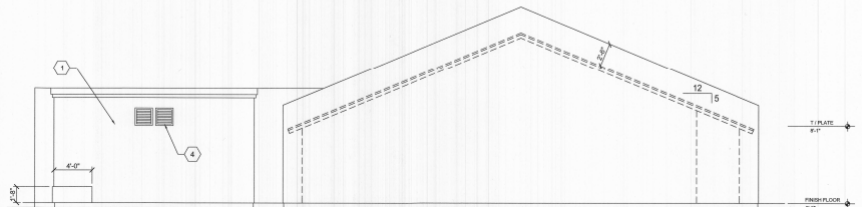
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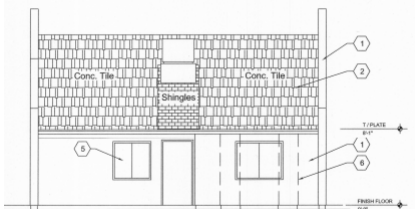
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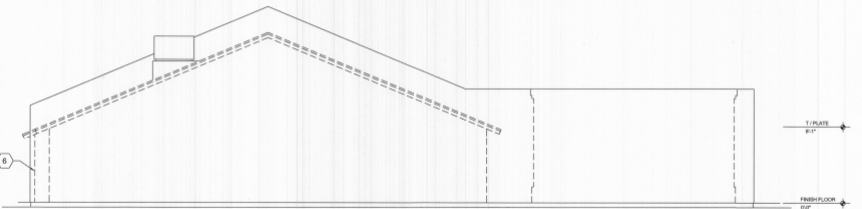
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1 Right Side Elevation
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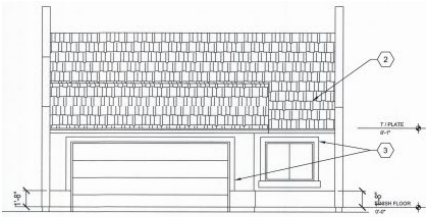


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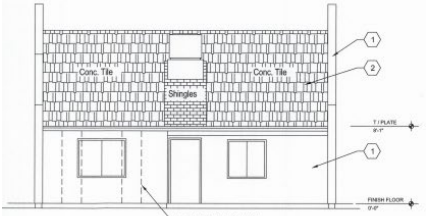
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Model 1316:



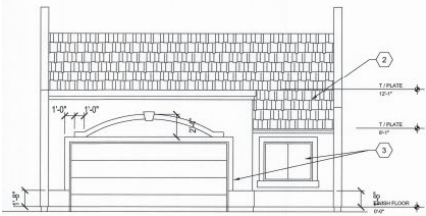
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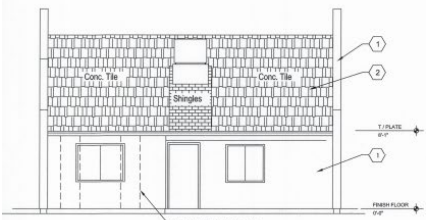
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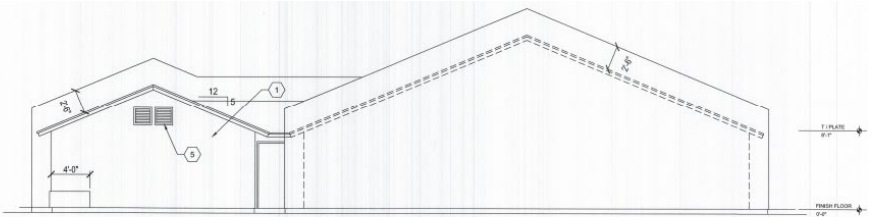
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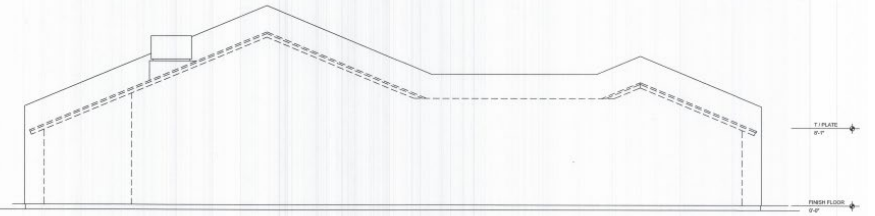
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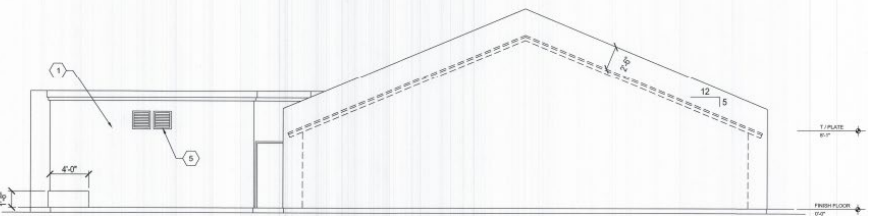
1 Right Side Elevation

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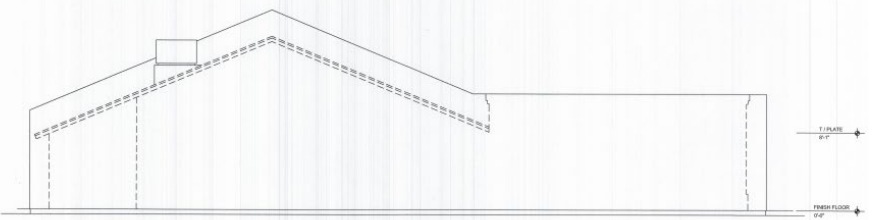
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1 Right Side Elevation

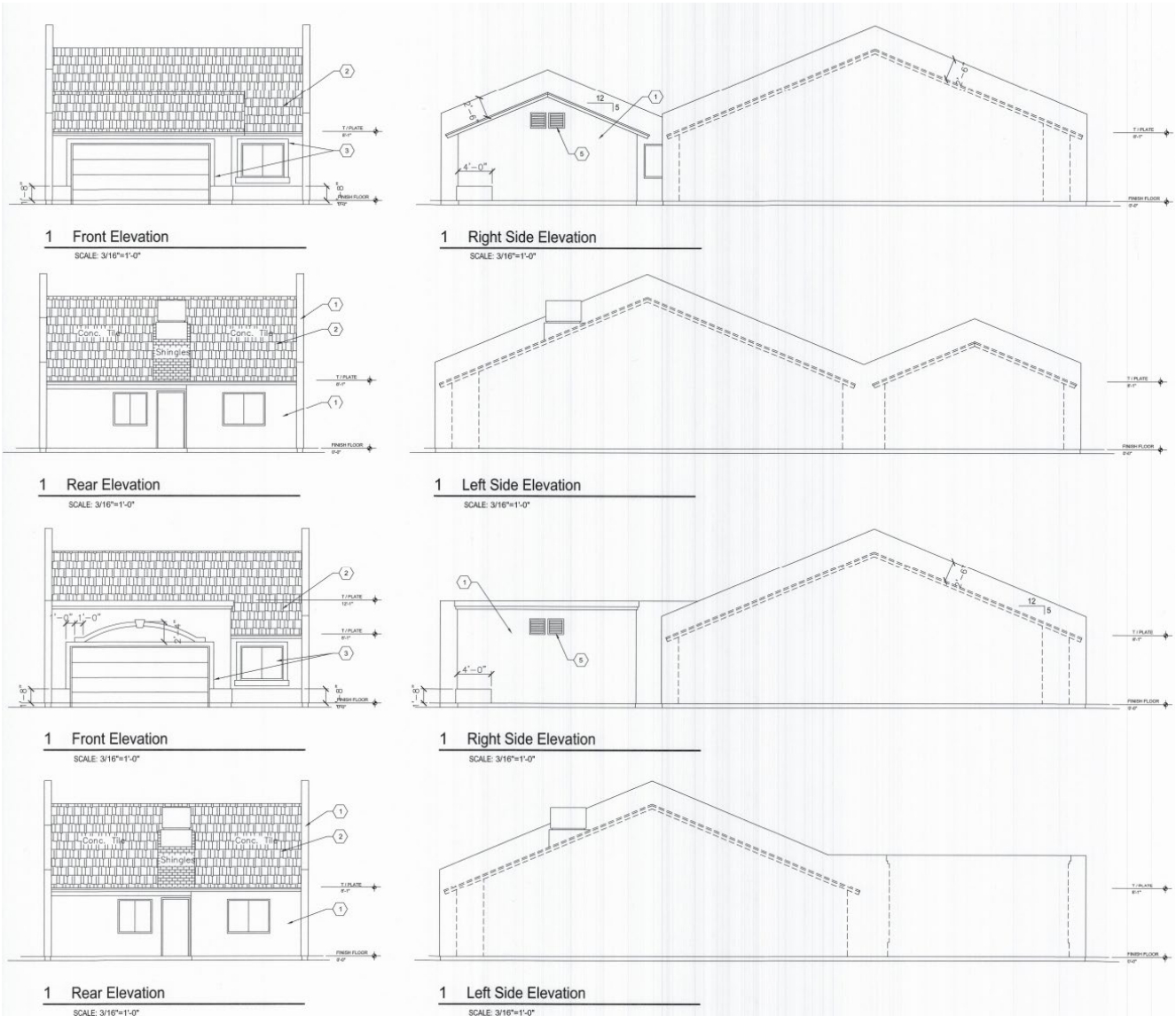
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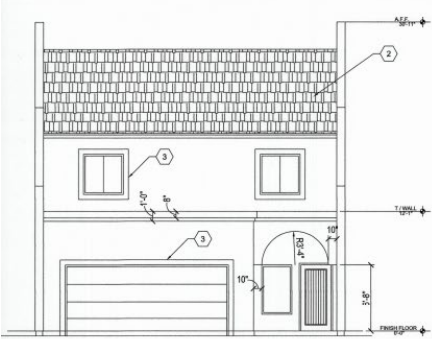
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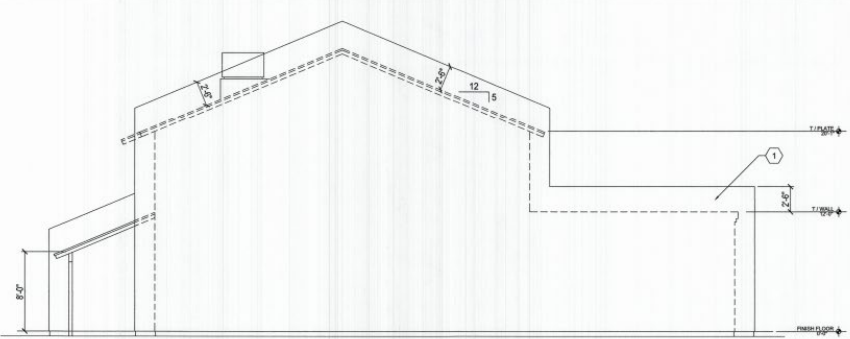


Model 1906:



1 Front Elevation

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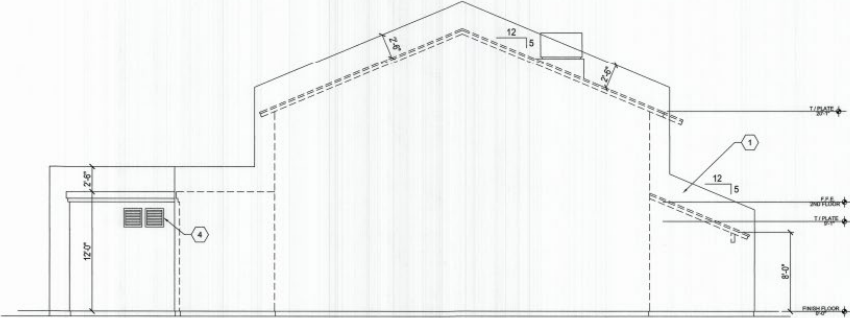
1 Left Side Elevation

SCALE: 3/16"=1'-0"



1 Rear Elevation

SCALE: 3/16"=1'-0"



1 Right Side Elevation

SCALE: 3/16"=1'-0"

**ATTACHMENT E
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 9/30/24
- **300' Vicinity Mailing:** 9/09/24
- **34 Commenting/Reviewing Agencies noticed:** 9/23/24
- **Site Posted on:** 10/21/24
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 10/28/24
- **Comments due:** 9/23/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	9/16/24		X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	9/16/2		X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona 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	9/17/24				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	9/16/24		X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	9/19/24				X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT F
AGENCY COMMENTS

Western Area Power Administration (WAPA) has no objections to the rezoning of the subject property, however WAPA does have facilities that may be potentially impacted. Please have the landowner contact WAPA prior to ANY construction activities within our right of way.

DATE: 9/18/24 NAME: Dennis Patane TITLE: Realty Specialist
AGENCY: Western Area Power Administration-DSW Region
PHONE: 602 605-2713
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

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: The subject parcel (APN 197-15-001) is located approximately 1.75 miles from the Barry M. Goldwater Range West (BMGR-W) northern boundary. It is requested that Avigation easement and Range Disclosure Statements 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, BMGR, and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 19 Sep 2024 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

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:

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along the Avenue 7E frontage for a collector street per the City of Yuma Transportation Master Plan. Plus widening for turn lanes at the intersections of Avenue 7E and 40th Street, and Avenue 7E and 44th Street, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 50 feet halfwidth right-of-way along the 40th Street frontage for a Minor Arterial street per City of Yuma Transportation Master Plan. Plus widening for turn lanes at the intersections of Avenue 7E & 40th Street and 40th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along the Avenue 7½E/Mississippi Avenue frontage for a mid-section collector street. Plus widening for turn lanes at the intersections of Avenue 7½E/Mississippi Avenue and 40th Street, and 44th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along 44th Street frontage for a mid-section collector street. Plus widening for turn lanes at the intersections of Avenue 7E and 44th Street, and 44th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate corner triangles with 40 foot legs, at all of the intersections listed above.

The Owner/Developer shall dedicate the above listed right-of-way by warranty deed or by plat.

DATE: 9/19/2024 NAME: Andrew McGarvie TITLE: Development Engineering Manager
CITY DEPT: Engineering
PHONE: 3044
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
ACUNA DANIELLE	7517 E 43RD LN	YUMA AZ 85365
AGUIRRE CARLOS J & MARIA D JT	4076 S SUNFLOWER DR	YUMA AZ 85365
AGUIRREBARRENA TYLER O	7523 E 42ND PL	YUMA AZ 85365
AKKADIAN LLC	4132 S HINCKLEY DR	YUMA AZ 85365
AKKADIAN LLC	4132 S HINCKLEY DR	YUMA AZ 85365
ALVAREZ RODRIGO & PRICILLA	4316 S SUNFLOWER DR	YUMA AZ 85365
AMADOR KARLA E	7552 E 41ST ST	YUMA AZ 85365
ANDERSON BLAKE D	779 BEDFORD DR	SALINAS CA 93901
ANDERSON BLAKE D	779 BEDFORD DR	SALINAS CA 93901
ANDERSON JASON	4116 S SUNFLOWER DR	YUMA AZ 85365
ARRIAGA JESUS OMAR COTA	7564 E 43RD PL	YUMA AZ 85365
BACHE RILEY	4730 E CO 14 1/2 ST	YUMA AZ 85365
BARAJAS BERNARDO	7573 E 41ST RD	YUMA AZ 85365
BARBOSA ANGELINA MELGOSA	7548 E 43RD LN	YUMA AZ 85365
BARRIENTOS DAVID L & VICTORIA L	4140 S SUNFLOWER DR	YUMA AZ 85365
BENEDICT EASTON A & STEPHANIE A	7533 E 43RD LN	YUMA AZ 85365
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA AZ 85364
BRAVO ERIK DIAZ	7544 E 43RD ST	YUMA AZ 85365
BRUGH GLEN LEE JR & CHARLOTTE I	PO BOX 1226	RAMONA CA 92065
BUSTER WILLIAM & BETTY	8376 E 26TH ST	YUMA AZ 85365
CABRERA BRITTNEY N	7298 E 39TH PL	YUMA AZ 85365
CALDWELL HEATHER A	7317 E 39TH PL	YUMA AZ 85365
CARMONA JORGE LUIS JR	4256 S SUNFLOWER DR	YUMA AZ 85365
CARRANZA EDWIN L & MARIA D CPWROS	7556 E 41ST RD	YUMA AZ 85365
CASE FAMILY TRUST 11-14-2023	4090 W 16TH PL	YUMA AZ 85364
CASTILLO JOSE RENATO	7551 E 40TH RD	YUMA AZ 85365
CASTILLO JUAN	7572 E 41ST RD	YUMA AZ 85365
CASTILLO SUSANA	14538 LIEBACHER AVE	NORWALK CA 90650
CASTRO CELESTINO & ROSA	7275 E 39TH PL	YUMA AZ 85365
CAVENEY ALEXIS M	7329 E 39TH PL	YUMA AZ 85365
CELAYA ENRIQUE & AURORA M	4052 S SUNFLOWER DR	YUMA AZ 85365
CHARLES BRANDON P & CHYNA M	4268 S SUNFLOWER DR	YUMA AZ 85365
CHERLAND ERIKA	7549 E 40TH PL	YUMA AZ 85365
CHINEA JOSEPH ROBERT	3971 S DESERT SKY DR	YUMA AZ 85365
CONTRERAS ROBERTO CARLOS	PO BOX 10482	SAN LUIS AZ 85349
CORONA ELLIOT NOE ARCOS	7541 E 42ND PL	YUMA AZ 85365
CORRALES CHRISTOPHER	11425 E 26TH LN	YUMA AZ 85367

COX JACOB MATTHEW & ERIN NICOLE	7549 E 43RD LN	YUMA	AZ	85365
CUANDROS JOSE ALONSO AHUMADA	7546 E 43RD PL	YUMA	AZ	85365
DEESE DANIEL FRANKLIN & SARA	7566 E 43D LN	YUMA	AZ	85365
DESERT FIG PROPERTIES LLC	1785 LOTUS AVE	EL CENTRO	CA	92243
DURAN MICHELLE SILVA FERNANDEZ CHRISTIE AMBER	4206 S SUNFLOWER DR	YUMA	AZ	85365
LIVING TRUST 01-2-2022	2774 S FRESNO AVE	YUMA	AZ	85364
FOOTHILLS PLAZA PROPERTIES LLC	3064 S AVE B	YUMA	AZ	85364
GALVAN LUIS ANTONIO & GRISELDA FAVIOLA	7316 E 39TH PL	YUMA	AZ	85365
GARCIA BARBARA L	7557 E 41ST RD	YUMA	AZ	85365
GARCIA MANUEL J JR	7555 E 41ST LN	YUMA	AZ	85365
GARCIA RUBEN C & SUNDAY D	7565 E 43RD PL	YUMA	AZ	85365
GERNERT LORI A	7257 E 39TH PLACE	YUMA	AZ	85365
GONZALEZ MATHEW & VANESSA MANZANERO	7542 E 42ND LN	YUMA	AZ	85365
GONZALEZ ROSA P	7564 E 40TH PL	YUMA	AZ	85365
GUERRA TRUST 11-8-2022	7568 E 41ST ST	YUMA	AZ	85365
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HILLMAN JERRITT RUSSELL ESAU	7554 E 41ST LN	YUMA	AZ	85365
HOLGUIN MARIA	7382 E 39TH PL	YUMA	AZ	85365
HOLZWORTH DENVER M	508 3RD ST SW	JAMESTOWN	ND	58401
HURTADO VERONICA ANGELITA	7341 E 39TH PL	YUMA	AZ	85365
IDC LAND LLC	450 WHITEBIRD ST	GRANGEVILLE	ID	83530
JONES DAVID & KALA ERYN	7562 E 43RD ST	YUMA	AZ	85365
KATHERINE ROCCI LIVING TRUST 6-25-2024	7346 E 39TH PL	YUMA	AZ	85365
KENLEY DANIEL	4028 S SUNFLOWER DR	YUMA	AZ	85365
LARA JOEL & KAREN	7547 E 43RD PL	YUMA	AZ	85365
LARRABEE JOSHUA MICHAEL	7323 E 39TH PL	YUMA	AZ	85365
LIZARRAGA JOSE MENDOZA & CRUZ	7566 E 40TH RD	YUMA	AZ	85365
LOPEZ JAVIER & BRITTNEY M	7530 E 40TH PL	YUMA	AZ	85365
LUDINGTON BRENDAN RALPH & JENIFER	7340 E 39TH PL	YUMA	AZ	85365
LUNA ALMA	4292 S SUNFLOWER DR	YUMA	AZ	85365
MALLET TAMARA MARIE	7388 E 39TH PL	YUMA	AZ	85365
MANJARREZ LIZBETH	7553 E 41ST ST	YUMA	AZ	85365
MARQUEZ RAMON EDUARDO	7268 E 39TH PL	YUMA	AZ	85365
MARTIN TIMMY LEE & CHRISTINE ANN	7558 E 42ND PL	YUMA	AZ	85365
MARTINEZ ERIKA	7376 E 39TH PL	YUMA	AZ	85365
MARTINEZ JOSE LUIS LOPEZ	7543 E 42ND LN	YUMA	AZ	85365
MARTINEZ MARCOS ANTONIO LEON	7371 E 39TH PL	YUMA	AZ	85365

MATTHE FAMILY TRUST 3-5-2024	3015 COTTONWOOD VIEW DR	EL CAJON	CA	92019
MCCLURE CRAIG & STEPHEN & CONSTANCE ALL JT	4036 S SUNFLOWER DR	YUMA	AZ	85365
MCFADZEAN JESSICA	7293 E 39TH PL	YUMA	AZ	85365
MEDINA RAMON RIOS	7548 E 40TH PL	YUMA	AZ	85365
MEJIA ALVARO AMARO	7395 E 39TH PL	YUMA	AZ	85365
MENDOZA CRYSTAL	7307 E 39TH PL	YUMA	AZ	85365
MIRANDA GEORGINA ISABEL	7353 E 39TH PL	YUMA	AZ	85365
MONTALVO PEDRO & ALMA	7402 E 39TH PL	YUMA	AZ	85365
MONTOYA IVON	7563 E 43RD ST	YUMA	AZ	85365
MORA SERGIO D	7352 E 39TH PL	YUMA	AZ	85365
MORAN VANESSA	4280 SUNFLOWER DR	YUMA	AZ	85365
NAVA DANIEL & MARIA ELENA	4304 S SUNFLOWER DR	YUMA	AZ	85365
NAVARRETE MARIA SANDRA	4626 W 23RD LN	YUMA	AZ	85364
NEBLINA VICTOR DANIEL	4376 S SUNFLOWER DR	YUMA	AZ	85365
PEEVLER MICHAEL R	14806 E 55TH ST	YUMA	AZ	85365
POMPA SIDNEY	7364 E 39TH PL	YUMA	AZ	85365
PONCE JOSHUA NOEL	4198 S SUNFLOWER DR	YUMA	AZ	85365
PORCAYO BERTIN JR	7561 E 42ND PL	YUMA	AZ	85365
POTTTER CHELSEA MARGARET	4158 S SUNFLOWER DR	YUMA	AZ	85365
PRATHER BRANDON	7347 E 39TH PL	YUMA	AZ	85365
QUIGLEY DANIEL	10161 E 34TH LN	YUMA	AZ	85365
RAMIREZ ALEJANDRO M	4124 S SUNFLOWER DR	YUMA	AZ	85365
RAMOS CONSUELO	3976 S BRIANNA DR	YUMA	AZ	85365
RAMSAY JERRY & SHIRLEY	4100 S SUNFLOWER DR	YUMA	AZ	85365
REID TYRONE DEON	7359 E 39TH PL	YUMA	AZ	85365
ROCHA PORFIRIO I III & & MARCOS CPWROS	4132 S SUNFLOWER DR	YUMA	AZ	85365
RODRIGUEZ AMAIRANI	4340 S SUNFLOWER DR	YUMA	AZ	85365
RODRIGUEZ LEONEL	7559 E 42ND PL	YUMA	AZ	85365
ROMERO MIRIAM HOLANDA	7306 E 39TH PL	YUMA	AZ	85365
RUHL TRUST 7-25-2018	4328 S SUNFLOWER DR	YUMA	AZ	85365
SAGUARO DESERT SALES LLC	7545 E 43RD ST	YUMA	AZ	85365
SANTANA 142 RE HOLDINGS AZ LLC	340 PALLADIO PKWY STE 521	FOLSOM	CA	95630
SEALE BROOKE N	7408 E 39TH PL	YUMA	AZ	85365
SEYFERT JACQUELINE	7383 E 39TH PL	YUMA	AZ	85365
SIORDIA MANUEL A & ALEXANDRA D CPWROS	4084 S SUNFLOWER DR	YUMA	AZ	85365
SORENSEN CHRISTOPHER & KATHARINE	7569 E 41ST ST	YUMA	AZ	85365
STEINBUCH MAXX DAVID	7560 E 24ND LN	YUMA	AZ	85365
STEPHENS-EDMONDS RANCH LLC	1223 POPLAR ST	RAMONA	CA	92065
TANDARICH TODD & ANGELA CPWROS	7574 E 42N PL	YUMA	AZ	85365
TEMPLETON CODY & ANA C	4352 S SUNFLOWER DR	YUMA	AZ	85365
URIAS ADALISA I	PO BOX 6115	YUMA	AZ	85366
VEJAR LUIS ANGEL	7403 E 39TH PL	YUMA	AZ	85365
VIRGEN GALILEA GUADALUPE TORRES	7567 E 40TH RD	YUMA	AZ	85365
WATSON MARY N	3064 S AVE B	YUMA	AZ	85364
WEIL JOHN A & CRISTYN E CPWROS	3771 E LAS CRUCES LN	YUMA	AZ	85365

WESTERN SANDS LAND INC AZ CORP	3064 S AVE B	YUMA	AZ	85364
YUMAS DESERT SKY DEVELOPMENT LLC	3064 S AVE B	YUMA	AZ	85364
YUMAS DESERT SKY DEVELOPMENT LLC	3064 S AVE B	YUMA	AZ	85364
ZADEH FAMILY TRUST 8-8-2023	1077 W ROSS RD	EL CENTRO	CA	92243

**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by Dahl, Robins, and Associates, Inc. on behalf of Brian L Hall Trust, dated 12-1-2005, to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/ Planned Unit Development (R-2/PUD) District, for a portion of the property located at the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.

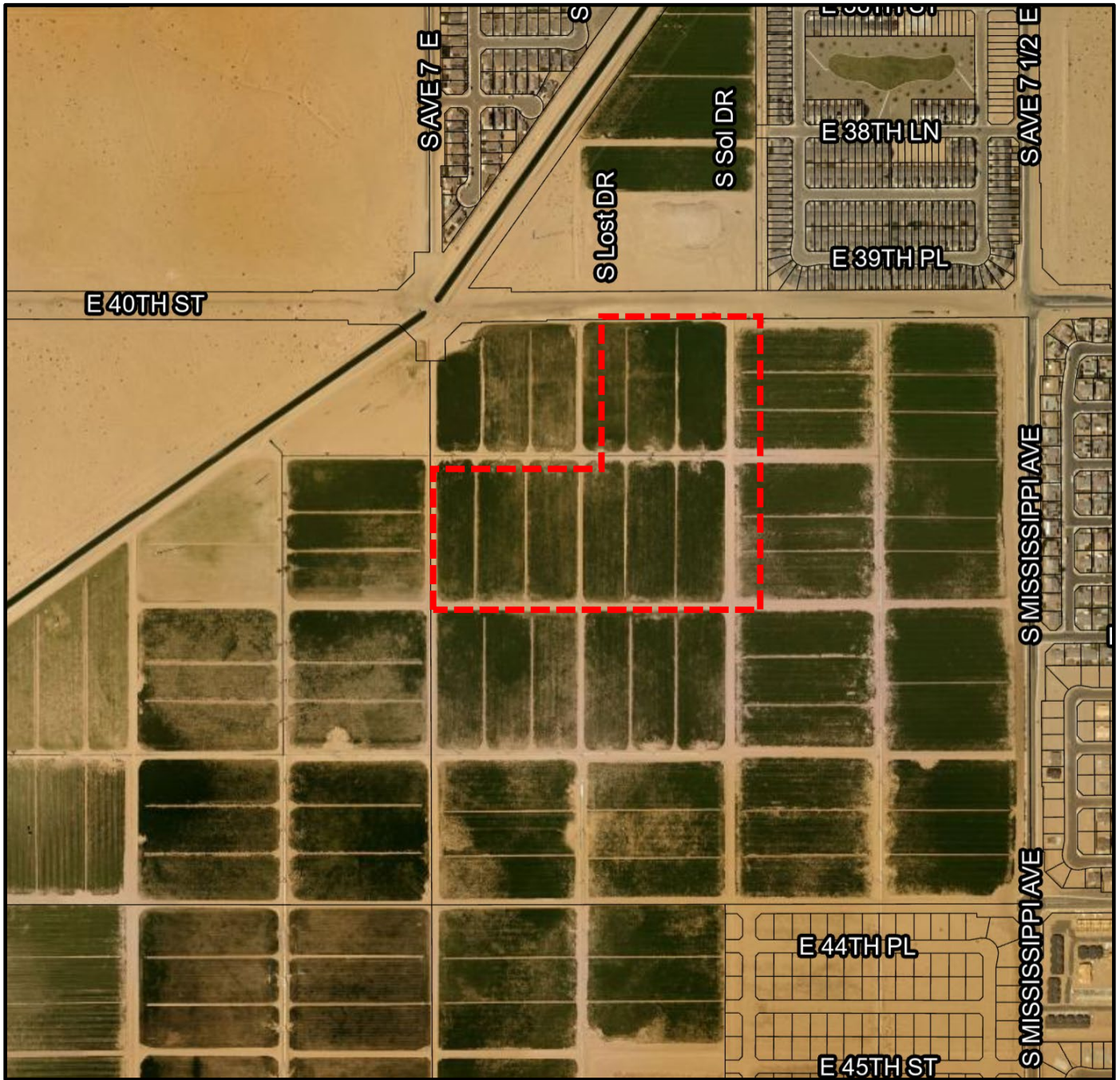
**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-43195-2024**

PUBLIC HEARING
10/28/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ, you are invited to attend the public meeting 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 I
AERIAL PHOTO



ORDINANCE NO. O2024-041

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 SINGLE-FAMILY RESIDENTIAL (R-2-5) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT (R-2/PUD) 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 October 28, 2024 in Zoning Case No: ZONE-43195-2024 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Medium Density Residential/Planned Unit Development (R-2/PUD) 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 October 4, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-43195-2024 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:

The North 1,256.00 feet of the Northwest quarter of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

*EXCEPT the East 1,154.00 feet thereof; AND,
EXCEPT the North 735.00 feet of the West 782.00 feet thereof.*

shall be placed in the Medium Density Residential/Planned Unit Development (R-2/PUD) 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 Medium Density Residential/Planned Unit Development (R-2/PUD) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

SECTION 2: 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.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within five (5) 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

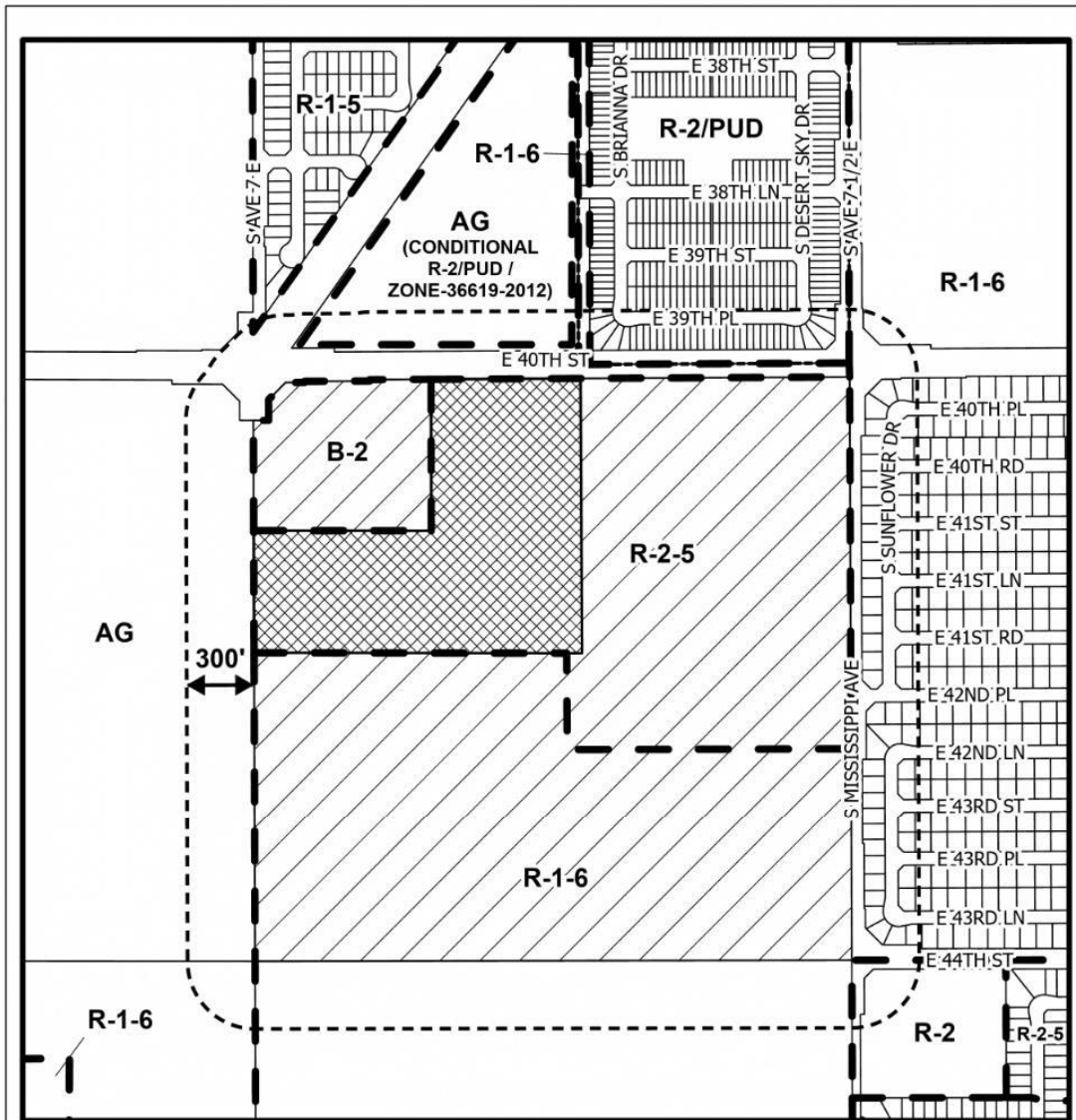
ATTESTED:

 Lynda L. Bushong
 City Clerk



APPROVED AS TO FORM:

 Richard W. Files
 City Attorney

Exhibit A



LOCATION MAP

-  Location of Subject Property
-  Location of Zoning Request



Prepared by: DG
 Checked by: ZF



Date: 9/10/2024
 Revised:
 Revised:

Case #:
 ZONE-43195-2024