



# City of Yuma City Council Meeting REVISED Agenda

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Wednesday, June 26, 2024

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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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 the Call to the Public must complete a Speaker Request Form. Forms are located at the entrance of the Council Chambers and should be submitted to City Clerk staff on the evening of the City Council meeting.**

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](http://www.yumaaz.gov/telvue). Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Zoom on their computer or mobile device at <https://cityofyuma.zoom.us/>.

## **CALL TO ORDER**

## **INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **FINAL CALL**

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

## **PRESENTATIONS**

- Governmental Finance Officers Association Triple Crown Awards
- Yuma Police Department Annual Report

## 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 2024-087](#) **Regular Council Meeting Draft Minutes May 1, 2024**  
**Attachments:** [2024 05 01 RCM Minutes.docx](#)
2. [MC 2024-089](#) **Regular Council Worksession Draft Minutes May 14, 2024**  
**Attachments:** [2024 05 14 RWS Minutes.docx](#)
3. [MC 2024-088](#) **Regular Council Meeting Draft Minutes May 15, 2024**  
**Attachments:** [2024 05 15 RCM Minutes.docx](#)

### 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 2024-073](#) **Bid Award: Concert Production Services**  
Award to the most responsive and responsible bidder a one-year contract for concert production services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$44,948.10 is awarded to Showboss LLC, Mesa, Arizona. (Administration RFB-24-323) (Jen Miller/Robin R. Wilson)
2. [MC 2024-074](#) **Bid Award: Riley Avenue and 17th Street Sidewalk and Streets**  
Authorize the City Administrator to execute a contract for construction services at Riley Avenue and 17th Street, Sidewalk and Streets Project, to the lowest responsive and responsible bidder in the amount of \$123,349.50 for the base bid and \$26,303.00 for the alternate bids for a total of \$149,652.50 to Gutierrez Canales Engineering PC, Yuma, Arizona. (Engineering-RFB-24-199) (David Wostenberg/Robin R. Wilson)

3. [MC 2024-075](#) **Cooperative Purchase Agreement: Amazon Business**  
Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (Finance-CPA-25-006) (Douglas Allen/Robin R. Wilson)
4. [MC 2024-076](#) **Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies**  
Authorize the purchase of three 2025 Peterbilt Model 520/McNeilus 31-Yard Side-loaders and the purchase of one 2026 Peterbilt Model 520/McNeilus Rear-loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,941,981.00 to: Rush Truck Centers of Yuma (Public Works - CPA-24-345) (Joel Olea/Robin R. Wilson)
5. [MC 2024-077](#) **Cooperative Purchase Agreement: Kennedy Hockey Rink, Lighting Upgrade**  
Authorize the purchase, delivery and installation of lighting fixtures at the Kennedy Hockey Rink to Musco Sports Lighting, LLC, utilizing Sourcewell cooperative purchase agreement for an expenditure of \$122,450.00. (Parks/Engineering-CPA-25-005) (Eric Urfer/David Wostenberg/Robin R. Wilson)
6. [MC 2024-079](#) **Cooperative Purchase Agreement: Information Technology Products and Services**  
Authorize the purchase of Information Technology Products and Services utilizing vendors awarded from the 15 cooperative purchasing agencies noted below, at an estimated amount of \$7,062,175.00. (IT-CPA-25-001) (Isaiah Kirk/Robin R. Wilson)
- Attachments:** [1. Cooperative Purchase Agreement: ITS Products and Services](#)
7. [MC 2024-078](#) **Cooperative Purchase Agreement: Cyclical Network Refresh Project**  
Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$340,000.00 (IT-CPA-25-004) (Isaiah Kirk/Robin R. Wilson)

8. [MC 2024-080](#) **Cooperative Purchase Agreement: Purchase of Laptops and Monitors**  
Authorize the purchase of laptops, monitors, and docks utilizing a Cooperative Purchase Agreement with Dell Technologies in the estimated amount of \$475,000.00. (IT-CPA-25-003) (Isaiah Kirk/Robin R. Wilson)
9. [MC 2024-081](#) **Grant Award: Yuma County 9-1-1 System Annual Funding Award**  
Authorize the City Administrator to execute the required documents with Arizona Department of Administration 9-1-1 Program Office (ADOA) to disperse awarded grant funds from the Emergency Telecommunication Services Revolving Fund to pay for authorized contractual costs related to equipment and services used in the operation of 9-1-1 services in the Yuma County region. (Information Technology/YRCS) (Jeremy W. Jeffcoat)  
**Attachments:** [1. AGMT Grant Award Yuma County 911](#)
10. [MC 2024-082](#) **Sole Source: Human Resources Software Subscription Renewal**  
Authorize the renewal of a Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, CA, at a one-year estimated expenditure of \$125,000.00. (IT/HR-25-002) (Isaiah Kirk/Monica Welch/Robin R. Wilson)
11. [MC 2024-084](#) **2024 Annual Action Plan - Community Development Block Grant and HOME Investment Partnerships Program**  
Approve the City of Yuma 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Planning & Neighborhood Services/Neighborhood Services) (Nikki Hoogendoorn)  
**Attachments:** [1. 2024 Annual Action Plan](#)
12. [MC 2024-085](#) **Final Plat: Downtown Heights Subdivision**  
Approve the final plat of the Downtown Heights Subdivision. The property is located on the northwest corner of Giss Pkwy and 3rd Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)  
**Attachments:** [1. SUPP DOC Final Plat: Downtown Heights Subdivision](#)

13. [MC 2024-086](#)      **Settlement: Heebink Claim**  
 Authorize settlement of a Notice of Claim submitted on behalf of Christian Heebink. (City Attorney) (Richard Files)
14. [MC 2024-090](#)      **Renewal of City Insurance Coverage for Fiscal Year 2025**  
 Authorize binding of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, Automobile Damage, Drone, and Deadly Weapon coverage for Fiscal Year (FY) 2025 for the total amount of \$1,982,334.86 to: Alliant Insurance Services, Inc., of Phoenix, AZ (City Attorney-RFB-23-110) (Richard W. Files/ Robin Wilson)

## II. RESOLUTION CONSENT AGENDA

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

1. [R2024-026](#)      **Election Consolidation, Voting Center Locations, and the Election Board**  
 Adopt the voting center locations and consolidation of the precincts, and appoint an election board for the 2024 City of Yuma Primary and General Elections to be held July 30, 2024 and November 5, 2024, respectively. (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:**      [1. RES Election Consolidation, Voting Center Locations ad the Election Board](#)  
[2. EXH A Election Consolidation, Voting Center Locations, and the Election Board](#)
2. [R2024-027](#)      **Resolution Designating the Chief Fiscal Officer for FY 2025**  
 Designate Douglas W. Allen as the Chief Fiscal Officer for the purpose of submitting the City's Annual Expenditure Limitation Reports (AELR) to the Auditor General for Fiscal Year 2025. (Finance) (Douglas Allen)
- Attachments:**      [1. RES CFO for AELR 2025](#)

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3. [R2024-028](#) **Annual Public Safety Personnel Retirement System Funding Policy for Fiscal Year 2025**  
Adopt the annual Public Safety Personnel Retirement System (PSPRS) funding policy for Fiscal Year 2025, as required under Arizona Revised Statutes (A.R.S.) § 38-863.01. (Finance) (Doug Allen)
- Attachments:** [1. RES PSPRS Funding Policy 2025](#)  
[2. POLICY PSPRS Funding Policy 2025](#)
4. [R2024-029](#) **Memorandum of Understanding: Special Operations Group**  
Approve a Memorandum of Understanding between United States Customs and Border Protection and the Yuma Police Department to assign federal personnel to the Police Department's Special Operations Group. (Yuma Police Department) (T. Garrity)
- Attachments:** [1. RES MOU Special Operations Group](#)  
[2. AGMT MOU Special Operations Group](#)
5. [R2024-030](#) **Preannexation Development Agreement: Ruiz Roesner Trust**  
Authorize a Preannexation Development Agreement with Ruiz Roesner Trust for the properties located at 3731 W. 5th Street and 3731 ½ W. 5th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:** [1. RES PDA 3731 W. 5th Street](#)  
[2. AGMT PDA 3731 W. 5th Street](#)
6. [R2024-031](#) **Preannexation Development Agreement: VEREIT Real Estate, L.P.**  
Authorize a Preannexation Development Agreement with the VEREIT Real Estate, L.P. for the property located at 3320 E. Gila Ridge Road (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:** [1. RES PDA 3320 Gila Ridge Road](#)  
[2. AGMT PDA 3320 Gila Ridge Road](#)

7. [R2024-032](#)**Intent to Create Municipal Improvement District No. 126:  
Barkley Ranch Units 8-10**

Approve the creation of Municipal Improvement District (MID) No. 126 to serve Barkley Ranch Units 8-10 located at the northwest corner of 32nd Street and Avenue C. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).

**Attachments:**

[1. RES MID 126 Intent to Create Barkley Ranch Units 8-10](#)

[2. EXH A MID 126 Intent to Create Barkley Ranch Units 8-10](#)

8. [R2024-033](#)**Order Improvements: Municipal Improvement District No. 125:  
Saguaro Units 5 & 6**

Order Improvements for Municipal Improvement District (MID) No. 125 to serve Saguaro Units 5 & 6, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 125 shall be assessed upon the properties in MID No. 125; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Alyssa Linville)

**Attachments:**

[1. RES Order Improvements MID No. 125 Saguaro Units 5 & 6](#)

[2. EXH A Order Improvements MID 125 Saguaro Units 5 & 6](#)

9. [R2024-035](#)**City Council Meeting Procedures and Call to the Public  
Guidelines**

Adopt a resolution establishing updated rules and procedures for City Council meetings. (City Administration) (Jay Simonton)

**Attachments:**

[1. RES City Council Mtg Procedures and Call to the Public](#)

*Addition*

### 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. [O2024-020](#)

**Grant of Easement: Electrical Facilities - 200 S. Maiden Lane**

Authorize the City Administrator to execute a grant of easement on City property near the southeast corner of Maiden Lane and 2nd Street to Arizona Public Service Company (APS) for the installation of electric facilities necessary for the development of surrounding Downtown Yuma properties. (City Administrator/Jay Simonton)

**Attachments:**

[1. ORD Utility Easement: Electrical Facilities -200 S. Maiden Lane](#)

[2. AGMT Utility Easement: Electrical Facilities -200 S. Maiden Lane](#)

2. [O2024-022](#)

**Adopt the Fiscal Year 2025 City of Yuma Primary Property Tax Levy, the Main Street Mall and Off-Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies**

Adopt the Fiscal Year 2025 Primary Property Tax Levy, the Main Street Mall and Off Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies. (Administration/Finance) (Jay Simonton/Doug Allen)

**Attachments:**

[1. ORD Adopt FY 2025 Tax Levy](#)



#### IV. INTRODUCTION OF ORDINANCES

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

1. [O2024-021](#)      **Rezoning of Property: Northwest Corner of 28th Street and Avenue B**  
Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28th Street and Avenue B, Yuma, AZ. (ZONE-42395-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)  
  
**Attachments:**      [1. P&Z RPT Rezoning: NWC 28th Street and Avenue B](#)  
   [2. ORD Rezoning: NWC 28th Street and Avenue B](#)
  
2. [O2024-024](#)      **Amend Yuma City Code: Regulating Parks Within the City**  
Adopt a City ordinance to update current park operations and address ongoing issues in the parks. (Parks and Recreation) (Eric Urfer)  
  
**Attachments:**      [1. ORD Parks Code Amendment](#)
  
3. [O2024-025](#)      **City of Yuma 2024 Special Election**  
Call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation. (City Administration/City Clerk's Office)  
  
**Attachments:**      [1. ORD 2024 Special Election - Charter Amendment](#)
  
4. [O2024-026](#)      **Rezoning of Property: 1712 S. Maple Avenue**  
Approve the rezoning of an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ (ZONE-42472-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)  
  
**Attachments:**      [1. P&Z RPT Rezone 1712. S. Maple Avenue](#)  
   [2. ORD Rezone 1712 S. Maple Avenue](#)

## FINAL CALL

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

## V. ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

### 1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of June 6, 2024 through June 26, 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.

## VI. SUMMARY OF CURRENT EVENTS

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

## VII. CALL TO THE PUBLIC

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

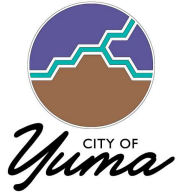
## VIII. EXECUTIVE SESSION

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

- A. Discussion, consultation, and/or direction to legal counsel regarding different aspects of A.R.S. § 38-431 et seq. and state and federal constitutions. (A.R.S. § 38-431.03 A(3) and A(9)).
- B. Discussion, consultation, and/or direction to legal counsel regarding proposed Ordinance Number O2024-024. (A.R.S. § 38-431.03 A(3)).
- C. Discussion, consultation, and/or direction to legal counsel regarding *Solario v. City of Yuma*. (A.R.S. § 38-431.03 A(3) and A(4)).
- D. Discussion, consultation, and/or direction to legal counsel relating to claims stemming from Smucker Park Basin construction damage to City's sanitary sewer system and sewage releases. (A.R.S. § 38-431.03 A(3) and A(4)).

## ADJOURNMENT

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



City of Yuma  
City Council Report

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**File #:** MC 2024-087

**Agenda Date:** 6/26/2024

**Agenda #:** 1.

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**Regular Council Meeting Draft Minutes May 1, 2024**

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**MAY 1, 2024**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Honorable Wynnne Ortega**, Cocopah Tribal Councilmember, gave the invocation. **Colonel Jared K. Stone**, Commanding Officer, Marine Corps Air Station Yuma, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Morales, Smith, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: Knight (passed away 4/14/2024 – seat vacant)  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Neighborhood Services Manager – Grants, Nikki Hoogendoorn  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**FINAL CALL**

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

Economic Development Week Proclamation

**Mayor Nicholls** read a proclamation declaring the week of May 6<sup>th</sup> through May 10<sup>th</sup>, 2024, as Economic Development Week. The proclamation recognizes economic developers and their contributions to create and promote economic wellbeing and quality of life for their communities.

**Simonton** recognized **Jeff Burt**, Economic Development Director, and thanked him for the great work he has done for the City of Yuma. **Mayor Nicholls** also thanked **Burt** for his contributions to the City. **Burt** will be retiring at the end of May.

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Presentation

**Nikki Hoogendoorn** presented the 2024 Action Plan describing how federal funds awarded to the City from the Department of Housing and Urban Development (HUD) will be used.

- Purpose of funds:
  - Community Development Block Grant (CDBG)
    - National Objective
      - Benefit low-to-moderate income people
        - ✓ A family of 4 with a yearly income of \$53,000 or less will qualify for services

- Prevent or eliminate slums or blight
  - Meet an urgent need
  - Used only within the City of Yuma limits
  - Current primary focus is the Mesa Height Neighborhood Revitalization Area (Mesa Heights)
- HOME Investment Partnership Program (HOME)
  - Used to create or preserve affordable housing
  - Awarded to the Yuma County HOME Consortium
  - Can be used county-wide

• Federal Allocation

	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
CDBG	\$859,415	\$916,984	\$916,011	\$890,871	\$890,871 est.
HOME	\$1,042,144	\$753,444	\$411,329	\$378,564	\$378,564 est.

- The chart reflects an estimate of funds expected to be awarded from HUD. The allotment is expected the first week of May

• Application Process

- October 20, 2023 – Invitations to submit grant applications and public notice
- November 6, 2023 – Public hearing, technical assistance for applicants
- December 11, 2023 – Application deadline
- January – February 2024:
  - CDBG Citizen Advisory Committee: reviews applications, hears presentations from applicants, offers funding recommendations
  - Yuma County HOME Consortium, Board: reviews applications, requests application clarification, makes funding decisions

• HOME Funding Recommendation

HOME Funding Recommendations				
PY 24/25 Allocation	\$378,564			
Reprogrammed Funds	<u>197,854</u>	Funding Requests	Consortium Recommendation	Contingencies
	\$576,418			
<b>Applications Received</b>				
1	Danco Communities – Fortuna Palms	\$200,000	\$200,000	<i>If not awarded LIHTC, funds will go to Yuma County Housing Rehab</i>
2	City of Yuma - Housing Rehab	\$375,000	\$281,777	
3	Yuma County - Housing Rehab	\$150,000		
	<b>Subtotal</b>	<b>\$725,000</b>	<b>\$481,777</b>	
<b>CHDO Required (15% estimated \$56,785)</b>				
4	CHDO Set-Aside PY 2024-25	\$56,785	\$56,785	<i>Will be adjusted to 15% of actual allocation</i>
	<b>Subtotal</b>	<b>\$56,785</b>	<b>\$56,785</b>	
<b>HOME Planning &amp; Administration (10% cap - \$37,856)</b>				
5	HOME Planning & Admin	\$37,856	\$37,856	<i>Will be adjusted to 10% of actual allocation</i>
	<b>Total</b>	<b>\$819,641</b>	<b>\$576,418</b>	

- Estimated allotment of HOME funds is expected to be over \$378,000 this year
  - Reprogrammed funds that are returned to the City will be used for some of the HOME funding recommendations
    - Danco Communities – Fortuna Palms is an affordable housing project. The developer has applied for a Low-Income Housing Tax Credit; the City has provided funding to support their application. If the developer does not receive the tax credit, the funds for the project will go to the Yuma County Housing Rehab Program
  - Every year the Consortium is required to set aside 15% of their funding to benefit the Community Housing Development Organization to create affordable housing
  - The Consortium is allowed to set aside 10% of funds for planning and Administrative costs of the HOME program
- CDBG Funding Recommendations

CDBG Funding Recommendations				
PY 24/25 Allocation	\$ 890,871			
Reprogrammed funds	\$ 53,347			
<b>Total to allocate</b>	<b>\$ 944,218</b>			
		Funding Requests	Advisory Board Recommendation	Comments
<b>Public Services (15% cap - \$133,630)</b>				
1	Crossroads Mission – Outreach Program	40,000	40,000	
2	WACOG Housing Counseling Services	75,000	40,000	Prevention of mortgage default and evictions
3	AWC SBDC – Microenterprise Assistance	91,350	50,000	One-on-One Microenterprise Counseling
	<b>Subtotal</b>	<b>\$206,350</b>	<b>\$130,000</b>	
<b>Housing &amp; Public Facilities</b>				
3	City of Yuma			
	Code Enforcement	75,000	75,000	
	Housing Rehab	500,000	363,220	Will be adjusted per actual allocation
4	Infrastructure Supporting Rental Development-Vistara*	150,000	130,000	*If LIHTC is not awarded, funds will be moved to Housing Rehab
5	Achieve, LNR1 – Window Replacement	72,824	72,824	12 units – Mesa Heights Neighborhood
	<b>Subtotal</b>	<b>\$797,824</b>	<b>\$641,044</b>	
<b>Planning &amp; Administration (20% cap - \$178,174)</b>				
6	CDBG Planning & Admin	178,000	158,174	Will be adjusted per actual allocation
7	Southwest Fair Housing Council-Fair Housing Program	22,000	15,000	
		<b>\$200,000</b>	<b>\$173,174</b>	
	<b>Total</b>	<b>\$1,204,174</b>	<b>\$944,218</b>	

- Allotment of CDBG funds is estimated to be \$890,000; this amount will be combined with reprogrammed funds for an estimated total of over \$944,000
  - The Infrastructure Supporting Rental Development-Vistara project is contingent on the developer receiving their tax credit award. If the tax credit is not awarded, the money for that project will be moved to the Housing Rehab Program
- Next Steps
    - Public comment period begins
    - Expected HUD allocation notification – May 8
    - Newspaper publication – May 17
    - Public Hearing – May 29
    - Council consideration of 2024 Action Plan – June 26
    - Submit Plan to HUD before July 8

Discussion

- In an effort to divide the money between the City and the County, the Advisory Board recommended Yuma County to receive the full amount allotted for the Fortuna Palms project in the event the project is not awarded the money. **(Nicholls/Hoogendoorn)**
- The HOME and CDBG funds are not meant to help house people, instead they help people who are at risk of losing their home through foreclosure or eviction. Western Arizona Council of Governments (WACOG) is a good resource for people who are seeking help for housing. **(Shelton/Hoogendoorn)**

**I. MOTION CONSENT AGENDA**

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

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

Special Worksession/City Council Retreat Minutes	March 26, 2024
Special Worksession/City Council Retreat Minutes	March 27, 2024
Regular Council Meeting Minutes	April 17, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by Ruben Walshe, agent for La Bodega Entertainment & Hospitality, LLC located at 1221 W. 16<sup>th</sup> Street. (LL24-04) (Admn/Clk)
2. Pursuant to Yuma City Code § 36-36, reject the bid received for concert production services, which exceeded the allocated amount for these services. (RFB-24-173) (Admn/Purch)
3. Authorize the purchase and installation of a G2 Fire Station Alerting System utilizing the Cooperative Purchase Agreement originated by NPPgov at a cost of \$718,637.45 to: US Digital Designs, Inc., Tempe, Arizona. (CPA-24-280) (YFD/Purch)
4. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for overtime, employee related expenses, and mileage being utilized in support of Operation Stonegarden. (YPD)
5. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for overtime, employee related expenses, and mileage being utilized in support of Operation Stonegarden. (YPD)



6. Authorize the City Administrator to execute an agreement with the Arizona Department of Homeland Security to reimburse the City for funds expended for equipment utilized in support of Operation Stonegarden. (YPD)

## II. RESOLUTION CONSENT AGENDA

**Motion** (Morris/Shelton): To adopt the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title(s):

### **Resolution R2024-012**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an Intergovernmental Agreement with Marine Corps Air Station Yuma** (allow Marine Corps Air Station-Yuma to use the City of Yuma Public Safety Training Facility for training of their personnel) (YPD)

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

## III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

**Bushong** displayed the following title(s):

### **Ordinance O2024-014**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Title 7 of the Yuma City Code adding regulation of short-term rentals (vacation rentals) in a manner consistent with Arizona Revised Statutes; providing penalties for violation thereof; and providing for severability** (following State Statutes and State of Arizona Department of Revenue regulations, treat Short Term Rentals the same as other hotel/motel/transient lodging operations) (Fin/Atty)

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

## IV. INTRODUCTION OF ORDINANCES

Ordinance O2024-016 – Rezoning of Property: 958 S. 3<sup>rd</sup> Avenue (Approve the rezoning of an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3<sup>rd</sup> Avenue, Yuma, AZ) (Plng & Nbhd Svcs/Cmnty Plng)

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

**Bushong** displayed the following title:

### **Ordinance O2024-016**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, and amending the zoning map to conform with the rezoning** (rezoning of approximately 7,000 square foot lot located at 958 S. 3<sup>rd</sup> Avenue) (Plng & Nbhd Svcs/Cmnty Plng)

Deputy Mayor Morris returned to the dais.

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Ordinance O2024-017 – Rezoning of Property: Southeast corner of Avenue 6E and 48<sup>th</sup> Street (Rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street) (Plng & Nbhd Svcs/Cmty Plng)

Speaker

**Colonel Jared Stone**, Commanding Officer, Marine Corp Air Station - Yuma (MCAS), spoke concerning infringement on the buffer zone around the Barry Goldwater Range and the agreement between the City of Yuma and Yuma County that was set in place in 1996. **Stone** added that not only will the rezoning of the property impact the range, but it will also lead to rezoning proposals in the future.

Discussion

- Councilmember **Shelton** spoke in agreement with Colonel Stone's point of view and stated his vote will not be in accordance with the Planning and Zoning Commission's vote, which was 3-2 in favor of rezoning the property.
- There has not been any conflict with residents in the neighborhoods that are currently outside the buffer zone; that is the reason why maintaining the buffer zone is important; to avoid complaints and conflicts with residents. (**Morales/Stone**)
- If the proposal is approved, new residents purchasing a home in the area will be made aware of the potential noise from the range by signing an agreement. Although the agreement will not prevent resident complaints, it will prevent legal action in the case of a lawsuit being filed due to the noise. (**Morales/Files/Stone**)
- Balance is important when making decisions that will affect the relationship the City has with MCAS, Yuma Proving Ground, Yuma County, and surrounding cities. There will be more discussion about the rezoning proposal at the next meeting and how we can keep the balance and get things done in the community. (**Mayor Nicholls**)

**Bushong** displayed the following title(s):

**Ordinance O2024-013**

**An ordinance of the City Council of the City of Yuma, Arizona, fixing compensation and benefits for the Office of Municipal Judge from and after January 1,2025** (to establish compensation for the next term of the Municipal Judge's elected position) (Muni Court/Admin)

**Ordinance O2024-015**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of an easement to the Yuma County Water Users Association for installation and maintenance of a new irrigation line for the Thacker Lateral** (located along the southside of 28<sup>th</sup> Street, between Avenue C and 33<sup>rd</sup> Drive) (Eng)

**Ordinance O2024-017**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts and amending the zoning map to conform with the rezoning** (rezone approximately 77 acres located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street) (Plng & Nbhd Svcs/Cmty Plng)

## V. POTENTIAL CHARTER AMENDMENTS

### Speaker

**Patrick Cooley**, non-resident, spoke about the plan to execute a salary increase for the Mayor and City Council. The idea to add an automatic cost of living increase to the salaries was impeding the progress of the salary increase, and for that reason, adding a cost-of-living increase will be revisited in the future. **Cooley** shared the recommended salary rates for the Mayor and City Council: Mayor will receive a \$45,000 annual salary, and each Councilmember will receive a \$25,000 annual salary. **Cooley** will hire a professional company to help with this campaign.

### Discussion

- The salary for these positions is low across the state, with some cities being extremely low. Taking into consideration the size of the City of Yuma, the responsibilities of the Mayor and City Council, and the progress of the City, it was decided to stay within the mid-average paid salary across the state of Arizona (**Mayor Nicholls/Cooley**)
- The decision to revisit the idea of adding a cost-of-living increase to the Mayor and City Council salaries was a wise choice, as it will not go over well with the current population. That is something for a future group to decide if they want to make that change (**Shelton/Cooley**)

### Speaker

**Gary Wright**, City resident, spoke in opposition of a salary increase for Mayor and City Council. As a former City Councilmember, **Wright** believes a public service position is a special position with an opportunity to serve the community and its citizens; compensation should not be a reason to run for City Council. **Wright** encourages the Mayor and City Council to discuss the proposed salary increase through conversations or worksessions with citizens and not look to a special committee for guidance or suggestions.

**Miguel Miranda**, City resident, spoke in opposition of the proposed annual compensation for the Mayor and City Council. As a business owner, **Miranda** understands that a major cost of a business is the cost of labor, and **Miranda** believes that the City does not have a budget to support the proposed salary increase and a more moderate increase should be considered.

**Norma Nelson**, City resident, shared her greatest honor was serving her family and community as a City Councilmember 20 years ago. **Nelson** also spoke regarding the economic development within the City, and the lack of local jobs. **Nelson** proposed investing in the City's economic development, which is in turn investing in the children in the community so they will not have to move out of the City to find employment.

### Discussion

- Current Mayor and City Council salaries were put in place 20 to 30 years ago, and it is not out of line to ask for a raise. The idea to add the initiative to the November ballot was brought to City Council by the citizens. (**Mayor Nicholls**)
- Proposition 420 failed due to shortcomings and the way that it was presented to the people of Yuma. Adjustments have been made to the presentation of the new proposition for citizens to view it differently and consider that compared to other cities in Arizona, the City of Yuma salaries for Mayor and City Council are low even though the quantity and quality of work is similar to that of other cities. (**Shelton**)

- It is important to note the current salary of City Council is \$3,600 a year. Although it is one of the greatest honors to serve the City of Yuma, it is fair and reasonable to request a salary increase after 20 or 30 years of when the current salary was established for City Councilmembers. **(Smith)**
- Being up on the dais is a great honor, and the Mayor and City Council sit on the dais today at their current base salary because it was never about the salary. The proposal for a salary increase was presented and driven by the citizens. This initiative is for the community, and if a salary increase will help bring people to put their names on a ballot to run for office, the initiative will be gladly supported. **(Morales)**
- It is an honor to be able to serve the community as a City Councilmember. Not a single City Councilmember sits at the dais because of the pay; however, now is an adequate time for the pay to be adjusted and the proposed amounts of the new salary are suitable amounts. The ultimate decision is up to the vote of the people. **(Morris)**

**Motion** (Morris/Morales): to add to the ballot of the 2024 General Election the matter of the Mayor and City Council annual compensation. Voice vote: **approved** 6-0

## **VI. BUDGET DISCUSSION**

No budget discussions at this time.

## **VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

### Announcements

**Smith, Morales, Morris, and Mayor Nicholls** reported on the following meetings attended/upcoming events:

- Launch party for the Greater Yuma Water Safety Alliance
- Chamber of Commerce Mixer
- Tree Planting Event in partnership with Arizona Public Service (APS), Yuma Regional Medical Center (YRMC), Clean and Beautiful Commission and NexGen
- HerStory Tea party hosted by the Territorial Charter Chapter of Yuma's American Business Association
- City of Yuma Police Department Awards Banquet
- Arizona Western College 11<sup>th</sup> Annual Student Etiquette Luncheon
- Clean and Beautiful Commission Meeting
- Greater Yuma Economic Development Corporation Quarterly Luncheon
- Yuma Metropolitan Planning Organization Meeting
- Yuma County Teacher of the Year Awards
- Tour of Crossroads Mission with Arizona Community Foundation Director, Veronica Shorr
- The Yuma Legacy Gala
- Ponies North Kickoff
- Governor's Committee on Housing Meeting
- Yuma Investment Group Fundraiser
- Arizona Western College Border Entrepreneurial Challenge
- Arizona Airports Association Annual Meeting
- Press Conference for the Arizona Historical Society
- Bring your Child to Work Day at Yuma City Hall

Scheduling

Councilmember **Shelton** requests a presentation at the next City Council Meeting to inform the community of the partnership between Yuma Parks and Recreation and Yuma County Public Health Services and the launch of their summer swim programs.

**VIII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- May 3, 2024 – Councilmember Gary Knight Celebration of Life at the City of Yuma Historic Theater

**IX. EXECUTIVE SESSION**

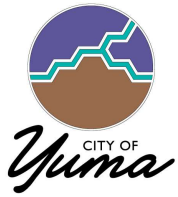
**Motion** (Smith/Morales): To adjourn the meeting to Executive Session. Voice vote: **approved** 6-0. The meeting adjourned at 6:45 p.m.

\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:  
\_\_\_\_\_  
City Clerk: \_\_\_\_\_



City of Yuma  
City Council Report

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**File #:** MC 2024-089

**Agenda Date:** 6/26/2024

**Agenda #:** 2.

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**Regular Council Worksession Draft Minutes May 14, 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  
**May 14, 2024**  
**5:30 p.m.**

**CALL TO ORDER**

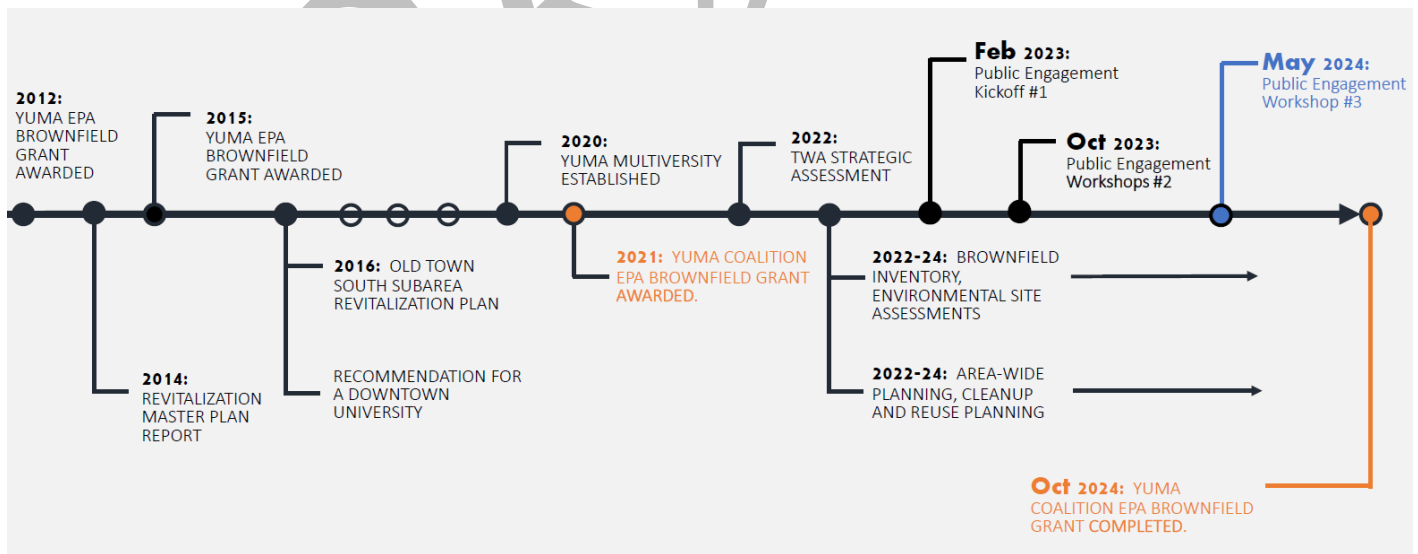
**Mayor Nicholls** called the Regular City Council Worksession to order at 5:40 p.m.

Councilmembers Present: Morales, Smith, Morris, Shoop, Shelton (telephonic), and Mayor Nicholls  
 Councilmembers Absent: Knight (passed away 4/14/2024 – seat vacant)  
 Staffmembers Present: Deputy City Administrator, Jenn Reichelt  
 CIP Project Manager, Gibran Becerra  
 Director of Finance, Douglas Allen  
 Director of Parks and Recreation, Eric Urfer  
 Director of Engineering, David Wostenberg  
 Various department heads or their representatives  
 City Attorney, Richard W. Files  
 City Clerk, Lynda L. Bushong

**I. YUMA BROWNFIELDS COALITION ASSESSMENT GRANT – “BROWNFIELDS TO INNOVATION DISTRICT”**

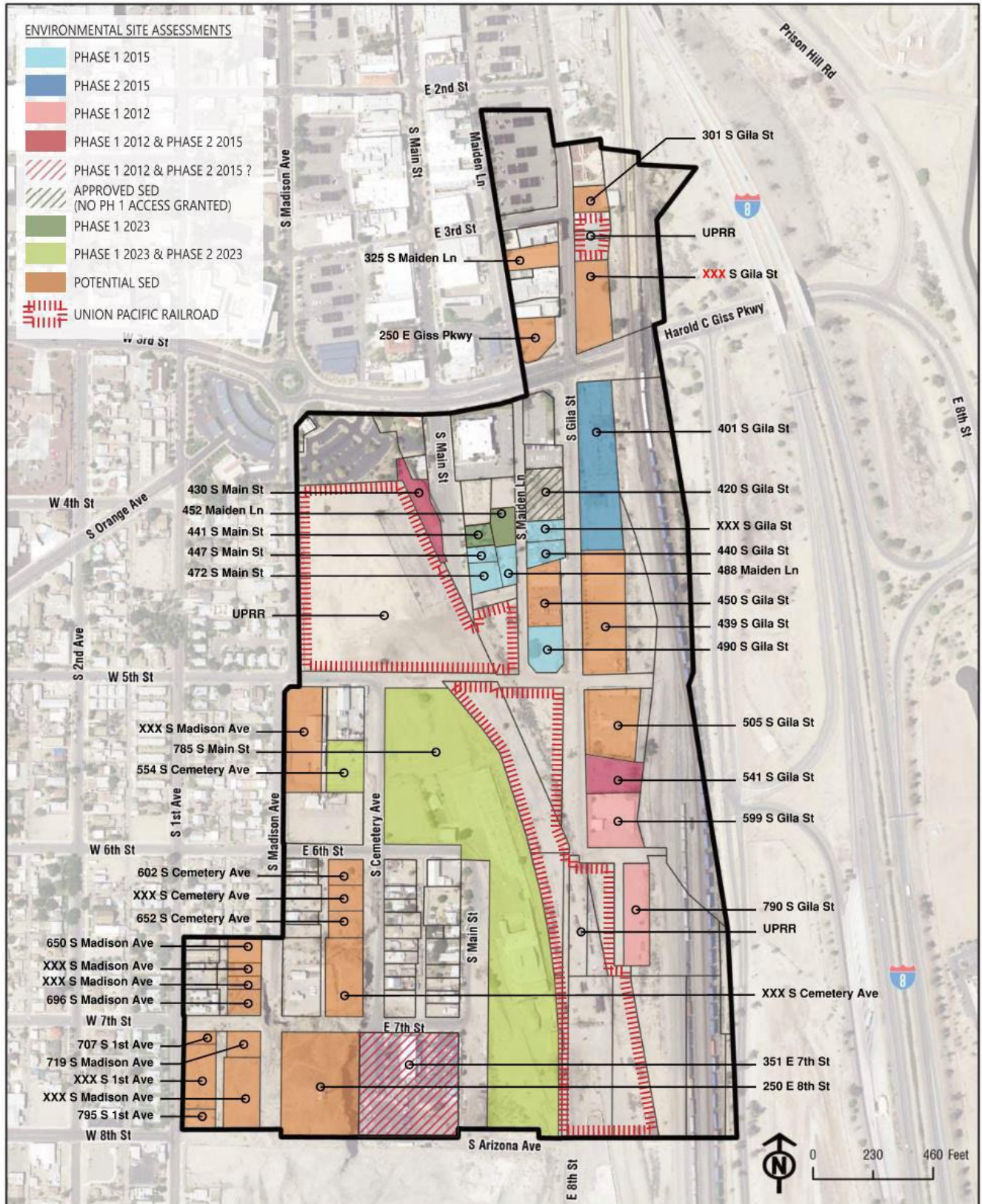
**Becerra** introduced **Craig Stoffel**, Landscape Architect and Project Manager with Ayres Associates, and **Jerry Cabrera**, President and CEO of Elevate Southwest, who provided the following results and recommendations for the Brownfields to Innovation District project:

- Timeline



- Elevate Southwest (ESW) – Formerly Yuma Multiversity
  - Mission: ESW strives to foster an advanced regional workforce that meets the needs of current and future employers through a regional process of collaboration and partnerships to elevate and advance post-secondary and higher education access and attainment in the Greater Yuma Region
- The Big Idea
  - **Support** Greater Yuma Region into a hub of excellence, fostering high-tech, sustainable innovation, and nurturing growth
  - **Establish** an integrated, region-wide entrepreneurship and incubator program, empowering visionary entrepreneurs to realize their dreams
  - **Shape and Operationalize** the Innovation District and Hub, creating an environment where ideas flourish into transformative products and services
  - **Develop** a comprehensive strategic plan for higher education, drawing insights from educators, industry leaders, government entities, and the public
  - **Enrich** industry-specific Career and Technical Education (CTE) offerings, internships, mentorship, and certificate programs
  - **Elevate STEM** (Science, Technology, Engineering, and Mathematics) education across all levels, focusing on college-level programs
- Project Evolution
  - Yuma Brownfields Assessment Coalition 2021-2024 – City of Yuma, Yuma County, Yuma Crossing National Heritage Area (YCNHA), ESW
    - Task 1: Project Implementation & Programmatic Activities
    - Task 2: Outreach & Community Engagement
    - Task 3: Brownfield Inventory, Environmental Site Assessment, and Quality Assurance
    - Task 4: Area-Wide Planning
    - Task 5: Cleanup and Reuse Planning
    - Task 6: Reporting
  - Task 2: Outreach and Community Engagement
    - May 2022: Onsite Project Kickoff, Stakeholder Engagements
    - February 2023: Kickoff & Informational Public Engagement
    - October 2023: Public Workshops and Tacos & Tunes Booth
    - May 2024: Public Presentations
  - Task 3: Environmental Inventory, Site Assessments
    - Site Eligibility Determinations
    - Environmental Site Analysis
    - Phase I – Historical Uses, Interviews, Site Walks and Inventory
    - Phase II – Sampling and Analysis Plans
  - Task 4: Area-Wide Planning
    - Site Redevelopment Potential and Visioning
    - Led by Community Input, Best Practices, and Environmental Conditions
    - Site Redevelopment Potential and Visioning: The Fleet Shop, San Luis





- Next Steps
  - Finalize area-wide planning and Innovation District Campus Master Plan summary
  - Complete Phase II Sampling and Analysis at San Luis Fleet Shop and Yuma Old Town South
  - Clean up and reuse plans for the three Phase II properties, including the former citrus packer site
  - Compile final report and recommendations
  - Grant completion October 2024

Discussion

- Grants and public-private partnerships (P3s) are being sought for construction of the buildings; bids are expected to be sent out this calendar year (**Morales/Cabrera**)
- The Innovation Hub is the spark to create interest in building out the whole project; once the first building nears completion, discussions will begin for the next building; along the way housing, entertainment, and other necessities will be taken into consideration (**Morris/Cabrera**)
- A decent buffer was provided between the railroad and the area being built, but the architectural and engineering plans will also address the need to protect against noise and vibration (**Shoop/Stoffel**)
- The map in the presentation was specifically for the brownfields area and did not include any properties outside of that area; the Innovation District boundaries are different from those of the brownfields area (**Mayor Nicholls/Stoffel**)

**II. FY 2025 BUDGET AND DISCUSSION**

**Allen** provided information and updates on the Proposed Fiscal Year (FY) 2025 Budget as follows:

Update and Annual Processes

- Budget Calendar

Date	Event
April 8-11	Councilmember individual budget review sessions
April 30	Worksession: Q3 Briefing, Proposed Budget Presentation and CIP
May 1	Placeholder: For City Council questions and/or discussion
May 14	Worksession: Budget Update, Other Policy Considerations, Municipal Improvement Districts (MIDs)
May 15	Public Hearing: Capital Improvement Program
“	Motion: Tentative Budget Adoption – State Forms A-G
May 21, 28	Publication: State Forms and Truth-in-Taxation, if applicable, in the Yuma Sun
June 5	Resolution: City Council Action regarding FY 2024, if applicable
“	Resolution: Capital Improvement Program Adoption
“	Public Hearing: Final Budget and Truth-in-Taxation, if applicable
“	Resolution: Final FY 2025 Budget Adoption
“	Ordinance: Introduction of Tax Levy Ordinance
June 26	Ordinance: Adopt Tax Levies and Rates (General, Mall and MIDs)
“	Resolution: Adopt Annual PSPRS Funding Policy
“	Resolution: Designate City’s Chief Financial Officer for the AELR

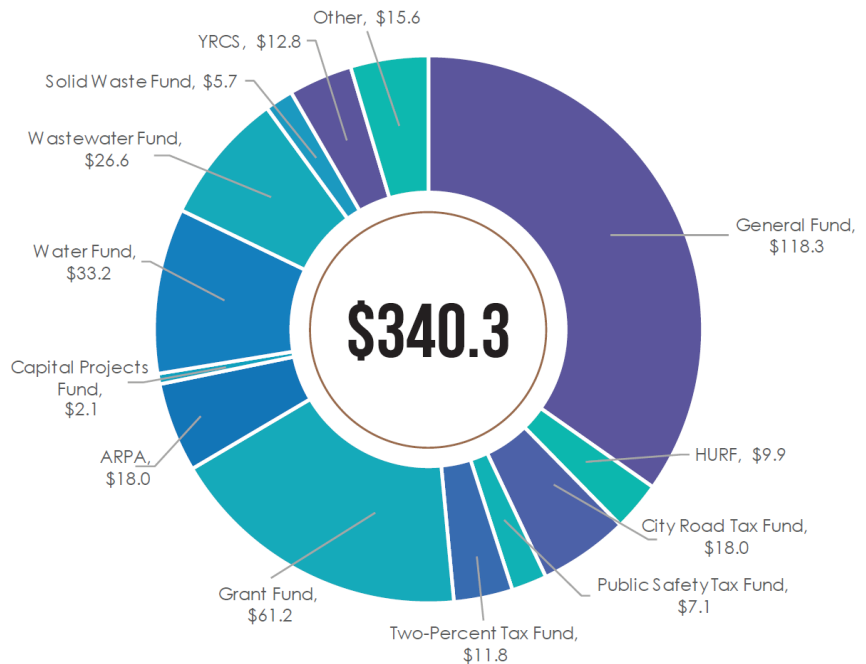
**Updated: April 18, 2024**

- Adoption of Budgets and Levies
  - Tentative Budget (Motion)
    - State Forms Schedules A-G
    - Published and notice of public hearing
      - Truth in Taxation (TNT), if applicable
    - Sets the maximum expenditure ceiling for FY 2025
    - Adjust among categories allowed if total not increased
  - Final Adopted Budget (Resolution)
    - State Forms Schedules A-G
    - Action after public hearing(s)
    - City Council may adjust among categories, if total not increased before final adoption
  - Property Tax Levies (Ordinance)
    - After public hearing and budget adoption
    - City Council can lower posted levies before introduction of ordinance, but cannot increase
    - Final adoption at later Regular City Council Meeting
    - Send to the County for final action third Monday in August
  - State Forms A-G
    - Proposed Budget (+/-)

## FY 2025 REVENUES

**\$340.3 All Funds**

- \$118.3 General Fund
- \$9.9 HURF
- \$18 City Road Tax Fund
- \$7.1 Public Safety Tax Fund
- \$11.8 Two-Percent Tax Fund
- \$61.2 Grant Fund
- \$18 ARPA
- \$2.1 Capital Projects Fund
- \$33.2 Water Fund
- \$26.6 Wastewater Fund
- \$5.7 Solid Waste Fund
- \$12.8 YRCS
- \$15.6 Other

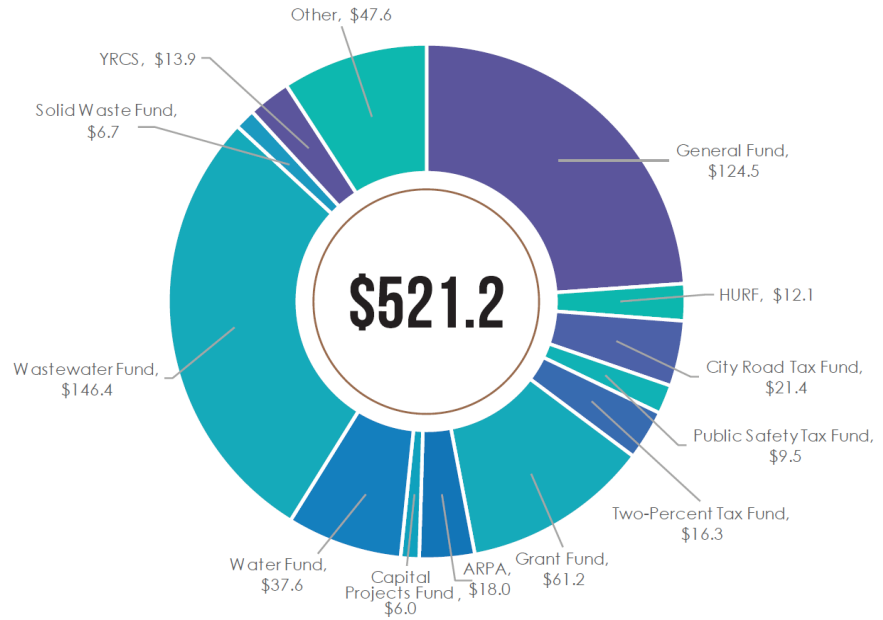


The difference between revenues and expenditures are planned uses of fund balance

# FY 2025 EXPENDITURES

**\$521.2 All Funds**

- \$124.5 General Fund**
- \$12.1 HURF**
- \$21.4 City Road Tax Fund**
- \$9.5 Public Safety Tax Fund**
- \$16.3 Two-Percent Tax Fund**
- \$61.2 Grant Fund**
- \$18 ARPA**
- \$6 Capital Projects Fund**
- \$37.6 Water Fund**
- \$146.4 Wastewater Fund**
- \$6.7 Solid Waste Fund**
- \$13.9 YRCS**
- \$47.6 Other**



- Total Budget (Schedule A)

CITY OF YUMA, ARIZONA  
SUMMARY SCHEDULE OF ESTIMATED REVENUES AND EXPENDITURES/EXPENSES  
Fiscal Year 2025

Fiscal Year	Description	S c h	FUNDS							Total All Funds
			General Fund	Special Revenue Funds	Debt Service Fund	Capital Project Funds	ARPA Fund	Enterprise Funds Available	Internal Service Funds	
2024	Adopted/Adjusted Budgeted Expenditures/Expenses*	E	107,273,080	99,891,603	21,486,656	17,974,730	20,537,035	192,038,542	13,470,596	472,672,242
2024	Actual Expenditures/Expenses**	E	89,270,813	58,272,727	21,576,656	3,268,407	2,738,937	89,332,950	9,037,835	273,498,325
2025	Fund Balance/Net Position at July 1***		35,413,503	28,449,840	2,022,937	16,862,587	-	152,069,444	31,158,238	265,976,550
2025	Primary Property Tax Levy	B	16,601,516	-	-	-	-	-	-	16,601,516
2025	Secondary Property Tax Levy	B	-	528,995	-	-	-	-	-	528,995
2025	Estimated Revenues Other than Property Taxes	C	101,559,394	107,956,330	750,000	2,088,475	18,040,898	78,328,500	14,286,100	323,009,697
2025	Other Financing Sources	D	-	-	-	-	-	-	-	-
2025	Other Financing (Uses)	D	-	-	-	-	-	-	-	-
2025	Interfund Transfers In	D	-	183,354	21,522,961	2,113,380	-	-	-	23,819,695
2025	Interfund Transfers Out	D	17,396,404	5,725,634	-	458,054	-	239,604	-	23,819,696
2025	Total Financial Resources Available		136,178,009	131,392,885	24,295,898	20,606,388	18,040,898	230,158,340	45,444,338	606,116,757
2025	Budgeted Expenditures/Expenses	E	124,484,257	121,554,302	21,522,961	15,143,000	18,040,898	204,571,299	15,850,829	521,167,546

**EXPENDITURE LIMITATION COMPARISON**

	2024	2025
1. Budgeted expenditures/expenses	\$ 472,821,492	\$ 521,167,546
2. Add/subtract: estimated net reconciling items	-	-
3. Budgeted expenditures/expenses adjusted for reconciling items	472,821,492	521,167,546
4. Less: estimated exclusions	325,592,436	353,809,831
5. Amount subject to the expenditure limitation	147,229,056	\$ 167,357,715
6. EEC expenditure limitation	\$ 160,820,335	\$ 168,185,019

\* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

\*\* Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

\*\*\* Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

■ Tax Rates and Levies (Schedule B)

CITY OF YUMA, ARIZONA  
TAX LEVY AND TAX RATE INFORMATION  
Fiscal Year 2025

	2024	2025
1. Maximum Allowable Primary Property Tax Levy. A.R.S. 42-17051(A)	\$ 15,725,831	\$ 16,601,516
2. Amount Received from Primary Property Taxation in the 2022-2023 Fiscal Year in Excess of the Sum of that Year's Maximum Allowable Primary Property Tax Levy. A.R.S. 42-17102(A)(18).		
3. Property Tax Levy Amounts		
A. Primary Property Taxes	\$ 15,725,831	\$ 16,601,516
B. Secondary Property Taxes (City-wide)	-	-
C. Special Assessment Districts		
(1) Downtown Mall District	151,704	156,109
(2) Park West Units 4 and 5	24,812	27,551
(3) Cielo Verde Unit Three Phases 1 and 2	16,742	19,118
(4) Desert Sky Unit 1	63,519	73,262
(5) Saguaro Units 3 and 4	31,075	23,724
(6) Driftwood Ranch Units 1 and 2	24,837	22,516
(7) Livingston Ranch Unit No. 2	30,664	38,681
(8) Desert Sands Unit No. 1	34,788	36,506
(9) Villa Serena Unit No. 1	6,563	11,062
(10) Araby North Subdivision	5,417	6,399
(11) Autumn Valley Subdivision	2,519	3,112
(12) La Estancia Subdivision	49,081	58,070
(13) Cielo Verde Units 2B, 4 and 6	-	-
(14) Desert Sands Unit No. 2	-	-
(15) Desert Sands Unit No. 3	-	-
(16) Santana Sub Units 1-4	-	-
	20,773	38,246
	462,474	528,995
	\$ 16,188,305	\$ 17,130,511

CITY OF YUMA, ARIZONA  
TAX LEVY AND TAX RATE INFORMATION  
Fiscal Year 2025

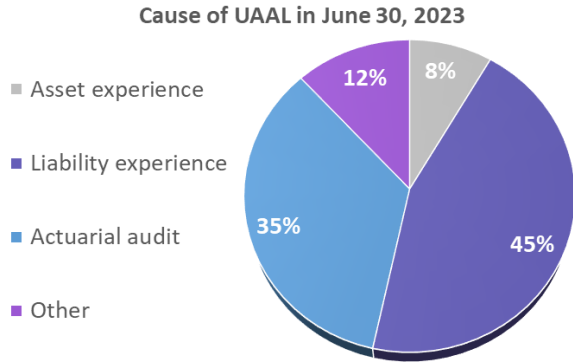
	2024	2025
5. Property Tax Rates		
A. City of Yuma Tax Rate		
(1) Primary Property Tax Rate**	\$ 2.1321	\$ 2.1526
(2) Secondary Property Tax Rate	-	-
(3) Total City of Yuma Tax Rate	2.1321	2.1526
B. Special Assessment Districts		
(1) Downtown Mall District	4.2500	4.2750
(2) Park West Units 4 and 5	0.7000	0.7000
(3) Cielo Verde Unit Three Phases 1 and 2	1.2245	1.2245
(4) Desert Sky Unit 1	1.6000	1.6000
(5) Saguaro Units 3 and 4	0.8000	0.5000
(6) Driftwood Ranch Units 1 and 2	0.7240	0.5000
(7) Livingston Ranch Unit No. 2	1.6000	1.6000
(8) Desert Sands Unit No. 1	1.6000	1.6000
(9) Villa Serena Unit No. 1	1.6000	1.8000
(10) Araby North Subdivision	1.6000	1.8000
(11) Autumn Valley Subdivision	1.6000	1.8000
(12) La Estancia Subdivision	1.6000	1.8000
(13) Cielo Verde Units 2B, 4 and 6	-	-
(14) Desert Sands Unit No. 2	-	-
(15) Desert Sands Unit No. 3	-	-
(16) Santana Sub Units 1-4	-	-
(17) Total Special Assessment Districts Tax Rates	1.6000	1.8000
	20.4985	20.9995
D. Total Property Tax Rates	\$ 22.6306	\$ 23.1521

\*Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

■ Next Steps

- May 14: Forms A-G represents the Proposed Budget as presented April 30
- May 14 and 15: Changes can be made before the Tentative Budget is adopted
- May 15: City Council's adopted Tentative Budget FY 2025 sets the ceiling
- June 5: Public hearing on the budget, tax levies, TNT if applicable
- June 5: After public hearings, City Council can make changes among categories, but total expenditures of Tentative Budget cannot be exceeded
- June 5: City Council adopts Final Budget FY 2025
  - Adopting Tentative or Final Budget does not set the property tax levy, which will take place on June 26
- Other Annual Resolutions
  - Public Safety Personnel Retirement System (PSPRS) Funding Policy for FY 2025
    - Arizona Revised Statutes (A.R.S.) § 38-863.01 requires a PSPRS Funding Policy to be adopted annually
    - In addition to paying the mandated estimated PSPRS Unfunded Actuarial Accrued Liability (UAAL) contribution rate, the City has:
      - Fully paid the estimated PSPRS UAAL in FY 2022
      - Established a PSPRS reserve to maintain a high funded ratio
    - June 26 Resolution (Consideration)
      - Continue using standard template provided by the Arizona League of Cities and Towns
      - Continue to amortize the UAAL contribution rate over the maximum years to not overcommit and allow for flexibility in the event of an economic downturn and resurgence of UAAL

- Include City Council’s prior actions that fully funded the PSPRS UAAL in July of 2022 and commitment to resolve the current estimated UAAL with the next actuarial report for June 30, 2024
- Recommended addition for the FY 2025 Funding Policy
  - Change in Conditions
    - Due to a change in several actuarial conditions in the Actuarial Valuation year ended June 30, 2023, the City’s funding ratio has eroded



Actuarial Valuation as of,	Funded Ratio		UAAL (Asset)
	Police	Fire	
June 30 , 2023	96.8%	95.9%	\$ 9,613,462
June 30 , 2022	100.1%	100.1%	(261,321)
June 30 , 2021	60.1%	58.5%	96,963,018
June 30 , 2020	43.6%	41.2%	132,247,364
June 30 , 2019	44.2%	41.4%	123,241,689

- Continued Commitment
  - City Administration will provide options for City Council consideration when the June 30, 2024, Actuarial Valuation is available in the third or fourth quarter of FY 2025
  - Budget authority to pay the UAAL is in FY 2025 and can be executed if that is City Council’s chosen action
  - The funding source will most likely need to be exempt from the expenditure limitation unless sufficient expenditure limitation capacity is available in the third or fourth quarter of FY 2025
- Annual Designation of the City’s Chief Fiscal Officer (CFO) for the Annual Expenditure Limitation Report (AELR)
  - A.R.S. § 41-1279.07(E) states “[t]he governing body of each political subdivision shall provide to the auditor general by July 31 each year the name of the chief fiscal officer designated by the governing body of the political subdivision to officially submit the current fiscal year's expenditure limitation report on behalf of the governing body. The governing body of the political subdivision shall notify the auditor general of any changes of individuals designated to file the required reports. The designated chief fiscal officer shall certify to the accuracy of the annual expenditure limitation report.”
  - June 26 Resolution (Consideration)
    - Designate the City’s Finance Director as the CFO for the purpose of submitting the AELR for FY 2025
    - This includes certifying accuracy and facilitating its preparation, audit, and filing
    - If there are changes in this designation, the Auditor General’s Office will need to be notified

- The Auditor General’s Office:
  - Recommends the designation of Chief Fiscal Officer be made by the governing body of each county, city, town and community college district on an annual basis
  - Provides a required resolution template to designate the Chief Fiscal Officer by governing body that must be uploaded via the Auditor General’s website
  - Specifies that the Chief Fiscal Officer designation is received by the Auditor General’s office by July 31st each year
  - Instructs that if there are any changes in the individual designated as the City’s Chief Fiscal Officer, a new designation resolution must be submitted

**Municipal Improvement Districts**

- Funds and Summary
  - The City has been creating Municipal Improvement Districts (MIDs) since 2017
  - FY 2022 was the first year that residents were assessed through a property tax to assist in the payment of the maintenance of the right-of-way and streetscape provided by Public Works
  - The City has 15 active MIDs with taxing authority in FY 2025, with the cost shared based on the property values of the district
  - So as not to overburden early home buyers, MIDs typically begin with a temporary loan from the City which is repaid over time as more homes are purchased and the tax base grows

Municipal Improvement Districts							Summary	
City ID No.	MID	Tax Authority No.	Budgeted Expenditures	Temporary Loan from City	Proposed Property Tax Rate	Assessed Property Valuation	Estimated Property Levy	
100	* Park West Units 4 and 5	3105701	\$ 18,000	\$ - -	\$ 0.7000	\$ 3,935,798	\$ 27,551	
102	Cielo Verde Unit Three Phases 1 & 2	3105501	12,140	- -	1.2245	1,561,280	19,118	
104	* Desert Sky Unit 1	3105601	62,500	28,545 ▼	1.6000	4,578,846	73,262	
107	Saguaro Units 3 & 4	3104701	21,140	- -	0.5000	4,744,715	23,724	
108	Driftwood Ranch Units 1 and 2	3104501	19,030	- -	0.5000	4,503,189	22,516	
109	* Livingston Ranch Unit No. 2	3104601	30,500	30,556 ▼	1.6000	2,417,534	38,681	
110	* Desert Sands Unit No. 1	3104901	34,768	- -	1.6000	2,281,630	36,506	
111	Villa Serena Unit No. 1	3105001	21,200	49,622 ▲	1.8000	614,574	11,062	
112	* Araby North Subdivision	3105101	12,243	33,077 ▼	1.8000	355,503	6,399	
113	Autumn Valley Subdivision	3105201	19,030	31,923 ▼	1.8000	172,885	3,112	
115	* La Estancia Subdivision	3105301	49,081	5,136 ▼	1.8000	3,226,115	58,070	
116	Cielo Verde Units 2B, 4 and 6	3105401	-	- -	-	914,947	-	
117	Desert Sands Unit No. 2	3106501	-	- -	-	1,235,776	-	
119	Desert Sands Unit No. 3	3106601	-	- -	-	582,306	-	
120	Santana Subdivision Units 1-4	3106401	82,440	108,857 ▲	1.8000	2,124,797	38,246	
	MIDs in Progress	-	170,918	- -	-	-	-	
	MID Contingency	-	119,104	- -	-	-	-	

\* Denotes "Built-Out" ▼ = repaying ▲ = start-up

- Rates and Valuations

Municipal Improvement Districts					Assessment Rates and Levies		
City ID No.	MID	Direct Property Levy	Assessed Valuation or Units	Current Rate FY 2025	Prior Years Rates		
					FY 2024	FY 2023	FY 2022
100	* Park West Units 4 and 5	\$ 27,551	\$ 3,935,798	\$ 0.7000	\$ 0.7000	\$ 0.7000	\$ 1.1056
102	Cielo Verde Unit Three Phases 1 & 2	19,118	1,561,280	1.2245	1.2245	1.2245	-
104	* Desert Sky Unit 1	73,262	4,578,846	1.6000	1.6000	1.3000	1.1033
107	Saguaro Units 3 & 4	23,724	4,744,715	0.5000	0.8000	0.8005	0.8050
108	Driftwood Ranch Units 1 and 2	22,516	4,503,189	0.5000	0.7240	0.7240	1.1209
109	* Livingston Ranch Unit No. 2	38,681	2,417,534	1.6000	1.6000	1.4000	1.1107
110	* Desert Sands Unit No. 1	36,506	2,281,630	1.6000	1.6000	1.6000	-
111	Villa Serena Unit No. 1	11,062	614,574	1.8000	1.6000	1.6000	-
112	* Araby North Subdivision	6,399	355,503	1.8000	1.6000	1.6000	-
113	Autumn Valley Subdivision	3,112	172,885	1.8000	1.6000	1.6000	-
115	* La Estancia Subdivision	58,070	3,226,115	1.8000	1.6000	1.6000	-
116	Cielo Verde Units 2B, 4 and 6	-	914,947	-	-	-	-
117	Desert Sands Unit No. 2	-	1,235,776	-	-	-	-
119	Desert Sands Unit No. 3	-	582,306	-	-	-	-
120	Santana Subdivision Units 1-4	38,246	2,124,797	1.8000	1.6000	-	-

\* Denotes "Built-Out"

Municipal Improvement Districts		Assessed Valuations			
City ID No.	MID	Limited Property Assessed Valuation (LPV)			
		FY 2025	FY 2024	FY 2023	FY 2022
100	* Park West Units 4 and 5	\$ 3,935,798	\$ 3,544,631	\$ 2,205,714	\$ 1,211,984
102	Cielo Verde Unit Three Phases 1 & 2	1,561,280	1,367,267	991,435	-
104	* Desert Sky Unit 1	4,578,846	3,969,917	3,079,587	1,975,837
107	Saguaro Units 3 & 4	4,744,715	3,884,659	2,640,468	1,738,554
108	Driftwood Ranch Units 1 and 2	4,503,189	3,430,581	2,628,927	1,248,993
109	* Livingston Ranch Unit No. 2	2,417,534	1,916,519	1,196,013	594,198
110	* Desert Sands Unit No. 1	2,281,630	2,172,993	1,646,532	-
111	Villa Serena Unit No. 1	614,574	410,164	370,970	-
112	* Araby North Subdivision	355,503	338,571	199,880	-
113	Autumn Valley Subdivision	172,885	157,439	23,278	-
115	* La Estancia Subdivision	3,226,115	3,067,550	1,443,334	-
116	Cielo Verde Units 2B, 4 and 6	914,947	737,804	-	-
117	Desert Sands Unit No. 2	1,235,776	640,221	-	-
119	Desert Sands Unit No. 3	582,306	40,041	-	-
120	Santana Subdivision Units 1-4	2,124,797	1,298,305	-	-

\* Denotes "Built-Out"



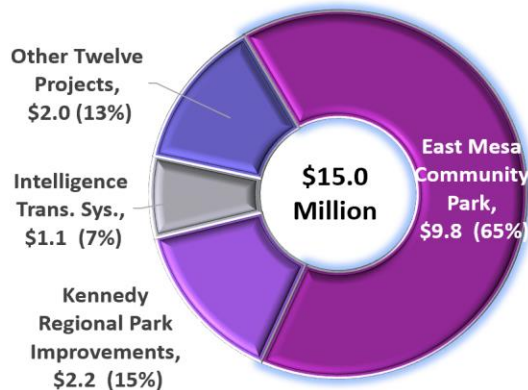
- Revenue, Expenditures and Fund Balance

Municipal Improvement Districts			Revenue, Expenditures and Fund Balance				
City ID No	MID	FY 2024 Beginning Balance**	FY 2024		FY 2025		FY 2025 Ending Balance**
			Revenue	Expenditure	Revenue	Expenditure	
100	* Park West Units 4 and 5	\$ 637	\$ 23,645	\$ 18,000	\$ 27,551	\$ 18,000	\$ 15,833
102	Cielo Verde Unit Three Phases 1 & 2	-	15,518	12,140	19,118	12,140	10,356
104	* Desert Sky Unit 1	(47,592)	70,786	62,500	73,262	62,500	(28,545)
107	Saguaro Units 3 & 4	14,511	28,205	21,140	23,724	21,140	24,160
108	Driftwood Ranch Units 1 and 2	32,847	23,032	17,127	22,516	19,030	42,238
109	* Livingston Ranch Unit No. 2	(38,216)	29,980	30,500	38,681	30,500	(30,556)
110	* Desert Sands Unit No. 1	26,253	33,687	17,384	36,506	34,768	44,294
111	Villa Serena Unit No. 1	(29,702)	10,117	19,900	11,062	21,200	(49,622)
112	* Araby North Subdivision	(20,874)	5,184	11,543	6,399	12,243	(33,077)
113	Autumn Valley Subdivision	372	2,652	19,030	3,112	19,030	(31,923)
115	* La Estancia Subdivision	(14,878)	45,834	45,080	58,070	49,081	(5,136)
116	Cielo Verde Units 2B, 4 and 6	-	-	-	-	-	-
117	Desert Sands Unit No. 2	-	-	-	-	-	-
119	Desert Sands Unit No. 3	-	-	-	-	-	-
120	Santana Subdivision Units 1-4	(6,071)	19,048	77,640	38,246	82,440	(108,857)
	MIDs in Progress	-	-	32,518	-	170,918	-
	MID Contingency	-	-	-	-	119,104	-

\* Denotes "Built-Out"      \*\* A negative fund balance (in brackets) represents a temporary loan repaid after district is built-out

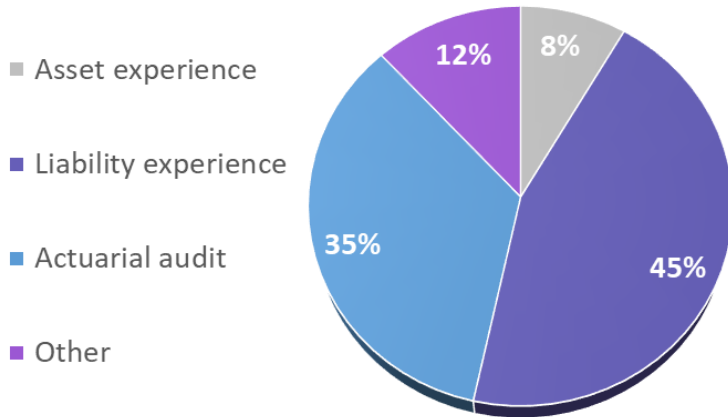
Policies and Other Considerations

- Future Considerations by Quarter
  - Quarter 1 / Quarter 2
    - American Rescue Plan Act (ARPA) Project Budget Amendment (Resolution)
      - Federal funding \$23 million; City Council approved projects (R2022-012); Management to propose amendment
      - Spent \$6 million; obligated \$2 million; balance \$15 million
      - Obligate by December 31, 2024 (FY 2025) – seven months
      - Spend by December 31, 2026 (FY 2026) – 31 months



- Model City Tax Code (MCTC) Two Tier Extension (Ordinance)
  - The City’s Transaction Privilege Tax Code mirrors the MCTC
  - Various specific local options are available to cities
  - The local option for a Two-Tier Structure is in Yuma’s code for retail items in excess of \$35,000
  - The Two-Tier Structure is due for extension
- Increase Capital Asset Thresholds for Equipment (Resolution)
  - Current = \$5,000 and above and useful life more than one year
  - Since the threshold was set in FY 2003, inflation and changes in technology have created a very labor intensive process
  - Equipment is 52% of total assets, but only 2% of total value
  - Substantial reporting efforts for nominal value
  - Equipment will still be tracked, but will not need to be accounted for and audited
- Quarter 2 / Quarter 3
  - Arizona State Retirement System (ASRS) Contribution Repayment Program (Resolution)
    - Deposit in ASRS “Prepayment Bucket” and earns interest with ASRS
    - City can move deposit to “Contribution Bucket” in lieu of payments whenever the City deems it most advantageous (no time limit)
    - Further details to be provided for City Council consideration
  - MTC Update (Ordinance)
    - An updated code is anticipated to be ready for cities to adopt
    - The updated MCTC will be provided for City Council consideration, when available
  - MCTC Local and Model Options
    - Various specific options are available for cities to adopt with the MCTC
    - Further information regarding these options will be provided for City Council consideration
- Quarter 3 / Quarter 4
  - PSPRS Unfunded Actuarial Liability (Motion)
    - City Council established a Reserve Fund with Resolution R2020-059
    - Q3/Q4 Reserve Fund estimated to be at \$14 million
    - Payment of the UAAL is not exempt from AELR, unless the source is exempt from AELR
    - More information will be provided to City Council when the 2024 valuation is available and AELR capacity is determined

Cause of UAAL in June 30, 2023



**Asset experience:** On a smoothed basis, “returns nearly met the 2022 assumed earnings rate”

**Liability experience:** “overall was unfavorable, driven by salary increases that were higher than expected” (overtime)

**Actuarial audit:** “independent actuarial audit was performed” results were implemented in the 2023 valuation

**Other:** “combination of all other factors that could impact liabilities year-over-year, with the primary sources being changes in benefits for continuing inactive”.

**Looking forward:** volatility in returns is dampened by smoothing; if based on market value, the funded ratio would be 95.0% instead of 96.8%.

**Conclusion:** “improve if assumptions are met and contributions at least equal to the rates” in City’s report

- Prop 207 Smart and Safe Arizona Act (Direction)
  - Allocation to municipalities based on employees enrolled in PSPRS
  - Estimated \$720,000 per year; assigned balance \$1.5 million in FY 2023
  - Exempt from AELR
  - Potential opportunity for PSPRS UAAL, more information to be provided for City Council’s consideration
- Opioid Settlement (Direction)
  - Not a grant, but financial reporting is similar
  - Restricted for opioid education, prevention, and treatment
  - \$240,647 in own Local Government Investment Pool (LGIP) account until used (no time limit)
  - Further information to be provided for City Council’s consideration and budget programming

**III. REGULAR CITY COUNCIL MEETING AGENDA OF MAY 15, 2024**

Motion Consent Agenda Item C.5 – Cooperative Purchase Agreement: Playground Equipment (authorize the purchase, delivery and installation of playground equipment and shade with Exerplay, Cedar Crest, New Mexico, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an expenditure of \$238,811.94) (CPA-24-301) (Pks & Rec)

Discussion

- Approval of this item will authorize the purchase of equipment for Barkley Ranch Park and Kennedy Park; the shade structure at Barkley Ranch Park will cover the entire playground structure, and the new playground equipment at Kennedy Park will go under the existing shade structure (**Morales/Urfer**)
- The City is currently investigating who has responsibility for the retention basin by the Barkley Ranch Park to determine who needs to make repairs to the drainpipe and grass; the drainage issue will need to be corrected before the grass is addressed (**Morales/Wostenberg**)

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Resolution R2024-013 – Intergovernmental Agreement: Arizona Game and Fish Commission (execute an Intergovernmental Agreement extending the current Community Fishing Program for the total not to exceed \$59,988 over the five-year agreement) (Pks & Rec)

Discussion

- This agreement includes ponds at the West Wetlands Park and the Pacific Avenue Athletic Complex; the pond at East Mesa Park will also be stocked with fish, but it will be roughly three years before the pond is ready for fish to be added (**Morris/Urfer**)

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Ordinance O2024-016 – Rezoning of Property: 958 S. 3<sup>rd</sup> Avenue (rezone an approximately 7,000 square foot lot located at 958 S. 3<sup>rd</sup> Avenue from General Commercial/Infill Overlay (B-2/IO) to Transitional/Infill Overlay (TR/IO)) (ZONE-42266-2024) (Plng & Nbhd Svcs/Cmty Plng)

**Deputy Mayor Morris** declared a conflict of interest on Ordinance O2024-016.

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MC 2024-062 – Public Hearing: Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program (conduct a public hearing pursuant to the Yuma City Charter, Article XII, Section 11) (Eng)

**Mayor Nicholls** declared a conflict of interest on the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program (CIP) as his firm is involved in a variety of CIP projects.

**EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Morales/Morris): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 6:30 p.m.

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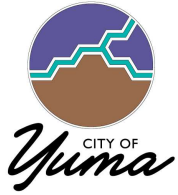
Lynda L. Bushong, City Clerk

APPROVED:

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Douglas J. Nicholls, Mayor

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

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**File #:** MC 2024-088

**Agenda Date:** 6/26/2024

**Agenda #:** 3.

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**Regular Council Meeting Draft Minutes May 15, 2024**

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**MAY 15, 2024**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Tom McConkey**, Liberty Baptist Church, gave the invocation. **Madeleine Coil**, Grants Administrator, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present: Morales, Smith, Morris, Shoop, McClendon (took a seat on the dais after being sworn in), and Mayor Nicholls  
Councilmembers Absent: Shelton  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Other staff in order of presentation  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**FINAL CALL**

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

Presentation

Swearing in of newly appointed City Councilmember, **Leslie McClendon**, by Honorable **Judge James Coil**. After being sworn in, Councilmember **McClendon** took her seat at the dais.

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item C.3 – Bid Award: Pavement Replacement – Avenue B between 24<sup>th</sup> Street and 16<sup>th</sup> Street (Authorize the City Administrator to execute a construction services contract for pavement replacement on Avenue B between 24<sup>th</sup> Street to 16<sup>th</sup> Street, in the amount of \$3,589,151.54 to the lowest responsive and responsible bidder, Gutierrez Canales Engineering, Yuma, Arizona) (RFB-24-270) (Eng/Purch)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item C.3 as his firm is engaged in this project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Smith/Morales) To approve Motion Consent Agenda Item C.3 as recommended. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**Motion** (Morris/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Item C.3 which was adopted through a previous vote. Voice vote: **approved** 6-0.

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

Regular Council Meeting Minutes                      April 3, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by Judith Lopez, agent for A & R Grill located at 712 S. 4<sup>th</sup> Avenue. (LL24-05) (Admn/Clk)
2. Approve a Series #04: Wholesaler/Distributor Liquor License application submitted by Patricia Rodriguez, agent for Proper Dose located at 1775 E. Palo Verde Street #176. (LL24-03) (Admn/Clk)
3. Pulled for separate consideration; see above.
4. Award to the sole bidder, BLT Companies, LLLP, Yuma, Arizona, the as-needed purchase and delivery of Ready-Mix Concrete, Color and Stamp Mix, a one-year contract with the option to renew for four additional one-year periods, at an estimated first-year cost of \$63,700.00, which will exceed \$100,000.00 over the five-year life of the contract, depending on the appropriation of funds and satisfactory performance. (RFQ-24-167) (Pub Wks/Purch)
5. Authorize the purchase, delivery and installation of various playground equipment and shade with Exerplay, Cedar Crest, New Mexico, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an expenditure of \$238,811.94. (CPA-24-301) (Pks & Rec/Purch)
6. Authorize the City Administrator to enter into a four-year agreement with an option to renew for up to six additional years, in two-year increments, for Third-Party Emergency Medical Billing Services with EMS Management and Consultants, Inc. (EMS|MC) of Winston-Salem, North Carolina, utilizing a Cooperative Purchase Agreement through the City of Tempe, Arizona, for an estimated annual expenditure of \$230,000.00. (CPA-24-286) (YFD/Purch)
7. Ratify a Purchase Order issued to SAK Construction, LLC of Tempe, AZ in an amount of \$124,500.00 for emergency bypass of a sanitary sewer line at Smucker Park. (EM-24-249) (Eng/Utl/Purch)

**II. RESOLUTION CONSENT AGENDA**

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

**Bushong** displayed the following title(s):

**Resolution R2024-013**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Game and Fish Commission for a Community Fishing Program** (extending the current Community Fishing Program with the City of Yuma for the total not to exceed \$59,988 over the five-year agreement) (Pks & Rec/Rec)

**Resolution R2024-014**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the design of the 1<sup>st</sup> Street Shared Used Pathway Project** (new 8-foot-wide concrete pathway at both sides of 1<sup>st</sup> Street between 4<sup>th</sup> Avenue and Avenue B) (Eng/Dev Eng)

**Resolution R2024-015**

**A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 127, serving Riverview Terrace Subdivision, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Riverview Terrace Subdivision, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 127; improvements shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2** (finalizing the formation and order improvements for MID No. 127 serving Riverview Terrace Subdivision) (Plng & Nbhd Svcs/Cmty Plng)

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

Ordinance O2024-016 – Rezoning of Property: 958 S. 3<sup>rd</sup> Avenue (approve the rezoning of an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3<sup>rd</sup> Avenue, Yuma, AZ) (Plng & Nbhd Svcs/Cmty Plng)

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

**Motion** (Morales/Smith): To adopt Ordinance O2024-016 as recommended.



**Bushong** displayed the following title(s):

**Ordinance O2024-16**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, and amending the zoning map to conform with the rezoning** (rezoning of approximately 7,000 square foot lot located at 958 S. 3<sup>rd</sup> Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 5-0-1, **Deputy Mayor Morris** abstaining due to conflict of interest.

**Deputy Mayor Morris** returned to the dais.

Ordinance O2024-017 – Rezoning of Property: Southeast Corner of Avenue 6E and 48<sup>th</sup> Street (rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street) (Plng & Nbhd Svcs/Cmty Plng)

Speaker

**Colonel Jarred Stone**, Commanding Officer, Marine Corps Air Station (MCAS) - Yuma, spoke in opposition of the rezoning of property near the Barry Goldwater Range used for aviation testing by MCAS – Yuma and other military bases around the United States. **Stone** describes Marine Operational Test and Evaluation Squadron One (VMX-1) operations, which involves the operation of the MQ-9 Reaper unmanned aerial vehicle, and its potential benefit for the community in terms of economic development. **Stone** continued explaining the flight path for the MQ-9s, and his concern for changing the precedent that has existed for close to 30 years, in terms of not infringing on the buffer zone around the range.

**Tom Pancrazi**, Pancrazi Real Estate, addressed the potential noise in the rezoning area and explained that the area has been staged from R-1-6 (6,000 sq ft. minimum parcels), R-1-8 (8,000 sq ft. minimum parcels) and R-1-12 (12,000 sq ft. minimum parcels) with the larger parcels closer to the range, to accommodate MCAS – Yuma. **Pancrazi** reminded City Council that the rezoning of the property was approved in 2006 in the General Plan Amendment and does not understand why the City would not move forward with rezoning.

Discussion

- The R-1-6 zoned homes will be north of the Goldwater Range buffer zone, close to the Ocotillo Subdivision. The R-1-12 homes will be at the bottom line, closest to the mile buffer zone of the range. (**McClendon/Pancrazi**)
- Although the protection of the military base and the range is important, a General Plan Amendment was made by City Council in 2006 with the intent of housing going in at this location. The dire need of housing is still a pressing issue for the City, and all the work has been put in place and approved; it is hard to shut down the project at this point. In a compromise to work with MCAS and make it an easier process, the density is reduced as homes get closer to the range; this will result in a loss of potentially 40 lots for the contractor. (**Morris**)
- The City's uniqueness and variety is because of the military people that come in from across the country. The threat of military assets to the City is concerning; \$2 billion worth of economic activity is not something to be ignored. The rezoning of property is not a precedent to be pushed along the range. The change was made in 1996 to this area through the General Plan Amendment and was also

approved by the voters. There was an opportunity to pull the project from the General Plan Amendment for decades and it did not happen. As a result, the owners have moved forward in good faith according to that plan, and the City needs to be supportive. In the future, putting the range up to risk along its borders will not be supported. **(Mayor Nicholls)**

**Motion** (Morris/Smith): To adopt the Ordinances Consent Agenda as recommended, with the exception of Ordinance O2024-016 which was adopted through a previous vote.

**Bushong** displayed the following title(s):

**Ordinance O2024-13**

**An ordinance of the City Council of the City of Yuma, Arizona, fixing compensation and benefits for the Office of Municipal Judge from and after January 1, 2025** (to establish compensation for the next term of the Municipal Judge's elected position) (Muni Court/Admin)

**Ordinance O2024-015**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of an easement to the Yuma County Water Users Association for installation and maintenance of a new irrigation line for the Thacker Lateral** (to allow installation of a new irrigation line within a 20-foot strip of right-of-way with a crossing along the south side of 28<sup>th</sup> Street) (Eng)

**Ordinance O2024-17**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agricultural (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts and amending the zoning map to conform with the rezoning** (rezone approximately 77 acres located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street) (Png & Nbhd Svcs/Cmnty Png)

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

**IV. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following title(s):

**Ordinance O2024-019**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain 25 foot parcel of real property, hereafter described, surplus for use as right-of-way by the City, vacating the surplus 25 foot right-of-way easement to the abutting property owner upon the recording of a Quitclaim Deed, and authorizing an exchange of the surplus 25 foot right-of-way easement for the underlying fee title to the 75 foot right-of-way described in this ordinance, together with a 25 foot utility easement for water, sanitary sewer and other public purposes** (authorize the vacation of 25 feet of 4<sup>th</sup> Avenue right-of-way in exchange for the underlying fee title to the remaining 75 feet of right-of-way with JAKARTA Holdings, LLC) (Eng)

**V. BUDGET AND RELATED ITEMS**

MC 2024-062 – Public Hearing: Fiscal Year 2025 – Fiscal Year 2029 Capital (Conduct a public hearing for the proposed Fiscal Year 2025 – Fiscal Year 2029 City of Yuma Capital Improvement Program pursuant to Yuma City Charter, Article XIII, Section 11) (Eng)

**Mayor Nicholls** declared a conflict of interest on the Capital Improvement Program, turned the meeting over to **Deputy Mayor Morris** and left the dais.

**Deputy Mayor Morris** opened the public hearing at 5:59pm

Being no presentations or speakers signed up, **Deputy Mayor Morris** entertained a motion to close the public hearing.

**Motion** (Morales/McClendon): To close the Public Hearing. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest. The Public Hearing closed at 6:00 p.m.

**Mayor Nicholls** returned to the dais.

**Motion** (Morales/Smith): To amend Schedule B of the Tentative Annual Budget to reflect the dollar amount of \$16,040,777 as the Maximum Allowable Primary Property Tax Levy for 2024, instead of \$15,725,831. Voice vote: **approved 6-0.**

---

MC 2024-061 – Tentative Annual Budget for Fiscal Year 2025 (Adopt the Fiscal Year 2025 Tentative Annual Budget in the amount of \$521,164,546 which includes a Capital Improvement Program budget of \$222,418,219; combined Maintenance Improvement Districts of \$672,094 and Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise operations) (Admn/Fin)

**McClendon** declared a conflict of interest as she is employed by Visit Yuma and left the dais.

**Motion** (Morris/Smith): To adopt the Fiscal Year 2025 tentative budget for Visit Yuma in the amount not to exceed \$903,000. Voice vote: **approved 5-0-1, McClendon** abstaining due to conflict of interest.

**McClendon** returned to the dais.

**Mayor Nicholls** declared a conflict of interest on the Capital Improvement Project, turned the meeting over to **Deputy Mayor Morris** and left the dais.

**Motion** (Smith/McClendon): To adopt and publish for the June 5<sup>th</sup> budget hearing, the Fiscal Year 2025 Tentative Budget for the Capital Improvement Program in the amount of \$222,418,219. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**Motion** (Smith/McClendon): To approve and publish for the June 5<sup>th</sup> budget hearing, the Fiscal Year 2025 Tentative Budget in the amount of \$297,846,327, which excludes Visit Yuma funding and the Capital Improvement Program, as approved through the prior motions. Voice vote: **approved** 6-0.

**VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

Announcements

**Smith, Morales, Morris, and Mayor Nicholls** reported on the following meetings attended/upcoming events:

- Western Arizona Council of Governments (WACOG) Yuma County Advisory Meeting
- 13<sup>th</sup> Annual Yuma County Nurses Celebration
- Yuma County Child Care Crisis Leadership Forum
- Yuma Water Safety Alliance Meeting
- 1<sup>st</sup> Annual Christina's Closet Charity Gala
- Good Morning Yuma
- Elevate Southwest Subcommittee Meeting
- Colorado River Tea Party Meeting
- Councilmember Gary Knight's Celebration of Life
- Greater Yuma Economic Development Corporation (GYEDC) Interview Panel
- Joint Land Use Plan Open House
- Yuma Catholic High School Government Class Presentation
- General Motors Desert Proving Ground Test Center

Scheduling - No meetings were scheduled at this time.

**VII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- June 1<sup>st</sup>, 2024 - Water Safety Day at the Valley Aquatic Center
- May 31 – August 31, 2024 - Gallery Exhibit Reception at the Yuma Arts Center

**Simonton** states the City is looking for ways to increase swim lessons for the community, and exploring the possibility of heating Carver Park pool and extending their business hours to offer swimming lessons year round.

**Simonton** reminds the community City Hall will be closed Monday, May 27<sup>th</sup>, 2024, in observance of Memorial Day; the closure will affect the trash pick-up service schedule.

**Mayor Nicholls** recessed the meeting at 6:15 p.m. and reconvened the meeting at 6:19 p.m.

**VIII. CALL TO THE PUBLIC**

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza, and spoke about concerns regarding censorship of the public by City Council:

- **Jillian Verdugo**, City resident
- **Sinai Lopez**, City resident
- **Karla Sanchez**, City resident
- **Alea Hassin**, City resident
- **Layla Hassin**, City resident

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:35 p.m. No Executive Session was held.

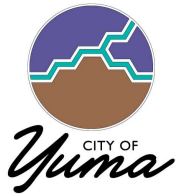
\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

\_\_\_\_\_  
City Clerk: \_\_\_\_\_



# City of Yuma

## City Council Report

File #: MC 2024-073

Agenda Date: 6/26/2024

Agenda #: 1.

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

**TITLE:**

**Bid Award: Concert Production Services**

**SUMMARY RECOMMENDATION:**

Award to the most responsive and responsible bidder a one-year contract for concert production services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$44,948.10 is awarded to Showboss LLC, Mesa, Arizona. (Administration RFB-24-323) (Jen Miller/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Connected and Engaged as it provides the equipment and talent to produce high-quality concerts, which creates an opportunity to collaborate with local businesses, artists, and community organizations, and a network of interaction for City residents.

**REPORT:**

The City produces several annual musical performances, such as the Medjool Date Festival, BBQ & Brew Festival and Tacos & Tunes. These events are intended to promote local culture, enhance community engagement, and showcase Yuma traditions and businesses. Many performing artists are local and diverse and highlight the cultural relevancy of Yuma.

Through the Request for Bid process, the City received two bids, one from Tronix Sound LLC and the other from Showboss LLC. Showboss was selected to provide concert production services, (stage, audio, lighting equipment and sound engineering) as they are the lowest responsive and responsible bidder.

Collaborating with Showboss for City concerts ensures an exceptional audio and visual experience for the audience, offering crucial support for performing artists while maintaining strict adherence to industry safety standards.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 44,948.10	BUDGETED:	\$ 60,000.00
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 \$44,948.10

122-50-66-6201 PROFESSIONAL SERVICES		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

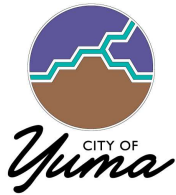
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-074

**Agenda Date:** 6/26/2024

**Agenda #:** 2.

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

**TITLE:**

**Bid Award: Riley Avenue and 17th Street Sidewalk and Streets**

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a contract for construction services at Riley Avenue and 17<sup>th</sup> Street, Sidewalk and Streets Project, to the lowest responsive and responsible bidder in the amount of \$123,349.50 for the base bid and \$26,303.00 for the alternate bids for a total of \$149,652.50 to Gutierrez Canales Engineering PC, Yuma, Arizona. (Engineering-RFB-24-199) (David Wostenberg/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Safe and Prosperous. The construction of the Riley Avenue and 17th Street Sidewalk and Streets construction will increase safety and prosperity of the neighborhood by providing a safe and reliable road for the years to come.

**REPORT:**

The project consists of pavement replacement, curb and gutter construction along Riley Avenue and 17th Street. Alternate bids are included for the construction of sidewalk, sidewalk ramps and driveway entrances with curb returns.

Two bids were received by the following general contractors:

	Base Bid	Alternate Bids	Total
<b>GCE</b>	<b>\$123,349.50</b>	<b>\$26,303.00</b>	<b>\$149,652.50</b>
DPE	\$189,465.00	\$31,900.00	\$221,365.00

Approving this motion awards the contract to Gutierrez Canales Engineering PC.



**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 150,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 149,652.50	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

CDBG-0002 Community Development Block Grant		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

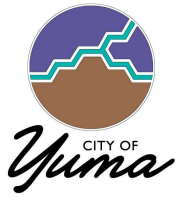
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None

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Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-075

**Agenda Date:** 6/26/2024

**Agenda #:** 3.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
<b>Finance</b>	<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
<b>DIVISION:</b> <b>Procurement</b>	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

**TITLE:**

**Cooperative Purchase Agreement: Amazon Business**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (Finance-CPA-25-006) (Douglas Allen/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The ability to purchase various commodities contributes to the City Council's strategic outcome of Respected and Responsible by assuring availability of products that provide operational capability to City departments.

**REPORT:**

Each year the City is faced with determining whether it is more advantageous to purchase products from cooperative purchase agreements or processing a solicitation. These products include, but are not limited to, sports equipment, automotive parts, furniture, personal computer peripherals, business, industrial and scientific supplies, etc.

Due to current contract prices, staff recommends utilizing the cooperative purchase agreement, to which multiple vendors were awarded after competitive bids were obtained. The agreement provides cost savings opportunities due to volume purchasing and saves on administrative overhead costs by not having to bid the various commodities.

Staff therefore recommends utilizing the Omnia Partners cooperative purchase agreement to purchase various commodities needed for day-to-day operations.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 500,000.00	BUDGETED:	\$ 500,000.00
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 \$ 500,000.00

Various funds and accounts City Wide		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

The City Council approved FY 2025 Budget provides sufficient budget authority within departments supplies and commodities line items for this program.

**ADDITIONAL INFORMATION:**

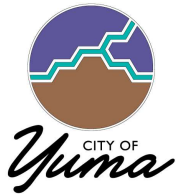
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Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-076

**Agenda Date:** 6/26/2024

**Agenda #:** 4.

	<b>STRATEGIC OUTCOMES</b>	<b>ACTION</b>
<b>DEPARTMENT:</b> 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
<b>DIVISION:</b> Procurement	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

**TITLE:**

**Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of three 2025 Peterbilt Model 520/McNeilus 31-Yard Side-loaders and the purchase of one 2026 Peterbilt Model 520/McNeilus Rear-loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,941,981.00 to: Rush Truck Centers of Yuma (Public Works - CPA-24-345) (Joel Olea/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The purchase of the side and rear loaders will allow Public Works to start a new residential solid waste route and replace three other vehicles. Providing trash and recycle collection is a core service for our community aligning with the strategic outcome of Respected and Responsible.

**REPORT:**

Of the three Side-loaders, one will be an addition to the fleet for the trash and recycle route. The other two Side-loaders will be for replacement as well as the Rear Loader. The two 2017 Side-loaders and a 2004 Rear-loader will be relinquished to surplus and sold online through Public Surplus. Funds are included in the Fiscal Year 2025 Solid Waste and the Equipment Replacement fund. The expected lead time for the delivery of the vehicles is an estimated 20 months.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$1,941,981.00	BUDGETED:	\$2,230,672.00
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 \$1,941,981.00

461-4021.8930-Solid Waste 511-4021.8930-Equipment Maintenance 511 -4039.8930-Equipment Maintenance-Pathways and Trails		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

Sufficient budget capacity is in the City Council approved FY 2025 Tentative Budget and Vehicle Replacement Program. With the potential delay with vehicle deliveries, funds for this purchase will be encumbered and restricted with budgets carrying forward until the City satisfactorily receives these vehicles.

**ADDITIONAL INFORMATION:**

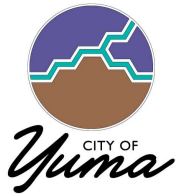
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Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-077

**Agenda Date:** 6/26/2024

**Agenda #:** 5.

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

**TITLE:**

**Cooperative Purchase Agreement: Kennedy Hockey Rink, Lighting Upgrade**

**SUMMARY RECOMMENDATION:**

Authorize the purchase, delivery and installation of lighting fixtures at the Kennedy Hockey Rink to Musco Sports Lighting, LLC, utilizing Sourcewell cooperative purchase agreement for an expenditure of \$122,450.00. (Parks/Engineering-CPA-25-005) (Eric Urfer/David Wostenberg/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The purchase and installation of the Musco lighting system for the Kennedy Hockey Rink will provide the community with a safe playing surface and more energy-efficient fixtures, which aligns with the City Council strategic outcomes of Safe and Prosperous and Active and Appealing.

**REPORT:**

The Kennedy Hockey Rink is a 16,000 square foot facility, located inside Kennedy Memorial Park Complex. The replacement of lights at the Kennedy Hockey Rink is due to aging equipment and the necessity to install energy-efficient fixtures.

The new light fixtures will be retrofitted onto the existing light poles.

Benefits of Musco's Lighting-Structure System include:

- Reduction of spill light and glare by 50% or more.
- Reduction of energy and maintenance costs by 50% to 85% over typical 1500w high-intensity discharge equipment.
- Product assurance and warranty program that includes materials and onsite labor, eliminating 100% of maintenance costs for 10 years.
- Control-Link system for remote on/off control and performance monitoring with 24/7 customer support.

This project is in the FY2025-2029 CIP. Project schedule is anticipated to take place in the Fall of 2024.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 122,450.00	BUDGETED:	\$145,000.00
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	\$122,450.00	2% Tax Fund CIP 0039-PARKS10	
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

Sufficient budget authority is provided in the City Council approved FY 2025 budget and Capital Improvement Program.

**ADDITIONAL INFORMATION:**

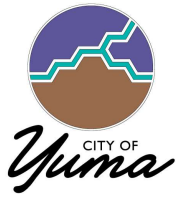
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Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-079

**Agenda Date:** 6/26/2024

**Agenda #:** 6.

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

**TITLE:**

**Cooperative Purchase Agreement: Information Technology Products and Services**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of Information Technology Products and Services utilizing vendors awarded from the 15 cooperative purchasing agencies noted below, at an estimated amount of \$7,062,175.00. (IT-CPA-25-001) (Isaiah Kirk/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The purchase of Information Technology Products and Services directly supports the City Council's strategic outcome of Connected and Engaged. These investments ensure that all citywide core services remain secure and operational, enhancing the day-to-day capabilities of all departments to provide exceptional citizen services throughout the City. By maintaining up-to-date technology, the City enables better communication, improves public safety, and ensures responsible management of resources, fostering a more engaged and prosperous community.

**REPORT:**

Each year, the City procures various Information Technology Products and Services through cooperative purchase agreements. These products and services include, but are not limited to, voice and video communication, security, data communication hardware and software, computers, printers, scanners, telephones, and IT training and consulting services.

In Fiscal Year 2025, the City anticipates spending \$7,062,175.00 on computer hardware, software, communications equipment, and technical support for all City communications services. Staff has determined that current technology and contract prices, as well as savings, can be obtained by utilizing these cooperative purchase agreements. These agreements, established by various agencies with multiple vendors after competitive bids, provide cost savings opportunities through volume purchasing and reduce administrative overhead by eliminating the need to bid for the same commodities repeatedly.

The City aims to leverage cooperative purchase agreements from the agencies listed below to procure Information Technology Products and Services for all City departments. The breakdown of estimated expenditures by department is attached. Staff will consider pricing and product availability before making each purchase. Any single purchase over \$100,000.00 will be brought separately before the Council for approval.



Below is a list of the proposed Cooperative Purchase Agencies.

1. 1 Government Procurement Alliance (1GPA)
2. Houston-Galveston Area Council (HGAC)
3. Mohave Educational Services Cooperative, Inc. (Mohave)
4. National Association of Procurement Officials (NASPO)
5. National Cooperative Purchasing Alliance (NCPA)
6. Omnia Partners
7. Premier Educational Purchasing Program (PEPPM)
8. Public Purchasing Authority (PPA)
9. National Purchasing Partners (NPPGov)
10. Strategic Alliance for Volume Expenditures (SAVE)
11. Sourcewell
12. State of Arizona
13. The Interlocal Purchasing System (TIPS)
14. Texas Department of Information Resources (TX DIR)
15. General Service Administration (GSA)

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 7,062,175.00	BUDGETED:	\$ 7,062,175.00
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 \$7,062,175.00			
Various Accounts			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

To continue annual expenditures and subscription renewals, sufficient budget authority is programmed in the City Council approved FY 2025 Budget and multi-year Financial forecast.

**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?

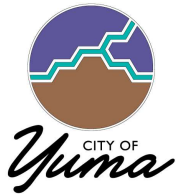
- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney:	Date:

Richard W. Files	6/17/2024
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**CITY OF YUMA**  
**IT PRODUCTS AND SERVICES**

Department	<u>Total</u>
Mayor and City Council	\$5,800.00
City Administration	\$312,800.00
Building Safety	\$31,150.00
City Attorney's Office	\$14,600.00
Engineering	\$169,300.00
Finance	\$134,430.00
Fire	\$319,130.00
General Government	\$197,000.00
Human Resources	\$376,370.00
Information Technology	\$3,322,600.00
Municipal Court	\$18,700.00
Parks and Recreation	\$27,840.00
Planning & Neighborhood Services	\$342,050.00
Police	\$1,301,795.00
Public Works	\$126,230.00
Utilities	\$362,380.00
<b>TOTAL</b>	<b><u>\$7,062,175.00</u></b>



# City of Yuma

## City Council Report

**File #:** MC 2024-078

**Agenda Date:** 6/26/2024

**Agenda #:** 7.

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

**TITLE:**

**Cooperative Purchase Agreement: Cyclical Network Refresh Project**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$340,000.00 (IT-CPA-25-004) (Isaiah Kirk/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The cyclical replacement strategy of networking equipment aligns with the City Council’s strategic outcome of Connected and Engaged by ensuring that citywide core services remain secure and operational. Networking and its components are critical to all forms of communication, providing essential infrastructure that keeps the City connected. This strategy ensures that the City’s communication systems are up-to-date, enhancing the City’s ability to engage with the community, respond promptly to needs, and maintain active communication. Additionally, it supports the outcome by ensuring that City operations remain efficient and reliable through the use of robust and dependable networking technology.

**REPORT:**

To improve the City’s current networking infrastructure and ensure consistent availability and functionality, it is essential to address aging hardware and software. This alignment with best practices will bolster the City’s security posture. The City’s network infrastructure is aging, with devices no longer supported by the manufacturer. The purchase of new equipment will continue the City’s annual lifecycle plan to replace aging hardware and ensure ongoing support for future equipment.

The City’s networking infrastructure is the foundation for all communication between City employees, departments, locations, and community members. It comprises both hardware components (switches, routers, telephony, and firewalls) and software components that operate the networking devices. All City business, applications, software, servers, and storage depend on this network.

Due to the close integration of hardware and software components, dependencies have developed. Manufacturers often offer optional or necessary upgrades or enhancements to their products. IT staff must adhere to manufacturer guidelines to maintain normal operations and support for all products, ensuring secure and reliable data.

By addressing the aging hardware and continuing the City’s lifecycle plan, the City can maintain a secure,

reliable, and up-to-date networking infrastructure. This proactive approach will prevent the City from falling out of support for its equipment in the future and ensure the continued efficiency and effectiveness of City operations.

Each purchase includes configuration and warranty support. Viable refreshed networking devices will be repurposed as ready spares, while the remaining equipment will be donated or surplus. This strategy not only modernizes the technology but also aligns with the City’s goal of maintaining an efficient, connected, and engaged City workforce.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 340,000.00	BUDGETED:	340,000.00
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 \$340,000.00

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

**FISCAL IMPACT STATEMENT:**

To continue this multi-year replacement project sufficient budget authority is programmed in the City Council approved FY 2025 Budget and financial forecast.

**ADDITIONAL INFORMATION:**

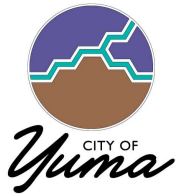
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-080

**Agenda Date:** 6/26/2024

**Agenda #:** 8.

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

**TITLE:**

**Cooperative Purchase Agreement: Purchase of Laptops and Monitors**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of laptops, monitors, and docks utilizing a Cooperative Purchase Agreement with Dell Technologies in the estimated amount of \$475,000.00. (IT-CPA-25-003) (Isaiah Kirk/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The cyclical technology replacement strategy of purchasing laptops, monitors, and docks aligns with the City Council's strategic outcome of Connected and Engaged by enabling City employees to become mobile quickly and securely, with minimal disruption to City services. This strategy ensures that the City's workforce is equipped with the latest technology, enhancing ability to engage with the community, respond promptly to needs, and maintain active communication. The replacement strategy ensures that City operations remain efficient and reliable through the use of up-to-date and dependable technology.

**REPORT:**

The Information Technology (IT) Department maintains roughly 900 computers throughout the City, with a small percentage currently being laptops. The recent pandemic and global instability highlighted the necessity for City employees to be mobile at any time. The IT department is continuing to transition the majority of the City's end-user devices to a standardized laptop setup during normal refresh cycle replacements. Laptops enable the City to deploy capabilities across different locations without needing to relocate large amounts of IT equipment or maintain underutilized equipment at various sites.

To support this transition, the City has implemented a cyclical technology replacement program, aiming to replace 25% of end-user computer equipment annually (approximately 200 computers with laptops and 300 monitors). This approach ensures that the inventory remains current and functional, with an average equipment age of four years for computers and six years for monitors. By refreshing the City's technology, the City enhances employee mobility and operational efficiency, improving the ability to engage and serve the community effectively.

Each purchase includes configuration and warranty support. Viable refreshed computers will be repurposed as kiosk or shared computer replacements, while the remaining equipment will be donated or surplus. This strategy not only modernizes our technology but also aligns with the City's goal of maintaining an efficient, connected, and engaged City workforce.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 475,000.00	BUDGETED:	475,000.00
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 \$475,000.00			
General Fund			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

To continue this multi-year replacement project sufficient budget authority is programmed in the City Council approved FY 2025 Budget and financial forecast.

**ADDITIONAL INFORMATION:**

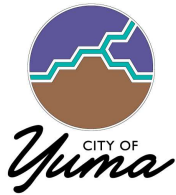
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-081

**Agenda Date:** 6/26/2024

**Agenda #:** 9.

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

**TITLE:**

**Grant Award: Yuma County 9-1-1 System Annual Funding Award**

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute the required documents with Arizona Department of Administration 9-1-1 Program Office (ADOA) to disperse awarded grant funds from the Emergency Telecommunication Services Revolving Fund to pay for authorized contractual costs related to equipment and services used in the operation of 9-1-1 services in the Yuma County region. (Information Technology/YRCS) (Jeremy W. Jeffcoat)

**STRATEGIC OUTCOME:**

This grant award supports the City Council’s strategic outcome of Safe and Prosperous. The Yuma County region, which includes the City of Yuma, maintains strong public safety partnerships to keep the Yuma County community safe and ensure future prosperity. This Grant Agreement demonstrates a commitment to safety by ensuring the equipment and network supporting 9-1-1 services continues to receive the funds necessary to provide emergency services to the City of Yuma and surrounding communities.

**REPORT:**

The Yuma Regional Communications System (YRCS) is a consortium of governmental public safety agencies in the Yuma County region and includes, among others, the City of Yuma, Yuma County, San Luis, Somerton and Rural Metro Fire Department. The City of Yuma is the agency applying for and administering the Grant Award on behalf of YRCS.

The grant proceeds will be utilized by public safety agencies to cover contract costs for 9-1-1 equipment and services at the public safety answering points for the City of Yuma, Yuma County, San Luis, Somerton and Rural Metro Fire Department. This is a no-match grant, and will pay 100% of authorized contracted services. The grant will be managed by the 9-1-1 County System Administrator through YRCS. The Grant Agreement term is July 1, 2024 through June 30, 2025. The grant award is in the amount of \$545,690.00, to be dispersed as follows:

<b>Award Breakdown</b>	
Contractual/Outside Services	\$536,477.00
Other/Administrative Costs	\$9,213.00
<b>Total Award</b>	<b>\$545,690.00</b>



By adopting this motion, the Mayor and City Council authorize the City Administrator to accept grant funding, on behalf of YRCS, from ADOA and to execute the attached Grant Agreement.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 545,690.00
STATE FUNDS:	\$ 545,690.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 545,690.00			
406-15-40-AZ911			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

The \$545,690.00 in State funds represents the grant award total. This is a zero-match grant requiring no City funds to receive the grant funding. Monthly invoices and funding reports will be submitted to ADOA for funds to be disbursed to an account set-up by the City of Yuma. Payments will be made on the invoices using the funds received. There is no up-front payment expense to the City of Yuma. The account will be established once the agreement has been signed.

**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
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Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

ARIZONA DEPARTMENT OF ADMINISTRATION  
ARIZONA 9-1-1 PROGRAM  
GRANT AGREEMENT

Grant Number: ADOA-AZ911-25-21

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This Grant Agreement (“**Agreement**”) is between the Yuma County 911 Regional System, with the City of Yuma acting as System Administrator, (“**Grantee**”), participating and the State of Arizona, acting through the Arizona Department of Administration (“**ADOA**”), (sometimes, individually, a “**Party**,” or collectively, “**Parties**”).

**AUTHORIZATION**

1. A.R.S § 41-704 authorizes the Arizona Department of Administration to administer the emergency telecommunication services revolving fund in accordance with A.R.S. 11-951; 11-952 and 41-101.01.

**BACKGROUND**

2. The Arizona 9-1-1 Grant Program is designed to assist Public Safety Answering Points (PSAPs), in collaboration with regional and local jurisdictions, perform activities related to implementation and operation of their respective emergency telecommunication system.

**PURPOSE OF THE AGREEMENT**

3. Distribution of funding per A.R.S § 41-704, which establishes the administration of the emergency telecommunication services revolving fund.

**TERM, EFFECTIVE DATE, AND Termination**

4. Term and Effective Date: This Agreement will commence on July 1, 2024 and terminate on June 30, 2025. This agreement expires at the end of the award period unless prior written approval for an extension has been obtained by ADOA. A request for an extension must be received by ADOA, sixty (60) days prior to the end of the award period. ADOA in its sole discretion may approve an extension to further the goals and objectives of the program, and determine the length of any extension.

**OBLIGATIONS OF THE PARTIES**

5. Responsibilities of the Grantee:
  - 5.1. Grantee agrees that grant funds will be used in accordance with the approved application, applicable statutes, program rules, guidelines and special conditions. ADOA supports the use of these funds in accordance with the ARS § 41-704 for activities such as:
    - 5.1.1. Adoption and operation of Next Generation 9-1-1 (NG9-1-1) services and applications, including monthly recurring costs for 9-1-1 equipment, network, maintenance, and hardware and software support
    - 5.1.2. Facilitate the migration of the State’s PSAPs to the Next Generation of 9-1-1 capability
    - 5.1.3. Migration to an Emergency Services IP-enabled (ESINet) network
    - 5.1.4. Solutions that meet or exceed the National Emergency Number Association (NENA), Federal Communications Commission (FCC), international, and industry standards or requirements.
    - 5.1.5. The National Emergency Number Association (NENA) defines NG9-1-1 as: “An Internet Protocol (IP) based system comprised of managed Emergency Services IP networks (ESInets), functional elements (applications), and databases that replicate traditional E9-1-1 features and functions and provides additional capabilities. NG9-1-1 is designed to provide access to emergency services from all connected

communications sources, and provide multimedia data capabilities for Public Safety Answering Points (PSAPs) and other emergency services organizations.”

- 5.2. Grantee agrees that the following activities will be reimbursed only through Administrative Cost and subject to the aggregate limitation on such costs:
  - 5.2.1. Personnel. Costs associated with administrative oversight of managing local contracts and technical support. Costs associated with GIS coordinator, if it is an employee of the System Administrator’s agency.
  - 5.2.2. Fringe Benefits. Employee related expenses associated with administrative oversight of managing local contracts and/or GIS coordinator.
  - 5.2.3. Travel. Travel requests for training, conferences, etc. related to System Administrator and/or GIS coordinator functions. Travel costs will only be reimbursed based on the State rate per diem identified in SAAM 50.
  - 5.2.4. Supplies. Costs associated with supplies related to System Administration functions.
  - 5.2.5. Other Costs. Training or education assistance related to System Administration and/or GIS coordinator functions.
- 5.3. Grantee agrees that it will submit financial and activity reports to ADOA in a format provided by ADOA, documenting the activities supported by these grant funds and providing an assessment of the impact of these activities which may include documentation of project milestones. In the event reports are not received on or before the indicated date(s), funding may be suspended until such time as delinquent report(s) are received.
- 5.4. Grantee understands that financial reports are required as an accounting of expenditures for either reimbursement or ADOA-approved payments. Reports are due pursuant to the schedule listed in this agreement.
- 5.5. Grantee agrees to pay vendors in a timely manner on behalf of the PSAPs in their jurisdictions. Late fees on invoices will not be reimbursed by ADOA.
- 5.6. The final request for reimbursement of grant funds must be received by ADOA no later than forty-five (45) days after the last day of the award period.
- 5.7. All goods and services must be received or have reasonable expectations thereof and placed in service by Grantee by the expiration of this award.
- 5.8. Grantee agrees to remit all unexpended grant funds to ADOA within thirty (30) days of written request received from ADOA.
- 5.9. Grantee agrees that all encumbered funds must be expended and that goods and services must be paid within forty-five (45) days of expiration of this award.
- 5.10. Grantee agrees to cooperate and participate with any and all assessments, evaluation efforts or information and data collection requests, and acknowledges that the State grantor agency has the right to obtain, reproduce, publish, or use data provided under this award in accordance with applicable statutes, rules, and guidelines.
- 5.11. Grantee understands that grant funds may not be released until Grantee is compliant with all requirements of grant agreement.

5.12. Required activity and financial reports are submitted according to the following schedule(s):

<b>ACTIVITY REPORTS</b>			
<b>Report Due:</b>		<b>Due Date:</b>	
GIS Data Submissions		Quarter 1 September 30, 2024	
		Quarter 2 December 31, 2024	
		Quarter 3 March 31st, 2025	
		Quarter 4 June 30th, 2025	
<b>FINANCIAL REPORTS</b>			
<b>Report Period:</b>	<b>Due Date:</b>	<b>Report Period:</b>	<b>Due Date:</b>
July 1 – July 31	August 25	January 1 – January 31	February 25
August 1 – August 31	September 25	February 1 – February 29	March 25
September 1 – September 30	October 25	March 1 – March 31	April 25
October 1 – October 31	November 25	April 1 – April 30	May 25
November 1 – November 30	December 25	May 1 – May 31	June 25
December 1 – December 31	January 25	June 1 – June 30	July 25

\*More frequent reports may be required for GRANTEES who are considered high risk.

6. Responsibilities of the State:

- 6.1. It is agreed and understood that the total to be paid by ADOA under this Agreement shall not exceed \$545,690 in state funds.
- 6.2. Once the financial reimbursement request is approved by ADOA, payment to Grantee will be completed within 5 business days.
- 6.3.

<b>APPROVED LINE ITEM PROGRAM BUDGET</b>	
Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual/Outside Services	\$536,477
Construction	\$0.00

Other Costs	\$9,213
<b>Total</b>	<b>\$545,690</b>

**UNIFORM TERMS AND CONDITIONS**

7. Grant Administration and Operation

- 7.1. Records. Under A.R.S. § 35-214 and § 35-215, the Grantee shall retain any and all Data and other “records” relating to the acquisition and performance of the agreement for a period of five (5) years after the completion of the award. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the grantee shall produce a legible copy of any or all such records.
- 7.2. Non-Discrimination. The grantee shall comply with State Executive Orders No. 2023-01, 2009-09, and any and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.
- 7.3. Audit. Pursuant to A.R.S. § 35-214, at any time during the term of this agreement and five (5) years thereafter, the grantee’s books and records shall be subject to audit by the State and, where applicable, the Federal Government, to the extent that the books and records relate to the performance of the agreement.
- 7.4. Facilities Inspection and Materials Testing. The grantee agrees to permit access to its facilities, and the grantee’s processes or services, at reasonable times for inspection of the facilities or Materials covered under this award as required under A.R.S. § 41-2547. The State shall also have the right to test, at its own cost, the Materials to be supplied under this award. Neither inspection of the grantees facilities nor Materials testing shall constitute final acceptance of the Materials or Services.
- 7.5. Advertising, Publishing and Promotion of Award. The grantee shall not use, advertise or promote information for commercial benefit concerning this award without the prior written approval of the Grants Administrator.

8. Federal Immigration and Nationality Act. Grantee shall comply with all federal, state and local immigration laws and regulations relating to the immigration status of their employees during the term of the award. The State shall retain the right to perform random audits of grantee records or to inspect papers of any employee thereof to ensure compliance. Should the State determine that the grantee be found noncompliant, the State may pursue all remedies allowed by law, including, but not limited to: suspension of work, termination of the award for default and suspension.

9. E-Verify Requirements. In accordance with A.R.S. § 41-4401, grantee warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23- 214, Subsection A.

10. Availability of Funds for the Current State Fiscal Year. Should the State Legislature enter back into session and reduce the appropriations or for any reason and these Materials or Services are not funded, the State may take any of the following actions:

- 10.1.1. Accept a decrease in award offered to the grantee;
- 10.1.2. Cancel the award; or
- 10.1.3. Cancel the award and re-solicit the requirements.

11. Personnel. Grantee warrants that its personnel will perform their duties under the agreement in a professional manner, applying the requisite skills and knowledge, consistent with industry standards, and in accordance with the requirements of the award. Grantee further warrants that its key personnel will maintain any and all certifications relevant to their work, and grantee shall provide individual evidence of certification to State’s authorized representatives upon request.

12. False Statements. Grantee represents and warrants that all statements and information grantee prepared and submitted in response to the Solicitation or as part of the grantee documents are current, complete, true, and accurate. If the Grants Administrator determines that grantee submitted an application with a false statement, or makes material misrepresentations during the performance of the award, the Grants Administrator may determine that grantee has materially breached the agreement and may void the submitted application and any resulting agreement.
13. Agreement Termination
  - 13.1. Cancellation for Conflict of Interest. Pursuant to A.R.S. § 38-511, the State may cancel this agreement within three (3) years after agreement execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the State is or becomes at any time while the agreement or an extension of the agreement is in effect an employee of or a consultant to any other party to this agreement with respect to the subject matter of the agreement. The cancellation shall be effective when the grantee receives written notice of the cancellation unless the notice specifies a later time. If the grantee is a political subdivision of the State, it may also cancel this award as provided in A.R.S. § 38-511.
  - 13.2. Termination for Convenience. The State reserves the right to terminate the agreement, in whole or in part at any time when in the best interest of the State, without penalty or recourse. Upon receipt of the written notice, the grantee shall stop all work, as directed in the notice, notify all contractors of the effective date of the termination and minimize all further costs to the State. The grantee shall be entitled to receive just and equitable compensation for work in progress, work completed, and Materials or Services accepted before the effective date of the termination. The cost principles and procedures provided in A.R.S. § 41-2543 and A.A.C. Title 2, Chapter 7, Article 7, shall apply.
14. Agreement Claims. All agreement claims or controversies under this agreement shall be resolved according to A.R.S. Title 41, Chapter 23, Article 9, and rules adopted thereunder.
15. Arbitration. The parties to this agreement agree to resolve all disputes arising out of or relating to this agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes (A.R.S. Title 41).
16. This Agreement does not imply authority to perform any tasks or accept any responsibility not expressly stated in this Agreement.
17. This Agreement does not create a duty or responsibility unless the intention to do so is clearly and unambiguously stated in this Agreement. This Agreement shall not relieve the Parties of any obligation or responsibility imposed on it by law.
18. This Agreement contains the entire agreement of the Parties with respect to its subject matter and supersedes all prior and contemporaneous agreements, understandings, and inducements, whether express or implied, oral or written.
19. Any change, modification, or extension of this Agreement must be submitted through ADOA's online grant management system, eCivis, and approved by ADOA.
20. This Agreement has been arrived at by negotiation and shall not be construed for or against any Party.
21. The failure of either Party to insist in any one or more instances upon the full and complete performance of any of the terms and provisions of this Agreement to be performed by the other Party or to take any action permitted by this Agreement shall not be construed as a waiver or relinquishment of the right to insist upon full and complete performance of the same or any other covenant or condition either in the past or in the future. The acceptance by either Party of sums less than may be due and owing at any time shall not be construed as an accord and satisfaction.
22. The substantive laws of Arizona (without reference to any choice of law principles) shall govern the interpretation, validity, performance and enforcement of this Agreement. The Parties further agree to cooperate in all ways

reasonable and necessary to comply with the applicable statutes, including amending this Agreement as needed in the future and making any refunds or payments that might be required to bring the Parties into full compliance with applicable law.

23. Nothing in this Agreement is intended to create any third-party beneficiary rights; and the State and the Grantee expressly state that this Agreement does not create any third-party rights of enforcement.
24. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed an original hereof.
25. If the last day of any time stated herein shall fall on a Saturday, Sunday, or legal holiday in the State of Arizona, then the duration of such time shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday, or legal holiday.
26. Except as expressly provided herein, no Party may delegate or assign its rights or responsibilities under this Agreement without prior written approval of the other Party and any purported assignment or delegation in violation of this provision shall be void.
27. The Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.
28. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.
29. Any deviation or failure to comply with the purpose and/or conditions of this Agreement without prior approval may constitute sufficient reason for ADOA to terminate this Agreement, revoke the grant, require the return of all unspent funds, perform an audit of expended funds, and require the return of any previously spent funds which are deemed to have been spent in violation of the purpose or conditions of this grant.
30. All notices required or permitted under this Agreement shall be given in writing and addressed as follows:

A. If to the Arizona 9-1-1 Program:

Arizona Department of Administration  
Arizona 9-1-1 Program  
100 North 15<sup>th</sup> Avenue, Suite 302  
Phoenix, AZ 85007  
Attention: Arizona 9-1-1 Program

B. If to the GRANTEE:

City of Yuma YRCS  
190 W 14th St.  
Yuma, AZ 85364  
ATTENTION: Lourdes Pullen

Arizona Department of Administration  
**Arizona 9-1-1 Program**

**GRANT AGREEMENT CONTINUATION SHEET  
SPECIAL CONDITION(S)**

1. GRANTEE must submit a current service plan to ADOA. If a service plan is not complete, a letter requesting an extension with an estimated completion date must be submitted for approval before financial reimbursements will be made.
2. GRANTEE must submit copies of executed Memorandum of Understandings (MOUs) between each System's PSAP and the System Administrator before financial reimbursements will be made.
3. GRANTEE must notify ADOA within 10 days if the GRANTEE is unable to perform the function of System Administrator on behalf of PSAPs in their jurisdiction. Administrative funds may be reduced to the System Administrator if ADOA assumes responsibility of the duties under this agreement.
4. GRANTEE must enroll in automatic clearinghouse payments. Grantee must complete the document titled "State of Arizona Substitute W-9 and ACH Vendor Authorization Forms & Instructions. Vendor account set-up and payment information can be found at: <https://gao.az.gov>
5. GRANTEE agrees to share GIS data, at minimum, once per quarter (4) times per fiscal year upon request from ADOA, Arizona 9-1-1 Program, in order to support ongoing statewide initiatives. Data shared will not be distributed for commercial use and is pursuant to A.R.S. § 37-178.
6. GRANTEE agrees to allow ADOA to deploy a data analytic tool provided by the Arizona 9-1-1 Program and work with all PSAPs within their 9-1-1 System and the Arizona 9-1-1 Program during implementation.
7. GRANTEE agrees to work with all PSAPs within their 9-1-1 System and the Arizona 9-1-1 Program to implement text-to-9-1-1 service.



IN WITNESS WHEREOF, the parties have made and executed the Agreement the day and year first above written.  
**FOR GRANTEE:**

---

Authorized Signatory	Date
John D. Simonton, Acting City Administrator	

---

Printed Name and Title	
------------------------	--

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Additional signature(s) if required by political subdivision	Date
Lynda L. Bushong, City Clerk	

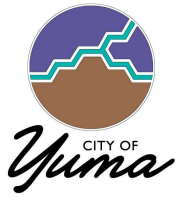
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Printed Name and Title	Date
------------------------	------

**FOR ARIZONA DEPARTMENT OF ADMINISTRATION:**

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Arizona 9-1-1 Program	Date
Arizona Department of Administration	



# City of Yuma

## City Council Report

**File #:** MC 2024-082

**Agenda Date:** 6/26/2024

**Agenda #:** 10.

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

**TITLE:**

**Sole Source: Human Resources Software Subscription Renewal**

**SUMMARY RECOMMENDATION:**

Authorize the renewal of a Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, CA, at a one-year estimated expenditure of \$125,000.00. (IT/HR-25-002) (Isaiah Kirk/Monica Welch/Robin R. Wilson)

**STRATEGIC OUTCOME:**

The NeoGOV software suite aligns with the City Council's strategic outcome of Connected and Engaged by serving as the core application suite for Human Resources business applications. This software enhances the City's digital infrastructure, streamlines communication, and promotes efficient public involvement in the City's HR processes.

**REPORT:**

NeoGov serves as the City's Human Resources Management System, automating essential employee management functions such as recruitment, onboarding, performance management, training, certification, and applicant tracking.

NeoGov provides a robust and high-speed platform for HR services, ensuring seamless access to HR resources for all employees and applicants, which means a more connected workforce. With intuitive, user-friendly interface, NeoGov facilitates transparent and continuous communication between the HR department and the City's workforce, enhancing engagement and satisfaction. Additionally, NeoGov offers comprehensive training modules and resources, empowering employees with the skills needed to navigate and utilize HR technologies effectively, promoting digital literacy across the organization.

The integration capabilities of NeoGov support strategic partnerships by facilitating collaboration with educational institutions and tech companies, fostering innovation in HR processes. NeoGov's multiple communication tools ensure timely and accurate dissemination of HR-related information to all employees, promoting a well-informed workforce. NeoGov also allows for feedback and input from employees on HR policies and practices, ensuring that their voices are heard and considered in decision-making processes. Accessible through a subscription service, NeoGov requires annual renewal.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 125,000.00	BUDGETED:	\$ 125,000.00
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 \$125,000.00

001-19-26.6108 General Fund, Huma Resources Dept		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

Sufficient budget authority for this multi-year renewal is programmed in City Council's approved FY 2025 Budget and financial forecast.

**ADDITIONAL INFORMATION:**

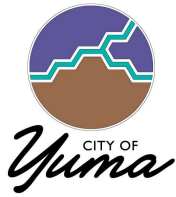
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-084

**Agenda Date:** 6/26/2024

**Agenda #:** 11.

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

**TITLE:**

**2024 Annual Action Plan - Community Development Block Grant and HOME Investment Partnerships Program**

**SUMMARY RECOMMENDATION:**

Approve the City of Yuma 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Planning & Neighborhood Services/Neighborhood Services) (Nikki Hoogendoorn)

**STRATEGIC OUTCOME:**

The projects designated for funding under the 2024 Annual Action Plan furthers the City Council's strategic outcome of Safe and Prosperous by providing resources to meet the needs of the community, especially low-income residents.

**REPORT:**

Staff is seeking approval of the 2024 Annual Action Plan that is required for the administration of CDBG and HOME funds. Under federal regulations, as a recipient of CDBG and HOME, each year the City is required to submit an Annual Action Plan to HUD. The purpose of the Annual Action Plan is to describe the goals, objectives and outcomes expected to be accomplished. In addition, the Annual Action Plan includes a budget showing how funds will be spent in the upcoming program year.

The Annual Action Plan was developed in compliance with the City's Citizen Participation Plan, which provides opportunities for citizens to offer comments on the draft plan. Citizen participation opportunities consisted of public hearings and meetings, consultation with the Citizen Advisory Committee, and public notices published in the Yuma Sun and Bajo El Sol.

A public comment period on the draft Annual Action Plan began May 1, 2024 and ended on June 18, 2024. The draft Annual Action Plan has been available for review on the City website, at City Hall, at the libraries and other public locations in Yuma County. One comment was received during the public comment period.

The CDBG Citizen Advisory Committee participated in developing CDBG funding recommendations. The Committee reviewed applications, listened to presentations from each of the agencies/organizations requesting funds, and offered recommendations for funding. The City of Yuma will receive \$947,370 in CDBG

funding and will reallocate \$53,347 of reprogrammed funds to projects that benefit the residents of the City of Yuma.

The Yuma County HOME Consortium (YCHC) board participated in developing the HOME funding recommendations. The YCHC reviewed proposals, received information from agencies/organizations requesting funds, and made funding decisions. The YCHC will receive \$222,171 in HOME funds and will reallocate \$197,853 of reprogrammed funds to be used for housing activities throughout Yuma County. The City of Yuma is the lead entity and administers the HOME Program on behalf of the YCHC.

Specific projects funded with CDBG and HOME awards are shown in the charts below:

<b>2024 CDBG Projects (within City of Yuma limits)</b>	
<b>Public Services (15% maximum)</b>	
Crossroads Mission - Homeless Outreach Program	40,000
WACOG - Housing Counseling	40,000
AWC-SBDC - Microenterprise Assistance	50,000
	<b>Subtotal \$ 130,000</b>
<b>Housing &amp; Public Facilities</b>	
City of Yuma - Housing Rehabilitation	403,419
City of Yuma - Code Enforcement	75,000
Achieve, LNR1 - Apartment Window Replacement	72,824
Mesa Heights Infrastructure to support Housir	130,000
	<b>Subtotal \$ 681,243</b>
<b>CDBG Planning &amp; Administration (20% maximum)</b>	
CDBG Planning & Administration	174,474
Southwest Fair Housing Council, Fair Housing	15,000
	<b>Subtotal \$ 189,474</b>
	<b>Total CDBG Activities \$ 1,000,717</b>
<b>Available Resources</b>	
2024 CDBG Entitlement Funds	947,370
Reprogrammed Funds	53,347
	<b>Total CDBG Available \$ 1,000,717</b>

<b>2024 HOME Projects (Countywide)</b>	
City of Yuma - Housing Rehabilitation	214,481
Yuma County - Housing Rehabilitation	150,000
Affordable Housing (15% CHDO set-aside)	33,326
HOME Planning & Admin (10% maximum)	22,217
	<b>Total HOME Activities \$ 420,024</b>
<b>Available Resources</b>	
2024 HOME Allocation	222,171
Reprogrammed Funds	197,853
	<b>Total HOME Available \$ 420,024</b>

This action approves the 2024 Annual Action Plan and authorizes the City Administrator to execute all documents and agreements with HUD to accept the funds that will be used to implement the Plan.

This reservation of funds is subject to the satisfactory completion of National Environmental Protection Act (NEPA)/ Part 58 environmental review and prohibits the City and any subrecipient or contractor from undertaking or committing any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair, or construction prior to obtaining the Notice to Proceed.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 1,420,741.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 1,420,741.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 1,420,741.00			
CDBG / HOME			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

# City of Yuma

## Yuma County HOME Consortium



CITY OF  
*Yuma*

Neighborhood Services

One City Plaza

Yuma, AZ 85364

928.373.5187

2024  
CDBG & HOME  
Annual  
Action Plan

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**Note on Formatting**

The U.S. Department of Housing and Urban Development (HUD) requires recipients of HOME Investment (HOME), Community Development Block Grant (CDBG), and Emergency Solutions Grant (ESG) funding to submit the Five-Year Consolidated Plan and Annual Action Plan electronically, using an automated tool in a template prescribed by HUD. The following Plan is the downloaded version of that electronic template (with formatting improvements).

OMB Control No: 2506-0117 (exp. 07/31/2015)



# Executive Summary

## AP-05 Executive Summary - 91.200(c), 91.220(b)

### 1. Introduction

As a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnership funds, each year the City of Yuma, Arizona is required to submit an Annual Action Plan (AAP) under Federal Regulations at 24 CFR Part 91. The purpose of the Annual Action Plan is to describe the goals, objectives, and anticipated outcomes for the year. The Action Plan must detail the specific allocation and utilization of funds throughout the program year.

The City of Yuma (City) is in the 4<sup>th</sup> year of implementation of the 2021-2025 Consolidated Plan. As a CDBG entitlement community, the City will receive \$947,370 from the Department of Housing and Urban Development (HUD) for Program Year (PY) 2024. These funds will be used to meet the goals and objectives established in the Consolidated Plan. The primary objective for the use of CDBG funds is to improve living conditions for low- and moderate-income (LMI) persons. CDBG funds must be used within the City of Yuma boundaries.

In 2017, the Yuma County HOME Consortium (YCHC) was approved by HUD as a participating jurisdiction to receive annual allocations of HOME Investment Partnership funds. The City of Yuma is the lead entity for the YCHC. The consortium includes the City of Yuma, Yuma County, City of Somerton, City of San Luis and the Town of Wellton. The consortium will receive \$222,171 in HOME funds. The primary objective for the use of HOME is to create affordable housing for LMI households throughout Yuma County.

### 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

#### Goals for 2021-2025 Consolidated Plan

**Goal 1.** Increase affordable rental housing options through the creation of new units and tenant-based rental assistance.

**Goal 2.** Improve the quality of existing affordable rental and owner-occupied housing stock, including home accessibility modifications.

**Goal 3.** Facilitate homeownership options through down payment assistance, financial counseling, and/or support the creation of more diverse and affordable housing products.

**Goal 4.** Support low- and moderate-income families through public services including, but not limited to, childcare and afterschool programming, nutrition and food assistance, and public facility improvements.

**Goal 5.** Provide supportive services to low-income households, people with special needs, and the homeless.

**Goal 6.** Improve community infrastructure in qualified neighborhoods to support community revitalization and housing affordability.

**Goal 7.** Continue to improve the quality of neighborhoods with low-income concentrations.

With PY 2024-25 (Year 4 of the Consolidated Plan) funds, the YCHC and its partners plan to use HOME to accomplish the following throughout Yuma County:

- Rehabilitate up to 3 owner-occupied homes
- Develop 1 CHDO housing unit

Using CDBG, the City of Yuma and its subrecipients plan to accomplish the following within the city:

- Rehabilitate up to 4 owner-occupied housing units
- Make minor improvements on 12 affordable rental units
- Administer a Homeless Outreach Program
- Conduct Fair Housing testing and enforcement; provide Fair Housing counseling; hold Fair Housing clinics; and educate the public on their Fair Housing rights
- Provide Housing Counseling to prevent foreclosure and evictions
- Continue Mesa Heights Neighborhood Revitalization, including public infrastructure improvements to support the development of 76 affordable rental units, code enforcement and small business façade improvements. These activities will benefit all 4,770 people that reside in the Mesa Heights Neighborhood.
- Assist 4 microenterprises with business counseling and technical assistance

### **3. Evaluation of past performance**

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

At the end of each program year, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER summarizes the accomplishments made that year and the progress made towards the goals established in the Consolidated Plan. The CAPER submitted in September 2023 reported on PY 2022 (7/1/22 – 6/30/23). Tables A – C below summarize the accomplishments made with CDBG and HOME funds in PY 2022 as reported in the CAPER.

Goals	Performance Objective	Activity	5 Year Goals	2022 Goals	2022 Accomplishments	People Served Income Levels	Funds Expended 2022
Increase affordable rental housing options through the creation of new units and tenant-based rental assistance.	Provide Decent Affordable housing	Tenant Based Rental Assistance	60 households	30 households	17 households	7 Ext Low 10 Very Low	233,946
		Rental Housing Development (CHDO)	5 housing units	1 housing unit	Predevelopment process	0	0
Improve the quality of existing affordable rental and owner-occupied housing stock, including home accessibility modifications	Provide decent Affordable housing	Housing Rehabilitation	40 housing units	0 housing units	2 housing units	2 Low	59,861
Facilitate homeownership options through down payment assistance, financial counseling, and/or supporting the creation of more diverse and affordable housing products.	Provide decent affordable housing	Down Payment Assistance	20 households	0 households			0

Table A – PY 22/23 Summary HOME Goals and Accomplishments

Goals	Performance Objective	Activity	5 Year Goals	2022 Accomplishments	People Served Income Levels	Expended 2022
Increase affordable rental housing options through the creation of new units and tenant based rental assistance.	Provide decent affordable housing	Rental Housing Development	12 household units	Planning Underway		79,488

Table B – PY 22/23 Summary HOME-ARP Goals and Accomplishments

Activity	Performance Objective	National Objective	2022 Goals	2022 Accomplishments	People Served Income Levels	Funds Expended 2022
Safe House COVID-19 Prevention	Create suitable living environment	LMC	200 people	264 people	252 Ext Low 9 Low 1 Mod 2 Non-LMI	57,000
Adult Daybreak Facility Improvements	Create suitable living environment	LMC	54 people	68 people	68 Low	148,785

Table C – Summary CDBG-CV Goals and Accomplishments

Goals	Performance Objective	Activity	Nat'l Obj	5 Year Goals	2022 Goals	2022 Accomplishments	People Served Income Levels	Expended 2022
Improve the quality of existing affordable rental and owner-occupied housing stock, including home accessibility modifications.	Create Suitable Living Environment	Housing Rehabilitation	LMH	35 hsg units	6 housing units	4 housing units	3 Mod 1 Low	399,865
Improve the quality of existing affordable rental and owner-occupied housing stock, including home accessibility modifications. Support low and moderate-income families through public services including, but not limited to, childcare and after school programming, nutrition and food assistance and public facility improvements.	Create Suitable Living Environment	Housing Rehabilitation – Mesa Heights	LMH	5 hsg units	1 housing unit	2 housing units	1 Mod 1 Non-LMI	125,507
		Fair Housing Activities	N/A	6,000 people	6,000 people		N/A – Pln/Admin	19,416
Support low and moderate-income families through public services including, but not limited to, childcare and after school programming, nutrition and food assistance and public facility improvements. Improve community infrastructure in qualified neighborhoods to support community revitalization and housing affordability.	Create Suitable Living Environment	WACOG Housing Counseling	LMC	90 households	30 households	8 households	4 Ext Low 3 Mod 1 Non-LMI	5,121
		Crossroads Mission-Homeless Eating Healthy Program	LMC	500 People	500 People	2,192 People	2,192 Ext Low	40,000
		Mesa Heights Neighborhood Sports Program	LMA	100 People	100 People	718 People	2,180 LMI 1,675 Non LMI	62,000
		Carver Park Restrooms	LMA	4,950 people	4,950 People	Population –4,955 60.51% Low Mod	2,995 Low Mod Non-LMI 1,955	54,036
Improve community infrastructure in qualified neighborhoods to support community revitalization and housing affordability. Continue to improve the quality of neighborhoods with low-income concentrations	Create Suitable Living Environment	Joe Henry Park Restrooms	LMA	3,855 People	3,855 People	Population – 3,855 56.55% LMI	2,180 LMI 1,675 Non-LMI	113,903
		Code Enforcement/Rental Inspection Program	LMA	9,055 people	9,055 people	Population – 9,055, 57.92% LMI	5,245 LMI 3,810 Non-LMI	74,084
		Voluntary Demolition Program	SBS	5 hsg units	2 hsg units		N/A	0
Continue to improve the quality of neighborhoods with low-income concentrations. Provide Public Services for LMI people.	Create suitable Living environment	MHN Outreach	LMA	3,855 people	3,855 people	Population – 3,855 56.55% LMI	2,180 LMI 1,675 Non-LMI	255
		MHN Cleanup	LMA	3,855 people	3,855 people	Population – 3,855 56.55% LMI	2,180 LMI 1,675 Non-LMI	1,950
		MHN Façade Improvements	LMA	2 businesses	2 businesses	2 business	N/A	54,653
		SHINE Childcare Center	LMC	30 households	30 households	39 households	34 Ext Low 2 Low 3 Mod	4,498

Table D – Summary CDBG Goals and Accomplishments

#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

The City provided several opportunities for consultation and input on the Action Plan, including notices published in the Yuma Sun and in Spanish in the Bajo el Sol newspaper, posted on the City of Yuma website, and emailed to area nonprofit organizations and other interested parties. Additionally, there were public hearings and consultation with the CDBG Citizen Advisory Committee and Yuma County HOME Consortium board. See Table 4 in Section AP-12 for more detailed information.

#### **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The following comments were received during the Citizen Participation process:

There is a lack of affordable rental housing. Recently there has been an increase in the elderly population needing rental assistance and help finding affordable housing.

Organizations that received federal funds to administer housing rehabilitation have found it very difficult to attract contractors to bid on projects. An increasing number of low-and moderate-income homeowners are requesting assistance with housing rehabilitation. There are approximately 80 homeowners on Yuma County's Rehabilitation Program waitlist and it is steadily growing. At least 40 applicants were added to the waitlist this year. Yuma County has noticed a growing need for housing rehabilitation and replacement of old mobile homes.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments received were taken into consideration when determining which applications to fund.

#### **7. Summary**

The 2024 Annual Action Plan addresses the goals and objectives in the Consolidated Plan for the use of CDBG and HOME funds. The City followed the Citizen Participation Plan and there were several opportunities for the public to provide input. The CDBG Citizen Advisory Committee and members of the Yuma County HOME Consortium were an integral part of the Citizen Participation process.

## PR-05 Lead & Responsible Agencies - 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Yuma, AZ	
CDBG Administrator	Yuma, AZ	Planning & Neighborhood Services Department, Neighborhood Services Division
HOME Administrator	Yuma, AZ	Planning & Neighborhood Services Department, Neighborhood Services Division

Table 1 – Responsible Agencies

### Narrative

The lead agency that prepared the PY 2024 Annual Action Plan was the City of Yuma Planning and Neighborhood Services Department, Neighborhood Services Division. The Division is responsible for the administration of the City’s CDBG Program and the Yuma County HOME Consortium’s HOME Investment Partnership Program.

### Consolidated Plan Public Contact Information

For questions regarding the PY 2024 Annual Action Plan, or questions relating to the CDBG or HOME Programs, contact the Program Administrator:

Nikki Hoogendoorn  
Neighborhood Services Division  
One City Plaza - Yuma, AZ 85364  
Phone: (928) 373-5187 TTY: (928) 373-5149  
[Nikki.Hoogendoorn@yumaz.gov](mailto:Nikki.Hoogendoorn@yumaz.gov)

## AP-10 Consultation - 91.100, 91.200(b), 91.215(I)

### 1. Introduction

This section describes the consultation efforts undertaken to: 1) Coordinate the development of the Annual Action Plan with the efforts of housing providers, social service providers, health care current providers, and relevant government agencies; 2) Coordinate the development of the Annual Plan with current Continuum of Care efforts; 3) Elicit public input.

**Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).**

The City of Yuma maintains partnerships with several nonprofit organizations and groups to implement the Consolidated Plan goals. Yuma is a relatively small community with limited resources, so local nonprofit organizations work closely together to reduce duplication of services.

The Yuma Coalition to End Homelessness (YCEH) holds bi-monthly meetings at Yuma City Hall. They are well attended by social service, housing, mental health, and veteran service providers, along with local government representatives. The meetings offer opportunities for: discussions on homeless prevention strategies; networking on homelessness issues; receiving updates on new services; and staying informed on funding opportunities. ACHIEVE Human Services coordinates the YCEH. City staff serves on the Strategic Planning Committee and participates in the Point-in-Time count.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The YCEH is a member of the Arizona Balance of State Continuum of Care (BOSCoC). Members of YCEH that have access to the Homeless Management Information System (HMIS) meet regularly for case conferencing. These meetings coordinate efforts between homeless service providers, mental health, veterans, housing, and other social services agencies to determine what services are needed by homeless people.

The City supports homeless service providers with CDBG and HOME funding. This year, CDBG funds will be used for a Homeless Outreach Program administered by Crossroads Mission. The objective of the program is to establish rapport with unsheltered people to encourage participation in services and case management to ultimately get them into permanent housing. Catholic Community Services and the Housing Authority of the City of Yuma will continue to use HOME funding to provide Tenant-Based Rental Assistance to people experiencing homelessness or at risk of becoming homeless.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction’s area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Not applicable. The City does not receive ESG funds.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

Please see the following table for agencies, groups, committees, and organizations who participated in the process and consultations.

1	<b>Agency/Group/Organization</b>	ACHIEVE Human Services
	<b>Agency/Group/Organization Type</b>	Housing, Services – Persons with Disabilities, Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Needs Assessment, Homeless Needs – Chronically Homeless, Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The agency was consulted through dialogue at Yuma Coalition to End Homelessness (YCEH) meetings.

2	<b>Agency/Group/Organization</b>	Catholic Community Services
	<b>Agency/Group/Organization Type</b>	Services-Housing, Services-Victims of Domestic Violence, Services-Elderly Persons
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs – Families with children, Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The agency was consulted through continuous staff dialogue and participation at bi-monthly YCEH meetings.
3	<b>Agency/Group/Organization</b>	Yuma Coalition to End Homelessness (YCEH)
	<b>Agency/Group/Organization Type</b>	Services – Homeless, Planning Organization, Regional Organization COC
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless, Homeless Needs – Veterans, Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation was provided during bi-monthly YCEH meetings.
4	<b>Agency/Group/Organization</b>	Yuma County
	<b>Agency/Group/Organization Type</b>	Other Government – County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The agency was consulted through attendance at a public hearing and ongoing staff dialogue.
5	<b>Agency/Group/Organization</b>	City of San Luis
	<b>Agency/Group/Organization Type</b>	Other Government – Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation at Yuma County HOME Consortium meetings concerning affordable housing needs throughout Yuma County.
6	<b>Agency/Group/Organization</b>	City of Somerton
	<b>Agency/Group/Organization Type</b>	Other Government – Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation at Yuma County HOME Consortium meetings concerning affordable housing needs throughout Yuma County.
7	<b>Agency/Group/Organization</b>	Town of Wellton
	<b>Agency/Group/Organization Type</b>	Other Government – Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation at Yuma County HOME Consortium meetings concerning affordable housing needs throughout Yuma County.



8	<b>Agency/Group/Organization</b>	Western AZ Council of Governments (WACOG)
	<b>Agency/Group/Organization Type</b>	Housing, Services – Housing, Services – Children Services – Elderly Persons, Services - Education Services – Fair Housing, Regional Organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment, Homelessness Strategy, Anti-Poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The agency was consulted through staff dialogue and consultation during bi-monthly YCEH meetings.
9	<b>Agency/Group/Organization</b>	City of Yuma Housing Authority
	<b>Agency/Group/Organization Type</b>	Housing, PHA, Services – Housing, Services – Education, Services – Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Public Housing Needs, Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing staff dialogue. Staff also provided input by email.
10	<b>Agency/Group/Organization</b>	National Community Health Partners (NCHP)
	<b>Agency/Group/Organization Type</b>	Housing, Services – Persons with Disabilities, Services-Homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment, Non-Homeless Special Needs, Homelessness Needs-Veterans
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation was provided during bi-monthly YCEH meetings.
11	<b>Agency/Group/Organization</b>	The Salvation Army
	<b>Agency/Group/Organization Type</b>	Services – Housing, Services – Children, Services – Elderly Persons, Services – homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Special Needs, Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation was provided during bi-monthly YCEH meetings.
12	<b>Agency/Group/Organization</b>	Crossroads Mission
	<b>Agency/Group/Organization Type</b>	Services – Housing, Services – homeless, Services – Education, Services – Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs – Chronically homeless, Homeless Needs – Families with children, Homeless Needs – Unaccompanied youth, Homelessness Strategy, Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Crossroads Mission was consulted through staff dialogue, and participation in the YCEH meetings.

Table 2 – Agencies, groups, organizations who participated

**Identify any Agency Types not consulted and provide rationale for not consulting**

All known local social service and housing organizations were invited to public hearings and to submit CDBG and HOME grant applications. No relevant agencies were intentionally excluded from the consultation process.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
General Plan – Housing & Redevelopment Elements	City of Yuma	Many of the goals in the City’s General Plan align with the Consolidated Plan - the need for affordable housing, housing rehab, neighborhood revitalization, and code enforcement.
Analysis of Impediments to Fair Housing Choice	City of Yuma	Reduce impediments to fair housing choice for residents by aligning its fair housing efforts with recommendations made in the AI.
Continuum of Care	AZ Dept of Housing, Yuma Coalition to End Homelessness	The City of Yuma aligned its homeless strategies with the Balance of State’s homeless strategies.

Table 3 – Other local / regional / federal planning efforts

**Narrative**

The City solicited public comments on the PY 2024 Action Plan in accordance with its Citizen Participation Plan. Public notices were published in English in the Yuma Sun and in Spanish in the Bajo el Sol. Public hearings and meetings were held both virtually and in person to gather input from citizens, nonprofit organizations, and public agencies. The CDBG Citizens Advisory Committee reviewed applications, heard applicant presentations, and provided recommendations for staff to present to the City Council. The Yuma County HOME Consortium reviewed applications and held discussions before determining funding allocations.

**AP-12 Participation - 91.401, 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation**

Summarize citizen participation process and how it impacted goal-setting

The City provides several opportunities for input from citizens, local governmental agencies and nonprofit organizations, including homeless providers, housing agencies, mental health agencies, education, senior care, and other social service agencies. To ensure broad citizen participation, the community was given various opportunities to comment while the plan was being developed.

The draft was available for comment for more than 30 days. Notices were published in English in the Yuma Sun and in Spanish in the Bajo el Sol newspapers. Consultation included: public hearings; flyers emailed to 87 organizations, residents, and stakeholders that have shown interest in the program and to all YCEH members. Flyers were posted at City Hall and the Housing Authority of the City of Yuma.

Accommodations were made available for disabled people and those with limited English proficiency to provide input. Spanish-speaking staff was available for translation during meetings. Meetings were held at a time of day that would enable working members of the public to participate.

### Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of Comments received	Summary of comments not accepted & reasons	URL (if applicable)
1	Other Direct Emailing	Other Nonprofit Organizations and other interested stakeholders	Flyers sent to 87 parties on the CDBG/HOME email list and to the YCEH email lists, and public agencies to post in their facilities. Flyers included the schedule, available funding, invitation to apply for grant funds and participate in the process.	No comments received	N/A	
2	Newspaper Ad	Non-targeted/ broad community Non-English Speaking: Spanish	Public Notices in English and Spanish newspapers announcing public hearings, one-on-one application technical assistance and how to provide comments on the Action Plan.	No comments received	N/A	
3	Public Hearing	Non-targeted/broad community	At the beginning of the process, the City held a virtual and in-person public hearing to solicit input on the development of this Action Plan. There were three attendees.	There is a shortage of affordable rental units, lack of affordable housing for the elderly, and difficulty getting enough contractors to bid on housing rehabilitation programs.	N/A	
4	Public Meeting	Non-targeted/ broad community	Held one-on-one HOME and CDBG application technical assistance.	No comments received	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of Comments received	Summary of comments not accepted & reasons	URL (if applicable)
5	Public Meeting	Non-targeted/ broad community	Staff presented to City Council on the Action Plan including funding proposals and recommendations for CDBG and HOME. The meeting was open to the public, televised and live-streamed. The public could participate in-person or virtually.	No comments received	N/A	
6	Newspaper Ad	Non-targeted/ broad community  Non-English Speaking- Spanish	A summary of the draft AAP and opportunity to give input and an invitation to a Public Hearing was published in the Yuma Sun & Bajo el Sol (Spanish). The draft plan was available on the City website and hard copies were placed in locations throughout Yuma County for public review.	It is difficult for college students to maintain a full-time job, attend school, and afford housing. Small apartments are needed in Yuma. A small relocation fee for new residents moving to Yuma could help fund energy efficient housing.	N/A	
7	Public Hearing	Non-targeted/ broad community	A public hearing was held to give a summary of the draft AAP. Attendees were given opportunity to comment on the draft.	No comments received	N/A	
8	Public Meeting	Non-targeted/ broad community	Staff presented the final Action Plan to City Council for approval. The meeting was televised, live-streamed and available virtually. Comments could be provided virtually or in-person.	No comments received	N/A	

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

In PY 2024 (Year 4 of the 2021-2025 Consolidated Plan), the City of Yuma expects to receive \$947,370 in CDBG and \$53,347 from previous years is being re-programmed. The YCHC expects to receive \$222,171 in HOME funds and \$197,853 in HOME from previous years is being re-programmed.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 4				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation:	Program Income: \$	Prior Year Resources:	Total: \$		
CDBG	Public - Federal	Admin & Planning Housing Public Services Public Infrastructure	947,370	0	53,347	1,000,717	947,370	CDBG will be used for housing rehabilitation, code enforcement, public infrastructure, public services, and microenterprise assistance
HOME	Public - Federal	Admin & Planning New Rental Construction	222,171	0	197,853	420,024	222,171	HOME will be used for affordable rental housing development and housing rehabilitation

Table 2 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The City of Yuma will leverage a combination of federal, state, local and private funds to address priority needs and objectives identified in this Action Plan. The City will provide over \$444,060 of the City’s general fund to support Neighborhood Services operations to implement goals outlined in the Consolidated Plan. The City will also provide City general funds totaling \$94,880 to Catholic Community Services Safe House to assist victims of domestic violence, the Crossroads Mission Detox Program, and Amberly’s Place Victims Advocacy Center to assist abused victims.

HOME Match Requirements – The YCHC has received a 100% match reduction each year since its first allocation in 2017 and expects to receive the same for 2024. This means that HUD waived 100% of the match requirements for the YCHC. Subrecipients and Community Housing Development Organization’s (CHDO) are encouraged to provide matching funds, despite the waiver. Any HOME-eligible match that is provided this year will be “banked” for a future year.

In PY 2018, the YCHC allocated HOME funds to the Arizona Housing Development Corporation (AHDC) to acquire property to construct three rental homes on Magnolia Avenue. AHDC received \$572,043 from Cenpatico (now called Arizona Complete Health) to construct the units. If the YCHC does not receive a 100% match reduction this year, a portion of these matching funds will be used to satisfy the PY 2024 match obligation.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City owns three properties on Arizona Avenue in the Mesa Heights NRSA. The first is a 15-unit apartment complex 20<sup>th</sup> Street and a triplex at 23<sup>rd</sup> Street. Both are managed by the Housing Authority of the City of Yuma (HACY) and are used for affordable housing. Planning is underway to rehab these units using non-federal funds to continue to provide rental affordable housing.

The City recently conveyed surplus property on the corner of 18<sup>th</sup> Street and Arizona Avenue to the Arizona Housing Development Corporation (AHDC) for the development of affordable housing. AHDC proposes to build 6 units on this property, plans were recently submitted for plan review. The units will only be available to low to moderate income households that receive varying types of tenant based rental assistance. Construction drawings are currently under review for permit approval.

**Discussion**

The City continuously explores new grant opportunities, partnerships, and private investment to supplement HOME and CDBG funds to address the needs outlined in the 2021-2025 Consolidated Plan and to continue revitalization efforts in the Mesa Heights Neighborhood Revitalization Area.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improvements to Existing Rental and Owner Housing	2021	2025	Affordable Housing Non-Homeless Special Needs	City of Yuma: Citywide	Housing Repairs and Accessibility Modifications	CDBG - \$476,243 HOME - \$364,481	Homeowner Housing Rehabilitated – 7 Housing Units Rental Housing Rehabilitated: 12 Housing Units
2	Improvements to Low-income Neighborhoods	2021	2025	Non-Housing Community Development	Mesa Heights Carver Park Yuma High Neighborhoods	Community Development & Neighborhood Revitalization	CDBG - \$75,000	Housing Code Enforcement/ Foreclosed Property Care – 4,375 Household Units
3	Public Services for LMI Families	2021	2025	Non-Housing Community Development	City of Yuma: Citywide	Public Services	CDBG - \$90,000	Public service activities other than LMI Housing Benefit – 98 Persons Assisted
4	Supportive Services for Low-income households	2021	2025	Homeless, Non-Homeless Special Needs, Non-Housing Community Development	City of Yuma: Citywide	Public Services	CDBG - \$40,000	Public service activities other than LMI Housing Benefit – 200 Persons Assisted
5	Improvements to Community Infrastructure	2021	2025	Non-Housing Community Development	Mesa Heights	Affordable Rentals and TBRA	CDBG - \$130,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 76 Households Assisted
6	Administer CDBG/HOME & Fund Planning/Fair Housing	2021	2025	Administration & Planning	City of Yuma: Citywide Yuma County	N/A	CDBG - \$189,474 HOME- \$22,217	CDBG includes Fair Housing

## Goal Descriptions

1	<b>Goal Name</b>	Improvements to Existing Rental and Owner Housing
	<b>Goal Description</b>	Improve the quality of existing affordable rental and owner-occupied housing stock, including home accessibility modifications.
2	<b>Goal Name</b>	Improvements to Low Income Neighborhoods
	<b>Goal Description</b>	Continue to improve the quality of neighborhoods with low-income concentrations. This will include code enforcement, rental inspection, neighborhood clean-up, and property improvement programs in neighborhoods with more than 51% LMI people. The City is making targeted efforts to improve the safety and security of these areas.
3	<b>Goal Name</b>	Increase Affordable Rental Housing
	<b>Goal Description</b>	Increase affordable rental housing options through the creation of new units.
4	<b>Goal Name</b>	Public Services for LMI families
	<b>Goal Description</b>	Support low - and moderate-income families through public services including, but not limited to, childcare and afterschool programming, nutrition, and food assistance, and public facility improvements.
5	<b>Goal Name</b>	Supportive Services for Low Income Households
	<b>Goal Description</b>	Provide supportive services to low income households, people with special needs, and the homeless.
6	<b>Goal Name</b>	Improvements to Community Infrastructure
	<b>Goal Description</b>	Improve community infrastructure in qualified neighborhoods to support community revitalization and housing affordability.
7	<b>Goal Name</b>	Administer CDBG/HOME & Fund Planning/Fair Housing
	<b>Goal Description</b>	Administer CDBG and HOME and fund planning and fair housing activities.

### Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b)

CHDO funds will be set-aside for an affordable housing project to be determined at a later date. We anticipate the project will assist 1 low-income family.



## AP-35 Projects - 91.420, 91.220(d)

### Introduction

This section describes the projects that the City of Yuma and the HOME Consortium will undertake with CDBG and HOME funds. The PY 2024 CDBG allocation is \$947,370. Any CDBG program income collected will be reported and allocated to CDBG-eligible activities. The Yuma County HOME Consortium expects to receive \$222,171. The required 15% CHDO set-aside is \$33,326 No program income is expected.

#	Project Name
1	Housing Rehabilitation – City of Yuma
2	Code Enforcement/Rental Inspection – City of Yuma
3	Achieve, LNR1-Apartment Window Replacement
4	Mesa Heights Neighborhood Infrastructure - Supporting Housing Development – Vistara
5	Homeless Outreach Program - Crossroads Mission
6	Housing Counseling - WACOG
7	Arizona Western College-SBDC
8	CDBG Program Administration – City of Yuma
9	Fair Housing – Southwest Fair Housing Council
10	Affordable Housing Development Project
11	Housing Rehabilitation – Yuma County
12	HOME Planning & Administration – City of Yuma

Table 3 – Project Information

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities are outlined in the 2021-2025 Consolidated Plan and are being implemented in the 2024 Action Plan. These priorities were developed with input from citizens, local public agencies, and nonprofit organizations based on what their clients are experiencing. The City and the YCHC are committed to meeting the underserved needs in the community.

The primary obstacle to meeting needs is insufficient funding for housing and non-housing activities. In May of 2021, HUD staff notified the City that there was an error in the 2017-2020 HOME formula. HUD fixed the formula for 2021 allocations. From 2017-2020 HUD over-allocated HOME to the YCHC. In 2022, HUD Headquarters staff explained that they were required to recapture the overages, which caused the YCHC’s allocation to be reduced for four years (2022 – 2025). The past three HOME allocations were: 2022 - \$411,329; 2023 - \$378,564; and 2024 \$222,171. These reductions have eviscerated the primary tool needed to address the affordable housing issue in Yuma County.

The funding requests exceeded estimated amount by a significant margin. After setting aside 10% for Planning & Administration, only \$199,954 was available for HOME projects. The YCHC board decided to allocate funds to Yuma County Housing Rehabilitation. Since the CHDO set-aside (\$33,326) is so small this year, the CHDO set-aside will be combined with next year’s set-aside to develop one affordable housing unit.

Other obstacles include:

- High costs of rental housing relative to the income of LMI renters
- A loss of naturally occurring affordable housing provided by the private sector due to rising rents
- Lack of accessible housing
- Deferred maintenance on some older rentals
- Limited product diversity in both rental and ownership housing
- The challenge of accumulating a down payment and obtaining a mortgage loan for renters who would like to be homeowners
- The significant increase in the housing market that makes homeownership out of reach for low- and moderate-income families
- Rising rents make units unavailable for voucher holders

The City will continue to pursue additional resources to meet underserved needs and will support funding applications for resources sought by other agencies.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	Housing Rehabilitation
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Improvements to Existing Rental and Owner Housing
	<b>Needs Addressed</b>	Housing Repairs and Accessibility Improvements
	<b>Funding</b>	CDBG: \$403,419 HOME: \$214,481
	<b>Description</b>	The City will administer an Owner-Occupied Housing Rehabilitation Program. National objective – LMH, Matrix Code-14A, Rehabilitation: Single-Unit Residential
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	6 Household Housing Units
	<b>Location Description</b>	City of Yuma: Citywide
	<b>Planned Activities</b>	Owner-occupied housing rehabilitation, including reconstruction.
2	<b>Project Name</b>	Code Enforcement
	<b>Target Area</b>	Mesa Heights, Yuma High, and Carver Park Neighborhoods
	<b>Goals Supported</b>	Improvements to Low-Income Neighborhoods
	<b>Needs Addressed</b>	Community Development & Neighborhood Revitalization
	<b>Funding</b>	CDBG: \$75,000
	<b>Description</b>	The City will administer a proactive Code Enforcement Program in three low-income areas. National objective – LMA, Matrix Code -15 Code Enforcement
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	4,304 households will benefit. All three low-income neighborhoods have more than 51% LMI people.
	<b>Location Description</b>	Mesa Heights Neighborhood Revitalization Strategy Area has over 56.5% LMI, Carver Park has approximately 60.5% LMI and Yuma High has approximately 57% LMI.
<b>Planned Activities</b>	The Program will address code violations throughout target areas.	

<b>3</b>	<b>Project Name</b>	Achieve Human Services – LNR1 Window Replacement
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Improvements to Existing Rental and Owner Housing
	<b>Needs Addressed</b>	Housing Repairs
	<b>Funding</b>	CDBG: \$72,824
	<b>Description</b>	Achieve will utilize CDBG funds to replace all windows on a 12-unit multifamily apartment complex, and may make other improvements if funding allows. National objective – LMH, Matrix Code-14B, Rehabilitation: Multi-Unit Residential
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	12 Low-income Households
	<b>Location Description</b>	City of Yuma: Citywide
	<b>Planned Activities</b>	Achieve will replace 52 windows with low E-double pane energy-efficient windows and make other minor improvements as funding allows.
<b>4</b>	<b>Project Name</b>	Mesa Heights Neighborhood Infrastructure - Supporting Housing Development – Vistara
	<b>Target Area</b>	Mesa Heights
	<b>Goals Supported</b>	Increase affordable rental housing
	<b>Needs Addressed</b>	Affordable rental units
	<b>Funding</b>	CDBG: \$130,000
	<b>Description</b>	CDBG funds will be used for public infrastructure improvements that may include sidewalks, curbs, and gutters to support affordable housing development in the Mesa Heights Neighborhood. National Objective – LMA, Matrix Code-03Z (Public Improvements)
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	76 Households assisted
	<b>Location Description</b>	Mesa Heights Neighborhood –18 <sup>th</sup> Street and Riley Avenue
	<b>Planned Activities</b>	The City will hire a contractor to install public infrastructure needed to support the development of affordable rental housing.

5	<b>Project Name</b>	Homeless Outreach Program - Crossroads Mission
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Supportive Services for low-income households
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$40,000
	<b>Description</b>	Crossroads Mission will provide a Homeless Outreach Program. The goal is to establish a rapport with unsheltered individuals to get them to participate in available services. National Objective – LMC, Matrix Code - 03T (Homeless Programs)
	<b>Target Date</b>	6/30/25
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	200 Persons assisted
	<b>Location Description</b>	Crossroads Mission, 944 S. Arizona Avenue
<b>Planned Activities</b>	Crossroads Mission staff will seek unsheltered homeless people and provide essential needs. They will invite them to the shelter, and provide case management and supportive services with the goal of helping them be permanently housed.	
6	<b>Project Name</b>	Housing Counseling - WACOG
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Public Services for low-and moderate-income families
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$40,000
	<b>Description</b>	WACOG will provide Housing Counseling for low-and moderate-income homeowners and tenants to avoid foreclosure and evictions. National Objective – LMC, Matrix Code – 05U (Housing Counseling)
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	70 Persons assisted
	<b>Location Description</b>	WACOG, 1235 S Redondo Center Drive
<b>Planned Activities</b>	Housing Counselors will provide one-on-one counseling to homeowners and tenants, with the goal of developing financial management skills and providing resources for rental, mortgage, and utility assistance, to prevent homelessness.	

<b>7</b>	<b>Project Name</b>	Small Business Counseling - Arizona Western College-SBDC
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Public Services for low-and moderate-income families.
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$50,000
	<b>Description</b>	AWC will provide business counseling for low-and-moderate income people to start a small business and microenterprise. National Objective – LMC, Matrix Code – 18C (Economic Development: Microenterprise Assistance)
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	4 businesses assisted
	<b>Location Description</b>	City of Yuma: Citywide
<b>Planned Activities</b>	The AWC Small Business Development Center will offer one-on-one business counseling to LMI people prepared to start a microenterprise.	
<b>8</b>	<b>Project Name</b>	CDBG Program Administration
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Administer CDBG/HOME and Fund Planning/Fair Housing
	<b>Needs Addressed</b>	Other – Administration & Planning
	<b>Funding</b>	CDBG: \$174,474
	<b>Description</b>	Administration of 2024-2025 CDBG Program. National Objective – N/A, Matrix Code- 21A (General Program Admin)
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Not applicable
	<b>Location Description</b>	City of Yuma: Citywide
<b>Planned Activities</b>	Administration of 2024/2025 CDBG Program	

9	<b>Project Name</b>	Fair Housing – Southwest Fair Housing Council
	<b>Target Area</b>	City of Yuma: Citywide
	<b>Goals Supported</b>	Planning & Administration
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$15,000
	<b>Description</b>	Administer a Fair Housing program within the City of Yuma. National Objective – N/A, Matrix Code 21D (Fair Housing Activities Subject to Admin Cap)
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Not applicable.
	<b>Location Description</b>	City of Yuma: Citywide
<b>Planned Activities</b>	SWFHC will provide outreach, education, testing, and Fair Housing Counseling. They will also coordinate a print and video ad campaign with public service announcements to educate the public on Fair Housing rights.	
10	<b>Project Name</b>	Affordable Housing Development Project-CHDO
	<b>Target Area</b>	Yuma County
	<b>Goals Supported</b>	Increase affordable rental housing
	<b>Needs Addressed</b>	Affordable Rental Units and TBRA
	<b>Funding</b>	HOME: \$33,326
	<b>Description</b>	CHDO funds will be set aside and combined with next year’s CHDO set aside to develop an affordable unit that will be sold or rented to a LMI family.
	<b>Target Date</b>	6/30/2026
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1 Household Housing Unit
	<b>Location Description</b>	Countywide
<b>Planned Activities</b>	Develop 1 affordable housing unit	

<b>11</b>	<b>Project Name</b>	Housing Rehabilitation – Yuma County
	<b>Target Area</b>	Yuma County
	<b>Goals Supported</b>	Improvements to Existing Rental and Owner Housing
	<b>Needs Addressed</b>	Housing Repairs and Accessibility Improvements
	<b>Funding</b>	HOME: \$150,000
	<b>Description</b>	Yuma County will administer an Owner-Occupied Housing Rehabilitation Program.
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1 Household Housing Unit
	<b>Location Description</b>	Countywide
	<b>Planned Activities</b>	Owner-occupied housing rehabilitation, including reconstruction.
<b>12</b>	<b>Project Name</b>	HOME Planning & Administration
	<b>Target Area</b>	Yuma County
	<b>Goals Supported</b>	Planning and Administration
	<b>Needs Addressed</b>	N/A
	<b>Funding</b>	HOME: \$22,217
	<b>Description</b>	Administer the 2024/2025 HOME Program on behalf of the Yuma County HOME Consortium.
	<b>Target Date</b>	6/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Not applicable.
	<b>Location Description</b>	Countywide
	<b>Planned Activities</b>	The City of Yuma, the lead agency for the YCHC will administer the 2024 HOME program.



## AP-50 Geographic Distribution - 91.420, 91.220(f)

### Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

**CDBG.** The service area for CDBG funding is restricted to the City of Yuma limits. The Mesa Heights Neighborhood is a HUD-designated Neighborhood Revitalization Strategy Area (NRSA) and is a priority area for the use of CDBG funds. Although efforts in the area are winding down, some of the goals are still being addressed, including Code Enforcement, public infrastructure affordable housing development, and housing rehabilitation. The Mesa Heights Neighborhood currently has a 57% low-and moderate-income population. While the Mesa Heights Neighborhood is a priority, activities are still taking place in the Carver Park Neighborhood with a 61% LMI population and Yuma High Neighborhood which has a 57% LMI population and Citywide.

**HOME.** The service area for the Yuma County HOME Consortium is Yuma County, including the City of Yuma, Yuma County, the City of Somerton, the City of San Luis, and the Town of Wellton. Activities being funded this year will be available to anyone that lives in Yuma County.

Yuma County HOME Consortium resources are allocated based on funding proposals received. When making funding decisions, geographic distribution is a contributing factor. Decisions are also based on priority needs, the readiness of a project to proceed and the capacity of an organization to successfully complete the proposed project.

### Geographic Distribution

Target Area	Percentage of Funds
Mesa Heights	20%
City of Yuma: Citywide	65%
Yuma County (HOME)	15%

Table 4 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

The City of Yuma is focusing efforts in areas that have high percentages of low-and moderate-income people. For several years, the City focused efforts in the Carver Park and Yuma High Neighborhoods and continues to maintain them with Code Enforcement. The Mesa Heights Neighborhood was designated as a Neighborhood Revitalization Strategy Area. The area currently has a 57% LMI population, an older housing stock, a need for infrastructure improvements, and more affordable housing.

### Discussion

Please see discussion above.

## Affordable Housing

### AP-55 Affordable Housing - 91.420, 91.220(g)

#### Introduction

This section outlines the PY 2024 affordable housing goals year four of the 2021-2025 Consolidated Plan. Tables 5-6 outline the number of households supported with housing and the numbers assisted by program type. This table is inclusive of HOME, CDBG, and the City and County’s Public Housing Authorities’ affordable housing goals.

Please see the AP-35 Projects section to view a detailed description of the projects.

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	99
Non-Homeless	2127
Special-Needs	0
<b>Total</b>	<b>2,226</b>

Table 5 - One Year Goals for Affordable Housing by Support Requirement

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	2,131
The Production of New Units	76
Rehab of Existing Units	19
Acquisition of Existing Units	0
<b>Total</b>	<b>2,226</b>

Table 6 - One Year Goals for Affordable Housing by Support Type

#### Discussion

The City and its partners will undertake the following affordable housing activities:

- Owner-occupied housing rehabilitation
- Tenant-based rental assistance
- New construction of affordable housing (CHDO Activity)
- Public Infrastructure Improvements to support affordable rental development

The Housing Authority of the City of Yuma and the Yuma County Housing Department will continue to provide affordable rental housing, Housing Choice Vouchers for low-income renters, VASH vouchers for homeless veterans and other special purpose vouchers. They both successfully administer Family Self Sufficiency (FSS) Programs.

## **AP-60 Public Housing - 91.420, 91.220(h)**

### **Introduction**

This section summarizes the activities of the Housing Authority of the City of Yuma (HACY) and the Yuma County Housing Department (YCHD) that will support the Action Plan programs.

### **Actions planned during the next year to address the needs of public housing**

In PY 2024, HACY and the YCHD will provide affordable rental housing to low income-families in the City of Yuma and Yuma County, continue Self Sufficiency programs, and continue to build strong relationships with landlords who accept Section 8 vouchers--all cornerstones of a successful PHA.

At the time this plan was prepared, HACY managed 235 Rental Assistance Demonstration (RAD) units throughout the City. All public housing units have been converted to RAD units. RAD units carry higher rents but have project based vouchers attached, allowing HACY to invest more in capital improvements.

The RAD housing stock is in very good condition. The 20-year capital improvement plan includes improvements to roofing, cabinetry, and energy efficiency.

The Yuma County Housing Department manages 159 public housing units in non-incorporated Yuma County, Somerton, and San Luis.

As discussed throughout this plan, there is a critical need for more landlords to accept vouchers. HACY has had some success offering landlord incentives for participation in the program in the past; however, additional funding is needed for such program to be successful and broadly used. The current market is affecting voucher recipients as they compete with the private market.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

HACY offers a Family Self Sufficiency (FSS) program to an average of 240 residents in the Housing Choice Voucher (HCV) Program and Project Base Vouchers (PBV) program. The FSS program assists with education, employment, and diverse training programs. In addition, HACY offers a Homeownership Program that encourages families to learn about becoming a first-time homeowner. On average, approximately 25 residents graduate from the FSS program and 8 become homeowners each year.

The Yuma County Housing Department also operates a Family Self-Sufficiency program to participants of the Housing Choice Voucher Program and Public Housing Program. Currently, 150 families are enrolled, an average of 25 participants graduate annually, 7 of them become homeowners, and an average of 5 receive higher education each year.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable. Neither HACY nor the Yuma County Housing Department are designated as a “troubled” PHA. HACY is designated as “high performing” and YCHD is designated as a “Standard performing PHA.”

### Discussion

Yuma County currently administers 406 Section 8 Housing Choice Vouchers throughout the County.

HACY is currently managing 1,124 Section 8 Housing Choice Vouchers, 94 project-based vouchers, 235 tenant-based, 14 homeownerships, and 99 special purpose vouchers - for a total of 1,566 vouchers. Currently, the waiting list for vouchers is more than 3 years. As a result, the HCV waiting list has been closed. As rents continue to rise, it becomes increasingly difficult for voucher holders to find affordable rental units.

## AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

### Introduction

The City of Yuma is a member of the Yuma Coalition to End Homelessness (YCEH), which is comprised of numerous local agencies that provide homeless services throughout Yuma. The YCEH is committed to assisting individuals and families who become homeless or are at-risk of becoming homeless to gain housing stability, self-sufficiency, and improved quality of life. The YCEH is a part of the Arizona Balance of State Continuum of Care (BOSCoC) whose goal is to prevent and end homelessness.

Arizona Department of Housing (ADOH) contracts with Achieve Human Services to be the lead entity of the local CoC, YCEH, and to implement a Strategic Action Plan to meet the needs of the homeless population in Yuma.

**Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

Yuma has several agencies that assist unsheltered people with basic needs and information on community resources, including: Achieve Human Services, National Community Health Partners, Housing Authority of the City of Yuma (HACY), Catholic Community Services, Western Arizona Council of Governments (WACOG) and Crossroads Mission. Crossroads Mission will use CDBG funding for a Homeless Street Outreach Program. They will establish communication with unsheltered homeless individuals, encourage them to participate in available services, and provide case management.

The City will continue to participate in the YCEH’s coordination of the annual Point-In-Time (PIT) Count, an unduplicated count of sheltered and unsheltered homeless individuals and families in the community. The YCEH will recruit and train volunteers, establish protocols for distribution and

collection of surveys, and implement a deployment plan to conduct surveys.

The YCEH will continue to identify the needs of the homeless population based on input from homeless providers at YCEH meetings. The City will help coordinate the annual homeless conference for social service organizations to network and be informed on community resources available for homeless people and those at-risk of homelessness. The YCEH has established a diverse, decision-making group to implement an action plan that includes goals and strategies to prevent and end homelessness in Yuma.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City continues to serve the health and welfare of homeless persons by funding agencies that provide emergency shelter and other services. The City will continue to provide general funds to Crossroads Mission for their Detox Center/Shelter and to Catholic Community Services (CCS) for their Domestic Violence Shelter.

#### **Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

CCS will continue to use HOME funding to offer a Tenant Based Rental Assistance (TBRA) Program. Preference will be given to victims of domestic violence with income less than 60% of area median income (AMI) that are ready to leave the Safe House Shelter. Throughout the 12 months of assistance, CCS will perform monthly visits with each family. They will provide support services to help them become stable so they can sustain their housing after their subsidy ends.

HACY will continue their TBRA Program that was funded with HOME in 2021. The program will assist with security and utility deposits, rental and utility subsidies. They will give preference to people that are currently homeless or at-risk of homelessness that have incomes less than 60% of AMI.

In 2021 the YCHC was awarded \$2,730,716 in HOME American Rescue Plan (ARP) funds that will be used to develop affordable rental housing. Although it will not fill the gap in the shortage of affordable rental units in Yuma, it will help reduce the gap. Pre-construction planning and underwriting is currently underway. See the HOME-ARP Allocation Plan at [www.yumaaz.gov/government/community-development/neighborhood-services](http://www.yumaaz.gov/government/community-development/neighborhood-services) for more information.

The YCEH is comprised of agencies committed to the eradication and prevention of homelessness, including: ACHIEVE Human Services, Salvation Army, National Community Health Partners (NCHP), Western Arizona Council of Governments (WACOG), City of Yuma Housing Authority (HACY), several behavioral health providers, local churches, and others following HUD's Housing First model. These agencies provide permanent and rapid re-housing, housing assistance (rent, utility, and deposit), and housing vouchers for veterans, case management, health services, education/vocational goals,

financial education and planning, and implementing local and state strategies.

The YCEH has Coordinated Entry Procedures, which is a formal referral process that increases the efficiency of the homeless response system by simplifying access to housing and services for people experiencing homelessness; prioritizing housing assistance based on need, and connecting households to the appropriate housing intervention. A Coordinated Entry Committee meets regularly to make sure individuals enrolled in the Homeless Management Information System (HMIS) are referred to agencies with resources to meet their needs. One of the highest priorities for the YCEH is to reduce the number of families with children experiencing homelessness. A City staff member is the YCEH secretary and serves on the Strategic Planning committee to help ensure housing priorities are addressed.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

This year, the City and the YCHC will provide CDBG, HOME funds and funding from the City Utility Division for the following programs aimed to prevent homelessness or help the homeless:

- Western Arizona Council of Governments (WACOG) will assist low-to moderate-income (LMI) homeowners with Housing Counseling Services to help prevent foreclosures, homelessness, and evictions.
- Catholic Community Services and Housing Authority of the City of Yuma (HACY) will continue to provide TBRA for very low-income people, with preference given to victims of domestic violence, homeless and at-risk of homelessness
- The City's Utilities Division will provide funds to WACOG to assist low-income people with water utility payments. The Salvation Army and WACOG also offer rent and utility assistance and other supportive services.

### **Discussion**

Through implementation of the YCEH's Strategic Plan and the City of Yuma's Consolidated Plan goals, the community will strive to transition individuals and families from homelessness into stable and affordable housing.

## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

The number of affordable housing units does not meet the needs of many Yuma residents, leading to cost burden. These needs are most acute for renters.

In 2019 there was a 3,734 rental unit shortage for households earning less than \$20,000 in Yuma County. In 2021, this gap decreased to 1,536 units. However, the rate of overcrowding increased from 15.9% to 24.1%.

Between 2019 and 2021 the number of 1-person households in the county decreased by 2,240 and the number of 2-person households decreased by 1,141, while the number of 4-or-more person households increased by 4,536. The decrease in low-income renters combined with the increase in overcrowding point to the consolidation of households as the main driver for the reduction in the rental gap.

This indicates that there is still a large gap in affordable rental units. The City will continue to support the development of Low Income Housing Tax Credit projects proposed for the community.

Homeownership rates across the county have trended down since 2010. The recent steep increases in the housing market have made most homes unaffordable to LMI homebuyers. Other barriers to homeownership include renters' struggle with affording a down payment, credit challenges, and inability to find a product type to accommodate their family's needs.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

In 2022, the City's Planning Division expanded manufactured housing districts to allow site-built homes in Recreational Vehicle Subdivision (RVS) Districts. Also, in 2022, voters approved the City's new General Plan, which increased high-density development from 18 dwelling units to 30 dwelling units per acre. Over the past year, the Planning Division completed the following code changes to help to reduce barriers to affordable housing development:

- Eliminated minimum lot area per unit requirements; increasing residential density opportunities within the Medium and High-Density Residential Districts
- Reduced parking requirements for multi-family development and residential development within the Infill Overlay District
- Redefined multi-family to increase development opportunities;
- Updated accessory dwelling unit provisions to increase allowable sizes, allow tiny homes, and allow attached units

The City continues to explore opportunities for increasing access to housing and will begin to research the following ideas:

- Inclusive zoning opportunities, optional approach
- Updating the Planned Unit Development (PUD) Overlay to encourage mixed housing developments
- Expand accessory dwelling units to most residential zoning districts

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

This section describes additional actions the City of Yuma will take to address housing and community development needs.

### **Actions planned to address obstacles to meeting underserved needs**

Lack of resources to address the many needs of Yuma residents is the primary obstacle throughout Yuma County. The City of Yuma will:

- Continue to seek new resources to fund needed housing projects.
- Nurture effective partnerships to leverage resources.
- Review the Arizona Department of Housing's (ADOH) Low Income Housing Tax Credit Qualified Allocation Plan to make sure it is fair to rural/semi-rural communities. If not, advocate to get it changed.
- Support private developer Low Income Housing Tax Credit applications submitted to ADOH.
- Collaborate with partner agencies to ensure that American Rescue Plan (ARP) funding coming to the community serves as many low-income people as possible and is distributed efficiently and equitably.

### **Actions planned to foster and maintain affordable housing**

The City will support the creation of affordable housing in partnership with a CHDO and other developers. Affordable housing will be maintained through the rehabilitation of owner-occupied, dilapidated housing units, and Tenant Based Rental Assistance program to help maintain rents for very low-income families. The City will partner with a developer to install public infrastructure needed to support the development of affordable rental housing.

The Yuma County HOME Consortium also plans to use HOME-ARP funds to create much-needed new affordable rental units.

### **Actions planned to reduce lead-based paint hazards**

The City of Yuma has relatively new housing stock in most of its residential areas. However, lead-based paint hazards are likely to exist in older parts of the city and throughout the county. Some of these neighborhoods are targeted for revitalization, which includes rehabilitation. Lead-based paint hazards will be mitigated through housing rehabilitation. If lead paint exists, it will be abated by EPA certified firms and workers on projects rehabilitated by the City and its subrecipients. In addition, the City and its subrecipients will provide notices about lead paint hazards and risks in English and Spanish to all program participants.

### **Actions planned to reduce the number of poverty-level families**



The City of Yuma's housing and community development activities are dedicated to improving housing and neighborhood conditions of low- and moderate-income residents and special needs populations. The City, in collaboration with members of the HOME Consortium and other agencies will continue to combine resources to assist individuals and families with obtaining the tools to overcome poverty and become self-sufficient. Ongoing efforts will include:

- Continue to partner with AZ@Work by allowing the use of the MLK Neighborhood Center to provide services for unemployed workers, such as job training, resume and interview assistance.
- Family Self-Sufficiency Programs for assisted housing residents through both Housing Authorities.
- Mesa Heights Resource Center will continue to offer space to nonprofit organizations to provide needed services. The Center currently offers Veteran's employment services, resume writing and job interview workshops, youth employment assistance, and financial literacy classes.
- Continue revitalization of low-income neighborhoods to improve residents' access to opportunity and improved housing.
- Create a Prosperity Business and Learning Center using State and Local Fiscal Recovery Funds. HACY will provide workshops and training that will help participants obtain better employment, start their own business or improve their current business.
- Offer a Small Business Counseling program for LMI families that want to open a microenterprise.

### **Actions planned to develop institutional structure**

The City of Yuma has well-developed partnerships with nonprofit housing providers, including HACY, economic development organizations and social service agencies. Staff will continue to foster these partnerships and collaborate with partners to deliver programs to address housing needs.

The City will continue to participate on the Fair Housing Committee and the Yuma Coalition to End Homelessness (YCEH) and host bi-monthly meetings at City Hall.

The Yuma County HOME Consortium has created a partnership between the City of Yuma, Yuma County, City of Somerton, City of San Luis, and Town of Wellton. As the Lead Entity, the City is learning about the housing resources throughout Yuma County and will be creating collaborations with nonprofit housing developers that serve these areas.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

The City draws on public and private agencies as resources or partners for housing and community development programs to better serve the low-income community. These partnering agencies include, but are not limited to area schools, the Housing Authority of the City of Yuma, local homeless providers, local nonprofit organizations, mortgage lenders, construction companies, social service providers and affordable housing developers. The Yuma Coalition to End Homelessness does well at enhancing coordination of homeless services in Yuma.

## Discussion

**Broadband** - The 2021-2025 City of Yuma Strategic Plan includes a strategic outcome that states, “Yuma is connected and engaged through active communication, forward-looking partnerships, and ongoing public involvement.” City Council priority initiatives to achieve this strategic outcome include developing additional broadband infrastructure projects. Broadband connectivity improvements are also incorporated into the City of Yuma’s Proposed Capital Improvement Program for Fiscal Year 2022 to FY 2026. The CIP includes \$5.5 million over two years for phase one of the Fiber Optic Network Buildout. Phase one of the project is described as follows, “design and construct a fiber optic communication backbone to connect all City facilities to a City-owned fiber communication network. This project alleviates reliance on leased communication networks, providing self-managed reliable communication service. Additionally, the backbone provides the initial network connectivity needed to implement a traffic management system for approximately half of the City’s traffic signals.”

Yuma County adopted a Five-Year Economic Development Plan in 2020. The plan indicates broadband infrastructure improvements as a top priority and outlines the following objectives related to broadband access 1) develop an amendment to the zoning ordinance for cellular tower and/or broadband infrastructure placement incentives in rural areas; 2) submit broadband infrastructure projects to the Arizona Commerce Authority and the Economic Development Administration team; and 3) advocate for improvements for the federal Reconnect Program to increase local entity access to funding. Finally, the Yuma Regional Broadband Task Force formed in April 2021 and includes Yuma County, the Cities of Yuma, Somerton, and San Luis, Town of Wellton, and economic development and agricultural representatives.

In July of 2022, Yuma County was awarded \$10 million from the Arizona Commerce Authority’s AZ Broadband Development Grant program for a new Broadband Middle-Mile Network. The network will cover 140 miles across Yuma County with the latest in fiber optic technology. This will provide everyone in Yuma County with access to high-speed, reliable, affordable internet service. The project is currently under construction.

**Hazard Mitigation** - The Yuma County Multi-Jurisdictional Hazard Mitigation Plan was adopted in 2019 and included Yuma County, Cocopah Tribe, Cities of San Luis, Somerton, and Yuma, and the Town of Wellton. The plan includes new mitigation measures and an implementation strategy based on the results of the vulnerability analysis and capability assessment, public survey results, and the planning team’s institutional knowledge. The implementation plan includes a description of the mitigation measure, hazards mitigated, estimated cost to complete, potential sources of funding, priority ranking, agency responsible, and the status. Communities consult the plan when developing their CIP and implementation is ongoing.

## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

#### Introduction

Please see below for specific requirements for the CDBG and HOME programs.

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities	0
<b>Total Program Income</b>	<b>0</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income	100%

#### HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(I)(2)

1. **A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The Yuma County HOME Consortium (YCHC) only uses forms of investment allowable under 92.205(b).

2. **A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

The YCHC uses **Recapture Provisions** when HOME funds are provided to a homebuyer. YCHC will

recapture the entire amount of direct HOME subsidy provided to the homebuyer. YCHC will require subrecipients, CHDO's, and other entities to enforce the recapture provision as outlined here. HOME assistance enables homebuyers to purchase homes at an affordable cost. The loan includes any assistance that reduces the purchase price from fair market value to an affordable cost. If HOME funds are used for the cost of developing a property and the unit is sold below fair market value, the difference between the fair market value and the purchase price is considered to be directly attributable to the HOME funding.

The Recapture approach requires YCHC funds to be repaid from the net proceeds of the sale. Under the Recapture provision, if the homebuyer transfers the property, voluntarily or involuntarily, YCHC will recapture only HOME funds that were used as a direct subsidy to the homebuyer for the purchase of the property. The direct subsidy can only be recaptured from the "net proceeds" of the sale of the property. The "net proceeds" shall be defined as sales price minus superior loan repayment (other than HOME funds) and any closing costs. YCHC will not recapture more than what is available from the "net proceeds" of the sale of the property. The YCHC will not require repayment of anything other than the funds available through the net proceeds.

The recapture provisions will be enforced through an upfront loan agreement with the homebuyer and through a recorded Deed of Trust and Promissory Note. The amount of the note and deed of trust includes:

- Any HOME funds provided to the buyer at the time of purchase (down payment, closing cost or housing rehabilitation) to assist with the purchase, whether provided directly by the program administrator or by the developer using funds provided by the program; and
- Any reduction in the purchase price from fair market value to an affordable purchase price.

**3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:**

The YCHC will use the follow to determine the Period of Affordability for the Recapture provisions of homebuyer activities:

Total HOME Investment in Unit period of Affordability:

HOME Assistance	Number of Years
Under \$15,000	5
Between \$15,000 - \$40,000	10
Over \$40,000	20

Direct HOME Subsidy in Unit Period of Affordability:

HOME Assistance	Number of Years
Under \$15,000	5
Between \$15,000 - \$40,000	10

YCHC will use the recapture provisions as outlined in Number 2 above to enforce the period of affordability for homebuyers. All written agreements with the homebuyers will outline the period of affordability, principal residence requirement, and the recapture provision that will be used to ensure the period of affordability. The YCHC will secure all HOME investments with proper security instruments, such as promissory notes, and deeds of trust placed upon the property to ensure the period of affordability.

When the period of affordability has been satisfied by the homebuyer, they shall be entitled to all “net proceeds” for the sale of the property and/or will no longer be obligated to use the property as their principal residence.

- 4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

The YCHC does not permit the use of HOME funds to refinance existing debt.

- 5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).**

The YCHC is funding two organizations to offer TBRA. HACY’s TBRA program gives preference to people that are homeless, at-risk of homelessness and victims of domestic violence. Catholic Community Services’ TBRA program gives preference to victims of domestic violence.

- 6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).**

No preference is given for individuals with disabilities.

- 7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)).**

**Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).**

A rental development project that is being funded with HOME-ARP and HOME funds is in the planning phase. Preference will not be given on the HOME-funded units. The HOME-ARP units will give preference to Qualifying Populations as required by the HOME-ARP program. Qualifying populations include people that are homeless or at-risk of homelessness, and people fleeing

domestic violence.

### Discussion

The YCHC will not limit or give preferences that violate nondiscrimination requirements and will not give preference to employees of the jurisdiction or to students.



# PUBLIC NOTICE

## City of Yuma and Yuma County HOME Consortium 2024 Annual Action Plan

Notice is hereby given that the City of Yuma and the Yuma County HOME Consortium (YCHC) will hold a public hearing May 29, 2024 at 5:30 pm to receive input and public comments on the proposed 2024-2025 Annual Action Plan. The meeting will be held Yuma City Hall at 1 City Plaza and virtually. The meeting link can be found at <https://www.yumaaz.gov/government/community-development/neighborhood-services>. The City of Yuma will allocate \$1,000,717 in CDBG funds. This includes \$947,370 of 2024 Entitlement funding from the Department of Housing and Urban Development (HUD) and \$53,347 being reprogrammed from cancelled projects, projects completed under budget, or program income. CDBG funds can be utilized inside the city of Yuma.

The YCHC will allocate \$420,024 in HOME Funds. This includes \$222,171 in 2024 HOME Entitlement funding and \$197,854 being reprogrammed from cancelled projects, projects completed under budget, or program income. The YCHC is a consortium that includes the City of Yuma, Yuma County, City of San Luis, City of Somerton, and Town of Wellton. HOME funds can be used throughout Yuma County.

The Annual Action Plan (AAP) addresses the housing and community development needs and intended uses of CDBG and HOME Investment Partnership resources. The proposed 2024-2025 AAP is in compliance with HUD requirements and supports the goals, objectives and strategies of the City's 2021-2025 Consolidated Plan. None of the proposed activities will cause people to be displaced.

This reservation of funds is pending satisfactory completion of the NEPA/Part 58 environmental review.

2024 CDBG Projects (within City of Yuma limits)	
<b>Public Services (15% maximum)</b>	
Crossroads Mission - Homeless Outreach Program	40,000
WACOG - Housing Counseling	40,000
AWC SBDC - Microenterprise Assistance	50,000
<b>Subtotal</b>	<b>\$ 130,000</b>
<b>Housing &amp; Public Facilities</b>	
City of Yuma - Housing Rehabilitation	403,419
City of Yuma - Code Enforcement	75,000
Achieve, LNR1 - Apartment Window Replacement	72,824
Mesa Heights Infrastructure to support Housing Devp.*	130,000
<i>* If LIHTC is not awarded, funds will be allocated to Housing Rehabilitation.</i>	
<b>Subtotal</b>	<b>\$ 681,243</b>
<b>CDBG Planning &amp; Administration (20% maximum)</b>	
CDBG Planning & Administration	174,474
Southwest Fair Housing Council, Fair Housing	15,000
<b>Subtotal</b>	<b>\$ 189,474</b>
<b>Total CDBG Activities \$ 1,000,717</b>	
<b>Available Resources</b>	
2024 CDBG Entitlement Funds	947,370
Reprogrammed Funds	53,347
<b>Total CDBG Available \$ 1,000,717</b>	

The draft AAP is available for review and comment <https://www.yumaaz.gov/government/community-development/neighborhood-services> and at the following locations during regular business hours:

Copies of the draft AAP will be available for review and comment after March 27, 2023 at <https://www.yumaaz.gov/government/community-development/neighborhood-services> and at the following locations during regular business hours:

- Yuma City Hall, One City Plaza, Yuma
- Yuma Housing Authority, 420 Madison Ave, Yuma
- Yuma County Main Library - 2951 S. 21<sup>st</sup> Dr.
- Heritage Library, 350 S. 3<sup>rd</sup> Ave, Yuma
- Somerton City Hall, 110 N. State Ave, Somerton

The City will accept public comments on the draft AAP through June 18, 2024 by email at [Kassandra.Granados@YumaAz.gov](mailto:Kassandra.Granados@YumaAz.gov), phone at (928) 373-5187 or by visiting One City Plaza, Yuma, AZ 85364.

Adoption of the AAP is scheduled for the City Council Meeting on June 26, 2024 at 5:30pm.

2024 HOME Projects (Countywide)	
Danco - Fortuna Palms Apartments*	150,000
<i>* If LIHTC is not awarded, funds will be allocated to Yuma County Housing Rehab</i>	
City of Yuma - Housing Rehabilitation	214,481
Affordable Housing (15% CHDO set-aside)	33,326
HOME Planning & Admin (10% maximum)	22,217
<b>Total HOME Activities \$ 420,024</b>	
<b>Available Resources</b>	
2024 HOME Allocation	222,171
Reprogrammed Funds	197,853
<b>Total HOME Available \$ 420,024</b>	

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; (928) 373-5125 or TTY (928) 373-5149.

Si usted desea interpretación de esta noticia en Español, por favor llame al (928) 373-5187.

Yuma Sun: May 17, 2024 - 339799



AFFP  
YS - HOME CONSORTIUM

# Affidavit of Publication

STATE OF AZ }                    SS  
COUNTY OF YUMA }

Lisa Reilly or David Fornof, being duly sworn, says:

That (s)he is Publisher or Director of Operations of the Yuma Sun, a daily newspaper of general circulation, printed and published in Yuma, Yuma County, AZ; that the publication, a copy of which is attached hereto, was in the published said newspaper on the following dates:

05/17/2024

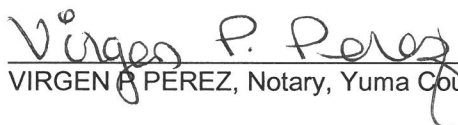
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



\_\_\_\_\_  
Publisher or Director of Operations

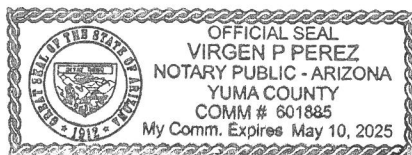
Subscribed to and sworn to me this 17th day of May 2024.

  
\_\_\_\_\_  
VIRGEN P PEREZ, Notary, Yuma County, AZ

My commission expires: May 10, 2025

38854    339799

CITY OF YUMA LEGAL ADS  
ONE CITY PLAZA  
YUMA AZ 85364







# AVISO PÚBLICO

## Plan de Acción Anual

### Ciudad de Yuma y el Consorcio HOME del Condado de Yuma

Se anuncia por medio del presente, que la Ciudad de Yuma y el Consorcio Home (YCHC, por sus siglas en inglés) del Condado de Yuma tendrán una audiencia pública el 29 de Mayo del 2024 a las 5:30 pm con el propósito de recibir contribuciones de la ciudadanía y comentarios del público con respecto al Plan de Acción Anual 2024 propuesto. Si está interesado, puede asistir en persona en el Ayuntamiento de Yuma en One City Plaza o virtualmente. El enlace se puede encontrar en <https://www.yumaaz.gov/government/community-development/neighborhood-services>. La Ciudad de Yuma destinará \$1,000,717 de fondos de CDBG. Esto incluye \$947,370 en fondos de ayuda social de 2024 por parte del Departamento de Vivienda y Desarrollo Urbano (HUD), y \$53,347 por la reprogramación de proyectos cancelados, proyectos que fueron terminados por debajo del presupuesto, o ingresos del programa. Los fondos de CDBG solo pueden ser utilizados dentro de los límites de la Ciudad de Yuma.

El YCHC destinará \$420,024 en fondos de HOME. Esto incluye \$222,171 en fondos de ayuda social de 2024 por parte del Departamento de Vivienda y Desarrollo Urbano (HUD), y \$197,854 que serán programados de fondos recuperados e ingresos del programa. El YCHC es un consorcio que incluye la Ciudad de Yuma, el Condado de Yuma, la Ciudad de San Luis, la Ciudad de Somerton, y el Pueblo de Wellton. Los fondos HOME pueden ser utilizados dentro de los límites del Condado de Yuma.

El Plan de Acción Anual (AAP) aborda principalmente las necesidades de desarrollo de vivienda y de la comunidad, así como los planes de uso de recursos de CDBG y de la Asociación de Inversión HOME. El AAP 2024-2025 propuesto cumple con los requisitos de HUD y apoya las metas, objetivos y estrategias del plan Consolidado 2021-2025. Ninguna de las actividades propuestas causará el desplazo de personas.

Proyectos CDBG del 2024 (dentro de los límites de la Ciudad de Yuma)	
<b>Servicios Públicos ( máximo 13%)</b>	
Crossroads Mission Programa de Alcance a Personas Sin Hogar	40,000
WACOG -Asesoría de Vivienda	40,000
AWC - SBDC - Asistencia para Microempresas	50,000
	<b>\$ 130,000</b>
<b>Vivienda e Instalaciones Públicas</b>	
Ciudad de Yuma - Rehabilitación del Hogar	403,419
Ciudad de Yuma - Cumplimiento de Códigos	75,000
Achieve, LHR1 - Reemplazo de Ventanas de Apartamentos	72,824
Mesa Heights Infraestructura en Apoyo al Desarrollo de Vivienda	130,000
<i>* Si LIHTC no es concedida, los fondos seran asignados a Rehabilitacion a la Vivienda</i>	
	<b>\$ 681,243</b>
<b>Planeamiento y Administración de CDBG (máximo 20%)</b>	
Planeamiento y Administración de CDBG	174,474
Southwest Fair Housing Council - Vivienda Justa	15,000
	<b>\$ 189,474</b>
<b>Total de actividades de CDBG \$1,000,717</b>	
<b>Recursos Disponibles</b>	
Fondos por Derecho CDBG 2024	947,370
Ingresos estimados para reprogramación	53,347
<b>Total de fondos disponibles de CDBG \$1,000,717</b>	

La reserva de fondos se encuentra en espera de la conclusión satisfactoria de la revisión ambiental por NEPA/Parte 58.

Copias del borrador AAP están disponibles para su revisión y comentario en <https://www.yumaaz.gov/government/community-development/neighborhood-services> y en las siguientes ubicaciones durante horario de oficina regular:

- Yuma City Hall, One City Plaza, Yuma
- Yuma Housing Authority, 420 Madison Ave
- Yuma County Library Main, 2951 S. 21st Dr.
- Yuma Heritage Library, 350 S. 3rd Ave
- Somerton City Hall, 110 N. State Ave, Somerton

Proyectos HOME 2024 (para el condado de Yuma)	
Danco - Apartamentos Fortuna Palms	150,000
<i>* Si LIHTC no es concedida, los fondos seran asignados a Rehabilitacion a la Vivienda del Condado de Yuma</i>	
Ciudad de Yuma - Rehabilitación del Hogar	214,481
CHDO Desarrollo De Vivienda	33,326
Planeamiento y Administración de HOME (máximo 10%)	22,217
<b>Total de Actividades de HOME \$ 420,024</b>	
<b>Recursos Disponibles</b>	
2024 Asignacion HOME	222,171
Ingresos estimados para ser reprogramados	197,853
<b>Total de fondos disponibles de HOME \$ 420,024</b>	

La Ciudad aceptará comentarios públicos sobre el borrador del Plan de Acción hasta el 18 de Junio 2024. Por favor, envíe sus comentarios por correo electrónico a [Kassandra.Granados@Yumaaz.gov](mailto:Kassandra.Granados@Yumaaz.gov), llame al (928) 373-5187, o visite One City Plaza, Yuma. La adopción del Plan de Acción Anual 2024 está planeada para la reunión regular del consejo de la Ciudad a las 5:30pm el día 26 de Junio del 2024 en Yuma City Hall.

Conforme con la Ley para Estadounidenses con Discapacidades (ADA) y la Sección 504 de la Ley de Rehabilitación de 1973, la Ciudad de Yuma no discrimina en base de discapacidad en la admisión o el acceso a, el tratamiento o empleo en, sus programas, actividades o servicios. Para más información en relación a los derechos y provisiones de la ADA o la Sección 504, o para solicitar acomodaciones razonables para participación en programas, actividades o servicios de la Ciudad, contacte a: ADA /Section 504 Coordinador, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364, (928) 373-5127 o TTY (928) 373-5149.



AFFP  
BES - CONSORCIO HOME

# Affidavit of Publication

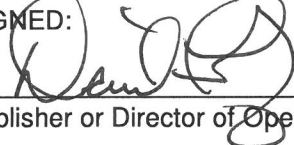
STATE OF AZ }                    SS  
COUNTY OF YUMA }

Lisa Reilly or David Fornof, being duly sworn, says:

That (s)he is Publisher or Director of Operations of the Bajo El Sol, a weekly newspaper of general circulation, printed and published in Yuma, Yuma County, AZ; that the publication, a copy of which is attached hereto, was in the published said newspaper on the following dates:

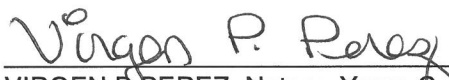
05/17/2024

That said newspaper was regularly issued and circulated on those dates.

SIGNED: 

\_\_\_\_\_  
Publisher or Director of Operations

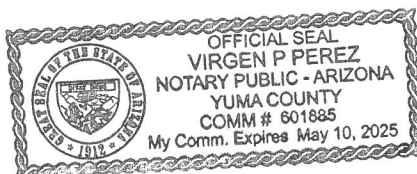
Subscribed to and sworn to me this 17th day of May 2024.

  
\_\_\_\_\_  
VIRGEN P PEREZ, Notary, Yuma County, AZ

My commission expires: May 10, 2025

38854 339797

CITY OF YUMA LEGAL ADS  
ONE CITY PLAZA  
YUMA AZ 85364





## Public Notice

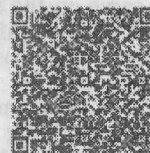
### Community Development Block Grant (CDBG) Program HOME Investment Partnership Program

The City of Yuma will receive approximately \$890,871 in CDBG funds from the Department of Housing and Urban Development (HUD) for Program Year (PY) 2024/2025. The Yuma County HOME Consortium (YCHC) will receive approximately \$378,564 in HOME Investment Partnership funds. The process for selecting activities that will be funded as part of the 2024 Annual Action Plan will begin with a Public Hearing. The City of Yuma encourages citizen participation in the development of the plan and all residents are invited to attend the public hearings and provide input, especially low-and moderate-income people and/or their representatives, neighborhood advocates, and stakeholders of affordable and fair housing.

#### Public Hearing

A public hearing will be held to receive comments and suggestions on the PY 2024 Annual Action Plan. It will be held in-person and virtually at:

- November 6, 2023 at 5:30pm at City Hall at 1 City Plaza, Yuma in Room 190.
- Microsoft Teams Meeting: Find the link under "Whats New" section at: <https://www.yumaaz.gov/government/community-development/neighborhood-services> or scan QR code.



If you are not able to attend the public hearing, but would like to provide input or comments, please call (928) 373-5187, email comments and questions to [Kassandra.Granados@YumaAz.gov](mailto:Kassandra.Granados@YumaAz.gov); or mail them to City of Yuma, Neighborhood Services Division, One City Plaza, Yuma, AZ 85364.

#### Application Technical Assistance

Non-profit organizations and government entities that are interested in submitting a grant application may request technical assistance to learn more about eligibility, federal requirements, and the process for submitting a grant application. Call Neighborhood Services at (928) 373-5187 or email [Kassandra.Granados@YumaAz.gov](mailto:Kassandra.Granados@YumaAz.gov) to request technical assistance.

The City will accept CDBG and HOME applications through Neighborly, a web-based grant management system at <https://portal.neighborlysoftware.com/YUMAAZ/Participant>. The deadline to submit applications is **Monday, December 11, 2023, at 5:00 pm, no exceptions.**

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 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; (928) 373-5125 or TTY (928) 373-5149.

Si usted desea interpretación de esta noticia en Español, por favor llame al (928)373-5187.

Yuma Sun: October 20, 2023 - 257223



AFFP  
YS - HOME INVESTMENT

### Affidavit of Publication

STATE OF AZ }                    SS  
COUNTY OF YUMA }

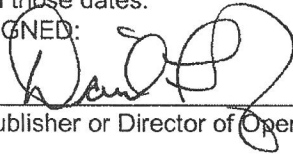
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10/20/2023

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SIGNED:



\_\_\_\_\_  
Publisher or Director of Operations

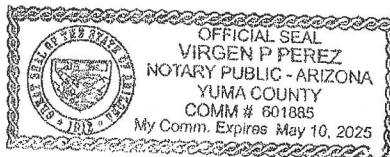
Subscribed to and sworn to me this 20th day of October 2023.

Virgen P. Perez  
VIRGEN P PEREZ, Notary, Yuma County, AZ

My commission expires: May 10, 2025

38854 257223

CITY OF YUMA LEGAL ADS  
ONE CITY PLAZA  
YUMA AZ 85364





## Noticia Pública

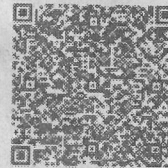
### Programa de Becas para Desarrollo Comunitario (CDBG) Programa de Asociación para Inversión HOME

La ciudad de Yuma recibirá alrededor de \$890,871 dólares en fondos de CDBG del Departamento de Vivienda y Desarrollo Urbano (HUD por sus siglas en inglés) para el año del programa 2024/25. El Consorcio HOME del Condado de Yuma (YCHC) recibirá aproximadamente \$378,564 en fondos de Asociación para Inversión HOME (HOME Investment Partnership). El proceso de selección de las actividades que se financiarán como parte del Plan de Acción Anual 2024 comenzará con una audiencia pública. La Ciudad de Yuma alienta la participación ciudadana en el desarrollo del plan y todos los residentes están invitados a asistir a las audiencias públicas y proporcionar información, especialmente personas de ingresos bajos y moderados y / o sus representantes, defensores del vecindario y partes interesadas de viviendas asequibles y justas.

#### Audiencia Pública

Se llevará a cabo una audiencia pública para recibir comentarios y sugerencias sobre el Plan de Acción Anual del 2024. Se realizará de manera presencial y virtual en:

- El 6 de Noviembre del 2023 a las 5:00pm en el Ayuntamiento, One City Plaza, Yuma, en la sala número 190.
- Junta Virtual en Microsoft Teams: Encuentre el enlace para la junta virtual bajo "Whats New" en <https://www.yumaaz.gov/government/community-development/neighborhood-services> o escanee el código QR.



Si no puede asistir a la audiencia pública, pero desea proporcionar comentarios llame al (928) 373-5187, envíe comentarios y preguntas por correo electrónico a [Kassandra.Granados@YumaAz.gov](mailto:Kassandra.Granados@YumaAz.gov); mandar por correo a City of Yuma, Neighborhood Services Division, One City Plaza, Yuma, AZ 85364.

#### Asistencia Técnica para Solicitud

Las organizaciones sin fines de lucro y las entidades gubernamentales que estén interesadas en presentar una solicitud de subvención pueden pedir asistencia técnica para obtener más información sobre la elegibilidad, los requisitos federales y el proceso de aplicación. Llame a Neighborhood Services al (928) 373-5187 o envíe un correo electrónico a [Kassandra.Granados@YumaAz.gov](mailto:Kassandra.Granados@YumaAz.gov) para solicitar asistencia técnica.

La Ciudad aceptará solicitudes para los programas CDBG y HOME mediante Neighborly, un sistema de manejo de subvenciones basado en línea: <https://portal.neighborlysoftware.com/YUMAAZ/Participant>. La fecha límite para presentar solicitudes será el **Lunes 11 de Diciembre, 2023 a las 5:00pm, sin excepciones.**

De acuerdo con la Ley de Estadounidenses con Discapacidades (ADA por sus siglas en Inglés) y la Sección 504 de la Ley de Rehabilitación de 1973, la Ciudad de Yuma no discrimina por motivos de discapacidad en la admisión o acceso, tratamiento o empleo en sus programas, actividades o servicios. Para obtener información sobre los derechos y disposiciones de la ADA o la Sección 504, o para solicitar adaptaciones razonables para participar en programas, actividades o servicios de la Ciudad, comuníquese con: Coordinador de la ADA/Sección 504, Departamento de Recursos Humanos de la Ciudad de Yuma, One City Plaza, Yuma, AZ 85364; (928) 373-5125 o TTY (928) 373-5149.

Bajo El Sol: 20 de octubre del 2023 - 257250



AFFP  
BES - HOME INVESTMENT

### Affidavit of Publication

STATE OF AZ }                    SS  
COUNTY OF YUMA }

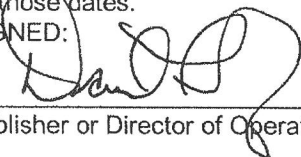
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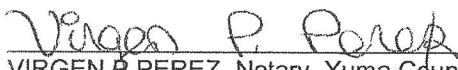
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Publisher or Director of Operations

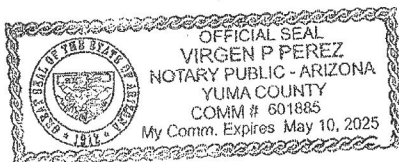
Subscribed to and sworn to me this 20th day of October 2023.

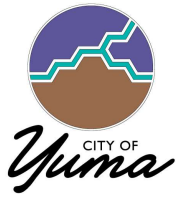
  
\_\_\_\_\_  
VIRGEN P PEREZ, Notary, Yuma County, AZ

My commission expires: May 10, 2025

38854 257250

CITY OF YUMA LEGAL ADS  
ONE CITY PLAZA  
YUMA AZ 85364





# City of Yuma

## City Council Report

File #: MC 2024-085

Agenda Date: 6/26/2024

Agenda #: 12.

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

**Final Plat: Downtown Heights Subdivision**

**SUMMARY RECOMMENDATION:**

Approve the final plat of the Downtown Heights Subdivision. The property is located on the northwest corner of Giss Pkwy and 3<sup>rd</sup> Avenue. (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, as the approval of the final plat will facilitate an increase in new residential development, increasing access to housing opportunities.

**REPORT:**

The proposed Downtown Heights Subdivision, located within the Old Town/Infill Overlay/Bed and Breakfast Overlay (OT/IO/BB) District, will reconfigure one existing vacant parcel into four lots, intended for residential development. The subject property is approximately .59 acres in size, which will be divided into three lots of approximately 6,290 square feet and one lot of 6,900 square feet in size.

Following the subdividing of the property, all resulting parcels will be required to meet all development standards as specified in the City of Yuma’s Zoning Code. These development requirements include access, setbacks, landscaping, and lighting. Additionally, any proposed development for property located within the Old Town (OT) District, shall be reviewed by The City Design and Historic Review Commission.

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

Approval of the final plat for the Downtown Heights 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 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.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
  - a. pay to cross the easement to reach any structure on the lot;
  - b. prevent the utilities from providing service to any structure on a lot; or
  - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. 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.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the districts to adequately plan for future school facilities.
7. 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 Downtown Heights Subdivision, including the conditions of approval set forth above.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

# DOWNTOWN HEIGHTS SUBDIVISION

## FINAL PLAT

### INDEX:

Cover Sheet ————— CO  
 Final Plat ————— SHEET 1 OF 1  
 Water, Sewer & Road Improvement Plan ————— C1

### GENERAL CONSTRUCTION NOTES:

1. THE LOCATION OF UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. UTILITIES SHOWN HERE ARE FOR THE PURPOSE OF ASSISTING THE CONTRACTOR IN LOCATING SAID UTILITIES. THE CONTRACTOR IN ACCORDANCE WITH ARIZONA STATUTES SHALL CONTACT THE ARIZONA BLUE STAKE CENTER (1-800-782-5348) AT LEAST 48 HOURS MIN. PRIOR TO THE BEGINNING OF CONSTRUCTION AND OBTAIN ON-SITE UTILITIES LOCATIONS. CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND SHALL BE RESOLVED PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DAMAGE TO A UTILITY SHALL BE REPAIRED AT THE CONTRACTOR EXPENSE.
2. ALL CITY REQUIRED COMPACTION AND LABORATORY TESTS SHALL BE FURNISHED BY THE CONTRACTOR TO THE CITY PRIOR TO ACCEPTANCE OF THE PROJECT.
3. THE CONTRACTOR SHALL GUARANTEE ALL MATERIALS AND WORKMANSHIP FOR TWO YEARS AFTER THE FINAL ACCEPTANCE. ANY DEFECTIVE MATERIAL OR WORKMANSHIP SHALL BE REPLACED AND/OR REPAIRED PRIOR TO FINAL ACCEPTANCE.
4. ALL ROAD SURFACES, EASEMENTS OR RIGHT OF WAYS DISTURBED BY CONSTRUCTION OF ANY PART OF THIS IMPROVEMENTS ARE TO BE RESTORED COMPLETELY BY THE CONTRACTOR TO THE BEFORE CONSTRUCTION CONDITION OR BETTER.
5. DURING CONSTRUCTION, THE DEVELOPER/OWNER IS SOLELY RESPONSIBLE FOR INSURING THE PROPER FUNCTIONING OF THE EROSION AND SEDIMENT CONTROL MEASURES. THE DEVELOPER/OWNER SHALL TAKE WHATEVER MEASURES ARE REQUIRED TO INSURE THAT NO SEDIMENT LEAVES THE SITE.
6. SEE SUBDIVISION PLAT FOR ALL BOUNDARY INFORMATION AND DIMENSIONS; DO NOT SCALE.
7. ALL MATERIALS AND CONSTRUCTION HEREON SHALL CONFORM TO THE CITY YUMA STANDARD SPECIFICATIONS AND CONSTRUCTION STANDARDS UNLESS OTHERWISE SHOWN ON THESE PLANS.
8. THE ENGINEER MAKES NO REPRESENTATION OR GUARANTEE REGARDING EARTHWORK QUANTITIES OR THAT THE EARTHWORK FOR THIS PROJECT WILL BALANCE DUE TO VARIOUS FIELD CONDITIONS, CHANGING SOIL TYPES, ALLOWABLE CONSTRUCTION TOLERANCES AND CONSTRUCTION METHODS THAT ARE BEYOND THE CONTROL OF THE ENGINEER.
9. NO STREET, WATER, SEWER AND IMPROVEMENTS TO BE ACCEPTED BY THE CITY OF YUMA, FOR MAINTENANCE UNTIL "AS-BUILT", CERTIFIED, REPRODUCIBLE PLANS ARE FILED WITH AND ACCEPTED BY THE CITY OF YUMA PUBLIC WORKS DEPARTMENT.

### OWNER OF RECORD:

MBA INVESTMENTS OF AZ, LLC  
 3054 S BRANDING IRON CT  
 YUMA, AZ, 85364

### BENCHMARK

FD, BRASSCAP L5#19329, 2003, ENCASED IN CONCRETE ON SURFACE OF ASPHALT ROAD, LOCATED ON 3RD. STREET AND 3RD. AVENUE INTERSECTION.

ELEVATION: 173.99 FEET

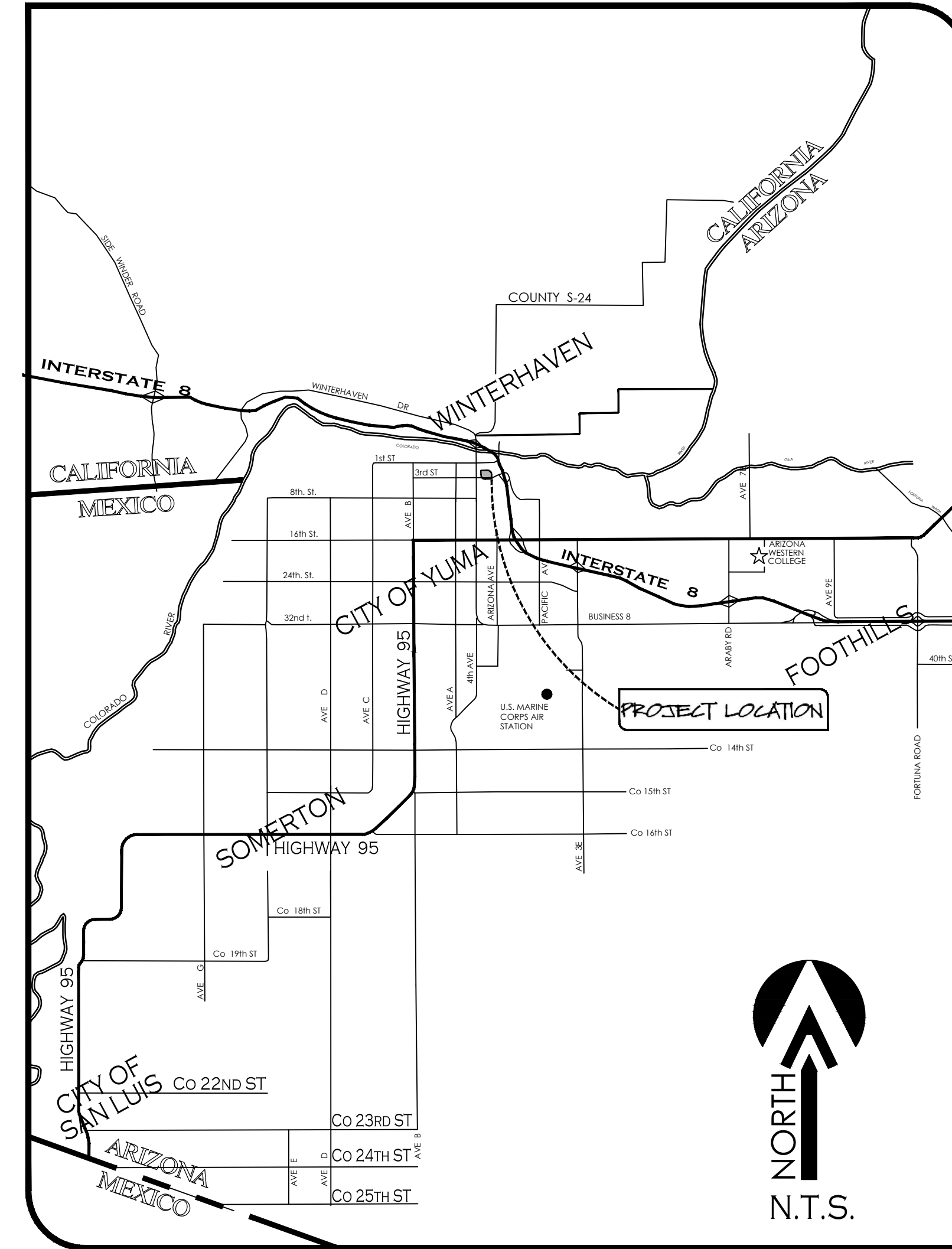
### ELABORATED BY:

vnv24-320

**VEGA & VEGA**  
**ENGINEERING, PLLC**  
 2619 S. Avenue 2 1/2 E, Ste. 3 928-329-0000 Tel  
 Yuma, AZ, 85365 928-247-6232 Fax  
 www.vegaengineers.com

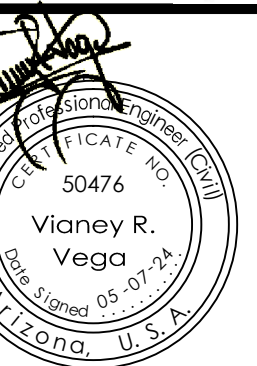
### LEGEND

	INDICATES EX. ASPHALT PAVEMENT
	INDICATES EX. CONCRETE
	INDICATES BOUNDARY LINE
	INDICATES CENTERLINE
	INDICATES RIGHT-OF-WAY LINE
	INDICATES EX. CMU WALL
	INDICATES EX. WATER LINE
	INDICATES EX. SEWER LINE
	INDICATES EX. GAS LINE
	INDICATES NEW ASPHALT PAVEMENT
	INDICATES NEW CONCRETE
	INDICATES NEW CMU WALL
	INDICATES EX. CONTOURS ELEVATION
	INDICATES NEW SANITARY SEWER LINE
	NEW SEWER STUB
	NEW SEWER MANHOLE
	NEW 4" PVC SEWER SERVICE
	INDICATES NEW WATER LINE
	NEW SINGLE WATER SERVICE
	FIRE LINE W/ END PLUG AND THRUST BLOCK
	NEW WATER VALVE
	NEW FIRE HYDRANT
	NEW 6" X 8" PVC REDUCER
	NEW TEMPORARY BLOWOFF VALVE
	INDICATES LOT NUMBERS
	NEW CITY OF YUMA STD. DETAIL NO. 4-030 SUBDIVISION BOUNDARY MONUMENT
	NEW CITY OF YUMA STD. DETAIL No. 4-880 STREET MONUMENT
	EXISTING MONUMENT (TYPE AS SHOWN)
	INDICATES BRASS CAP
	INDICATES YUMA COUNTY RECORDERS
	INDICATES EXISTING POWER POLE
	[C] INDICATES CALCULATED DATA
	[M] INDICATES MEASURED DATA
	[E] INDICATES EXISTING ELECTRICAL BOX
	[G]P INDICATES EXISTING GAS PADDLE
	[MH] INDICATES EXISTING MANHOLE
	[FH] INDICATES EXISTING FIRE HYDRANT
	[WM] INDICATES EXISTING WATER METER
	[WV] INDICATES EXISTING WATER VALVE
	[C-160.55] INDICATES EX. CURB ELEVATION
	[S-W-160.56] INDICATES EX. SIDEWALK ELEVATION
	[A-160.50] INDICATES EX. ASPHALT ELEVATION
	[T-160.5] INDICATES EX. NATURAL SOIL ELEVATION
	[A-161.02] INDICATES NEW ASPHALT ELEVATION
	[C-161.02] INDICATES NEW CURB ELEVATION
	[G-161.02] INDICATES NEW GUTTER ELEVATION



VICINITY MAP

N.T.S.



Notes:

Scale: N.T.S. Date: MAY 2024  
 Drawn: staff Job #: vnv24-320  
 Design: vna

Sheet

CO



### UTILITIES WARNING

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# DOWNTOWN HEIGHTS SUBDIVISION

A SUBDIVISION OF LOT "B" OF PEACH LOT TIE, AS RECORDED IN BOOK 13 OF PLATS, PAGE 74, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ. ALSO BEING A PORTION OF THE N<sup>1</sup>/<sub>4</sub> OF SECTION 21, TOWNSHIP 08 SOUTH, RANGE 23 WEST, G.&S.R.B.&M., YUMA COUNTY, AZ.

MAY 2024 ACREAGE: 0.7858 AC

## FINAL PLAT

BOOK \_\_\_\_\_ OF PLATS

PAGE \_\_\_\_\_

### APPROVALS

STATE OF ARIZONA 1  
> SS  
COUNTY OF YUMA 1

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

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
ATTEST: \_\_\_\_\_

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT OF COMMUNITY DEVELOPMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF YUMA ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

### LEGEND

- INDICATES BOUNDARY LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT LINE

### LOT 1

- NEW LOT NUMBER
- NEW CITY OF YUMA STD. DETAIL NO. 4-030 SUBDIVISION BOUNDARY MONUMENT
- NEW CITY OF YUMA STD. DETAIL NO. 4-080 STREET MONUMENT
- EXISTING MONUMENT (TYPE AS SHOWN)
- B.C. INDICATES BRASS CAP
- Y.C.R.O. INDICATES YUMA COUNTY RECORDERS OFFICE
- G.L.O. INDICATES GENERAL LAND OFFICE
- N.A.E. INDICATES NON ACCESS EASEMENT
- [M] INDICATES MEASURED DATA
- [R] DATA REFERS TO PEACH LOT TIE, AS RECORDED IN BOOK 13 OF PLATS, PAGE 74, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ.

### FLOOD ZONE

\* THIS PROJECT IS LOCATED IN FLOOD ZONE X, AS PER FIRM INDEX MAP NUMBER 04027C1330F, 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; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

### NOTES

- PROPERTY CORNERS TO BE MARKED BY 1/2" DIAMETER REBAR TAGGED WITH CAP L.S. 16528
- PROJECT ZONING: OLD TOWN/FILL OVERLAY/BD AND BREAKFAST OVERLAY (OT/NO/BBQ)
- A PORTION SEC. 21, T08S, R24W CITY OF YUMA, YUMA COUNTY, AZ.

### ELABORATED BY:

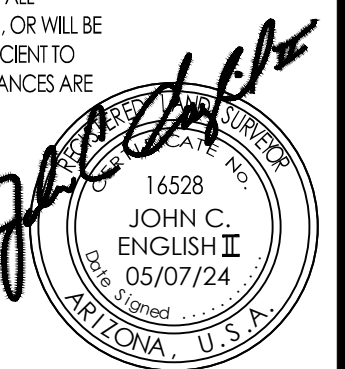
VnV24-320

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

### LAND SURVEYOR'S CERTIFICATE:

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

BY: John C. English R.L.S. No. 16528



### OWNER OF RECORD:

MBA INVESTMENTS OF AZ LLC  
3054 S BRANDING IRON CT  
YUMA, AZ. 85364

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT MBA INVESTMENTS OF AZ LLC AS OWNER, HAVE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ CAUSED THE FOLLOWING DESCRIBED PROPERTY, A SUBDIVISION OF LOT "B" OF PEACH LOT TIE, AS RECORDED IN BOOK 13 OF PLATS, PAGES 74, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, AZ., ALSO BEING A PORTION OF THE N<sup>1</sup>/<sub>4</sub> OF SECTION 21, TOWNSHIP 08 SOUTH, RANGE 23 WEST, G.&S.R.B.&M., YUMA COUNTY, AZ. AS PLATTED HEREON, TO BE SUBDIVIDED INTO LOTS UNDER THE NAME OF "DOWNTOWN HEIGHTS SUBDIVISION" AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS CONSTITUTING SAID "DOWNTOWN HEIGHTS SUBDIVISION" THAT EACH LOT SHALL BE KNOWN BY THE NUMBER GIVEN EACH RESPECTIVELY ON SAID PLAT; AND MBA INVESTMENTS OF AZ LLC HEREBY DEDICATES THE EASEMENTS FOR THE USES SHOWN AND DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HERewith.

MBA INVESTMENTS OF AZ LLC \_\_\_\_\_ DATE \_\_\_\_\_  
MICHAEL ARIAS, MEMBER

### ACKNOWLEDGMENT

STATE OF ARIZONA 1  
> SS  
COUNTY OF YUMA 1

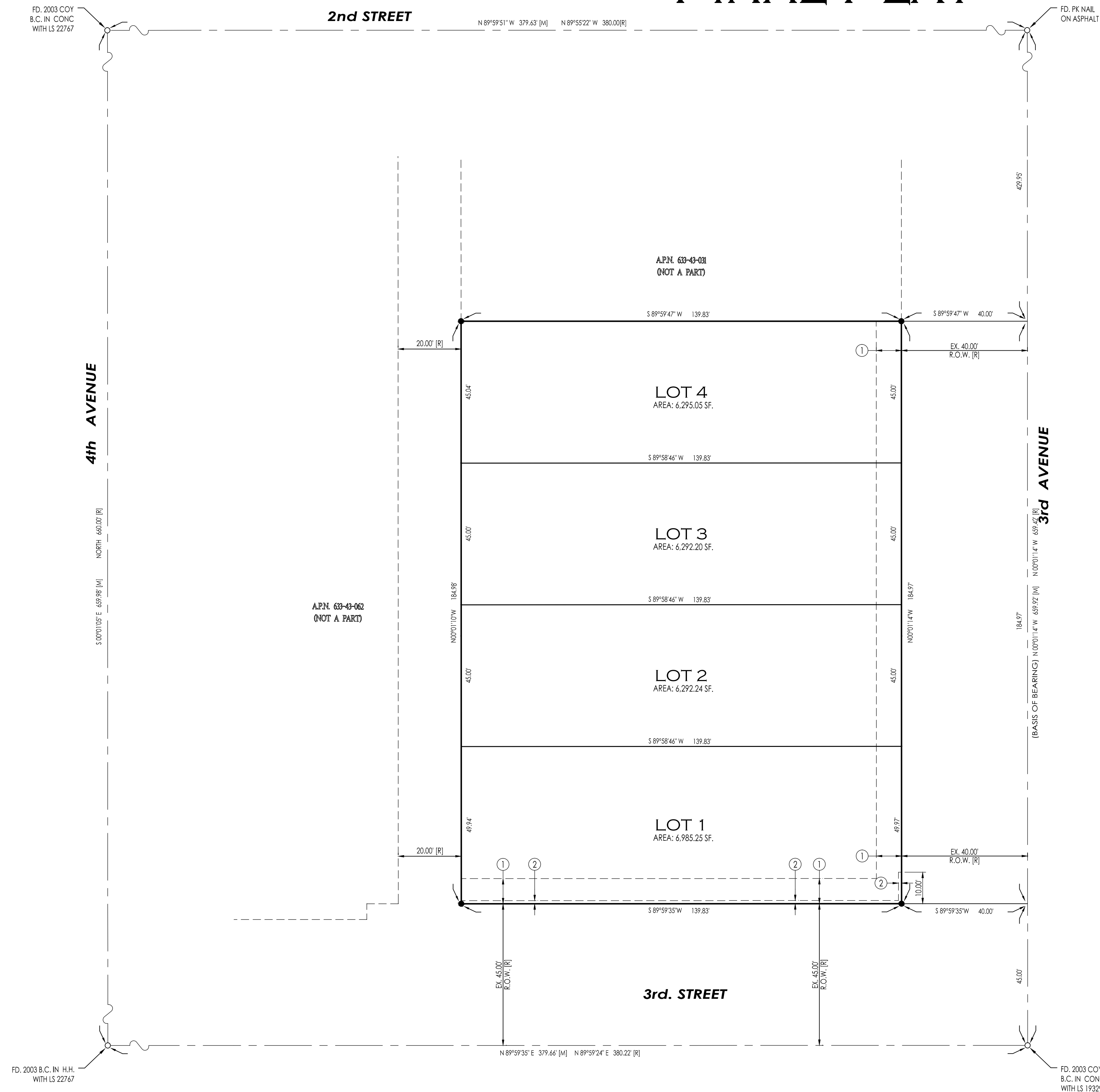
ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, MICHAEL ARIAS, WHO ACKNOWLEDGED HIMSELF TO BE MEMBER OF MBA INVESTMENTS OF AZ LLC, BY SIGNING HIS NAME.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION WILL EXPIRE \_\_\_\_\_



SCALE: 1"=20'

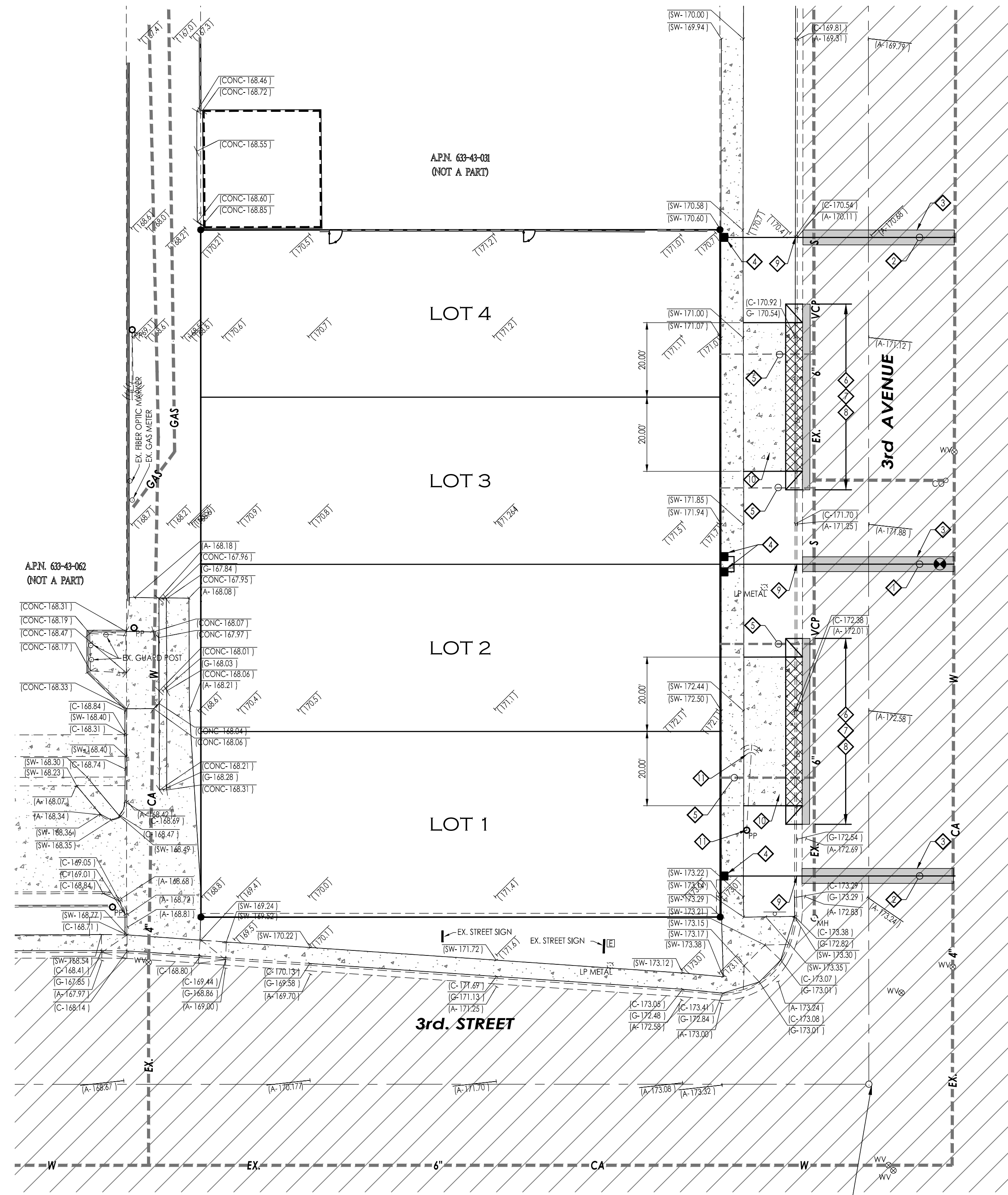


FD, 2003 COY B.C. IN CONC WITH LS 22767

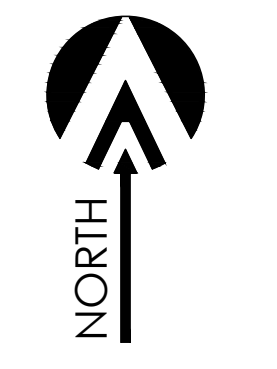
FD, 2003 B.C. IN H.H. WITH LS 22767

FD, PK NAIL ON ASPHALT

FD, 2003 COY B.C. IN CONC WITH LS 19329



**B.M.**  
 FD BRASSCAP L5#19329, 2003, ENCASED IN CONCRETE ON SURFACE OF ASPHALT ROAD, LOCATED ON 3RD STREET AND 3RD AVENUE INTERSECTION.  
 ELEVATION: 173.99 FEET



SCALE: 1"=20'

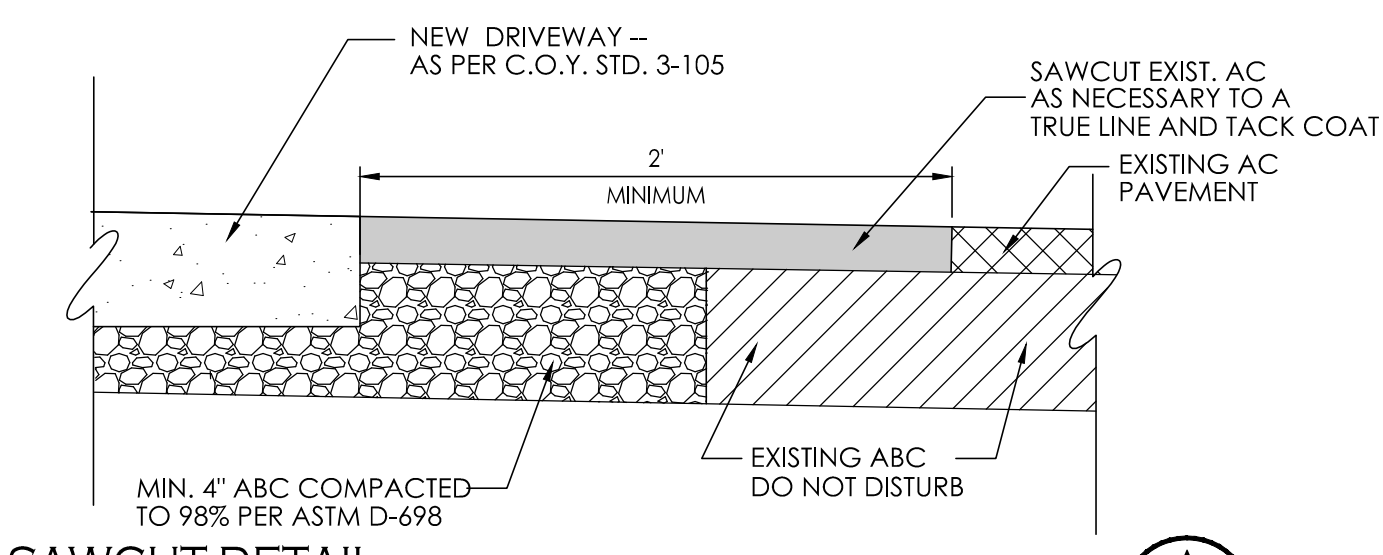
**BENCHMARK**

FD BRASSCAP L5#19329, 2003, ENCASED IN CONCRETE ON SURFACE OF ASPHALT ROAD, LOCATED ON 3RD STREET AND 3RD AVENUE INTERSECTION.

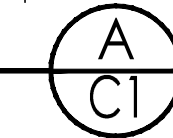
ELEVATION: 173.99 FEET

**KEYNOTES:**

- ◆ INSTALL 2" WATER SERVICES WITH 1" DUAL WATER SERVICE (TYP.) - AS PER C.O.Y. STD. 5-045 & 5-055.
- ◆ INSTALL 1" SINGLE WATER SERVICE (TYP.) - AS PER C.O.Y. STD. 5-035 & 5-055.
- ◆ SAWCUT & REMOVED EXISTING PAVEMENT AS NEEDED FOR WATER SERVICES CONNECTION AND REPLACE WITH TYPE 'B' PAVEMENT REPLACEMENT - AS PER C.O.Y. STD 5-016
- ◆ NEW 1" DOMESTIC WATER METER
- ◆ EXISTING SEWER SERVICE TO BE FIELD VERIFIED, OWNER/CONTRACTOR TO FIELD VERIFY LOCATION AND DEPTH OF EXISTING SEWER SERVICE. IF CONDITIONS ARE DIFFERENT THAN WHAT IS SHOWN ON PLANS CONTRACTOR TO NOTIFY ENGINEER BEFORE MAKING ANY DETERMINATION.
- ◆ NEW 40' WIDE SHARED DRIVEWAY - AS PER C.O.Y. STD. 3-105
- ◆ SAWCUT & REMOVED EXISTING VERTICAL CURB AND GUTTER AS NEEDED FOR CONSTRUCTION OF NEW DRIVEWAY, CONSTRUCT TO MATCH
- ◆ SAWCUT 2' OF EX. PAVEMENT, AND REPLACE WITH NEW PAVEMENT - SEE DETAIL (A-C1)
- ◆ PROTECT EXISTING VERTICAL CURB & GUTTER FOR WATER SERVICES INSTALLATION
- ◆ EXTEND NEW DRIVEWAY TO EXISTING SIDEWALK - AS PER C.O.Y. STD. 3-105
- ◆ COORDINATE WITH APS FOR RELOCATION OR REPLACEMENT OF EXISTING GUY WIRE & POWER POLE



SAWCUT DETAIL



**LEGEND**

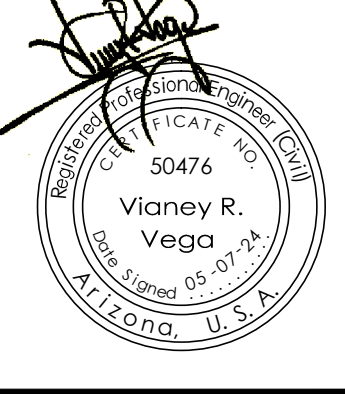
- ▨ INDICATES EX. ASPHALT PAVEMENT
- ▨ INDICATES EX. CONCRETE
- INDICATES BOUNDARY LINE
- INDICATES CENTERLINE
- INDICATES RIGHT-OF-WAY LINE
- EX. 6" PVC — W — INDICATES EX. WATER LINE
- EX. 8" PVC — S — INDICATES EX. SEWER LINE
- GAS — — — — — INDICATES EX. GAS LINE
- ▨ INDICATES NEW ASPHALT PAVEMENT
- ▨ INDICATES NEW CONCRETE
- ▨ INDICATES NEW CMU WALL
- NEW YUMA COUNTY STD. DETAIL No. 4-030 SUBD BOUNDARY MONUMENT
- NEW YUMA COUNTY STD. DETAIL No. 4-080 STREET MONUMENT
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- Y.C.R. INDICATES YUMA COUNTY RECORDERS
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- [M] INDICATES MEASURED DATA
- ⊠ INDICATES EXISTING ELECTRICAL BOX
- ⊠ GP INDICATES EXISTING GAS PADDLE
- MH INDICATES EXISTING MANHOLE
- ⊠ FH INDICATES EXISTING FIRE HYDRANT
- ⊠ WM INDICATES EXISTING WATER METER
- ⊠ WV INDICATES EXISTING WATER VALVE
- ⊠ LP INDICATES EXISTING STREET LIGHT POLE
- INDICATES EX. CURB ELEVATION
- INDICATES EX. SIDEWALK ELEVATION
- INDICATES EX. ASPHALT ELEVATION
- INDICATES EX. NATURAL SOIL ELEVATION
- INDICATES NEW ASPHALT ELEVATION
- INDICATES NEW CURB ELEVATION
- INDICATES NEW GUTTER ELEVATION
- 1 INDICATES LOT NUMBERS
- 163 INDICATES NEW STREET LIGHT
- EX. 2" PVC — W — INDICATES EX. WATER LINE
- EX. 8" PVC — S — INDICATES EX. SEWER LINE
- GAS — — — — — INDICATES EX. GAS LINE
- ⊠ INDICATES EXISTING ELECTRICAL BOX
- ⊠ GP INDICATES EXISTING GAS PADDLE
- MH INDICATES EXISTING MANHOLE
- ⊠ FH INDICATES EXISTING FIRE HYDRANT
- ⊠ WM INDICATES EXISTING WATER METER
- ⊠ WV INDICATES EXISTING WATER VALVE
- NEW PVC — S — INDICATES NEW SANITARY SEWER LINE
- INDICATES NEW SEWER MANHOLE
- NEW PVC — W — INDICATES NEW WATER LINE
- INDICATES NEW SINGLE WATER SERVICE
- INDICATES NEW DUAL WATER SERVICE
- INDICATES NEW WATER VALVE
- INDICATES NEW FIRE HYDRANT
- INDICATES NEW TEMPORARY BLOWOFF VALVE
- 1 INDICATES LOT NUMBERS
- 163 INDICATES NEW STREET LIGHT



**UTILITIES WARNING**

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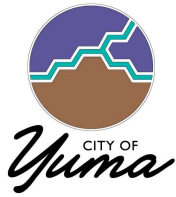
Water, Sewer & Road Improvements Plan  
 DOWNTOWN HEIGHTS SUBDIVISION



Notes:

Scale: N.T.S. Date: MAY 2024  
 Drawn: staff Job #: vvv24-300  
 Design: Vno

Sheet  
 C1



# City of Yuma

## City Council Report

**File #:** MC 2024-086

**Agenda Date:** 6/26/2024

**Agenda #:** 13.

<b>DEPARTMENT:</b> City Attorney	<b>STRATEGIC OUTCOMES</b> <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	<b>ACTION</b> <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
<b>DIVISION:</b> -		

**TITLE:**

**Settlement: Heebink Claim**

**SUMMARY RECOMMENDATION:**

Authorize settlement of a Notice of Claim submitted on behalf of Christian Heebink. (City Attorney) (Richard Files)

**STRATEGIC OUTCOME:**

The resolution of this claim supports the City Council's Respected and Responsible strategic outcome.

**REPORT:**

This claim stems from a rear-end traffic accident involving a City employee driving a City of Yuma Police vehicle on October 5, 2023. On or about February 15, 2024, Mr. Heebink submitted a Notice of Claim seeking \$100,000.00 to settle his personal injury and property damage claims. Mr. Heebink's total medical costs were \$20,401.00 and his vehicle property damage was valued at \$5,572.82. After negotiations, Mr. Heebink, through his attorney, agreed to settle his personal injury and property damage claims for \$45,000.00. All settlements over \$25,000.00 are subject to City Council approval.

The City Attorney's Office recommends approval of this settlement to obtain a full and final release of all claims alleged by the claimant.

Adoption of this motion authorizes and directs the City Attorney's Office to settle the Heebink claim for \$45,000.00 for personal injuries and property damage.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 45,000.00	BUDGETED:	\$ 45,000.00
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 \$ 45,000.00			
502-20-10.6305			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

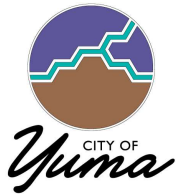
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NONE

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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



# City of Yuma

## City Council Report

**File #:** MC 2024-090

**Agenda Date:** 6/26/2024

**Agenda #:** 14.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
<b>Finance</b>	<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
<b>DIVISION:</b> <b>Procurement</b>	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

**TITLE:**

**Renewal of City Insurance Coverage for Fiscal Year 2025**

**SUMMARY RECOMMENDATION:**

Authorize binding of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, Automobile Damage, Drone, and Deadly Weapon coverage for Fiscal Year (FY) 2025 for the total amount of \$1,982,334.86 to: Alliant Insurance Services, Inc., of Phoenix, AZ (City Attorney-RFB-23-110) (Richard W. Files/ Robin Wilson)

**STRATEGIC OUTCOME:**

This action supports the City Council strategic outcome of Respected and Responsible by obtaining required and proper insurance coverage for City assets.

**REPORT:**

To protect the City of Yuma and its taxpayers, the City purchases insurance coverages through policies of insurance every fiscal year. The City's insurance broker, Alliant Insurance Services, Inc., (AIS) evaluates the City's insurance needs and obtains quotes/proposals each year for the City of Yuma's insurance coverage. For the last several years, the City Attorney's Office has identified three overarching goals when obtaining insurance for the City: (1) no reduction in coverage limits; (2) no increase in the self-insurance retention (SIR) amount; and (3) a total Premium that is about equal to the prior year's premiums. These goals are somewhat ambitious as every year private insurance carriers leave the marketplace, leaving less competition in a litigious climate, especially against governmental entities.

Based on the analysis and the City's stated goals, AIS is providing a recommendation for the City's insurance policies for FY 2025. All insurance companies recommended have A.M. Best's rating of A (Excellent) or A+ or A++ (Superior) and a minimum of \$50 million in Policyholders' Surplus. The City's current primary insurance carrier is Travelers Insurance Company, which provided the recommended quote for Property Coverage (including Equipment and Auto coverage), General Liability and Excess Liability Coverage. The recommended Excess Workers' Compensation carrier Safety National, the recommended Crime coverage carrier is American International Group (AIG), the recommended Cyber liability coverage carrier is Beazley Insurance Company, the recommended Drone coverage carrier is Global Aerospace, and the recommended Alliant Deadly Weapon Response Program is offered through Underwriters at Lloyd's of London.

All of the coverages remain consistent with the FY 2024 policies of insurance.

**SUMMARY OF COVERAGE:**

Property Coverage: Property coverage includes City-owned real property; City-owned leased property, and real properties operated by the independent Housing Authority of the City of Yuma (HACY). For insuring FY 2025, there are 157 covered properties. Under this insuring agreement, the Property coverage deductible remains at \$25,000. The insuring agreement also provides for flood and earthquake coverage, subject to a \$100,000 deductible. The City Property coverage is on a 110% Margin Clause per location at replacement cost.

City Equipment coverage includes all (non-auto) City Equipment valued over \$15,000 with a \$5,000 deductible. For insuring FY 2025, City Equipment Value limit is \$10,032,230.

City Auto Physical Damage coverage includes all City Vehicles valued over \$30,000 or 2021 and newer with a \$5,000 deductible as well as any leased vehicles. For insuring FY 2025, there are 540 covered vehicles for auto liability and City Auto Physical Damage Value limit is \$32,318,331.

Liability and Excess Liability Coverage: Liability and Excess Liability Coverage totals \$15 million with a \$1 million base liability policy (\$2 million aggregate) and a \$14 million excess liability (umbrella) policy. Coverage examples include liquor liability, employee benefits, public entity management, employment practices, law enforcement liability and automobile liability.

For insuring FY 2025, the City's SIR for Liability coverage remains \$300,000 per occurrence. The base coverage and excess umbrella coverage limits apply to all insured perils with two exceptions: emergency medical technician (EMT) liability has a sublimit per occurrence, which caps coverage for these occurrences at \$4 million; sewer backup liability also has a sublimit cap at \$4 million and general liability coverage contains a lead exclusion.

Cyber Coverage: City's Cyber Coverage for FY 2025 is a \$1 million limit base policy with a reduced \$50,000 retention. Coverage examples include third-party liability coverages, regulatory defense and credit card payment liabilities and costs, as well as, first party coverages data restoration expenses, cyber extortion loss and e-storage extortion and business interruption.

Excess Workers Comp: The City is self-funded through an SIR for its statutorily mandated workers compensation insurance. Excess insurance will limit the City exposure to workers compensation claims above the SIR. The FY 2024 excess workers compensation coverage for firefighters remains the same, with a City SIR of \$2,000,000. The other workers compensation coverages also remain the same, with a City SIR of \$700,000 for police employees, and \$600,000 for all other City employees.

Crime/Dishonesty: Crime insurance coverage provides for situations such as employee theft, depositor forgery and alteration, theft, disappearance and destruction (money, securities and other property), computer and funds transfer fraud coverage and credit, debit or charge card forgery. Crime coverages have policy limits of \$1,000,000 with a \$10,000 deductible. The policy also endorses coverage for Impersonation Fraud for a limit of \$100,000 and deductible of \$25,000.

Drone: Drone insurance coverage provides coverage for incidents stemming from the use of unmanned aircraft. The liability limit is \$2 million with a 10% retention. For insuring FY 2025, there are 7 covered drones for drone liability.

Deadly Weapon: Deadly Weapon coverage provides \$500,000 in coverage for incidents involving deadly weapons. A weapon is broadly defined as any portable or handheld device, instrument, or substance which is used by the Assailant(s) in a manner to deliberately cause death or bodily injury. The policy covers third-party bodily injury, first-party property damage, bodily injury, and crisis management for events occurring at City-



owned locations. The retention for each event is \$10,000.

For reference, the table below summarizes the total premium costs.

Type of Coverage	Insurer	Premium
Property, Liability, Excess Liability, Vehicle Auto Damage	Travelers	\$ 1,547,476.00
Cyber Liability	Beazley	\$ 36,000.00
Excess Work Comp	Safety National	\$ 380,108.00
Crime and Dishonesty	AIG	\$ 5,944.00
Drone	Global Aerospace	\$ 7,619.00
Deadly Weapon	Underwriters at Lloyd's of London	\$ 5,187.86
<b>Total Insurance Premiums</b>		<b>\$ 1,982,334.86</b>

The total insuring premium for FY 2024 totaled \$1,606,025.09. The insuring agreements not only protect City and taxpayer assets, but also protect against liabilities. On assets, the costs to replace existing City assets in the event of a loss has greatly increased over the last two years. As such, the total liability and values have increased significantly. The City's rate difference is modest, but, the increases in asset value increase liability for the carrier and result in a premium increase. The increases in liability premiums stems from two factors: market increases throughout the United States; and large payouts in municipal litigation that have made national news.

The premium for insuring FY 2025 coverages presented represents an 19.5% overall increase over FY 2024. The number includes the increases in property value and liability exposure described above as well as an 26.2% increase in excess workers compensation coverage due to increases in presumptive claims and payroll. The number also includes a 150% decrease in Cyber premiums as a result of recent upgrades completed by the City's IT department.

The current policies of insurance expire at midnight June 30, 2024. By adopting this motion, the City Council authorizes the City Administrator to bind the insurance coverages offered and the offered policies of insurance are in effect beginning at 12:01am on July 1, 2024, and expiring at midnight on June 30, 2025.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 1,982,334.86	BUDGETED:	\$ 1,982,334.86
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	\$ 1,982,334.86	502 Insurance Reserve 531 Workers Compensation	
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

Budget authority for this insurance was programmed in the City Council approved FY 2025 Tentative Budget. Premiums, claims and judgments are allocated among City departments to fund the programs through two "Internal Service Funds."

**ADDITIONAL INFORMATION:**

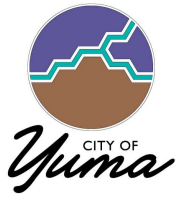
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

Click or tap here to enter text (please number each document) or type "NONE" - 11pt Arial

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: 6/20/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/18/2024



# City of Yuma

## City Council Report

**File #:** R2024-026

**Agenda Date:** 6/26/2024

**Agenda #:** 1.

<p><b>DEPARTMENT:</b> City Administration</p> <p><b>DIVISION:</b> Clerk's Office</p>	<p><b>STRATEGIC OUTCOMES</b></p> <p><input type="checkbox"/> Safe &amp; Prosperous</p> <p><input type="checkbox"/> Active &amp; Appealing</p> <p><input checked="" type="checkbox"/> Respected &amp; Responsible</p> <p><input checked="" type="checkbox"/> Connected &amp; Engaged</p> <p><input type="checkbox"/> Unique &amp; Creative</p>	<p><b>ACTION</b></p> <p><input type="checkbox"/> Motion</p> <p><input checked="" 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:**

**Election Consolidation, Voting Center Locations, and the Election Board**

**SUMMARY RECOMMENDATION:**

Adopt the voting center locations and consolidation of the precincts, and appoint an election board for the 2024 City of Yuma Primary and General Elections to be held July 30, 2024 and November 5, 2024, respectively. (City Administration/City Clerk) (Lynda L. Bushong)

**STRATEGIC OUTCOME:**

Adoption of this agenda item aligns with City Council's Respected and Responsible and Connected and Engaged strategic outcomes by providing notification to the public of voting center locations and transparency of City election processes.

**REPORT:**

The City of Yuma has an intergovernmental agreement (IGA) with Yuma County Election Services (Election Services) and the Yuma County Recorder for the purpose of conducting the City's elections. On October 17, 2011, the Yuma County Board of Supervisors adopted a resolution to authorize the use of voting centers throughout the County. The City has used the voting center process since its November 2012 election, as approved through Resolution R2012-41. This process allows greater flexibility and convenience to the City's citizens because it allows them to vote at any of the voting centers, rather than restricting them to only one location or precinct.

The attached Resolution proposes that the 2024 City Primary and General Elections be consolidated to the following nine voting centers:

	Voting Center / Facility	Location
1	Martin Luther King Jr. Youth Career Center	300 S. 13 <sup>th</sup> Avenue - Yuma
2	Yuma Main Library	2951 S. 21 <sup>st</sup> Drive - Yuma
3	Yuma Civic Center - MEGA CENTER	1440 W. Desert Hills Drive - Yuma
4	Arizona Western College Conference Center	2020 S. Avenue 8E - Yuma
5	St. John Neumann Catholic Church - MEGA CENTER	11545 E. 40 <sup>th</sup> Street - Yuma
6	AWC Wellton Manufacturing Learning Center	28851 County 12 <sup>th</sup> Street - Wellton

7	Somerton Community Center	805 W. Main Street - Somerton
8	San Luis Medical Mall	151 S. Oak Avenue - San Luis
9	San Luis Library	1075 N. 6 <sup>th</sup> Avenue - San Luis

In an effort to further accommodate the voters, the Yuma County Recorder’s Office will be available for early voting from Wednesday, July 3, 2024 - Friday, July 26, 2024 (Primary) and Wednesday, October 9, 2024 - Friday November 1, 2024 (General). The Yuma County Recorder’s Office is open Monday - Friday from 8:00 a.m. to 5:00 p.m.

Voters will also have the option of dropping their Early Ballots at one of the convenient drop-box locations:

- Yuma County Recorder’s Office:102 Main Street (Yuma)
- Yuma County Main Library: 2951 S. 21st Drive (Yuma)
- Foothills Library:13226 E. South Frontage Road (Yuma)
- Wellton Library: 28790 San Jose Avenue (Wellton)
- Somerton Library: 240 Canal Street (Somerton)
- San Luis Library: 1075 N. 6<sup>th</sup> Avenue (San Luis)

Pursuant to the City of Yuma Charter, Article IX, Section 1(a), and Arizona Revised Statutes § 9-825, the City Council is required to appoint an election board (Election Board) for each voting center. The proposed resolution lists persons recommended by County Election Services, through the IGA, to be appointed to and serve on the Election Board for each respective voting center. All of the appointees named within the resolution are qualified to serve on the Election Board under state election laws.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**  
NONE

**ADDITIONAL INFORMATION:**

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

1. IGA with Yuma County Election Services and Yuma County Recorder

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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, APPOINTING ELECTION BOARDS (POLL WORKERS) TO SERVE AT THE CITY PRIMARY AND GENERAL ELECTIONS TO BE HELD ON JULY 30, 2024 AND NOVEMBER 5, 2024, RESPECTIVELY, AND FURTHER APPROVE VOTING CENTERS AS ADOPTED BY THE YUMA COUNTY BOARD OF SUPERVISORS, PURSUANT TO STATE STATUTE, AND THE CURRENT INTERGOVERNMENTAL AGREEMENT WITH YUMA COUNTY ELECTION SERVICES AND THE YUMA COUNTY RECORDER**

WHEREAS, Arizona Revised Statutes § 9-825 requires the City Council to appoint an election board (“Election Board”), commonly known as poll workers, for each voting center to be used in an election; and,

WHEREAS, it is necessary to appoint individuals to serve on the Election Board for the City’s Primary and General Elections; and,

WHEREAS, Article IX, Section 1(a) of the Yuma City Charter allows the City Council, by ordinance or resolution, to create boards required by law. The City Council generally makes these administrative appointments by resolution; and,

WHEREAS, the City of Yuma Primary and General Elections will be held July 30, 2024 and November 5, 2024, respectively; and,

WHEREAS, the City is committed to improving the voter experience during an election; to reduce the number of provisional ballots; to increase voter participation through convenience and accessibility; and to conduct elections more efficiently with less cost; and,

WHEREAS, the City has an intergovernmental agreement with Yuma County Election Services and the Yuma County Recorder for the purpose of conducting the City’s elections; and,

WHEREAS, under Arizona Revised Statutes § 16-411(B)(4), Yuma County has the authority to implement the use of voting centers in place of, or in addition to, designated precinct polling places.

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

**SECTION 1.** The named election officers in Exhibit A, attached and incorporated by this reference, are hereby appointed to serve as the Election Board for each of the voting centers at the City of Yuma 2024 Primary and General Elections.

**SECTION 2.** The Election Board positions include an inspector, marshals, judges and clerks. Inspectors shall be paid \$300.00. Marshals, judges, and clerks shall be paid \$150.00. One Election Board officer will serve as the bilingual designee and shall be paid an additional \$25.00 for those services. Officers will also receive compensation of \$50.00 per session for attending training classes, \$20.00 for the Pre-Election Meeting, and those officers that set up the election equipment on Monday night prior to the election shall be paid \$30.00 for their time.

SECTION 3. Appointed individuals may be substituted, added to, or deleted from the the list of Election Board officers to conduct the 2024 Primary and General Elections, as necessary.

SECTION 4. Pursuant to Arizona Revised Statutes § 16-411(B)(4) and the intergovernmental agreement with Yuma County Election Services and the Yuma County Recorder, the City of Yuma City Council hereby authorizes the use of voting centers in the 2024 Primary and General Elections.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTEST:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

<b>Martin Luther King, Jr. Career Center</b>		
Position	Name	Party
Inspector	LaVette Malone	DEM
Marshal	Ofel Diaz	REP
Marshal	Brad T. Brown	REP
Poll Pad Judge	Laurie G. Senko	REP
Poll Pad Judge	Patrick Riley	DEM
Poll Pad Judge	Caro Riley	DEM
Poll Pad Judge	Susan Roman	REP
Printer Judge	James Halleman	DEM
ExpressVote Clerk	Zalayah Malone	STUDENT
ExpressVote Clerk	Milton Garcia	PND
Tabulator Clerk	DeLora Christie	REP
Provisional Clerk	Ruth Sust	REP
Provisional Clerk	Natasha Wofford	PND
Floater Clerk	Manuel "John" Bermudez	PND

<b>Arizona Western College Conference Center</b>		
Position	Name	Party
Inspector	Travis Mitchell	DEM
Marshal	Connie Sharp	REP
Marshal	Jill McClellan	REP
Poll Pad Judge	Robert Klein	DEM
Poll Pad Judge	Carie Beale	REP
Poll Pad Judge	Larry Graef	DEM
Poll Pad Judge	John Dolan	REP
Printer Judge	Lawrence Paukner	REP
ExpressVote Clerk	Gary Thompson	PND
ExpressVote Clerk	Sheila Wiggins	DEM
Tabulator Clerk	Jose Patino	PND
Provisional Clerk	Jodi Merrill-Russell	DEM
Provisional Clerk	Lisa Merrill- Russell	DEM
Floater Clerk	Griselda Salazar	PND



<b>Yuma Main Library</b>		
Position	Name	Party
Inspector	Robert C. Brown	LBT
Marshal	Anna Siquiera de Silva	REP
Marshal	Susan James	DEM
Poll Pad Judge	Brad Broschat	REP
Poll Pad Judge	Rebecca Wilbur	REP
Poll Pad Judge	Andrea McKenzie	DEM
Poll Pad Judge	Katie Thorson	REP
Printer Judge	Matthew J McKeown	REP
ExpressVote Clerk	Clifford H. Oneill	PND
ExpressVote Clerk	Jenifer Whaley	PND
Tabulator Clerk	Nicole L. Johnson	PND
Provisional Clerk	Kaitlyn Hummer	REP
Provisional Clerk	Sarah Haddock	REP
Floater Clerk	Oswaldo Rodriguez	PND

<b>AWC Wellton Manufacturing Learning Center</b>		
Position	Name	Party
Inspector	Valerie Jo Jimenez	REP
Marshal	Gerald Reagan	REP
Marshal	Marie T. Rodriguez	DEM
Poll Pad Judge	Tracy Ortega	REP
Poll Pad Judge	Roxanne Mendoza	REP
Poll Pad Judge	Juan Bravo	DEM
Poll Pad Judge	Sherry Fajardo	DEM
Printer Judge	Karissa Clayton	REP
ExpressVote Clerk	Marissa Jo Jimenez	STUDENT WORKER
ExpressVote Clerk	Ann Alicia Jorajuria	REP
Tabulator Clerk	Sophia Castro	DEM
Provisional Clerk	Victoria Morga	DEM
Provisional Clerk	Ernestina Moore	DEM
Floater Clerk	Alaina Jaime	STUDENT WORKER

<b>Civic Center</b>		
Position	Name	Party
Inspector	Tiffany Rhinehart	DEM
Marshal	Tina McMash	REP
Marshal	Hector Anaya	REP
Poll Pad Judge	Cathy Khul	REP
Poll Pad Judge	Diana M. Crites	REP
Poll Pad Judge	Harley Halseth Jr	DEM
Poll Pad Judge	Marie Campbell	DEM
Poll Pad Judge	Cynthia A. Baisi	REP
Poll Pad Judge	Renee Coney-Gonzalez	DEM
Poll Pad Judge	Randolph Allen	REP
Poll Pad Judge	Marie Campbell	DEM
Poll Pad Judge	James Green	REP
Poll Pad Judge	Jacqueline Luna	DEM
Poll Pad Judge	Cherly Farar	DEM
Poll Pad Judge	Mary Jo McIntyre	REP
Printer Judge	Richard McCoy	REP
Printer Judge	Esperanza Guizar	DEM
Printer Judge	Cirony Brown	REP
ExpressVote Clerk	Tanya Brown	DEM
ExpressVote Clerk	Nicolas Hanhan	REP
ExpressVote Clerk	Ivan Aguirre Espinoza	DEM
Tabulator Clerk	William J. Bowlus-Root	PND
Tabulator Clerk	Darlen Alvarez Ramirez	PND
Provisional Clerk	Veronica Flores	REP
Provisional Clerk	Roberta Dawson	DEM
Provisional Clerk	Citlally Jaime	PND
Floater Clerk	Nathan Coleman	PND

<b>St. John Neumann Catholic Church</b>		
Position	Name	Party
Inspector	Donald Jacobs	REP
Marshal	Teri Koenig	DEM
Marshal	Mike Gilbert	DEM
Poll Pad Judge	Susan Lauer	DEM
Poll Pad Judge	Julia Williamson	DEM
Poll Pad Judge	Julie-Ann Mcdaniel	DEM
Poll Pad Judge	Teresa Robinson	REP
Poll Pad Judge	Robert Robinson	REP
Poll Pad Judge	Marsha Parks	REP
Poll Pad Judge	David Williamson	DEM
Poll Pad Judge	Kathleen Platz	DEM
Printer Judge	Cynthia Wenberg	REP
Printer Judge	Steve Miller	DEM
ExpressVote Clerk	Pam King	REP
ExpressVote Clerk	John Fuller	DEM
Tabulator Clerk	Constance Muccianti	IND
Tabulator Clerk	Loney Cline	REP
Provisional Clerk	Ruth B. Milne	REP
Provisional Clerk	Annette Prophet-Rehn	PND
Provisional Clerk	Mindy Scott	PDN
Floater Clerk	Stewart Johnson	DEM

<b>Somerton Community Center</b>		
Position	Name	Party
Inspector	Yolanda Contreras	DEM
Marshal	Deanna Varner	REP
Marshal	Randy Varner	REP
Poll Pad Judge	James Neill	REP
Poll Pad Judge	Martha Llamas	DEM
Poll Pad Judge	Maria Mendez	REP
Poll Pad Judge	Sarai Johnson	DEM
Printer Judge	John Mathias	DEM
ExpressVote Clerk	Rebecca Franco	DEM
ExpressVote Clerk	Kevin Johnson	DEM
Tabulator Clerk	Priscila Ruedas	DEM
Provisional Clerk	Bernadette Lopez Garrett	DEM
Provisional Clerk	Judy Ortiz Esparza	OTHER
Floater Clerk	Abhishek Indoria	PND

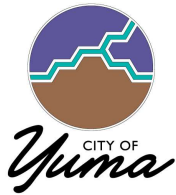
<b>San Luis Medical Mall</b>		
Position	Name	Party
Inspector	David Yglesias	REP
Marshal	Carol Whitted	DEM
Marshal	Daniel Ortiz	DEM
Poll Pad Judge	Carlos Torres	REP
Poll Pad Judge	Debra Pallack	DEM
Poll Pad Judge	Sandra Saucedo	DEM
Poll Pad Judge	Harry Tennant	REP
Printer Judge	Rosy Vasquez	DEM
ExpressVote Clerk	Joseph Anthony Gonzalez	PND
ExpressVote Clerk	Rachel Uresti	IND
Tabulator Clerk	Javier Barraza	PND
Provisional Clerk	Bryce Presley	DEM
Provisional Clerk	Irene Lett	IND
Floater Clerk	David Hernandez	ANY

<b>San Luis Library</b>		
Position	Name	Party
Inspector	Vicky Guzman	DEM
Marshal	Katherine Ballon	REP
Marshal	Juan Ramirez	REP
Poll Pad Judge	Marcel Ulvert	REP
Poll Pad Judge	Andrea Ramirez	DEM
Poll Pad Judge	Salome Franco	DEM
Poll Pad Judge	Crystal Brockhan	REP
Printer Judge	Brian Jones	DEM
ExpressVote Clerk	James Halleman	DEM
ExpressVote Clerk	Anamarie Escalera	PND
Tabulator Clerk	Francis Mendiola	DEM
Provisional Clerk	Otilia Escalera	PND
Provisional Clerk	Magarita Haro Abalos	DEM
Floater Clerk	John Sanchez Ortiz	PND

<b>EARLY BAORD</b>		
Position	Name	Party
Inspector	Margarita Haro Abalos	DEM
Inspector	Irma Merino	DEM
Judge	Ruth Sust	REP
Judge	Beth Masse	DEM
Inspector	Larry Graef	DEM
Judge	Shirley Dalton	REP
Judge	Marie Campbell	DEM
<b>DUPLICATION BOARD</b>		
Position	Name	Party
Inspector	Magarita Haro Abalos	DEM
Judge	Jodi Merrill Russell	DEM
Judge	Brad Broshat	REP
Judge	Lisa Merrill Russell	DEM

<b>RECEIVING BOARD</b>	
Name	Party
Tymmi Woods	DEM
Michael Cradic	PND
Griselda Zavala	DEM

<b>CERTIFICATION BOARD</b>	
Name	Party
Thelma Lundy	DEM
Howard Blitz	LBT
Bonnie Knight	REP



# City of Yuma

## City Council Report

File #: R2024-027

Agenda Date: 6/26/2024

Agenda #: 2.

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

**TITLE:**

**Resolution Designating the Chief Fiscal Officer for FY 2025**

**SUMMARY RECOMMENDATION:**

Designate Douglas W. Allen as the Chief Fiscal Officer for the purpose of submitting the City’s Annual Expenditure Limitation Reports (AELR) to the Auditor General for Fiscal Year 2025. (Finance) (Douglas Allen)

**STRATEGIC OUTCOME:**

Adoption of this resolution aligns with the City Council’s Respected and Responsible strategic outcome as the action complies with state law annual budget transparency requirements.

**REPORT:**

Arizona Revised Statutes § 41-1279.07(E) states,

“The governing body of each political subdivision shall provide to the auditor general by July 31 each year the name of the chief fiscal officer designated by the governing body of the political subdivision to officially submit the current fiscal year’s expenditure limitation report on behalf of the governing body. The governing body of the political subdivision shall notify the auditor general of any changes of individuals designated to file the required reports. The designated chief fiscal officer shall certify to the accuracy of the annual expenditure limitation report.”

**The Auditor General’s Office:**

- Recommends the designation of Chief Fiscal Officer be made by the governing body of each county, city, town and community college district on an annual basis;
- Provides a required resolution template to designate the Chief Fiscal Officer by governing body that must be uploaded via the Auditor General’s website;
- Specifies that the Chief Fiscal Officer designation is received by the Auditor General’s office by July 31<sup>st</sup> each year; and
- Instructs that if there are any changes in the individual designated as the City’s Chief Fiscal Officer, a new designation resolution must be submitted.

The following link provides in-depth explanations of the Annual Expenditure Limitation compliance and filing requirements:

<https://www.azauditor.gov/resources/cities-and-towns/faqs/users>

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA DESIGNATING THE CHIEF FISCAL OFFICER FOR  
OFFICIALLY SUBMITTING THE FISCAL YEAR 2025 ANNUAL  
EXPENDITURE LIMITATION REPORT TO THE ARIZONA AUDITOR  
GENERAL**

WHEREAS, Arizona Revised Statutes §41-1279.07(E) requires each county, city, town, and community college district to annually provide to the Auditor General by July 31 the name of the Chief Fiscal Officer (CFO) the governing body designates to officially submit the current year's expenditure limitation report (AELR) on the governing body's behalf; and,

WHEREAS, the Yuma City Council desires to designate the current Finance Director, Douglas W. Allen, as the City's CFO; and,

WHEREAS, all entities must submit an annual form and documentation for the individual designated to file the AELR.

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

Douglas W. Allen is designated as the City of Yuma's Chief Fiscal Officer for purposes of submitting the fiscal year 2025 Annual Expenditure Limitation Report for the City of Yuma to the Arizona Auditor General's Office on behalf of the governing body.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

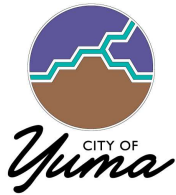
\_\_\_\_\_  
Douglas J. Nicholls, Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Richard W. Files, City Attorney



# City of Yuma

## City Council Report

**File #:** R2024-028

**Agenda Date:** 6/26/2024

**Agenda #:** 3.

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

**TITLE:**

**Annual Public Safety Personnel Retirement System Funding Policy for Fiscal Year 2025**

**SUMMARY RECOMMENDATION:**

Adopt the annual Public Safety Personnel Retirement System (PSPRS) funding policy for Fiscal Year 2025, as required under Arizona Revised Statutes (A.R.S.) § 38-863.01. (Finance) (Doug Allen)

**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.

**REPORT:**

The City's police and fire employees who are regularly assigned hazardous duty participate in the Public Safety Personnel Retirement System (PSPRS).

PSPRS is administered as an agent multiple-employer pension plan. An agent multiple-employer plan has two main functions: 1) to commingle assets of all plans under its administration, thus achieving economy of scale for more cost efficient investments, and invest those assets for the benefit of all members under its administration and 2) serve as the statewide uniform administrator for the distribution of benefits.

Under an agent multiple-employer plan each agency participating in the plan has an individual trust fund reflecting that agencies' assets and liabilities. Under this plan all contributions are deposited to and distributions are made from that fund's assets, each fund has its own funded ratio and contribution rate, and each fund has a unique annual actuarial valuation. The City of Yuma has two trust funds, one for police employees and one for fire employees.

**FUNDING RATIO GOAL IS FULLY FUNDED (100%) IN ADVANCE OF JUNE 30, 2036**

Pensions that are less than fully funded place the cost of service provided in previous years on the current taxpayers. Fully funded pension plans are the best way to achieve taxpayer and member intergenerational equity. Most funds in PSPRS are significantly underfunded and falling well short of the goal of intergenerational equity.

City Council established this goal for the following reasons:

- The PSPRS trust funds represent only the City of Yuma's liability



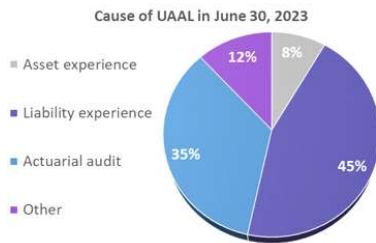
- The fluctuating cost of an UAAL causes strain on the City’s budget, affecting the City’s ability to provide services
- A fully funded pension is the best way to achieve taxpayer and member intergenerational equity

The Yuma City Council has taken the following actions to achieve this goal:

- The Mayor and City Council declared resolution of the PSPRS unfunded liability a priority
- On February 19, 2021, the City issued \$159,475,000 in taxable pledged revenue bonds to pay the balance of the PSPRS unfunded liability and establish a reserve account designated to maintain a fully funded PSPRS
- In July 2021 (FY 2022), the City fully paid (100%) the estimated PSPRS UAAL

**CHANGE IN CONDITIONS**

Due to a change in several actuarial conditions in the Actuarial Valuation year ended June 30, 2023, the City’s funded ratio has eroded below 100%. The graph below shows that categories causing the lower ratios and the chart provides a historical perspective of the City’s funded ratios.



Actuarial Valuation as of,	Funded Ratio		UAAL (Asset)
	Police	Fire	
June 30 , 2023	96.8%	95.9%	\$ 9,613,462
June 30 , 2022	100.1%	100.1%	(261,321)
June 30 , 2021	60.1%	58.5%	96,963,018
June 30 , 2020	43.6%	41.2%	132,247,364
June 30 , 2019	44.2%	41.4%	123,241,689

**CONTINUED COMMITMENT**

City Management will provide options for City Council consideration when the June 30, 2024, Actuarial Valuation is available in Q3/Q4 FY 2025. Budget authority to pay the UAAL is in FY 2025 and can be executed if that is City Council’s chosen course of action. The funding source will most likely need to be exempt from the expenditure limitation unless sufficient expenditure limitation capacity is available in Q3/Q4 FY 2025.

**POLICY ATTACHED**

The attached PSPRS funding policy for FY 2025 incorporates:

- Use of the templates provided by the Arizona League of Cities and Towns
- Adoption of the policy with the annual budget process to ensure meeting compliance
- Amortize the UAAL contribution rate over the maximum years allowed to not over commit the City and allow for flexibility in the event of an economic downturn and the resurgence of an UAAL
- Includes City Council’s actions to fully fund the PSPRS UAAL in July of FY 2022 and commitment to revisit the current estimated UAAL with the next actuarial report for June 30, 2024 when available.

Approving this resolution adopts the attached PSPRS Funding Policy for Fiscal Year 2025.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00

OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP
TOTAL\$ 0.00		
-		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-028**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, ADOPTING THE ANNUAL PUBLIC SAFETY PERSONNEL  
RETIREMENT SYSTEM (PSPRS) FUNDING POLICY FOR THE FISCAL  
YEAR 2025**

WHEREAS, the provisions of Title 38, Chapter 863.01, Article 4, Arizona Revised Statutes (A.R.S.), requires all local agencies (counties, cities, towns and special districts) that participate in the Public Safety Personnel Retirement System (“PSPRS”) to adopt and post a Pension Funding Policy annually; and,

WHEREAS, the PSPRS administers an agent multiple-employer pension plan where each local agency participating in the plan has an individual trust fund to account for that local agency’s assets and liabilities that each local agency is responsible for, including paying any Unfunded Actuarial Accrued Liability (“UAAL”); and,

WHEREAS, the UAAL is the difference between trust assets and the estimated future costs of pensions earned by employees resulting from actual results (including interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations; and,

WHEREAS, City Ordinance No. O2020-027, authorized issuing taxable pledged revenue bonds to pay the estimated Tier 1 and Tier 2 UAAL of \$140,000,000 and establish a PSPRS UAAL reserve account to maintain a funding level of 100%; and,

WHEREAS, the Arizona League of Cities and Town’s has provided a template to assist municipalities in meeting the State requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows: the attached incorporated City of Yuma Public Safety Personnel Retirement System Funding Policy for Fiscal Year 2025 is hereby adopted.

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

## Public Safety Personnel Retirement System

### Funding Policy FY 2025

The intent of this policy is to clearly communicate the City Council's pension funding objectives, City Council's commitment to Public Safety employees, and the sound financial management of the City in compliance with the statutory requirements of Laws 2018, Chapter 112.

Several terms are used throughout this policy:

**Unfunded Actuarial Accrued Liability (UAAL)** – Is the difference between trust assets and the estimated future cost of pensions earned by employees. This UAAL results from actual results (interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations.

**Annual Required Contribution (ARC)** – Is the annual amount required to pay into the pension funds, as determined through annual actuarial valuations. It is comprised of two primary components: normal pension cost – which is the estimated cost of pension benefits earned by employees in the current year; and, amortization of UAAL – which is the cost needed to cover the unfunded portion of pensions earned by employees in previous years. The UAAL is collected over a period of time referred to as the amortization period. The ARC is a percentage of the current payroll.

**Funded Ratio** – Is a ratio of fund assets to actuarial accrued liability. The higher the ratio the better funded the pension is with 100% being fully funded.

**Intergenerational equity** – Ensures that no generation is burdened by substantially more or less pension costs than past or future generations.

## **Public Safety Personnel Retirement System (PSPRS)**

The City's police and fire employees who are regularly assigned hazardous duty participate in the Public Safety Personnel Retirement System (PSPRS).

PSPRS is administered as an agent multiple-employer pension plan. An agent multiple-employer plan has two main functions: 1) to comingle assets of all plans under its administration, thus achieving economy of scale for more cost efficient investments, and invest those assets for the benefit of all members under its administration and 2) serve as the statewide uniform administrator for the distribution of benefits.

Under an agent multiple-employer plan each agency participating in the plan has an individual trust fund reflecting that agencies' assets and liabilities. Under this plan all contributions are deposited to and distributions are made from that fund's assets, each fund has its own funded

ratio and contribution rate, and each fund has a unique annual actuarial valuation. The City of Yuma has two trust funds, one for police employees and one for fire employees.

City Council formally accepts the assets, liabilities, and current funding ratio of the City's PSPRS trust funds from the June 30, 2023 actuarial valuation, which are detailed below.

<b>Trust Fund</b>	<b>Assets</b>	<b>Accrued Liability</b>	<b>Unfunded Actuarial Accrued Liability (Asset)</b>	<b>Funded Ratio</b>
Yuma Police	\$141,280,040	\$145,950,767	\$4,670,727	96.8%
Yuma Fire	\$114,959,633	\$119,902,368	\$4,942,735	95.9%

### **PSPRS Funding Goal**

Pensions that are less than fully funded place the cost of service provided in earlier periods (amortization of UAAL) on the current taxpayers. Fully funded pension plans are the best way to achieve taxpayer and member intergenerational equity. Most funds in PSPRS are significantly underfunded and falling well short of the goal of intergenerational equity.

### **FUNDING RATIO GOAL IS FULLY FUNDED (100%) IN ADVANCE OF JUNE 30, 2036**

City Council established this goal for the following reasons:

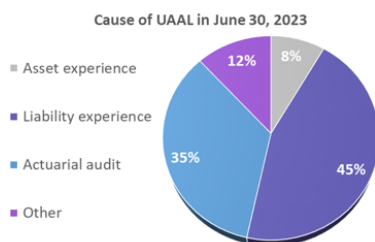
- The PSPRS trust funds represent only the City of Yuma's liability
- The fluctuating cost of an UAAL causes strain on the City's budget, affecting the City's ability to provide services
- A fully funded pension is the best way to achieve taxpayer and member intergenerational equity

The Yuma City Council has taken the following actions to achieve this goal:

- Maintain the Annual Required Contribution (ARC) payment from operating revenues – Council is committed to maintaining the full ARC payment (normal cost and UAAL amortization) from operating funds annually without diminishing City services.
- Additional payments above the ARC:
  - The Mayor and City Council declared resolution of the PSPRS unfunded liability a priority.
  - On February 19, 2021, the City issued \$159,475,000 in taxable pledged revenue bonds to pay the balance of the PSPRS unfunded liability and establish a reserve account designated to maintain a fully funded PSPRS.
  - In July 2021 (FY 2022), the City fully (100%) paid the estimated PSPRS UAAL.

## CHANGE IN CONDITIONS

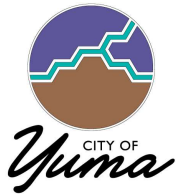
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## CONTINUED COMMITMENT

City Management will provide options for City Council consideration when the June 30, 2024, Actuarial Valuation is available in Q3/Q4 FY 2025. Budget authority to pay the UAAL is in FY 2025 and can be executed if that is City Council's chosen course of action. The funding source will most likely need to be exempt from the expenditure limitation unless sufficient expenditure limitation capacity is available in Q3/Q4 FY 2025.



# City of Yuma

## City Council Report

File #: R2024-029

Agenda Date: 6/26/2024

Agenda #: 4.

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

**TITLE:**

**Memorandum of Understanding: Special Operations Group**

**SUMMARY RECOMMENDATION:**

Approve a Memorandum of Understanding between United States Customs and Border Protection and the Yuma Police Department to assign federal personnel to the Police Department's Special Operations Group. (Yuma Police Department) (T. Garrity)

**STRATEGIC OUTCOME:**

This Memorandum of Understanding is in accordance with the City Council's Safe and Prosperous and Connected and Engaged Strategic Outcomes. The approved agreement will allow United States Customs and Border Protection to assign federal agents to the Police Department's Special Operations Group.

**REPORT:**

The Yuma Police Department's Special Operations Group (SOG) is a Patrol based specialty unit dedicated to proactive enforcement and criminal investigations relative to street gangs, narcotics and dangerous drug trafficking, and associated violent crimes. Many of these crimes have border and international ties.

United States Customs and Border Protection (USCBP) shares much of the same mission from the federal perspective and routinely partners with local law enforcement to achieve common goals. A formal partnership where federal agents work directly with SOG officers increases collaboration, staffing, and better leverages resources to ultimately reduce crime.

By approving this resolution, the Mayor and Council authorize the Yuma Police Department to enter into a Memorandum of Understanding with United States Customs and Border Protection, accepting the assignment of at least one federal agent to the Police Department's Special Operations Group.

**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:**

There may be training and some equipment associated with operating on the unit. These will come out of the General Fund. All personnel costs for the federal agents will be paid by USCBP.

**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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



**RESOLUTION NO. R2024-029**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF YUMA AND UNITED STATES CUSTOMS AND BORDER PROTECTION, TO ASSIGN YUMA SECTOR BORDER PATROL PERSONNEL TO THE YUMA POLICE DEPARTMENT'S SPECIAL OPERATIONS GROUP**

WHEREAS, the City of Yuma ("City") is authorized, pursuant to Arizona Revised Statutes ("A.R.S.") §11-952, to contract for services and enter into agreements with other public agencies for joint or cooperative action; and,

WHEREAS, there is evidence that criminal street gang activity and trafficking of narcotics and dangerous drugs occurs in the City of Yuma, State of Arizona; and

WHEREAS, street gangs, drug trafficking and related illegal activities have a substantial detrimental effect on the health and welfare of the people of the City of Yuma; and,

WHEREAS, transnational criminal organizations' tactics and procedures involve the utilization of street gangs in support of cross-border drug trafficking and human smuggling; and,

WHEREAS, the activities of international criminal organizations affect border and national security; and,

WHEREAS, the United States Border Patrol (USBP) and the Yuma Police Department (YPD) have varying resources, equipment, training and skill sets useful for deterring, investigating and prosecuting criminal activity; and,

WHEREAS, YPD has a Special Operations Group (SOG) with the mission to proactively deter crime and enforce laws through intelligence gathering, problem-oriented policing, and directed patrols and details; and,

WHEREAS, USBP works to prevent the entry of individuals with criminal intent and the entry of illicit drugs into the United States; and,

WHEREAS, the USBP and YPD, through SOG, desire to work in cooperation to combat street gangs, drug trafficking, and related illegal activity within the City of Yuma; and,

WHEREAS, through this agreement, the USBP will assign at least one federal agent to the YPD Special Operations Group.

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

SECTION 1: The City Council finds entering into a Memorandum of Understanding with United States Customs and Border Protection for the purpose of assigning personnel to the Special Operations Group is in the public interest by promoting a safe and prosperous community.

SECTION 2: The document titled *Memorandum of Understanding between the City of Yuma and United States Customs and Border Protection*, attached and incorporated into this Resolution by reference, is approved for signature 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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF YUMA  
AND  
UNITED STATES CUSTOMS AND BORDER PROTECTION**

This Memorandum of Understanding (“MOU”) is entered into by and between the Yuma Sector Border Patrol (“USBP”), through the United States Customs and Border Protection, and the Yuma Police Department (“YPD”), through the City of Yuma. USBP and YPD may be referred to individually as “Party,” and collectively as the “Parties”.

WHEREAS, there is evidence that criminal street gang activity and the trafficking of narcotics and dangerous drugs occurs in the City of Yuma, State of Arizona; and

WHEREAS, street gangs, drug trafficking, and related illegal activities have a substantial and detrimental effect on the health and welfare of the people of the City of Yuma; and

WHEREAS, transnational criminal organizations’ tactics, techniques, procedures involve the utilization of street gangs in support of cross-border drug trafficking and noncitizen smuggling; and

WHEREAS, the activities of transnational criminal organizations affects border security and national security, and

WHEREAS, USBP and YPD have varying resources, equipment, training, and skill sets useful for deterring, investigating and prosecuting criminal activity; and

WHEREAS, YPD has a Special Operations Group (“SOG”) with the mission to proactively deter crime and enforce laws through gathering intelligence, problem-oriented policing, and directed patrols and details; and

WHEREAS, USBP works to prevent the entry of individuals with criminal intent and the entry of illicit drugs into the United States; and

WHEREAS, the USBP and YPD, through SOG, desire to work in cooperation to combat street gangs, drug trafficking, and related illegal activity within the City of Yuma.

NOW THEREFORE, the Parties agree as follows:

**I. AUTHORITIES**

- a. The USBP is authorized by Department of Homeland Security Management Directive 0450.1, dated January 24, 2003, to enter into this MOU.
- b. USBP Agents derive their law enforcement authorities from the Homeland Security Act of 2002, and Titles 6, 8, and 19 of the United States Code.
- c. The City of Yuma is authorized to enter this MOU by Article III, Section 1, of the Yuma City Charter, and Article 13 § 2 of the Arizona State Constitution.
- d. YPD derives its law enforcement authority from Yuma City Code Chapter 32, Arizona Revised Statutes, Arizona Administrative Regulations, Title 13, § 4, and the rules and regulations of the Arizona Peace Officer Standards and Training Board.

- e. A.R.S. § 13-2403 provides for assisting a peace officer in the State of Arizona and limits liability in so doing.

## II. DEFINITIONS

- A. Criminal Street Gang: Ongoing formal, or informal, association of persons in which members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any felony action that has at least one individual who is a criminal street gang member.
- B. Criminal Street Gang Member: Individual to whom at least two of the following seven criteria indicating criminal street gang membership apply: 1) self-proclamation; 2) witness testimony or official statement; 3) written or electronic correspondence; 4) paraphernalia or photographs; 5) tattoos; 6) clothing or colors; 7) any other indicia of street gang membership.
- C. Drug(s): Any substance listed in A.R.S. § 13-3401 and/or regulated by Title 13, Chapter 34.
- D. Drug Trafficking: Transporting drugs for sale, selling drugs, importing drugs into Arizona, transferring drugs, or offering to take any of these actions.

## II. DUTIES AND OBLIGATIONS

- A. YPD will perform the activities and duties described below:
  - 1. Disrupt Criminal Street Gang activity and Drug Trafficking in the City of Yuma by targeting and immobilizing Criminal Street Gangs, Criminal Street Gang Members, and Trafficking organizations.
  - 2. Conduct high-risk fugitive apprehension operations.
  - 3. Gather and share intelligence data with USBP relating to Criminal Street Gang activity and Trafficking.
  - 4. Conduct daily operations in a fully marked police uniform, unless plain clothes operations are a better tactical approach.
  - 5. Pursue prosecution before the courts of the United States and/or the State of Arizona and assist prosecuting agencies with achieving that goal.
- B. USBP will assign a minimum of one Agent to work with YPD for a period of not less than two (2) years.
- C. The assigned USBP Agent's investigative duties will be the same as SOG officers. All participating agencies will work within their specific procedures, regulations, jurisdictions, and appropriate scope of authorities.

- D. SOG Officers and the assigned USBP Agent(s) will complete investigative reports pursuant to YPD policy and procedure. The assigned USBP Agent(s) is not prohibited from also completing a report for USBP using USBP's reporting mechanism.
- E. USBP will provide necessary funds and equipment to support the activities of the Agent(s) assigned to YPD. This support includes the Agent's(s) base pay, differentials, overtime pay, travel funds, investigative equipment, training, pension or retirement, worker compensation coverage, and any other legally mandated employment costs.
- F. YPD shall not charge USBP, directly or indirectly, for the administration or implementation of this MOU. USBP shall not charge YPD, directly or indirectly, for the administration or implementation of this MOU. Each agency is responsible for its own costs arising from this MOU.
- G. USBP Agents assigned to SOG will not take enforcement action pursuant to Arizona law or operate as a YPD Member unless working directly with SOG, or YPD. When not involved in operations pursuant to this MOU, the Agents may operate only as USBP employees.
- H. All equipment used by the assigned Agent(s) will be provided by USBP. All assigned USBP Agents shall have a duty weapon, a tactical outer vest with body armor or ballistic plates and displayed USBP/ United States Customs and Border Protection patches. The use of subdued USBP/ United States Customs and Border Protection patches is authorized.
- I. The SOG Sergeant or Commander shall determine the shifts and hours worked by SOG Officers and assigned USBP Agents.
- J. Assigned USBP Agents will work the 40-hour YPD work week. If there are hours remaining in the USBP work week, beyond those 40 hours, the remaining hours will be used working for the USBP.
- K. USBP will provide unmarked vehicles, equipped with functional emergency lights and sirens as described in A.R.S. § 28-624, for use by the USBP Agent(s). These vehicles may only be operated by USBP Agents. No SOG Officer may operate a USBP vehicle, except in exceptional or emergency situations, or with consent of USBP.
- L. YPD will provide unmarked vehicles, equipped with functional emergency lights and sirens as described in A.R.S. § 28-624, for use by the SOG Officers. These vehicles may only be operated by YPD Members. No USBP Agent may operate a YPD vehicle, except in exceptional or emergency situations, or with consent of YPD.

### III. SUPERVISION

- A. The assigned USBP Agent(s) remains an employee of USBP but will be under the direct supervision of and receive direction from the SOG Sergeant and Commander during the assignment, providing the supervision and direction does not violate USBP's policies and procedures.
- B. The USBP Agent(s) assigned to YPD shall adhere to United States Customs and Border Protection policies and procedures. USBP will provide the SOG Sergeant with a copy of the United States Customs and Border Protection policy and procedure manual for reference.
- C. SOG Officers will abide by and adhere to all policies and procedures of YPD. Upon request, YPD will provide USBP with a copy of YPD's policy and procedure manual for reference.
- D. Any allegation of misconduct or policy violation(s) by the assigned Agent(s) or the SOG Officers will be investigated by the employee's parent agency in conformance with its rules and regulations. Assigned Agents and SOG Officers will cooperate with investigations by the other agency. Such cooperation will be in compliance with the parent agency's policies, procedures, governing laws and collective bargaining agreements.
- E. Direction and oversight of USBP-established confidential sources will be conducted by the assigned USBP Agent(s) in compliance with the guidelines set forth in CBP policy.
- F. Direction and oversight of YPD-established confidential sources will be conducted by SOG Officers in compliance with the guidelines set forth in YPD policy.

### IV. FORFEITURE

- A. Assets seized may be processed for State or Federal forfeiture.
- B. Assets processed for State forfeiture and equitable sharing shall comply with the applicable Arizona forfeiture laws (e.g., A.R.S. §§ 13-2314.03 and 13-4301, *et seq.*)
- C. Assets processed for Federal forfeiture and equitable sharing shall comply with all applicable Federal laws and regulations, in addition to any Federal agency policy (e.g., the United States Attorney General's Guidelines on Seized and Forfeited Property).
- D. YPD civil forfeiture staff will work in consultation with USBP, when requested, to determine the appropriate forfeiture process.

### V. RECORDS AND MEDIA STATEMENTS

- A. Records retained and maintained by USBP and United States Customs and Border Protection are Federal records for the purpose of the Privacy Act and Freedom of Information Act. USBP will follow all applicable CBP regulations, procedures, and policies before disclosing information to YPD SOG.
- B. The United States Customs and Border Protection policy and procedure manual provided to YPD for reference remains the property of the United States Customs and Border Protection and shall not be reproduced or released as an Arizona public record.
- C. Records retained and maintained by YPD and the City of Yuma are public records governed by Arizona state law.
- D. The Parties acknowledge some records may be both Federal records and Arizona public records.
- E. When issuing statements or press releases, YPD will only refer to or mention USBP involvement with approval from a USBP representative.
- F. YPD shall permit and have readily available all records relating to this MOU for examination and auditing by United States Customs and Border Protection and the Comptroller General of the United States, to include their authorized agents or representatives. YPD shall maintain all such records in compliance with the State of Arizona retention schedules, or for a period of three (3) years after termination of this MOU, whichever is longer. In the event of a pending examination or audit, YPD shall ensure the records are retained until the examination or audit is complete.

## **VI. USBP AGENT SELECTION AND TRAINING**

- A. The SOG Sergeant or Commander will have the opportunity to participate in the selection process, so the best candidate(s) is selected.
- B. The USBP Agent(s) selected to SOG must read and complete The New SOG Officer Transitional Manual and receive in-house gang training by SOG. The New SOG Officer Transitional Manual describes SOG and its functions and provides a checklist of job proficiencies and knowledge all SOG members must possess to be fully operational. All members of SOG must complete and pass this manual and checklist. In the event the assigned USBP Agent does not complete the manual and checklist within 3 months the Agent will be relieved of the assignment.
- C. The USBP Agent(s) assigned to SOG would be most effective if cross-certified, pursuant to A.R.S. § 13-3875; however, the position with SOG is not contingent on this. A lack of cross-certification may limit the Agent'(s) ability to be considered a "peace officer" pursuant to Arizona law.
- D. In order to be selected for SOG assignment, the USBP Agent(s) must:

1. Be willing to work in a team environment; and
2. Be willing to respond to callouts on nights and weekends; and
3. Be willing to work a flexible schedule that may change on short notice; and
4. Have an understanding of crime scene management, participating in and organizing proactive details, conducting surveillance, and completing complex investigations; and
5. Have, or demonstrate the ability to learn, thorough knowledge of Federal and Arizona search-and-seizure and warrant laws and be able to write search warrants.

## VI. GENERAL TERMS

- A. **Effective Date.** This MOU is effective upon the date of the last Party signature.
- B. **Term.** This MOU is in effective for a period of two (2) years from the Effective Date. (“Initial Term”). Thereafter, the MOU will automatically renew for three (3) additional two (2) year terms. (“Renewal Term”).
- C. **Termination and Non-Renewal.** Either Party may terminate this MOU, with or without cause, by providing thirty (30) days written notice to the other Party. Either Party may opt to not renew this MOU, with or without cause, by providing written notice to the other Party not less than thirty (30) days prior to the Renewal Term.
- D. **Notices.** Any notices required or permitted hereunder shall be in writing and shall be deemed delivered if delivered in person, by electronic mail with delivery receipt, or ten (10) days from the date of mailing by registered or certified mail and addressed to the point of contact for the other Party.

<p>United States Customs and Border Protection</p> <p>Joseph H. Dressler Yuma Sector 4035 S. Ave A Yuma, Arizona 85364 (928) 341-6540 <a href="mailto:JOSEPH.H.DRESSLER@cbp.dhs.gov">JOSEPH.H.DRESSLER@cbp.dhs.gov</a></p>	<p>City of Yuma</p> <p>Sgt. Jordan Smith, SOG Sergeant Yuma Police Department 1500 South 1<sup>st</sup> Avenue Yuma, Arizona 85364 (928) 373-4388 jordan.smith@yumaAz.gov</p>
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- E. **Non-Discrimination.** The Parties shall comply with all applicable State and Federal employment laws, rules, and regulations, which require that all persons shall have equal access to employment regardless of race, color, religion, disability, sex (including sexual preference and gender identity), age, national origin, veteran’s status, genetic code or political affiliation during the term(s) of this MOU.


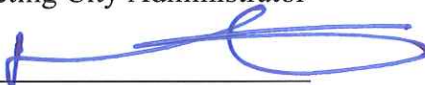
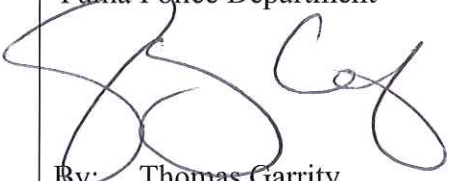


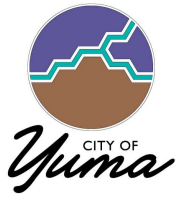
- F. **Availability of Funds for Each Successive Fiscal Year.** Pursuant to A.R.S. § 41-2546, all Parties are government entities, and MOU validity is based upon the availability of public funding. In the event public funds are unavailable and not appropriate for the performance of any Party's obligations pursuant to this MOU, that Party's participation in this MOU shall automatically terminate without penalty, after written notice to the other of the unavailability and non-appropriations of public funds. It is expressly agreed that no Party shall activate this provision for its convenience or to circumvent the requirements of the MOU, but only as an emergency fiscal measure.
- G. **Impossibility.** No Party to this MOU shall be deemed to be in violation of this MOU if it is prevented from performing any of its obligations hereunder for any reasons beyond its control, including without limitation, global or national pandemics, acts of God or of the public enemy, flood or storm, strikes, court decision order, or statutory regulation or rule of any Federal, State or local government, or any agency thereof.
- H. **Employee Worker Eligibility.** By entering into this MOU, the Parties warrant compliance with the Federal Immigration and Nationality Act (FINA), and all other Federal immigration laws and regulations at all times when operating in the State of Arizona. Either Party may request verification of compliance from any other Party's employee, contractor or subcontractor performing work pursuant to this MOU. A breach of this warranty shall be deemed a material breach subject to penalties up to and including termination of this MOU.
- I. **Responsibility.** The Parties shall be individually responsible for the conduct of their own operations and performance of obligations pursuant to this MOU and for any accidents, injuries to or the death of persons or damage or loss of property arising out of negligent or wrongful acts or omissions by its officers, agents or employees acting in the course or scope of their employment and/or while performing the duties undertaken pursuant to this MOU.
- J. **Severability.** The provisions of this MOU are severable to the extent that any provision or application held to be invalid by a court of competent jurisdiction shall not affect any other provision or application of the MOU, which may remain in effect without the invalid provision or application.
- K. **Governing Law.** This MOU shall be construed under the laws of the State of Arizona and shall incorporate by reference all laws governing the mandatory contract provisions of State agencies required by statute or executive order. The jurisdiction for any disputes shall be Yuma County, Arizona.
- L. **Rights of Parties Only.** The terms of this MOU are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third-party beneficiary or other person, agency or organization.
- M. **Relationship of the Parties.** It is clearly understood that each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of

the other. An employee or agent of the one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever.

- N. **Authority of Parties.** The persons executing this MOU on behalf of the Parties hereby represent and guarantee that they have been authorized to do so, on behalf of themselves and the entity they represent. Further representation is made that due diligence has occurred, and that all necessary internal procedures and processes, including compliance with the open meeting law where necessary, have been satisfied in order to legally bind the entity to the terms of this MOU.
- O. **Counterparts.** This MOU may be executed in multiple counterparts, each of which shall constitute an original and together shall constitute the MOU.
- P. **Entire Agreement.** This MOU contains the entire understanding of the Parties hereto. There are no representations or other provisions other than those contained herein, and any amendment or modification of this MOU shall be made only in writing and signed by the Parties to this MOU.
- Q. **Automatic Incorporation.** All applicable Federal, State and local laws, court orders and decisions, Executive Orders, rules and regulations not specifically referenced herein are deemed automatically incorporated.

WHEREFORE, the Parties agree to the terms of this MOU as evidenced by the signatures below.

<p>United States Customs and Border Protection Yuma Sector</p>  <p>By: Sean L. McGoffin Chief Patrol Agent Date: <u>MAY - 9 2024</u></p>	<p>City of Yuma</p> <p>By: John D. Simonton Acting City Administrator</p>  <p>Date: _____</p>
	<p>Yuma Police Department</p>  <p>By: Thomas Garrity Chief of Police</p> <p>Date: <u>May 17, 2024</u></p>



# City of Yuma

## City Council Report

**File #:** R2024-030

**Agenda Date:** 6/26/2024

**Agenda #:** 5.

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

**TITLE:**

**Preannexation Development Agreement: Ruiz Roesner Trust**

**SUMMARY RECOMMENDATION:**

Authorize a Preannexation Development Agreement with Ruiz Roesner Trust for the properties located at 3731 W. 5<sup>th</sup> Street and 3731 ½ W. 5<sup>th</sup> Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

The approval of this Preannexation Development Agreement will facilitate the development of the properties furthering the City Council’s strategic outcome of Safe and Prosperous.

**REPORT:**

Martin and Alma Ruiz, of the Ruiz Roesner Trust, own the parcels located at 3731 W. 5<sup>th</sup> Street and 3731 ½ W. 5<sup>th</sup> Street (APNs 632-49-143 and 632-49-145) (Properties). The Owners have requested a Preannexation Development Agreement to connect to City of Yuma services. The Owners intend to tie and split the lots into three, for the development of three single-family homes. In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the Properties is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with Ruiz Roesner Trust for the properties shown on the location map.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-030**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF  
A PREANNEXATION DEVELOPMENT AGREEMENT WITH THE  
OWNER OF REAL PROPERTIES LOCATED AT 3731 W. 5<sup>TH</sup> STREET  
AND 3731 ½ W. 5<sup>TH</sup> STREET**

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the owners of certain real property located at 3731 W. 5<sup>th</sup> Steet and 3731 ½ W. 5<sup>th</sup> Street (the Properties) desire to annex the Properties into the municipal boundaries of the City, but the properties do not meet the statutory annexation requirements at this time; and,

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Properties is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Properties are located in unincorporated land that is territory desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the Property owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City.

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

SECTION 1: The Preannexation Development Agreement between the Property owners and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma and to record the Preannexation Development Agreement in the Official Records of the Yuma County Recorder.

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  
RESOLUTION NO. R2024-030**

**PREANNEXATION DEVELOPMENT AGREEMENT**

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between The Ruiz Roesner Trust (“Owner”), as the owners of the real properties located at 3731 W. 5<sup>th</sup> Street and 3731 ½ W. 5<sup>th</sup> Street (APN 632-49-143 and 632-49-145), more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owners and City shall be referred to collectively as the “Parties” and individually as a “Party.”

**RECITALS**

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with and conforms to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Owners desire to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and City of Yuma water service upon the terms and conditions described in this Agreement.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes (A.R.S.) § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC. v City of Yuma*, 227 Ariz. 28 (2011).

2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.

3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1. Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owners

successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2. Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to a zoning district in the City's Zoning Code that is consistent with A.R.S. § 9-471 (L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation.

4. Development Standards. The development and use of the Property shall be subject to all City, county, state and federal laws, regulations, rules, policies, fees in effect at the time of development ("Applicable Laws").

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. Payment of all capacity, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a City building permit. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner's execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

6.1 5<sup>th</sup> Street Right-of-Way Dedication. Owner shall dedicate to the City by delivery of a warranty deed, right-of-way along the Property's 5<sup>th</sup> Street Road frontage to meet the requirements of a Local Road.

6.2 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

6.3 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the “Permitting Agency”) through the Permitting Agency’s normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City’s normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner’s construction and installation of public improvements shall occur within the time-frames specified under Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for a Notice of Intent, the City will issue the appropriate “Authorization to Connect to Public Water Service” letters for water service provided that Subsection 8.3 is complied with.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating Owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Septic System. If Owner has obtained permitting and installed a septic system pursuant to County of Yuma regulations and requirements this Agreement shall not be interpreted to require the Property to connect to City sanitary sewer service until such time as Sanitary Sewer Service is available (at the City’s absolute and discretionary schedule) and the existing septic tank system is declared unserviceable as defined in City of Yuma Utility Regulations, as amended, or the Parties agree that such a connection shall be made. Any such connection to a future City of Yuma Sanitary Sewer Service line shall be at Owner’s sole cost for design, permitting, capacity charges and construction, and shall require City approval prior to permitting.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and



compliance with Applicable Laws including without limitation City's compliance with all required notice and public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property. If developed in Yuma County, written City approval of all such permits, plans, specifications, plats or other development approvals shall be required.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given under this Agreement shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:  
City Administrator  
One City Plaza  
Yuma, Arizona 85364-1436

To Owners:  
The Ruiz Roesner Trust  
17195 S. Avenue A 1/2  
Somerton, AZ 8535064

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either Party defaults (the "Defaulting Party") with respect to any of such Party's obligations, then the other Party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above, the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Owner Representations. Owner represents and warrants that:

- a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.
- e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.

g. Owner has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.

h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City Representations. City represents and warrants to Owner that:

a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.

e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.

g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D, and will run with the land during the Term of the Agreement as defined in Section 2.

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party

to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

17.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (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 at the John M. Roll United States Courthouse, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 17.1.

17.2 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

17.3 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either Party or its agents not contained or specifically referred to in this Agreement is valid or binding.

17.4 Recordation. Upon receipt of the recording fee from Owner, the City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

17.5 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

17.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

17.7 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning of construction of any of the provisions hereof.

17.8 Exhibits and Recitals. Any exhibit attached to this Agreement shall be deemed to have been incorporated into this Agreement by this reference with the same force and effect as if fully set forth in the body of the Agreement. The Recitals set forth at the beginning of this Agreement are acknowledged and incorporated and the Parties confirm the accuracy each Recital.

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and

deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

17.10 Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

17.12 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

17.13 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

17.14 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

17.15 Individual Nonliability/Damages. No City Council member, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach by City or for any amount which may become due to a Party or its successor, or with respect to any obligation of City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Owner shall be limited to the Property and any improvements thereon, and shall not extend to or be enforceable against the individual assets of any member, officer, or trustee of Owner.

17.16 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval of the zoning designation. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY:**  
CITY OF YUMA

**OWNERS:**  
The Ruiz Roesner Trust

By \_\_\_\_\_  
John D. Simonton  
Acting City Administrator

By \_\_\_\_\_  
Martin Ruiz Sarasua  
Trustee

By \_\_\_\_\_  
Alma Ruiz  
Trustee

ATTEST:

By \_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Richard W. Files  
City Attorney

**ACKNOWLEDGEMENTS**

State of Arizona        )  
                                  ) ss  
County of Yuma        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2024, by Martin Ruiz Sarasua, Trustee, on behalf of the Ruiz Roesner Trust.

\_\_\_\_\_  
NOTARY PUBLIC

COMMISSION EXPIRATION:

\_\_\_\_\_

State of Arizona        )  
                                  ) ss  
County of Yuma        )

The foregoing instrument was acknowledged before me this \_\_\_ day of , 2024, by Alma Ruiz, Trustee, on behalf of the Ruiz Roesner Trust.

\_\_\_\_\_  
NOTARY PUBLIC

COMMISSION EXPIRATION:

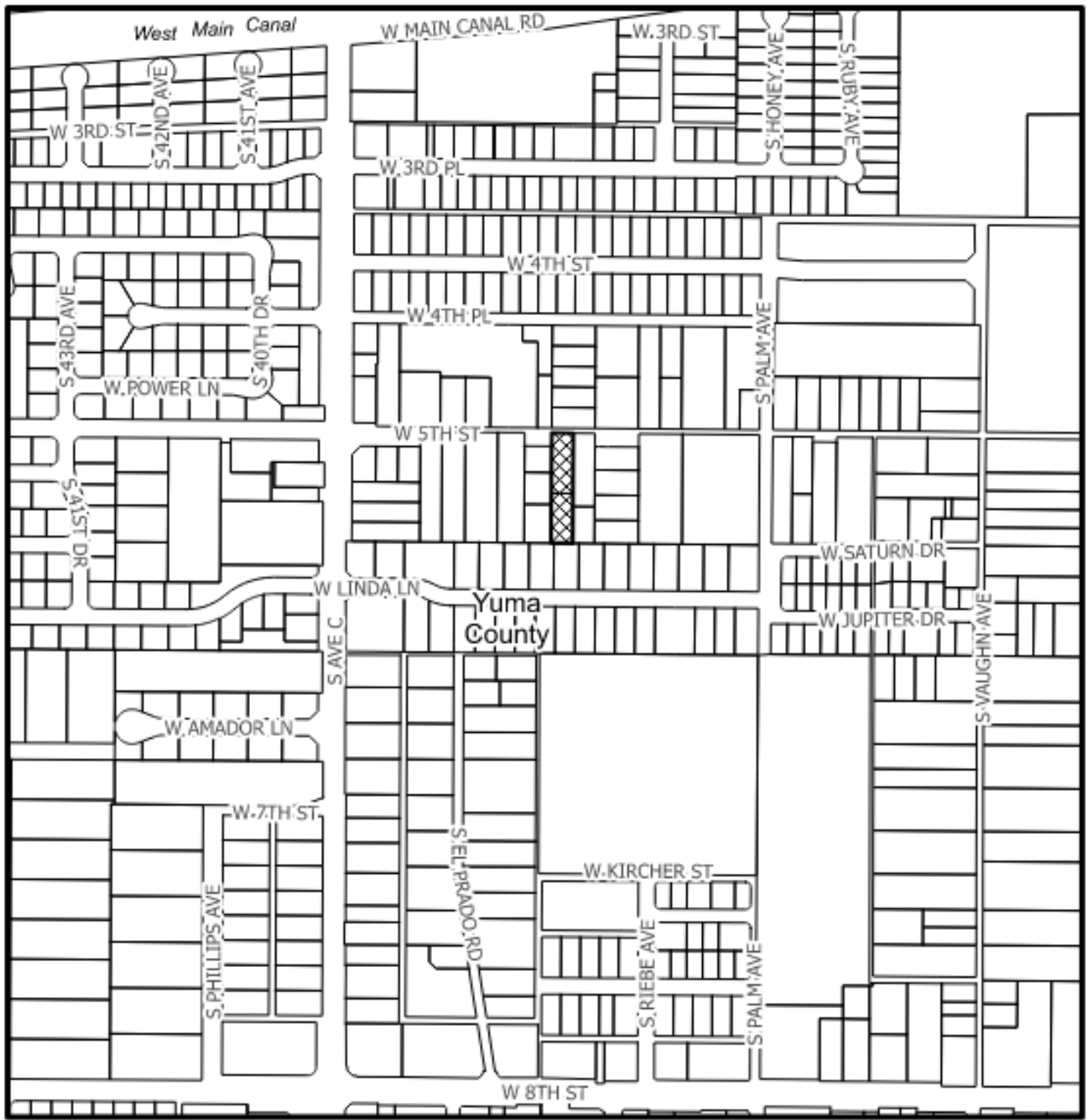
\_\_\_\_\_

## **EXHIBIT 1**

### Legal Description and Depiction of Property

The West 66 feet of the North half of the Southeast quarter of the Northwest quarter of the Southwest quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 19, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.





## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



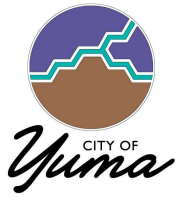
Date: 4/24/2024

Revised:

Revised:

Case #:

AGR-42660-2024



# City of Yuma

## City Council Report

**File #:** R2024-031

**Agenda Date:** 6/26/2024

**Agenda #:** 6.

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

**TITLE:**

**Preannexation Development Agreement: VEREIT Real Estate, L.P.**

**SUMMARY RECOMMENDATION:**

Authorize a Preannexation Development Agreement with the VEREIT Real Estate, L.P. for the property located at 3320 E. Gila Ridge Road (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

The approval of this Preannexation Development Agreement will facilitate the development of the property furthering the City Council’s strategic outcome of Safe and Prosperous.

**REPORT:**

VEREIT Real Estate, L.P. owns the parcel located at 3320 E. Gila Ridge Road (APN 180-36-032) (Property). The Owner has requested a Preannexation Development Agreement to connect to City of Yuma services. United Rentals currently occupies part of the existing building with no plans on expanding at this time but would like to connect to City water. In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the Property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with VEREIT Real Estate, L.P. for the property shown on the location map.

**FISCAL REQUIREMENTS:**

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

TOTAL \$ 0.00


**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-031**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF  
A PREANNEXATION DEVELOPMENT AGREEMENT WITH VEREIT  
REAL ESTATE, L.P. FOR THE REAL PROPERTY LOCATED AT 3320  
E. GILA RIDGE ROAD**

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the owners of certain real property located at 3320 E. Gila Ridge Road (the Property) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Property is located in unincorporated land that is territory desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the Property owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City.

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

SECTION 1: The Preannexation Development Agreement between VEREIT Real Estate, L.P. and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma and to record the Preannexation Development Agreement in the Official Records of the Yuma County Recorder.

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**  
**RESOLUTION NO. R2024-031**

**PREANNEXATION DEVELOPMENT AGREEMENT**

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between VEREIT Real Estate, L.P. (“Owner”), as the owner of the real property located at 3320 E. Gila Ridge Road (APN 180-36-032), more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owners and City shall be referred to collectively as the “Parties” and individually as a “Party.”

**RECITALS**

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with and conforms to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Owners desire to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and City of Yuma water service upon the terms and conditions described in this Agreement.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC. v City of Yuma, 227 Ariz. 28 (2011)*.

2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.

3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1. Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owners

successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2. Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to a zoning district in the City's Zoning Code that is consistent with A.R.S. § 9-471 (L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation.

4. Development Standards. The development and use of the Property shall be subject to all City, county, state and federal laws, regulations, rules, policies, fees in effect at the time of development ("Applicable Laws").

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. Payment of all capacity, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a City building permit. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner's execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

6.1 Gila Ridge Road Right-of-Way Dedication. Owner shall dedicate to the City by delivery of a warranty deed, right-of-way along the Property's Gila Ridge Road frontage to meet the requirements of a Collector Road.

6.2 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

6.3 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the “Permitting Agency”) through the Permitting Agency’s normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City’s normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner’s construction and installation of public improvements shall occur within the time-frames specified under Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for a Notice of Intent, the City will issue the appropriate “Authorization to Connect to Public Water Service” letter for water service provided that Subsection 8.3 is complied with.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating Owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Septic System. If Owner has obtained permitting and installed a septic system pursuant to County of Yuma regulations and requirements this Agreement shall not be interpreted to require the Property to connect to City sanitary sewer service until such time as Sanitary Sewer Service is available (at the City’s absolute and discretionary schedule) and the existing septic tank system is declared unserviceable as defined in City of Yuma Utility Regulations, as amended, or the Parties agree that such a connection shall be made. Any such connection to a future City of Yuma Sanitary Sewer Service line shall be at Owner’s sole cost for design, permitting, capacity charges and construction, and shall require City approval prior to permitting.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and

public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property. If developed in Yuma County, written City approval of all such permits, plans, specifications, plats or other development approvals shall be required.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given under this Agreement shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:  
City Administrator  
One City Plaza  
Yuma, Arizona 85364-1436

To Owners:  
VEREIT Real Estate, L.P.  
11995 El Camino Real  
San Diego, CA 92130

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either Party defaults (the "Defaulting Party") with respect to any of such Party's obligations, then the other Party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above,



the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Owner Representations. Owner represents and warrants that:

- a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.
- e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.
- g. Owner has not paid or given, and will not pay or give, any third party any money or other

consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.

h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City Representations. City represents and warrants to Owner that:

a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.

e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.

g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D, and will run with the land during the Term of the Agreement as defined in Section 2.

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement

of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

17.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (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 at the John M. Roll United States Courthouse, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 17.1.

17.2 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

17.3 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either Party or its agents not contained or specifically referred to in this Agreement is valid or binding.

17.4 Recordation. Upon receipt of the recording fee from Owner, the City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

17.5 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

17.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

17.7 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning of construction of any of the provisions hereof.

17.8 Exhibits and Recitals. Any exhibit attached to this Agreement shall be deemed to have been incorporated into this Agreement by this reference with the same force and effect as if fully set forth in the body of the Agreement. The Recitals set forth at the beginning of this Agreement are acknowledged and incorporated and the Parties confirm the accuracy each Recital.

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii)

the performance of the obligations hereunder at any time.

17.10 Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

17.12 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

17.13 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

17.14 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

17.15 Individual Nonliability/Damages. No City Council member, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach by City or for any amount which may become due to a Party or its successor, or with respect to any obligation of City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Owner shall be limited to the Property and any improvements thereon, and shall not extend to or be enforceable against the individual assets of any member, officer, or trustee of Owner.

17.16 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval of the zoning designation. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY:**  
CITY OF YUMA

**OWNERS:**  
VEREIT Real Estate, L.P.

By \_\_\_\_\_  
John D. Simonton  
Acting City Administrator

By \_\_\_\_\_  
Daniel Haug  
SVP, Associate General Counsel

ATTEST:

By \_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Richard W. Files  
City Attorney

**ACKNOWLEDGEMENTS**

State of Arizona        )  
                                  ) ss  
County of Yuma        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me personally appeared Daniel Haug, Senior Vice President, VEREIT Real Estate, L.P. on behalf of the limited partnership.

\_\_\_\_\_  
NOTARY PUBLIC

COMMISSION EXPIRATION:

\_\_\_\_\_

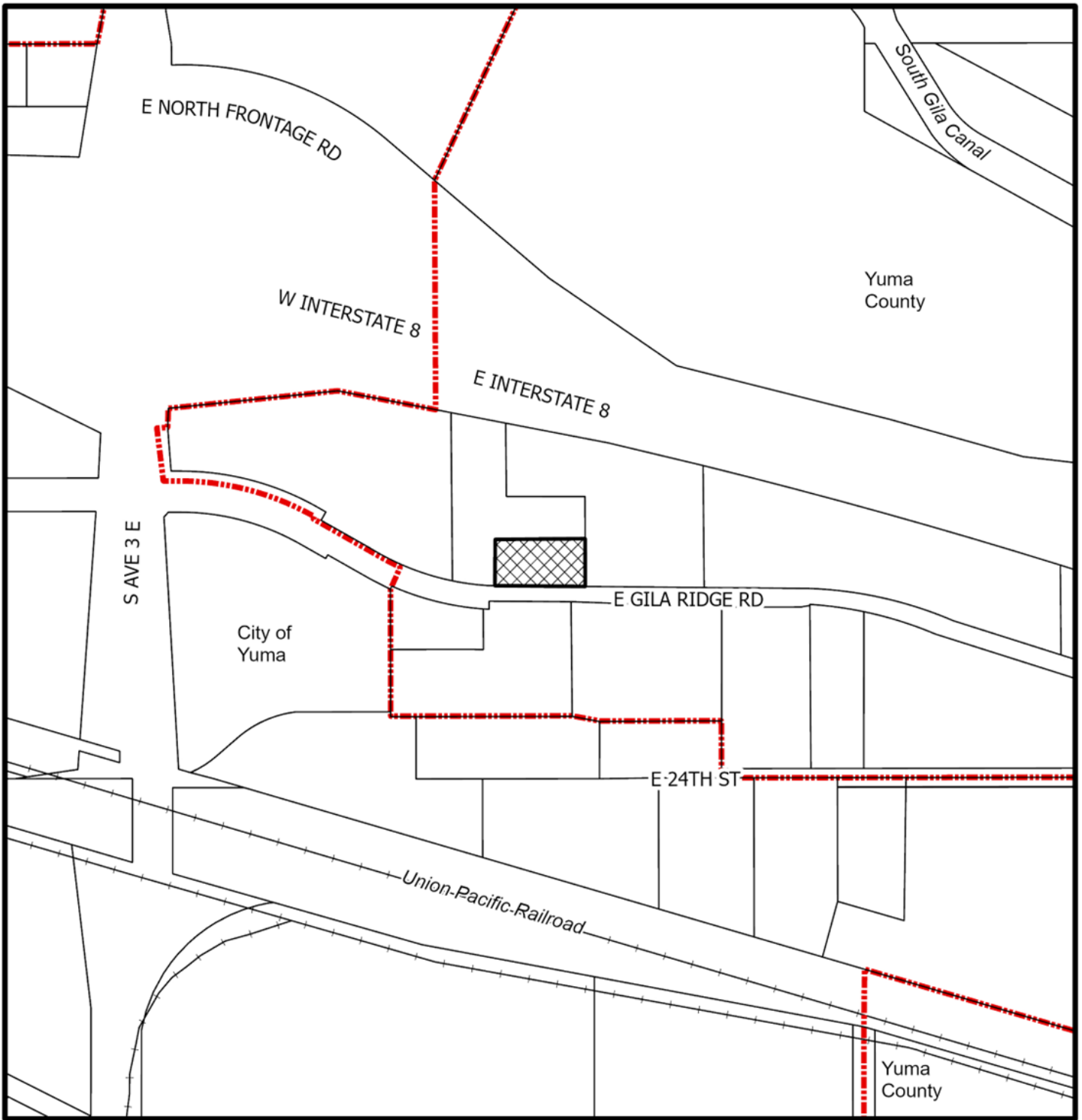
## **EXHIBIT 1**

### Legal Description and Depiction of Property

A portion of the South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 36, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and more particularly described as:

Lot 2, of DFA/ RUSH TRUCK CENTERS OF ARIZONA LAND DIVISION (LDP 16-07), dated 8/1/2016, FEE # 2016-18418, recorded in Book 14 of Surveys, Pages 8 and 9, Yuma County Recorder.

Containing 52,821 square feet or 1.2125 acres, more or less.



# LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



Community Planning and  
Neighborhood Services GIS

Date: 6/3/2024

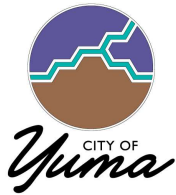
Revised:

Revised:

Case #:

AGR-42664-2024





# City of Yuma

## City Council Report

File #: R2024-032

Agenda Date: 6/26/2024

Agenda #: 7.

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

### TITLE:

**Intent to Create Municipal Improvement District No. 126: Barkley Ranch Units 8-10**

### SUMMARY RECOMMENDATION:

Approve the creation of Municipal Improvement District (MID) No. 126 to serve Barkley Ranch Units 8-10 located at the northwest corner of 32<sup>nd</sup> Street and Avenue C. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville).

### STRATEGIC OUTCOME:

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

### REPORT:

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

In the past, once the landscaping was installed by the developer and accepted by the City, the developer would provide a cash deposit to the City for several years of landscaping maintenance and the responsibility of ongoing maintenance for the landscaping in the community was shifted to the City of Yuma Public Works Department. Ideally, the new tax base for that newly developed neighborhood would offset the costs of ongoing maintenance to serve that neighborhood. It is now known that the current revenue streams from property and sales taxes generated from the neighborhoods benefiting from the landscape amenities do not cover the costs of this maintenance and Public Works must utilize other portions of its budget to subsidize the maintenance costs to adequately meet the maintenance needs of these new developments. Additionally, many of the residents in these developments would like extra services or specialized services that Public Works is unable to provide, leaving the residents feeling as if they have little control over the maintenance and beautification of their neighborhood.

As an alternative to this existing situation, a statutory Municipal Improvement District (MID) can now be created. The state legislature permits the creation of MIDs for cities and towns to provide a dedicated funding stream for improvements and neighborhood decisions on improvements. In the City of Yuma context, MIDs are utilized for landscape maintenance and provide local control over landscape maintenance. Residents within the MID pay a special assessment on their property tax bill and they gain a direct decision-making role in the level of maintenance within their community. The City will outsource maintenance to a local landscape maintenance contracting company and the amount of the assessment will directly reflect the cost of maintenance. Resident input on the level of maintenance and proposed improvements will be reviewed and approved on an annual basis.

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

Pursuant to the provisions of A.R.S. § 48-574, the Mayor and City Council are empowered to form a MID for the following purposes: operations, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention basins, parkings, and parkways. Per statute, the Mayor and City Council can initiate the formation of a MID or property owners can petition to form a MID. In this case, a MID was contemplated in a development agreement and the developer has submitted an executed Petition, Waiver, and Consent form requesting the formation of the MID.

Attached to this Request for City Council Action is the petition to form a MID for the Barkley Ranch Units 8-10 development. In this situation, in which all the property owners have presented a Petition for Formation, the ordinary publication and posting periods are not required by law. Also attached is the formal Resolution of Intention for Creation of City of Yuma Municipal Improvement District No. 126: Barkley Ranch Units 8-10, which is located at the northwest corner of 32<sup>nd</sup> Street and Avenue C.

Following the passage of a Resolution of Intention to Create MID, certain impacted property owners, in accordance with A.R.S. § 48-579, are given fifteen days to express written protest against the proposed MID. If no protests are submitted, the Mayor and City Council are authorized to adopt a second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID process. It is anticipated that the Resolution Ordering the Improvements will be heard at the July 17<sup>th</sup> regular City Council meeting after the creation of this MID.

Adopting this Resolution authorizes the creation of Municipal Improvement District No. 126 to serve Barkley Ranch Units 8-10.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-032**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING ITS INTENTION TO CREATE MUNICIPAL IMPROVEMENT DISTRICT NO. 126, SERVING BARKLEY RANCH UNITS 8-10, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF BARKLEY RANCH UNITS 8-10**

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

WHEREAS, a petition has been received by Mayor and City Council of the City of Yuma to form a MID to provide operation, maintenance and repair of the landscape improvements within, near and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the Barkley Ranch Units 8-10 housing development; and,

WHEREAS, the formation of a MID for the operation, maintenance and repair of the landscape improvements within, near, and adjacent to retention and detention basins and the parkings and parkways and related improvements serving Barkley Ranch Units 8-10 will provide a dedicated stream of funding for the maintenance of those improvements and will provide neighborhood decisions on those improvements, and will privatize the maintenance of those improvements; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the formation of the MID to provide the operation, maintenance and repair of the landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the Barkley Ranch Units 8-10 housing development to be of more than local or ordinary public benefit, and not a general public benefit, and further that the expenses of said operation, maintenance, and repair shall be Barkley Ranch Units 8-10; and,

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

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the operation, maintenance, and repair of landscaping improvements within, near or adjacent to the retention and detention basins and the parkings and parkways and related improvements in the MID preserves and promotes the health, safety, and welfare of those citizens living within the District as well as preservation of the streets and parkways in the District which may be adversely impacted by drainage; and,

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

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

SECTION 1: The petition to form a MID for Barkley Ranch Units 8-10 purporting to be signed by all of the real property owners within the proposed District attached as Exhibit "A" is hereby accepted as provided in A.R.S. § 48-574(C).

SECTION 2: MID No. 126, serving Barkley Ranch Units 8-10 to operate, maintain and repair landscaping improvements included within, near, and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Barkley Ranch Units 8-10, is hereby created.

SECTION 3: The expenses of MID No. 126 shall be assessed to the several properties within the MID as provided for in A.R.S. § 48-574(D)(2), in which City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot.

SECTION 4: No sooner than fifteen (15) calendar days after this Resolution is adopted, City staff shall present a map of the boundary for MID No. 126 and a diagram for MID No. 126 to Mayor and City Council for consideration to declare an intention to order improvements to MID No. 126 as provided in A.R.S. § 48-576.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

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

126

---

**MID#**

---

**Barkley Ranch Units 8-10**

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**Subdivision Name**

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

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

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

- (e) All objections to the filing of and legislative adoption by the City Council of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.
- (f) It is the intent of the undersigned Petitioners that items (a) through (e) above shall be binding on all successors and assigns and shall run with the land.

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

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

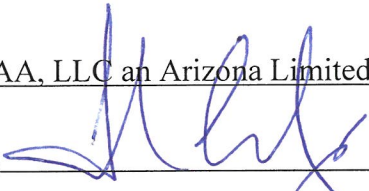
[SIGNATURES ON FOLLOWING PAGES]

**“Property Owner”**

Property Tax Parcel Numbers: 693-31-002

By: HH Holdco, LLC an Arizona Limited Liability Company

By: BAA, LLC an Arizona Limited Liability Company, Its Manager

Name:   
Toburn C. Jones, Its Vice President

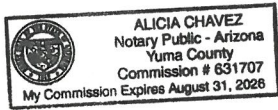
Address: 1818 S. Letvin Ave Yuma, AZ 85365

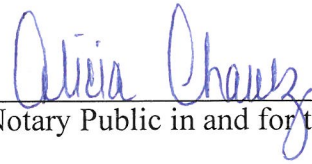
Date: 5/30/2024

(ACKNOWLEDGMENT)

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF YUMA )

This instrument was acknowledged before me on May 30, 2024  
by TOBURN C. JONES, as VICE PRESIDENT of BAA, LLC, a(n) LIMITED LIABILITY  
COMPANY on behalf of the COMPANY.



  
Notary Public in and for the State of AZ

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGES]



**ACCEPTED AND APPROVED BY:**

“City”

CITY OF YUMA,  
an Arizona municipal corporation

\_\_\_\_\_  
Douglas J. Nicholls, Mayor

ATTEST:

\_\_\_\_\_  
Lynda Bushong, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF YUMA    )

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

\_\_\_\_\_  
Notary Public in and for the State of Arizona

(affix notary seal here)

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

APN: 693-31-002

Parcel A, CITY OF YUMA FIRE STATION NO. 6 LOT SPLIT, according to Book 22 of Plats, page 58, records of Yuma County, Arizona, being a portion of the Southeast quarter of the Southeast quarter and the East half of the Southwest quarter of Section 1, Township 9 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

# EXHIBIT "A"

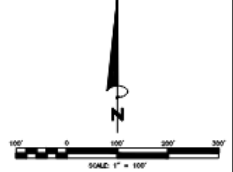
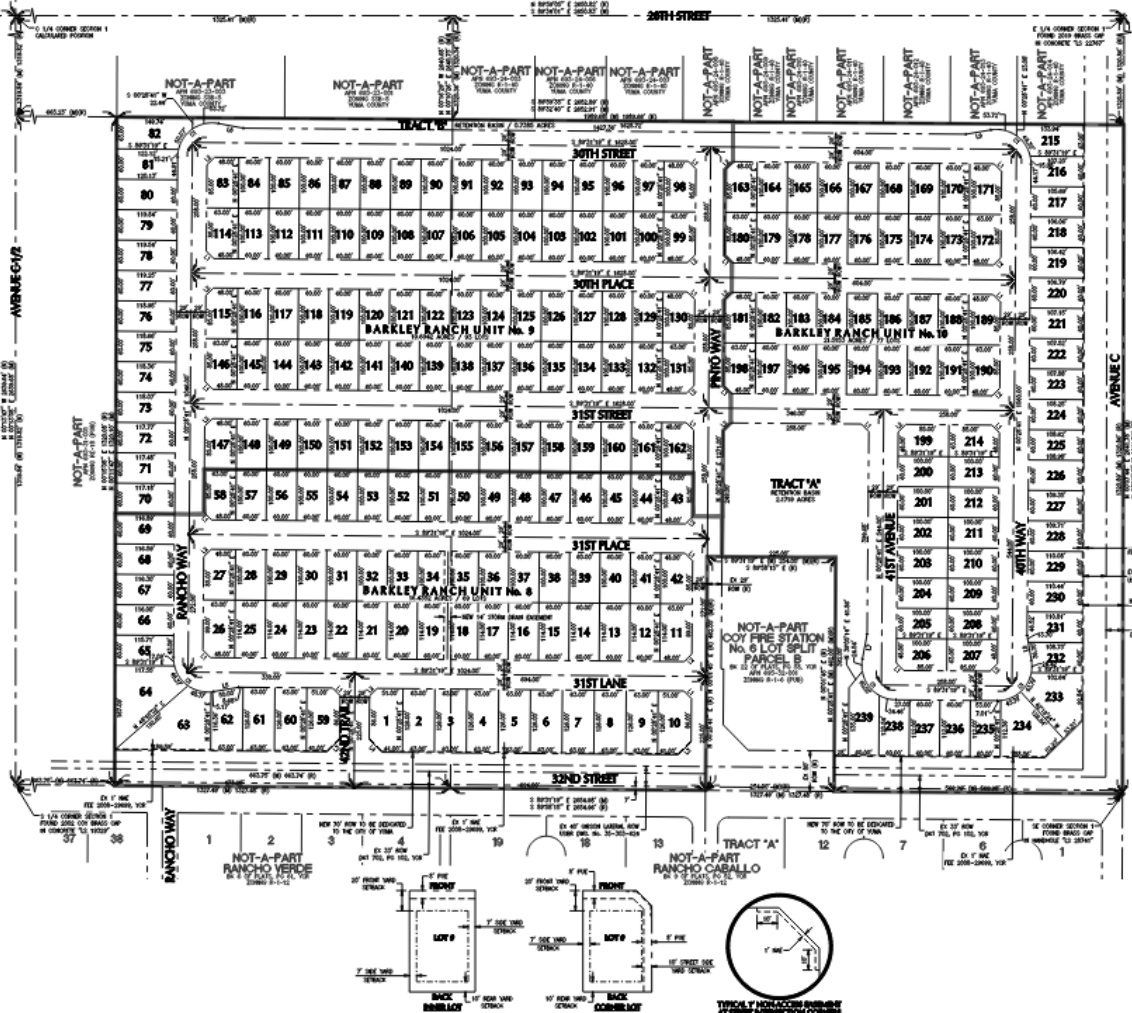
## PRELIMINARY PLAT - BARKLEY RANCH UNIT Nos. 8, 9 AND 10

A SUBDIVISION OF PARCEL A OF CITY OF YUMA FIRE STATION No. 6 LOT SPLIT AS RECORDED IN BOOK 2 OF PLATS, PAGE 58, YCR BEING LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 9 SOUTH, RANGE 24 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA  
DATE OF PREPARATION: APRIL 2023 NUMBER OF LOTS: 239 ACREAGE: 57.6447 ACRES

### LOT AREA TABLE

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)
1	7808.00	0.179
2	7808.00	0.179
3	7808.00	0.179
4	7808.00	0.179
5	7808.00	0.179
6	7808.00	0.179
7	7808.00	0.179
8	7808.00	0.179
9	7808.00	0.179
10	7808.00	0.179
11	7808.00	0.179
12	7808.00	0.179
13	7808.00	0.179
14	7808.00	0.179
15	7808.00	0.179
16	7808.00	0.179
17	7808.00	0.179
18	7808.00	0.179
19	7808.00	0.179
20	7808.00	0.179
21	7808.00	0.179
22	7808.00	0.179
23	7808.00	0.179
24	7808.00	0.179
25	7808.00	0.179
26	7808.00	0.179
27	7808.00	0.179
28	7808.00	0.179
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LINE NO.	BEARING	DISTANCE	CURVE DATA
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### LEGEND

- CENTERLINE / SECTION LINE
- ALIEN LINE
- SUBDIVISION BOUNDARY
- RIGHT OF WAY LINE
- EASEMENT LINE
- EASEMENT LINE (TYPE AS SHOWN)
- NEW LOT NUMBER
- NEW STREET NAME/NUMBER
- EXISTING EASEMENT (TYPE AS SHOWN)
- RIGHT OF WAY
- NEW ACCESS EASEMENT
- PUBLIC UTILITY EASEMENT
- ASSESSOR'S PARCEL NUMBER
- ROW
- TOWN COUNTY RECORDS
- MEASURED DATA
- RECORD DATA FOR CITY OF YUMA
- PREP. EDITION NO. 1, LOT 100, 1/2" OF PLAT, PAGE 58, YCR

### OWNER/DEVELOPER

DAHL, ROBIN & ASSOCIATES, INC.

### CURRENT ZONING

R-1-1

### MAILBOX NOTES

TO BE REVIEWED BY THE CITY OF YUMA

### FLOOD ZONE DESIGNATION

BASED ON FEMA FLOOD ZONE MAPS

### SURVYOR'S CERTIFICATE

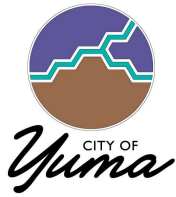
I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER THE SUPERVISION AND CONTROL OF THE LAND SURVEYOR AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



DAHL, ROBIN & ASSOCIATES, INC.

1000 W. 10th St.  
Yuma, AZ 85404  
Phone: (928) 781-4444  
Fax: (928) 781-4444  
www.dra.com

TYPICAL LOT LAYOUT - ZONING R-1-6



# City of Yuma

## City Council Report

File #: R2024-033

Agenda Date: 6/26/2024

Agenda #: 8.

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

### TITLE:

**Order Improvements: Municipal Improvement District No. 125: Saguaro Units 5 & 6**

### SUMMARY RECOMMENDATION:

Order Improvements for Municipal Improvement District (MID) No. 125 to serve Saguaro Units 5 & 6, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 125 shall be assessed upon the properties in MID No. 125; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

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

### REPORT:

A.R.S. § 48-501 *et seq.* authorizes the formation of a MID for the following purposes: operations, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention basins, and parkings and parkways. A MID provides a dedicated funding stream for the Landscape Improvements serving the neighborhood and provides neighborhood input for the implementation and privatization of those Landscape Improvements.

The formation of a MID is a two-step process, both accomplished via resolution from the legislative body. First, the legislative body adopts a resolution creating the MID. By statute, the legislative body can initiate the formation or, alternatively, property owners are empowered to petition to form a MID for their neighborhood. Then, no sooner than 15 days after the creation (it can be longer, depending on the developers' schedule), the legislative body orders improvements for the MID by a second resolution.

In this case, the developer and City agreed to the formation of a MID for the statutory purposes through a development condition. The developer submitted the petition to create MID No. 125 and represented all of the real property owners within the MID. On June 5, 2024, City Council adopted Resolution No. R2024-019 creating MID No. 125 for Landscape Improvements serving Saguaro Units 5 & 6.

Following the adoption of R2024-019, property owners within the designated MID, in accordance with A.R.S. § 48-579, were given 15 days to express written protest against the proposed MID. No protests were submitted, and as such, the Mayor and City Council are authorized to adopt this second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID process. Because the developer’s petition represented all of the real property owners within the proposed MID, A.R.S. § 48-574(C) authorizes the City to adopt the resolution ordering the improvements without the necessity of publication and posting as required in other statutes.

Upon adoption of R2024-019, by City Council, City staff submitted the creation of MID No. 125 to the County Assessor. The County Assessor filed the documents with the state and the MID is created. The next step is this Resolution Ordering Improvements, which will again be sent to the County Assessor to file with the state and the MID will be finalized.

Once the developer installs the landscaping in accordance with the approved landscaping plans and those landscaping improvements are accepted, the costs to maintain those Landscape Improvements will be assessed on the respective owner’s property tax bill within the Boundary Map and the Legal Description. In accordance with the provisions of A.R.S. § 48-574, City Council will hold public hearings on MID No. 125’s Landscape Improvements on or before the third Monday in August of each year, and shall fix, levy and assess the costs of MID No. 125’s Landscape Improvements on all of the property in the MID. As provided in A.R.S. § 48-574(D)(2), City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot with MID No. 125.

It is anticipated that the developer may be ready to install the landscaping this calendar year. Adopting the Resolution Ordering Improvements ensures that there are no delays with finalizing the MID when the developer is ready.

Adopting this resolution finalizes the formation of MID No. 125 and orders improvements for MID No. 125’s Landscape Improvements serving Saguaro Units 5 & 6.

**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			
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**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024

**RESOLUTION NO. R2024-033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING IMPROVEMENTS FOR MUNICIPAL IMPROVEMENT DISTRICT NO. 125 SERVING SAGUARO UNITS 5 & 6, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES, TOGETHER WITH APPURTENANT STRUCTURES OF SAGUARO UNITS 5 & 6 AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION, AND DECLARING THE LANDSCAPE IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THE COST OF THE LANDSCAPE IMPROVEMENTS ASSESSED UPON MUNICIPAL IMPROVEMENT DISTRICT NO. 125; IMPROVEMENTS SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES (A.R.S.) TITLE 48, CHAPTER 4, ARTICLE 2**

WHEREAS, City Council adopted Resolution R2024-019 declaring the intention to create Maintenance Improvement District (MID) No. 125 to operate, maintain, and repair certain landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements (Landscape Improvements) in the Saguaro Units 5 & 6 housing development; and,

WHEREAS, the petition to form MID No. 125 was signed by all of the real property owners within the proposed MID; and,

WHEREAS, A.R.S. § 574(C) authorizes City Council to adopt the resolution ordering the improvements, pursuant to the provision of A.R.S. § 48-581, without the necessity of publication and posting of the resolution of intention provided for in A.R.S. § 48-578; and,

WHEREAS, a legal description of the boundary for MID No. 125 and a diagram for MID No. 125 has been presented to City Council for consideration in this declaration of intention to order MID No. 125 as provided in A.R.S. § 48-576.

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

SECTION 1: City Council orders Landscape Improvements for MID No. 125 serving Saguaro Units 5 & 6. Once the Landscape Improvements are approved and constructed by the developer, the estimate of the cost and expenses shall be placed on file with the City Clerk and presented to City Council in accordance with the provisions of A.R.S. § 48-574.

SECTION 2: City Council finds the Landscape Improvements for MID No. 125 are of more than local or ordinary public benefit, and are of special benefit to the respective lots, parcels and land within the described real property of MID No. 125. City Council orders the cost and expense

for the Landscape Improvements of MID No. 125 be chargeable upon the real and personal property within MID No. 125, as described in Exhibit A attached. City Council declares that MID No. 125 is benefited by the Landscape Improvements and the real and personal properties within MID No. 125 are to be assessed the proportional share of the costs and expenses of the Landscape Improvements.

SECTION 3: All proceedings concerning the Landscape Improvements for MID No. 125, including the calculations for the costs and expenses and all assessments to pay the costs and expenses of the Landscape Improvements, shall be made in accordance with the provisions of Title 48, Chapter 4, Article 2 of the A.R.S., as amended.

SECTION 4: Any public street or alley within the boundaries of MID No. 125 are omitted from the real and personal property of MID No. 125 and shall not be included in the assessment.

SECTION 5: In no event will the City of Yuma or any officer thereof be liable for any portion of the cost of the MID nor any delinquency of persons or property assessed.

SECTION 6: As provided in A.R.S. § 48-574(D)(2), City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot with MID No. 125.

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"

**Saguaro Unit No. 5**  
**LEGAL DESCRIPTION**

That portion of the Southwest quarter of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter of said Section 15;

Thence North  $00^{\circ}12'54''$  West along the East line of the Southwest quarter of said Section 15 a distance of 1535.03 feet to the TRUE POINT OF BEGINNING;

Thence North  $89^{\circ}52'43''$  West parallel with and 1535.00 feet northerly of the South line of the Southwest quarter of said Section 15 a distance of 793.35 feet;

Thence South  $00^{\circ}07'17''$  West a distance of 156.00 feet;

Thence North  $89^{\circ}52'43''$  West parallel with and 1379.00 feet northerly of the South line of the Southwest quarter of said Section 15 a distance of 431.00 feet;

Thence North  $00^{\circ}07'17''$  East a distance of 156.00 feet;

Thence North  $89^{\circ}52'43''$  West parallel with and 1535.00 feet northerly of the South line of the Southwest quarter of said Section 15 a distance of 134.00 feet;

Thence North  $00^{\circ}07'17''$  East a distance of 1114.71 feet to a point on the North line of the Southwest quarter of said Section 15;

Thence North  $89^{\circ}53'51''$  East along the North line of the Southwest quarter of said Section 15 a distance of 1351.79 feet to the Northeast corner of the Southwest quarter of said Section 15;

Thence South  $00^{\circ}12'54''$  East along the East line of the Southwest quarter of said Section 15 a distance of 1120.01 feet to the TRUE POINT OF BEGINNING.

Aforementioned parcel contains approximately 36.3022 acres.

EXHIBIT "A"

**Saguaro Unit No. 6**  
**LEGAL DESCRIPTION**

That portion of the Southwest quarter of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest quarter of said Section 15;

Thence North  $89^{\circ}53'51''$  East along the North line of the Southwest quarter of said Section 15 a distance of 1299.59 feet;

Thence South  $00^{\circ}07'17''$  West a distance of 1114.71 feet;

Thence North  $89^{\circ}52'43''$  West parallel with and 1535.00 feet northerly of the South line of the Southwest quarter of said Section 15 a distance of 1293.59 feet to a point on the West line of the Southwest quarter of said Section 15;

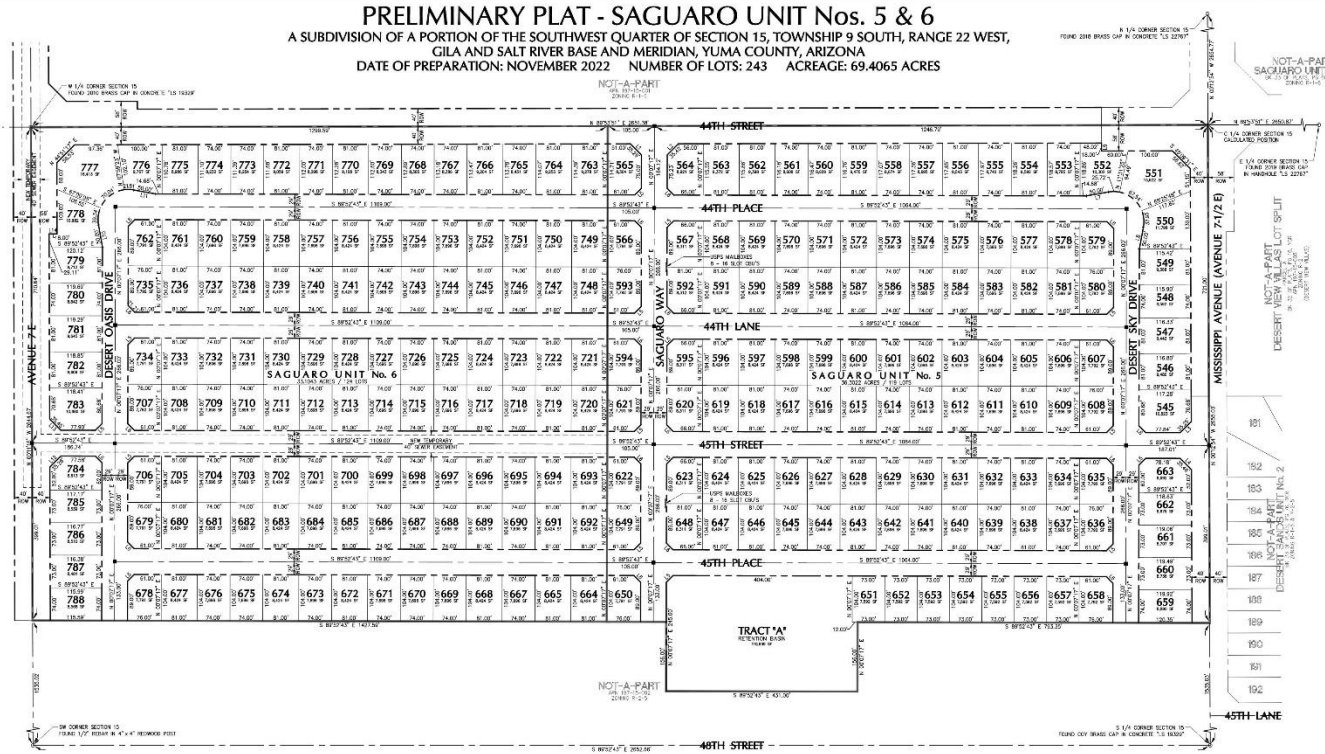
Thence North  $00^{\circ}11'16''$  West along the West line of the Southwest quarter of said Section 15 a distance of 1109.65 feet to the point of BEGINNING.

Aforementioned parcel contains approximately 33.1043 acres.

# EXHIBIT "A"

## PRELIMINARY PLAT - SAGUARO UNIT Nos. 5 & 6

A SUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA  
 DATE OF PREPARATION: NOVEMBER 2022 NUMBER OF LOTS: 243 ACREAGE: 69.4065 ACRES



**LEGEND**

- CENTERLINE / SECTION LINE
- SUBDIVISION BOUNDARY
- RIGHT OF WAY LINE
- BOUNDARY LINE
- EASEMENT LINE (TYPE AS SHOWN)
- NEW LOT NUMBER
- 600 NEW LOT AREA
- NEW STREET WARRANT SET (2" THICK YELLOW POLYMER EASEMENT MARKING (TYPE AS NOTED))
- RIGHT OF WAY
- NON-ACCESS EASEMENT
- PUBLIC UTILITY EASEMENT
- APN ASSESSOR'S PARCEL NUMBER
- ROAD
- FENCE
- NEIGHBOR RECORDS

**OWNER/DEVELOPER**  
 SAGUARO SUBDIVISION, LLC  
 2004 SOUTH AVENUE N, TOWER 32 B034  
 SUITE 300-302

**CURRENT ZONING**  
 R-1 (RURAL RESIDENTIAL)

**BASIS OF BEARINGS**  
 BEARINGS ARE TRUE BEARINGS (TRUE PARALLEL WEST) AS MEASURED BY QUANTIC GPS OBSERVATIONS

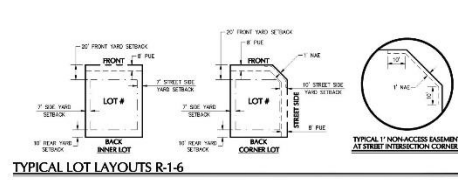
**FLOOD ZONE DESIGNATION**  
 THE SUBMITTED PROPERTY IS LOCATED WITHIN AN AREA DESIGNATED AS FLOOD OR FLOOD FRINGE AREA OF THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD PROTECTION BY LEVEES, DAMS, OR OTHER STRUCTURES, CHANNELS, OR OTHER MEANS IS NOT GUARANTEED. THE FLOOD INSURANCE RATE MAP (FIRM) IS NOT PRINTED FOR THE CONVENIENCE OF THIS PRELIMINARY PLAT.

**MAILBOX NOTES**

- \* R-1-10 LOT SIZES TO BE LOCATED ON SAGUARO WAY BETWEEN LOTS 667 AND 692
- \* R-1-10 LOT SIZES TO BE LOCATED ON SAGUARO WAY BETWEEN LOTS 623 AND 648

**LINE DATA**

NUMBER	BEARING	DISTANCE
1-1	S 44°32'27" E	51.00
1-2	S 89°57'31" E	25.00
1-3	S 89°57'31" E	25.00
1-4	S 89°57'31" E	25.00
1-5	S 89°57'31" E	25.00
1-6	S 89°57'31" E	25.00
1-7	S 89°57'31" E	25.00
1-8	S 89°57'31" E	25.00
1-9	S 89°57'31" E	25.00
1-10	S 89°57'31" E	25.00
1-11	S 89°57'31" E	25.00
1-12	S 89°57'31" E	25.00
1-13	S 89°57'31" E	25.00
1-14	S 89°57'31" E	25.00

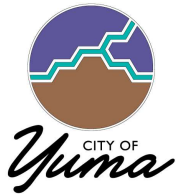


**LAND SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE SUBMISSION BEING HEREON WAS MADE BY ME OR BY A LICENSED SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION, CONFORMING TO ALL REGULATIONS AND REQUIREMENTS OF THE SURVEYING REGULATIONS OF THE STATE OF ARIZONA.

**LAND SURVEYOR**  
 KEVIN A. DAHL  
 RLS No. 3198

**LAND SURVEYOR**  
 DAHL, ROBINS & ASSOCIATES, INC.



# City of Yuma

## City Council Report

**File #:** R2024-035

**Agenda Date:** 6/26/2024

**Agenda #:** 9.

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

**TITLE:**  
**City Council Meeting Procedures and Call to the Public Guidelines**

**SUMMARY RECOMMENDATION:**  
 Adopt a resolution establishing updated rules and procedures for City Council meetings. (City Administration) (Jay Simonton)

**STRATEGIC OUTCOME:**  
 Adoption of the new resolution furthers City Council’s Connected and Engaged strategic outcome.

**REPORT:**  
 City Council Meeting Procedures and Public Input Guidelines were last adopted by City Council in 2010 through Resolution R2010-09. The proposed Resolution updates City Council Meeting Procedures and Call to the Public Guidelines to facilitate a transparent, orderly, and efficient process for receiving public input and conducting City Council meetings in compliance with the Arizona Open Meeting Law, A.R.S. §§ 38-431 to 431.09 and the 1<sup>st</sup> Amendment of the U.S. Constitution.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**  
 NONE

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 06/24/2024
Reviewed by City Attorney: Richard W. Files	Date: 06/24/2024

**RESOLUTION NO. R2024-035**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING A POLICY FOR CITY COUNCIL MEETING PROCEDURES AND CALL TO THE PUBLIC GUIDELINES**

WHEREAS, Arizona's Open Meeting Law, as set forth in A.R.S. § 38-431.01 *et. seq.*, governs meetings of public bodies, and Yuma City Council meetings are public meetings subject to Arizona's Open Meeting Law; and,

WHEREAS, the Yuma City Charter, Article VII, Section 5 allows the City Council to determine its own rules of procedures for its City Council Meetings; and,

WHEREAS, the Yuma City Code § 30-11 establishes general meeting provisions, including Call to the Public, for City Council Meetings; and,

WHEREAS, the Yuma City Council seeks to establish City Council Meeting procedures and Call to the Public guidelines; and,

WHEREAS, to the extent these procedures conflict with prior resolutions of City Council (or sections of resolutions of City Council), such prior resolutions shall be superseded and repealed.

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

SECTION 1: The *City of Yuma City Council Meeting Procedures and Call to the Public Guidelines*, as set forth in Exhibit A, attached and incorporated in this Resolution by reference, is hereby adopted.

SECTION 2: Sections 3(B), 3(E) and 3(F) of the *City Code of Conduct for Elected Officials of the City of Yuma*, adopted as part of Resolution R2015-047, are hereby repealed.

SECTION 3: Resolution R2010-09 is repealed and replaced with the attached *City of Yuma City Council Meeting Procedures and Call to the Public Guidelines*.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

\_\_\_\_\_  
Richard W. Files  
City Attorney

## **Resolution R2024-035**

### **Exhibit A**

#### **City Council Meeting Procedures and Call to the Public Guidelines**

Yuma City Council Meetings (hereinafter, “Meetings”) are conducted in compliance with the Arizona Open Meeting Law, as set forth in A.R.S. § 38-431.01, *et. seq.* Additionally, Yuma City Code § 30-11 outlines the general provisions for Meetings, including Call to the Public. The City Council follows Robert’s Rules of Order Newly Revised or its latest successor to govern the proceedings of its Meetings. The Mayor is designated as the “presiding officer” for all Meetings. The Deputy Mayor acts as presiding officer in the absence of the Mayor.

#### **Speaker Request Forms**

Individuals wanting to address the City Council at a Meeting, including during Call to the Public, must submit a Speaker Request Form to the City Clerk. Speaker Request Forms must be returned to the City Clerk’s Office during normal business hours and prior to 5:00 p.m. on the day of a Meeting. Additionally, Forms can be filled out and returned at City Hall Council Chambers before the start of a Meeting. Individuals may also telephone the City Clerk’s Office to complete a Speaker Request Form via telephone or download and submit a Speaker Request Form from the City’s website at [www.YumaAz.gov](http://www.YumaAz.gov).

#### **Public Input at Meetings**

The City Council invites the public in a limited public forum to provide input during its Meetings. Individuals wishing to address the City Council may do so at several points in the meeting. Speakers may address the City Council at the following agenda sections: Call to the Public, Resolution Consent Agenda, Adoption of Ordinances Consent Agenda, Introduction of Ordinances, Public Hearings and other items as required by law. Motion Consent Agenda items are routine, administrative or housekeeping matters and are considered and enacted with one motion. There is no separate discussion or public input taken on the Motion Consent Agenda unless a City Councilmember so requests. Therefore, Speaker Request Forms are generally not accepted for Motion Consent Agenda items.

#### **Time Limits**

Members of the public who wish to speak during Meetings, including but not limited to Call to the Public, are limited to three (3) minutes. No more than five (5) speakers are permitted per topic/issue. The total time for Call to the Public is limited to thirty (30) minutes.

## **Call to the Public**

The Arizona Open Meeting Law, A.R.S. § 38-431.01(A) applies to Meetings. The Open Meeting Law provides that Meetings must be public, meaning the public has a right to attend and listen at Council Meetings. The right to attend, however, does not include a right to speak or be heard at a Meeting.

Even though it is not required to do so, the Yuma City Council does invite the public to speak during its Meetings “subject to reasonable time, place and manner restrictions,” and it allows individuals to address the Council “on any issue within [its] jurisdiction.” A.R.S. § 38-431.01(I).

Thus, speakers during Call to the Public are subject to certain limitations. Loud, threatening, or abusive speech that actually disrupts, disturbs, or otherwise impedes the orderly conduct of a Meeting is prohibited. Similarly, speakers engaging in personal attacks, or disparaging and slanderous remarks directed at Council Members or City employees are not permitted to the extent such comments cause an actual disruption or impede the Council from conducting its Meeting.

Further, as a limited public forum created by statute (A.R.S. § 38-431.01(I)), the Council may restrict speakers from presenting comments on matters that are not relevant to, and are outside, the City’s jurisdiction/authority.

Speakers repeatedly airing the same concerns and grievances that have been fully heard in prior Meetings, to the extent such repetition impedes or disrupts the Meeting, may be restricted.

Speakers may not engage in comments that intentionally or purposefully seek to incite the imminent use of force, violence, or breaking the law where such speech is likely to incite such action.

Speakers may not engage in threats that communicate an intent to place a specific individual or group in fear of bodily harm, including Council Members and City employees.

Pursuant to the Open Meeting Law, the City Council cannot discuss or take legal action on any matter raised at Call to the Public unless it is properly noticed on the agenda for discussion and legal action. At the conclusion of Call to the Public, the City Council has the option to:

- Respond to criticism made by speakers who have addressed the public body; or
- Request the City Administrator to review an issue; or
- Request that the matter be placed on a future agenda.

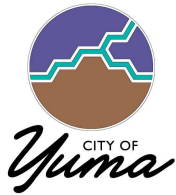


### **Other Agenda Items and Public Hearings**

Individuals may address the City Council on other agenda items such as resolutions, ordinances, and public hearings. The same rules and guidelines that apply to speakers during Call to the Public also apply to individuals speaking on agenda items or during public hearings.

### **Distribution of Materials by the Public**

If a speaker would like to provide the City Council with additional materials or information related to a City Council agenda item, twelve (12) copies of the document shall be submitted to the City Clerk at least 48 hours prior to the City Council meeting. This affords the City Council the time to fully review the materials and for staff to provide a professional opinion to assist City Council with making an informed decision. Documents provided from the floor of the City Council meeting will be accepted. However, the complexity of the issue and materials will dictate whether the information will be considered during the Meeting or the agenda item will be continued to a future meeting.



# City of Yuma

## City Council Report

**File #:** O2024-020

**Agenda Date:** 6/5/2024

**Agenda #:** 1.

DEPARTMENT: City Administration	STRATEGIC OUTCOMES	ACTION
DIVISION: N/A	<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	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

**TITLE:**

**Grant of Easement: Electrical Facilities - 200 S. Maiden Lane**

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a grant of easement on City property near the southeast corner of Maiden Lane and 2<sup>nd</sup> Street to Arizona Public Service Company (APS) for the installation of electric facilities necessary for the development of surrounding Downtown Yuma properties. (City Administrator/Jay Simonton)

**STRATEGIC OUTCOME:**

Granting an easement for electrical facilities at this location supports the City Council's strategic outcome of Respected and Responsible as the easement benefits the development of the new Yuma County Administration Services Building and allows for the orderly and responsible development of Downtown Yuma.

**REPORT:**

The City of Yuma (City) owns a parcel of land legally described as Block 16, according to White's Survey Map 0000-1, filed April 4, 1894, in the Yuma County Recorder's Office. Block 16 is the parcel of land bounded by 2<sup>nd</sup> Street to the north, Gila Street to the east, 3<sup>rd</sup> Street to the south, and Maiden Lane to the west.

APS has requested a new easement at no cost from the City of approximately 1,232 square feet in the Northwest corner of Block 16. Below is a map of the new easement area (Easement Area) as well as a recent photo from Google Maps of the Easement Area.

According to APS, the need for new electrical facilities in the Easement Area is created by the ongoing construction of the new Yuma County Administration Services Building at 197 S. Main St., and the future development of Downtown Yuma.

Because the City may someday wish to develop Block 16 in a manner that is incompatible with this new easement, APS agrees that the City has the right to request the relocation of the new electrical facilities and the abandonment of the Easement Area at no future cost to the City.



**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:**

The new easement will prohibit the City from planting certain trees or placing irrigation systems within the easement area, but these land use restrictions should not have a fiscal impact on the City.

**ADDITIONAL INFORMATION:**

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

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: 05/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 05/28/2024

**ORDINANCE NO. O2024-020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT FOR THE INSTALLATION OF NEW ELECTRICAL FACILITIES AT CITY-OWNED PROPERTY NEAR THE SOUTHEAST CORNER OF MAIDEN LANE AND 2<sup>ND</sup> STREET**

WHEREAS, the City of Yuma (“City”) owns a parcel of land legally described as Block 16, according to White’s Survey Map 0000-1, filed April 4, 1894, in the Yuma County Recorder’s Office; and,

WHEREAS, Arizona Public Service Company (“APS”) has requested an easement from the City of approximately 1,232 square feet in the Northwest corner of Block 16 as depicted in Exhibit A (“Easement Area”) for the installation of new electrical facilities; and,

WHEREAS, APS states that the new electrical facilities within the Easement Area are necessary for the development of surrounding properties in Downtown Yuma.

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

SECTION 1: It is deemed appropriate, as a matter of public necessity and public welfare, that the City grant an easement to APS for the installation of new electrical facilities within the Easement Area in accordance with the City of Yuma-APS Utility Easement Agreement on file in the Office of the City Clerk.

SECTION 2: The City Administrator is authorized to execute all necessary documents on behalf of the City to grant the above-referenced easement to APS.

Adopted this \_\_\_\_\_ day of June 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

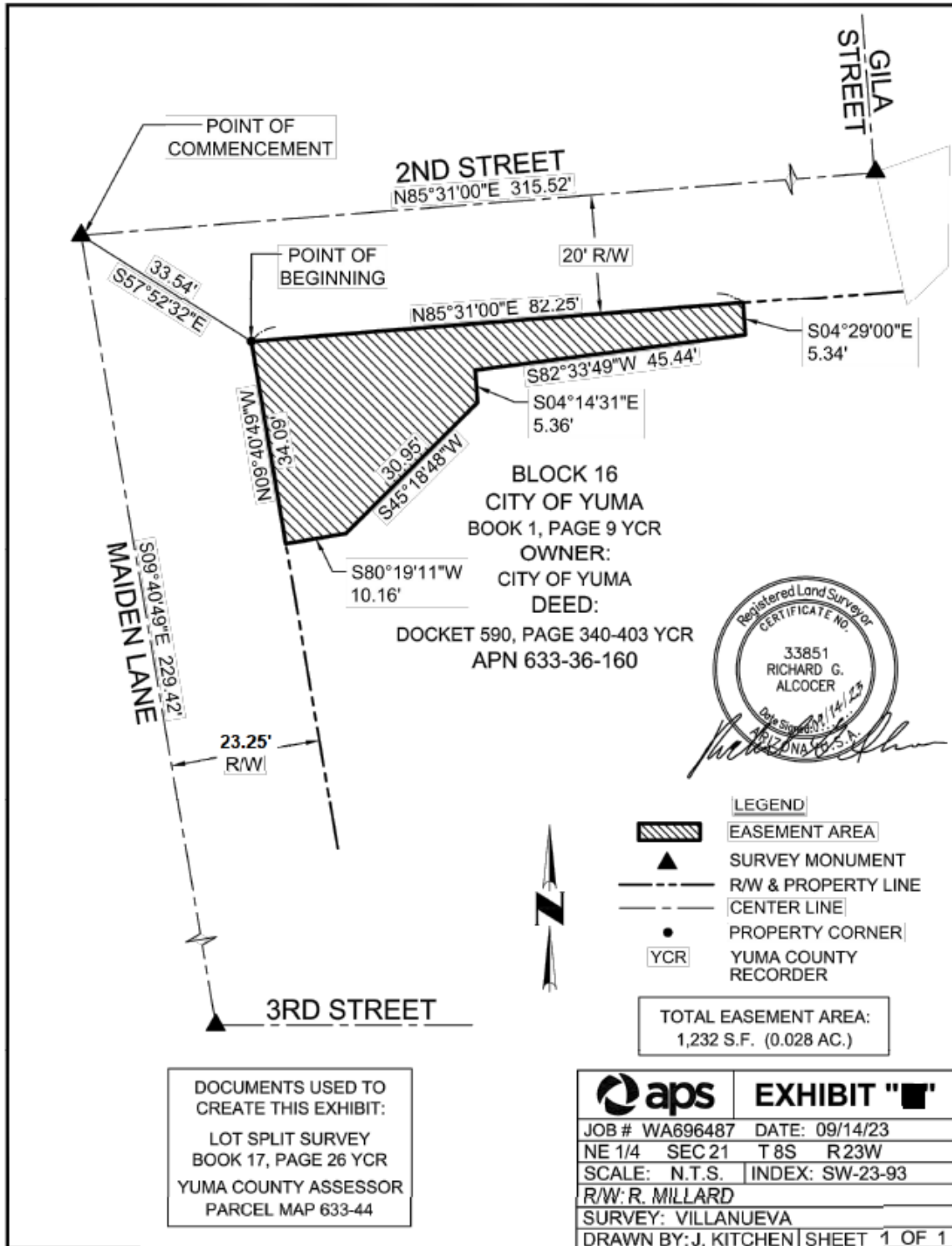
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

Exhibit A



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32.682199 -114.667678  
APN 633-44-154  
SW-23-93  
WA696487  
RM/JGF

## **CITY of YUMA-APS UTILITY EASEMENT**

**CITY OF YUMA**, a municipal corporation of the State of Arizona, (hereinafter called “Grantor”), is the owner of the following described real property located in Yuma County, Arizona (hereinafter called “Grantor’s Property”):

### **SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF**

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called “Grantee”), and to its successors and assigns, a non-exclusive right, privilege, and easement, 8 feet in width or as further described in attached exhibits at locations and elevations, in, upon, over, under, through and across, a portion of Grantor’s Property described as follows (herein called the “Easement Premises”):

### **SEE EXHIBIT “B” ATTACHED HERETO AND MADE A PART HEREOF**

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; and install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities solely for Grantee’s own use incidental to supplying electricity (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"). Grantee Facilities shall consist of underground electric lines and appurtenant facilities including pad mounted equipment, the locations of which are set forth in Exhibit “B.” In no event may any overhead electric lines and associated overhead equipment be installed unless in an emergency to restore power. Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee’s judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, driveways, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises without the prior written consent of Grantee, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Clear areas shall be maintained that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

Grantee hereby acknowledges that there may be irrigation lines or gas, communications, cable/fiber, water, sewer and electric utility infrastructure in the Easement Premises or in the adjacent right-of-way, and Grantee agrees to exercise reasonable care to avoid damage to the Easement Premises and any irrigation lines, utility infrastructure, or any other improvements placed thereon or in the adjacent right-of-way and agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, cement, and



other improvements within the Easement Premises or in the adjacent right-of-way will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities at no cost to Grantor. Upon Grantor requesting the relocation of Grantee Facilities, Grantee shall, within twelve months, (1) acquire a new easement area, (2) relocate the Grantee Facilities to the new easement area, and (3) abandon its rights to use the Easement Premises granted in this easement by recording a formal instrument abandoning the easement.

If any of Grantee's electric facilities in this easement are not being used or are determined not to be useful, Grantor may request that the facilities that are no longer needed be removed and that portion of the easement be abandoned. Grantee will execute and record a formal instrument abandoning the easement, or a portion thereof. Any facilities that are determined to still be needed for Grantee's electrical system can be relocated pursuant to the above relocation requirements.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity (other than to an affiliated entity of Grantee or an entity that acquires from Grantee substantially all of Grantee's electric distribution facilities within the area of Grantor's Property) without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of the transfer, conveyance or assignment of any rights granted herein.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]



**CONSENT AND ACKNOWLEDGMENT**

Yuma County (“County”), in signing below, acknowledges that this Easement is for the benefit of facilities owned and operated by the County. The County agrees that if Grantor requires relocation of the Grantee Facilities, the County will both (1) provide Grantee with a new easement in a form and location acceptable to Grantee, at no cost to Grantee, and (2) pay all or a portion of the cost of redesigning and relocating the Grantee Facilities (collectively, the “Relocation Costs”), based on the number of non-County owned or operated properties serviced by the Grantee Facilities. For example, if the Grantee Facilities service only properties owned or operated by the County, then the County must pay all of the Relocation Costs. If, however, the Grantee Facilities service one County-owned property and one property not owned or operated by the County, the County would only be responsible for half of the Relocation Costs.

IN WITNESS WHEREOF, Yuma County, a political subdivision of the State of Arizona, has caused this Utility Easement to be executed by its duly authorized representative, this \_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Ian McGaughey  
Yuma County Administrator

## **EXHIBIT “A”**

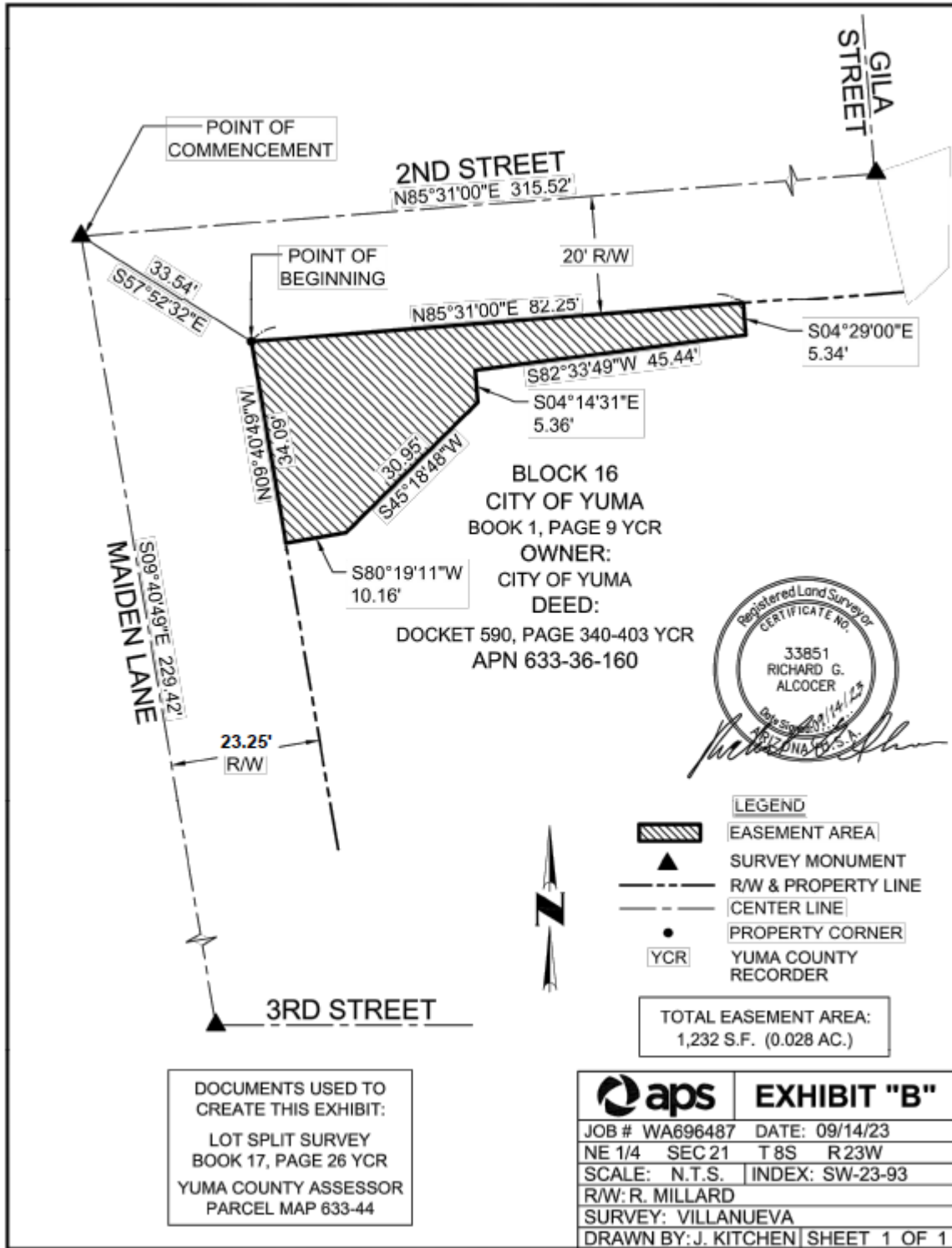
**(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)  
AS RECORDED IN DOCKET 590, PAGES 340-403 Y.C.R.**

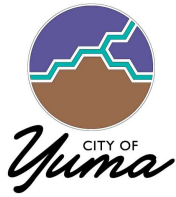
**All of Block Sixteen (16) of the CITY OF YUMA, Yuma County, State of Arizona, according to White’s Survey Map 0000-1 thereof, filed April 4, 1894, in the office of the County Recorder Yuma County, Arizona**

Descriptions Verified By:	Andrew McGarvie
City Engineering Department	12/6/23

# EXHIBIT "B"

(LEGAL DESCRIPTION AND / OR EXHIBIT OF EASEMENT PREMISES)





# City of Yuma

## City Council Report

**File #:** O2024-022

**Agenda Date:** 6/5/2024

**Agenda #:** 2.

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

**TITLE:**

**Adopt the Fiscal Year 2025 City of Yuma Primary Property Tax Levy, the Main Street Mall and Off-Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies**

**SUMMARY RECOMMENDATION:**

Adopt the Fiscal Year 2025 Primary Property Tax Levy, the Main Street Mall and Off Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies. (Administration/Finance) (Jay Simonton/Doug Allen)

**STRATEGIC OUTCOME:**

The community relies on the City to provide core and other necessary services consistent with City Council's strategic outcome of Respected and Responsible.

**REPORT:**

The City of Yuma Fiscal Year 2025 Adopted Annual Budget is based in part upon an estimated primary property tax levy that is anticipated to raise \$16,443,580 in tax revenue. This estimate is derived from the assessed valuation as of February 2024 provided by the Yuma County Assessor and multiplied by a tax rate of \$2.1321 on each \$100.00 of assessed valuation. The tax rate will increase from the Fiscal Year 2024 rate of \$2.1321. City Council adoption of this ordinance reflects an increase of the tax levy by \$237,368 attributable to new construction.

The levy ordinance for introduction was drafted at the maximum allowed levy for FY 2025 as posted for the truth-in-taxation public hearing notice. At the conclusion of the public hearing, City Council had a roll call vote on the levy amount. The levy approved by City Council with the roll call vote was the rate introduced in the Ordinance.

There has been no secondary property tax levy since 1992.

The tax rate for the Main Street Mall and Off-Street Parking Maintenance District No. 1 is \$4.2750 on each \$100.00 of assessed valuation, which is higher than the Fiscal Year 2024 tax rate of \$4.2500. The levy is anticipated to increase approximately \$156,109 in tax revenue in Fiscal Year 2025. The City of Yuma will also contribute approximately \$183,354 to District No. 1 Mall Maintenance in Fiscal Year 2025.

The City will assess 12 Municipal Improvement Districts. The districts, their associated rates and levy are as

follows:

Improvement District	Tax Rate	Tax Levy
Park West Units 4 and 5	\$ 0.7000	\$ 27,551
Cielo Verde Unit Three Phases 1 and 2	1.2245	19,118
Desert Sky Unit 1	1.6000	73,262
Saguaro Units 3 and 4	0.5000	23,724
Driftwood Ranch Units 1 and 2	0.5000	22,516
Livingston Ranch Unit No. 2	1.6000	38,681
Desert Sands Unit No. 1	1.6000	36,506
Villa Serena Unit No. 1	1.8000	11,062
Araby North Subdivision	1.8000	6,399
Autumn Valley Subdivision	1.8000	3,112
La Estancia Subdivision	1.8000	58,070
Santana Sub Units 1-4	1.8000	38,246

The statutory combined Public Hearings on the Budget and tax levies were held on June 5, 2024, and subsequently City Council adopted the Final Budget of Estimated Revenues and Expenditures for Fiscal Year 2025 by Resolution. Introducing and adopting this tax levy ordinance will complete the Fiscal Year 2025 Budget process in accordance with state law and the Yuma City Charter.

**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:**

N/A

**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: \_\_\_\_\_ Date: \_\_\_\_\_

John D. Simonton	05/29/2024
Reviewed by City Attorney: Richard W. Files	Date: 05/28/2024



**ORDINANCE NO. O2024-022**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, FIXING, LEVYING, AND ASSESSING PRIMARY PROPERTY TAXES UPON PROPERTY WITHIN THE CITY OF YUMA SUBJECT TO TAXATION, EACH IN A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS OF VALUATION, SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET FOR THE FISCAL YEAR 2025 LESS THE AMOUNTS ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE AND THE UNENCUMBERED BALANCES FROM THE PREVIOUS FISCAL YEAR, PROVIDING A GENERAL FUND; AND FIXING, LEVYING, AND ASSESSING UPON PROPERTY SUBJECT TO TAXATION WITHIN THE BOUNDARIES OF EACH OF THE RESPECTIVE MAINTENANCE IMPROVEMENT DISTRICTS NUMBERED 100, 102, 104, 107, 108, 109, 110, 111, 112, 113, 115, 120 AND ALSO UPON PROPERTY SUBJECT TO TAXATION WITHIN THE BOUNDARIES OF THE MAIN STREET MALL AND OFF STREET PARKING MAINTENANCE DISTRICT NO. 1, EACH IN A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS OF VALUATION, SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED FOR THE OPERATION, MAINTENANCE, REPAIR AND IMPROVEMENT OF THE FACILITIES OF SAID DISTRICT, ALL FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025**

WHEREAS, pursuant to the laws of the State of Arizona and Article XIII, Section 6 of the Charter of the City of Yuma, the City Council is required, following the public hearing and adoption of estimates of proposed revenues and expenditures for Fiscal Year 2025 to fix, levy, and assess a primary rate of taxation upon each one hundred dollars (\$100.00) of the assessed valuation of all real and personal property subject to taxation within the City sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from all other sources of revenue and unencumbered balances from the previous fiscal year; to pay municipal expenses during Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025; and,

WHEREAS, pursuant to the laws of the State of Arizona, the City Council is required, following the public hearing and adoption of estimates of proposed revenues and expenditures for each of the maintenance improvement districts and the Main Street Mall and Off Street Parking Maintenance District No. 1 for Fiscal Year 2025, to fix, levy, and assess a rate of taxation upon each one hundred dollars (\$100.00) of the assessed valuation of all real and personal property included in the district and subject to taxation within the district, sufficient to raise the amount estimated to be required for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 20, 2025; and,

WHEREAS, the combined public hearing for the purpose of hearing taxpayers was held on June 5, 2024 after which a meeting was duly convened in which an estimate of revenue and expenditures was adopted by the City Council in final form for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025; and,

WHEREAS, the County of Yuma is the assessing and collecting authority for the City of Yuma.

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

SECTION 1: There is hereby levied a primary tax rate of \$2.1321 on each one hundred dollars (\$100.00) of assessed valuation on all property, both real and personal, within the corporate limits of the City of Yuma, except such property as may be by law exempt from taxation, for the purpose of providing a General Fund for the City of Yuma, for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025. Should such tax rate exceed the maximum allowable by law, the rate shall be reduced to such maximum allowable rate.

SECTION 2: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$4.2750 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 3: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$0.7000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 100, Park West Units 4 and 5, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 4: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.2245 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 102, Cielo Verde Unit 3 Phases 1 and 2, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 5: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.6000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 104, Desert Sky Unit 1, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 6: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$0.5000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 107, Saguaro Units 3 and 4, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 7: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$0.5000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 108, Driftwood Ranch Units 1 and 2, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 8: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.6000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 109, Livingston Ranch Unit No. 2, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 9: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.6000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 110, Desert Sands Unit No. 1, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 10: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.8000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 111, Villa Serena Unit No. 1, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 11: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.8000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 112, Araby North Subdivision, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

SECTION 12: In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.8000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 113, Autumn Valley Subdivision, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

**SECTION 13:** In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.8000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 115, La Estancia Subdivision, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

**SECTION 14:** In addition to the rates set in Section 1, hereof, there is hereby levied a tax rate of \$1.8000 on each one hundred dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Yuma and located within the boundaries of the Improvement District Number 120, Santana Subdivision Units 1-4, except such property as may by law be exempt from taxation, for the purpose of providing a fund for the operation, maintenance, repair and improvement of the facilities to be maintained by the district for Fiscal Year 2025 beginning July 1, 2024 and ending June 30, 2025.

**SECTION 15:** The taxes assessed and levied in Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance are, and shall become, due and payable to the County Treasurer, and Ex-officio Tax Collector of Yuma County, at the Yuma County Treasurer's Office in the City of Yuma in the same manner and in the same time as provided by law for the collection and payment of State and County taxes.

**SECTION 16:** The City Clerk is authorized and directed to cause certified copies of this Ordinance to be forthwith personally delivered to the Yuma County Treasurer and the Chairman of the Board of Supervisors of Yuma County, Arizona, and to cause this Ordinance to be published once in the official newspaper of the City of Yuma published and circulated in the City of Yuma.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

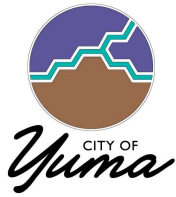
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney



# City of Yuma

## City Council Report

File #: O2024-021

Agenda Date: 6/26/2024

Agenda #: 1.

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

**TITLE:**

**Rezoning of Property: Northwest Corner of 28<sup>th</sup> Street and Avenue B**

**SUMMARY RECOMMENDATION:**

Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ. (ZONE-42395-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

The rezoning of the property will support commercial 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:**

*[City Clerk’s note: due to an undiscovered error in legal descriptions dating back to 2002, City staff has amended the version recommended by the Planning and Zoning Commission and previously continued from the June 5 scheduled introduction. All changes or additions are shown in the ordinance in red text].*

The property is located on the northwest corner of 28<sup>th</sup> Street and Avenue B, currently undeveloped and approximately .51 acres in size. The property was annexed to the City of Yuma in September of 2005.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, with the intent to lot tie the .51 acre property with the property to the west for future commercial development. To accomplish the proposed development of the property, the rezone is required.

The property is located in an area of the City of Yuma where the Land Use Element of the General Plan could allow a number of different zoning designations, ranging from Low Density Residential to General Commercial. The rezone of this property to Limited Commercial (B-1) would complement the character of the surrounding area. This request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

**Public Comments - Excerpt from Planning and Zoning Commission Meeting Minutes:**

**Guillermo Moreno-nunez, Assistant Planner**, summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

“Chris Hamel - Planning and Zoning Commissioner mentioned that he is happy with the future development of the subject property.

**APPLICANT/APPLICANT’S REPRESENTATIVE**

**PUBLIC COMMENT**

None

“Motion by Joshua Scott - Planning and Zoning Commissioner, second by Ashlie Pendleton - Planning and Zoning Commissioner to APPROVE ZONE-42395-2024 as presented.

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

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 06/20/2024
Reviewed by City Attorney: Richard W. Files	Date: 06/20/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – REZONE**  
**CASE PLANNER: GUILLERMO MORENO-NUNEZ**

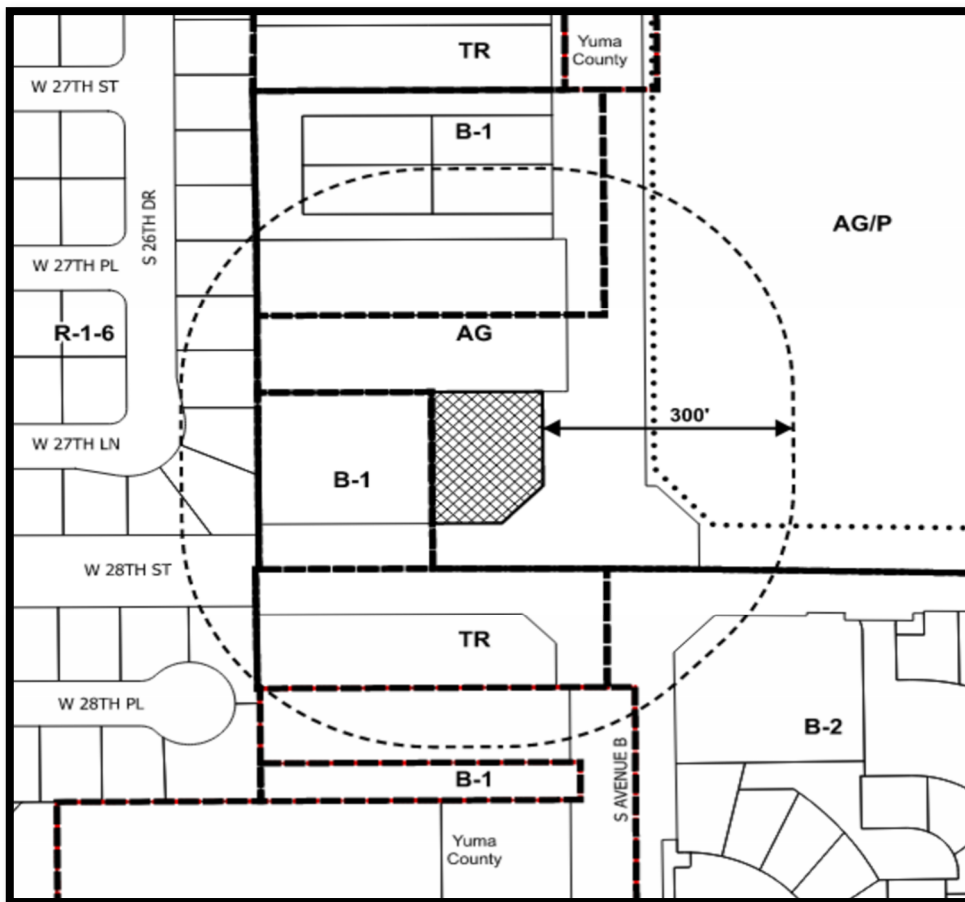
**Hearing Date:** April 22, 2024

**Case Number:** ZONE-42395-2024

**Project Description/ Location:** This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Agriculture (AG)	Undeveloped Lot	Mixed Use
<b>North</b>	Agriculture (AG)	Tire Shop	Mixed Use
<b>South</b>	Transitional (TR)	Clinic	Mixed Use
<b>East</b>	Agriculture/Public Overlay (AG/P)	Court House	Public/Quasi Public
<b>West</b>	Limited Commercial (B-1)	Undeveloped Lot	Mixed Use

**Location Map**



**Prior site actions:** PDM-2295-2024 for proposed warehouse and office (February 8, 2024), Annexation ord. O2005-57 (September 3, 2005).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Limited Commercial (B-1) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-42395-2024 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 recommending approval to City Council for the request to rezone to Limited Commercial (B-1) for the property located at the northwest corner of 28<sup>th</sup> Street and Avenue B, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is located on the northwest corner of 28<sup>th</sup> Street and Avenue B, currently undeveloped and approximately .51 acres in size. The property was annexed to the City of Yuma in September of 2005.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, with the intent to tie the subject property with the property to west to allow future commercial development. In order to accomplish proposed development of the property, the rezone is required.

The property is located in an area of the City of Yuma where the Land Use Element of the General Plan could allow a number of different zoning designations, ranging from Low Density Residential to General Commercial. The rezone of this property to Limited Commercial (B-1) would complement the character of the surrounding area. This request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

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

<b>Land Use Element:</b>									
Land Use Designation:				Mixed Use					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

**2. Are there any dedications or property easements identified by the Transportation Element?**  
No

<b>FACILITY PLANS</b>						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
28 <sup>th</sup> Street- 2 lane Collector	50 FT H/W	61 FT H/W				
Avenue B- 4 lane Minor Arterial	40 FT H/W	75 FT H/W				X
Bicycle Facilities Master Plan	28 <sup>th</sup> Street – Existing bike lane, Avenue B – Proposed bike lane					



YCAT Transit System	Purple Route & Yellow Route – Highway 95 South (95) - 23 <sup>rd</sup> Avenue @ 28 <sup>th</sup> Street.
Issues:	None

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

<b>Parks, Recreation and Open Space Element:</b>										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Ponderosa Park				Future: Ponderosa Park					
Community Park:	Existing: Yuma Valley Park				Future: Yuma Valley Park					
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park					
Issues:	None									
<b>Housing Element:</b>										
Special Need Household:	N/A									
Issues:	None									
<b>Redevelopment Element:</b>										
Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
Conforms:	Yes		No		N/A					
<b>Conservation, Energy &amp; Environmental Element:</b>										
Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:	None									
<b>Public Services Element:</b>										
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			<b>Dwellings &amp; Type</b> <i>Non-residential</i>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>	
			Maximum	Per Unit		Officers	GPD	AF	GPD	
			0	0	0	0.00	0	0.0	0	
			Minimum							
			0	0	0	0.00	0	0.0	0	
Fire Facilities Plan:	Existing: Fire Station No. 6				Future: Fire Station No. 6					
Water Facility Plan:	Source:	City	X	Private	Connection:		10" line on 28 <sup>th</sup> Street			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private		Connection: 8" on 28 <sup>th</sup> Street			
Issues:	None									
<b>Safety Element:</b>										
Flood Plain Designation:	500 Year Flood Zone			Liquefaction Hazard Area:			Yes	X	No	
Issues:	None									
<b>Growth Area Element:</b>										
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.		X		
	North End		Pacific Ave & 8 <sup>th</sup> 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

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** See Attachment C.

**Proposed conditions delivered to applicant on:** 03/21/2024

**Final staff report delivered to applicant on:** 04/02/2024

- Applicant agreed with all of the conditions of approval on: 03/26/2024
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant .

**Attachments**

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

**Prepared By:** *Guillermo Moreno-nunez* **Date:** 03/26/2024  
 Guillermo Moreno-nunez  
 Assistant Planner (928) 373-5000, x3038  
 Guillermo.moreno-nunez@yumaaz.gov

**Reviewed By:** *Jennifer L. Albers* **Date:** 3/27/24  
 Jennifer L. Albers  
 Assistant Director of Planning

**Approved By:** *Alyssa Linville* **Date:** 04/01/2024  
 Alyssa Linville  
 Director, Planning and Neighborhood Services

**ATTACHMENT A  
CONDITIONS OF APPROVAL**

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

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

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

**Community Planning, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038**

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

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

**ATTACHMENT B  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 03/29/24
- **300' Vicinity Mailing:** 03/04/24
- **34 Commenting/Reviewing Agencies noticed:** 03/07/24
- **Site Posted on:** 03/05/24
- **Neighborhood Meeting:** 04/14/24
- **Hearing Date:** 04/22/24
- **Comments due:** 03/18/24

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	Yes	3/7/2024	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	3/11/2024	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	Yes	3/11/2024	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	Yes	3/20/2024			X
Fire	Yes	3/8/2024	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 03/14/24

**Location:** On site, NWC of 28<sup>th</sup> Street and Avenue B

**Attendees:** Agent: Christopher Robins,  
Staff: Guillermo Moreno-nunez,  
Neighbor: Isaac Martinez.

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

- **MARTINEZ-** ASKED WHAT WAS GOING TO BE DEVELOPED ON LAND?
- **MORENO-NUNEZ-** EXPLAINED WHAT THE INTENT OF PROPERTY OWNER IS
- **MARTINEZ-** HAD NO OTHER COMMENTS NOR CONCERNS.

**ATTACHMENT D  
AGENCY COMMENTS**

**Andrew McGarvie P.E., Development Engineering Manager for the City of Yuma, (928) 373-5000  
x3044**

- *“The City of Yuma will not remove the existing 1’ non-access easement located along the west right-of-way line of Ave B as recorded in the Wagon Wheel Lot Tie, Fee Number 2005-05267 and recorded in Book 21 of Plats, Pages 11 and 12.”*

**ATTACHMENT E  
NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
ACOSTA DANIEL JUDE & GABRIELA JT ADULT AND PEDIATRIC REHABILITATION LLC	2767 S 26TH DR PO BOX 5841	YUMA	AZ	85364
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
CASTILLO JOSE L & ROSA E JT	PO BOX 5837	YUMA	AZ	85366
COTA LUIS D AVALOS	2779 S 26TH DR	YUMA	AZ	85364
DIXON REYNOLDS & MARCIANA W	2749 S 26TH DR	YUMA	AZ	85364
ESQUIVEL JOSE G	2671 W 27TH LN	YUMA	AZ	85364
KAZNAK STEVE & LUELLA JT	4349 W 17TH PL	YUMA	AZ	85364
LASTRA ALEJANDRO & CYNTHIA JT	2739 S 26TH DR	YUMA	AZ	85364
LOMELI HILARIA LIVING TRUST 6-4-99 MAHA LLC	2834 S AVENUE B PO BOX 4145	YUMA	AZ	85364
MEDINA VICTOR ZAZUETA	2721 S 26TH DR	YUMA	AZ	85364
RYAN ARMIDA M	2683 W 27TH LN	YUMA	AZ	85364
SMITH JIM D	221 S 2ND AVE STE 1	YUMA	AZ	85364
SOMERTON FARMING COMPANY AZ CORP TCC PLAZA LLC	221 S 2ND AVE 2525 W 28TH ST STE A	YUMA	AZ	85364
TRIDENT ASSETS LLC	871 AUTO MALL DR	AMERICAN FORK	UT	84003
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364

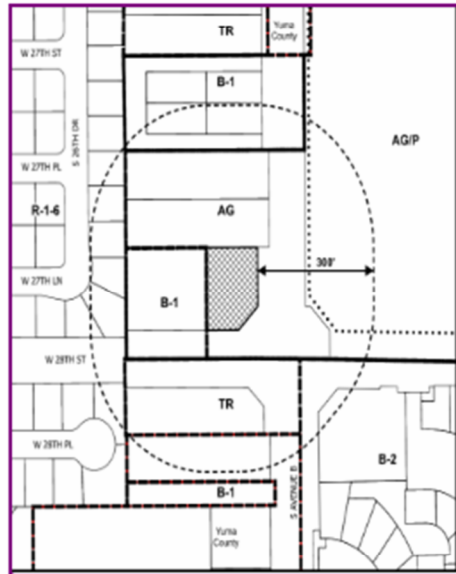
**ATTACHMENT F  
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-42395-2024**

**NEIGHBORHOOD MEETING  
03/14/2024 @ 5:30PM  
ON-SITE**

**PUBLIC HEARING  
04/22/2024 @ 4:30pm  
City Hall Council Chambers  
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of the northwest corner of 28th Street and Avenue B, Yuma, AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at [Guillermo.Moreno-nunez@YumaAz.gov](mailto:Guillermo.Moreno-nunez@YumaAz.gov)



ATTACHMENT G  
AERIAL PHOTO



**ORDINANCE NO. O2024-021**

**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 AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) 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 April 22, 2024 in Zoning Case no: ZONE-42395-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Limited Commercial (B-1) 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 March 29, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42395-2024 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 East half (E ½) of the South half (S ½) of the North 413.85 feet of the South 443.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section Six (6), Township Nine (9) South, Range Twenty-three (23) West of the Gila and Salt River Base and Meridian, to include all adjacent right of way*

shall be placed in the Limited Commercial (B-1) 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 Limited Commercial (B-1) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Limited Commercial (B-1) District, and

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

1. The conditions listed below are in addition to City codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. *Owner shall dedicate to the City by recorded lot tie or quitclaim deed the approximately 357.3 square feet of right of way described in Exhibit B, and the City hereby declares surplus and shall*

dedicate by quitclaim deed or as part of the recorded lot tie, the parcels described in Exhibits C and D consisting of 1,736.995 square feet and 161.941 square feet, respectively, to the Owner of the property being rezoned.

4. Owner at Owner's cost shall design for City acceptance by the City Engineer, a southbound Avenue B to 28<sup>th</sup> Street right turn lane, including separate legal descriptions of any necessary or needed right of way across any parcels north of the property to be rezoned.
5. Owner shall cause Maha LLC to dedicate any necessary right of way for the right turn lane from Parcel Number 694-12-101 to the City prior to this rezoning becoming final.

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

SECTION 4: Upon the request of Owner, City shall reasonably cooperate with Owner in clearing any cloud on title to the north 10 feet of the Property being rezoned due to a previously undiscovered scrivener's error.

SECTION 5: All Exhibits shall remain on file at the Yuma City Clerk's Office and are incorporated by reference as part of this ordinance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

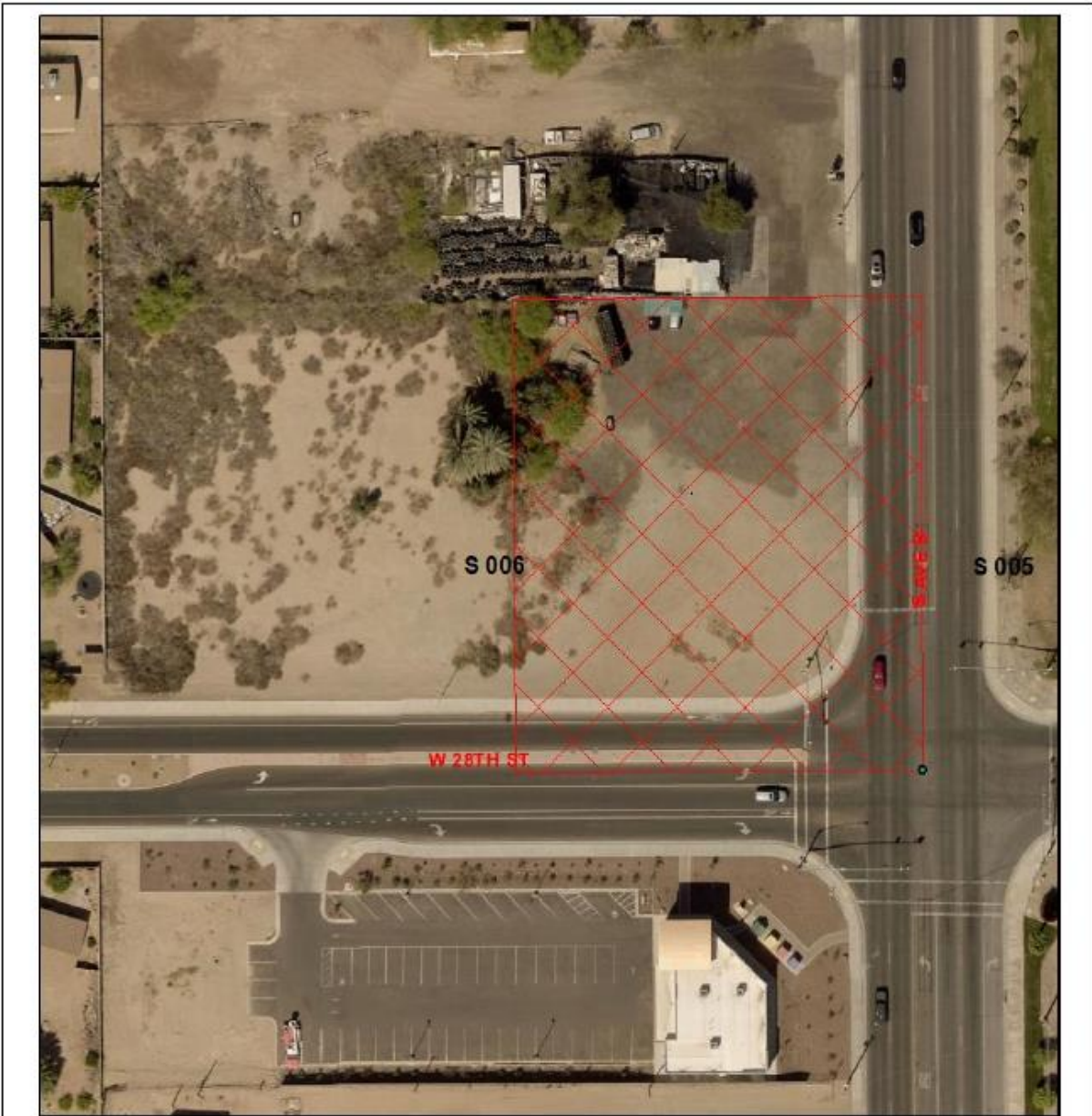
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

**Exhibit A**



**AFFECTED AREA**

*NOTE: THIS MAP IS PREPARED TO SHOW  
GENERAL SITE LOCATION ONLY AND REPRESENTS  
NO SPECIFIC DIMENSIONS RELATED TO THE SITE.*



# LOCATION MAP

Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA  
ENGINEERING  
DEPARTMENT**

DATE: **6/19/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

## **Exhibit B**

A portion of the East half (E½) of the South half (S½) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:  
Commencing at the East quarter Corner of said Section 6;

Thence South 89°43'31" West (record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie, also being the True Point of Beginning;

Thence continuing North 00°24'52" West along the West line of said Parcel NO. 1 a distance of 6.07 feet to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet to a point lying on the Parcel NO. 1 corner triangle line;

Thence South 44°39'18" West, a distance of 8.57 feet along the corner triangle line to the southern southeast corner of Parcel NO. 1;

Thence South 89°43'31" West along the South line of Parcel NO. 1 a distance of 83.00 feet, to the True Point of Beginning;

Containing 357.300 square feet or 0.0082 of an acre, more or less.

### Exhibit C

A portion of the West half (W<sup>1</sup>/<sub>2</sub>) of the South half (S<sup>1</sup>/<sub>2</sub>) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Special Warranty Deed, dated 6/19/2006, recorded as FEE # 2006-25012, Yuma County Recorder, and more particularly described as follows: Commencing at the East quarter Corner of said Section 6 as described in the said Wagon Wheel Lot Tie;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southeast corner of real property described as APN: 105-33-047B and "NOT A PART" in the said Wagon Wheel Lot Tie, also being the southeast corner of real property described in said Special Warranty Deed, dated 6/19/2006, also being the True Point of Beginning;

Thence continuing North 00°24'52" West (record) a distance of 31.00 feet (record) to the northeast corner of real property described in said Special Warranty Deed;

Thence South 89°43'31" West (calculated) along the north line of the property described in Special Warranty Deed, a distance of 208.00 feet (calculated) to the northwest corner of real property described in the said Special Warranty Deed;

Thence South 00°24'52" East (record), along the West line of real property described in said Special Warranty Deed, a distance of 9.00 feet (calculated) to a point lying 52.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel to and 52.00 feet north of the East-West midsection line of said Section 6, a distance of 181.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 5.00 feet (calculated) to a point lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel with and 57.00 feet north of the East-West midsection line of said Section 6, a distance of 27.00 feet (calculated) to a point lying on the east line of real property described in said Special Warranty Deed;

Thence North 00°24'52" West (record) along the east line of real property described in said Special Warranty Deed, a distance of 4.00 feet (calculated) to the True Point of Beginning;

Containing 1,736.995 square feet or 0.0399 of an acre, more or less.

## **Exhibit D**

A portion of the East half (E½) of the South half (S½) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:  
Commencing at the East Quarter Corner of said Section 6;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie;

Thence continuing North 00°24'52" West (record) along the West line of said Parcel NO. 1 a distance of 6.07 feet (calculated) to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated) along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet (calculated) to a point lying on the Parcel NO. 1 corner triangle line, also being the True Point of Beginning;

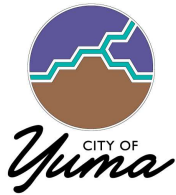
Thence North 44°39'18" East (record), a distance of 62.05 feet (calculated) along the corner triangle line to the northern southeast corner of Parcel NO. 1;

Thence South 00°24'52" East (calculated) along a southern projection of the East line of Parcel NO. 1 a distance of 3.93 feet (calculated), to a point;

Thence South 44°39'20" West (calculated), a distance of 56.50 feet (calculated) to a point;

Thence South 89°43'31" West (calculated), a distance of 3.93 feet (calculated) to the True Point of Beginning;

Containing 164.941 square feet or 0.0038 of an acre, more or less.



# City of Yuma

## City Council Report

**File #:** O2024-024

**Agenda Date:** 6/26/2024

**Agenda #:** 2.

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

**TITLE:**

**Amend Yuma City Code: Regulating Parks Within the City**

**SUMMARY RECOMMENDATION:**

Adopt a City ordinance to update current park operations and address ongoing issues in the parks. (Parks and Recreation) (Eric Urfer)

**STRATEGIC OUTCOME:**

Safe and Prosperous: This update provides for easier enforcement of violations, and further provides the Director of Parks and Recreation the authority and flexibility to adopt or modify rules necessary for the daily operations and maintenance of City parks.

**REPORT:**

*[Clerk's note: Proposed ordinance changes since the June 5, 2024 City Council meeting concerning Unauthorized Vehicles (§ 170-06 in Section 1) are shown in red].*

City ordinances pertaining to Parks and Recreation have not been modified since the 1990s and an update is warranted to reflect current park operations and address ongoing issues in the parks.

The City recently implemented a Park Patrol Program to help reduce vandalism and deter crime in City parks. The program has reinforced the need to adjust the current park ordinance and adjust park operations to assist in reaching the goals of the Park Patrol Program and better serve the community.

The City is also in the process of replacing and updating park playgrounds, restrooms, ramadas, picnic tables, benches, grills, and other amenities as called for in the 2024 Parks and Recreation Master Plan and has an interest in ensuring this equipment remains intact and safe for the public.

The proposed amendment eliminates outdated sections of the current ordinance, adds a definition section to clarify terms used throughout the ordinance, adds sections for Lakes, Ponds and Unauthorized Vehicles and amends Park Hours. For Park hours, the current City ordinance permits the use of City parks until 11:00 P.M. It is dark, or near dark, by 9:00 P.M. year-round in Yuma, Arizona. Many City parks do not have lighting appropriate or sufficient for safe nighttime use of City parks after dark. This condition provides an environment for criminal activity, resulting in damage to City property, graffiti, exposure to drugs and drug paraphernalia and potential unsafe conditions. The proposed ordinance allows flexibility for City parks frequented after 9:00 P.M. for programs and events, or due to extreme heat during daytime hours.



The proposed update to the ordinance provides for easier enforcement of violations, updates department information, and further provides the Director of Parks and Recreation the authority to adopt and/or modify rules necessary for the daily operations and maintenance of City parks.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 06/20/2024
Reviewed by City Attorney: Richard W. Files	Date: 06/18/2024

**ORDINANCE NO. O2024-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AMENDING TITLE 17, CHAPTER 170 OF THE YUMA CITY  
CODE REGULATING PARKS WITHIN THE CITY**

WHEREAS, City ordinances pertaining to Parks and Recreation have not been modified since the 1990's and an update is warranted; and,

WHEREAS, the current City ordinance permits use of City parks until 11:00 P.M; and,

WHEREAS, it is dark, or nearly dark, by 9:00 P.M. year-round in Yuma, Arizona; and,

WHEREAS, many City parks do not have lighting appropriate or sufficient for safe nighttime use; and,

WHEREAS, use of City parks after dark provides an environment for criminal activity, resulting in damage to City property, graffiti, exposure to drugs and drug paraphernalia during park clean-ups, and exposure to unsafe conditions by the public; and,

WHEREAS, there are City parks frequented after 9:00 P.M. for events, or due to extreme heat during daytime hours, and flexibility is necessary to allow for those uses while also protecting the quality and safety of the City parks; and,

WHEREAS, the City is in the process of replacing and updating playground equipment in the parks, to include the Inclusive Play Plan, and has an interest in ensuring this equipment remains intact and safe for the public; and,

WHEREAS, this update provides for easier enforcement of violations, and further provides the Director of Parks and Recreation the authority and flexibility to adopt and/or modify rules necessary for the daily operations and maintenance of City parks.

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

SECTION 1: Yuma City Code, Chapter 170: *Parks and Recreation*, is amended where strike through text indicates a deletion and bolded text indicates an addition as follows:

§ 170-01 ~~Desert Hills Golf Course hours.~~**Definitions.**

~~The Desert Hills Municipal Golf Course shall be open to the public as follows:~~

~~(A) Summer (May 1 September 30): 6:00 a.m. to dark (daily) Wednesday through Monday; closed Tuesdays.~~

~~(B) Winter (October 1 April 30): 7:00 a.m. to dark (daily) Monday through Sunday.~~

- 1. CITY PARK is defined as an area of land owned, leased, or operated by the City for recreational use by the general public.**

**2. ALCOHOL is defined as:**

- a. Any product obtained by the fermentation of grapes, other agricultural products containing natural or added sugar or cider or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four percent of alcohol by volume.
- b. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, that produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.
- c. Any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, rice, bran or other grain, glucose, sugar or molasses, or any combination of them, and may include, as adjuncts in fermentation, honey, fruit, fruit juice, fruit concentrate, herbs, spices and other food materials.
- d. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, fruits preserved in ardent spirits, and any alcoholic mixture or preparation, whether patented or otherwise, that may in sufficient quantities produce intoxication.

**3. VEHICLE is defined as a self-propelled device in or on which a person or property is transported, but does not include motorized wheelchairs, electric scooters, electric bicycles, motorized skateboards, personal delivery devices, or personal mobile carrying devices.**

~~§ 170-02 Park Closing Regulations. Hours.~~

~~—(A) All city parks, inclusive of all adjoining parking areas which are provided for parking for park users, are closed to the public from 11:00 p.m. to one hour prior to sunrise 9:00PM to 5:00AM daily, unless otherwise posted at the individual park. Park hours may be modified by the City for the purposes of events or programs sponsored, sanctioned, or permitted by the City.~~

~~—(B) All city athletic fields and recreation centers and gymnasiums which may be located adjacent to park properties are excluded from this provision when they are being provided for programs and/or activities which are co-sponsored or sponsored by the City of Yuma Special Services Department.~~

~~—(C) Special permits granted by the city for overnight camping in parks are not subject to this section.~~

~~(D) A CITY PARK is defined as an area of land owned, leased, or operated by the city and developed for recreational use by the general public within the city limits.~~

~~§ 170-03 Consumption of Alcohol in Parks; Glass Beverage Containers Prohibited.~~

~~—(A) Alcoholic beverages defined. ALCOHOLIC BEVERAGES shall encompass all those items falling within the definition of BEER, SPIRITUOUS LIQUOR, and WINE, as defined in A.R.S. § 4-101.~~

~~—(B) Park classifications.~~

~~—(1) Mini park. Local and close to home space. Specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens. Service area for this type of park is less than one fourth mile. The size of the park is less than one acre. The desirable characteristics are close to neighborhoods and in close proximity to apartment complexes.~~

~~—(2) Neighborhood park. An area for intense recreational activities such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, and the like. Service area for this type of park is between one fourth to one half mile radius to serve a population up to 5,000 people in a neighborhood. The desirable size is from one to 15 acres. The desirable characteristics are suited for intense development and easily accessible to the neighborhood population geographically centered with safe walking and bike access. May be developed as a school park facility.~~

~~—(3) Community parks/specialized facilities. An area of diverse environmental quality. These parks may include areas suited for intense recreational facilities such as athletic complexes and large swimming pools. These areas may be ones of natural quality or outdoor recreation such as walking, viewing, sitting, picnicking, and other passive activities. It may be all or any of the combination of the above depending on the site suitability and community need. The service area to the community for this type of park is one to two miles and the size is from 15 to 25 acres. Community parks may also include features such as water bodies and areas suited for intense development. These parks are easily accessible to the neighborhood served.~~

~~—(4) Regional/metropolitan park. An area of natural or ornamental quality for outdoor recreation such as picnicking, play areas, boating, fishing, swimming, walking, and camping. The service area for this type of park is one hour driving time. A park of this nature will generally service several communities. The park size is from 25 to 200 acres. Regional/metropolitan parks may also include features that are contiguous to or encompassing natural resources.~~

~~(C) 1. Consumption prohibited. The consumption of alcoholic beverages **alcohol** is prohibited in **City parks unless permitted.** at all mini and neighborhood parks. The consumption of alcoholic beverages may be permitted at community and regional parks by permit.~~

~~(D) 2. Permit authorization. The Parks and Recreation Department is empowered to issue permits authorizing the consumption and possession of **beer or malt liquor alcohol** in **community and regional City** parks and to adopt rules and procedures for the issuance of such permits. Nothing herein, however, shall be deemed to authorize the consumption and possession of any alcoholic beverage in community and regional parks which is prohibited by state law.~~

~~(E) Exception. The following areas are exempt from the consumption and permitting provisions of this section:~~

- ~~—(1) Those areas specified as the premises covered by the City of Yuma liquor license.~~
- ~~—(2) The Arroyo Dunes Golf Course.~~
- ~~—(3) Caballero Park.~~
- ~~—(4) Other city facilities where special permits have been obtained pursuant to the City of Yuma Rules and Regulations for Parks and Recreational Facilities.~~

**§ 170-04 Glass Containers**

~~(F) Glass beverage containers prohibited. It shall be unlawful for any person to have a possess glass beverage containers in his possession in any public in any City park under the jurisdiction of the city.~~

~~§ 170-04 Civic Center Rules and Regulations Adopted; Amendments.~~

~~—(A) The rules and regulations, standard operating procedures reference liquor and fee schedules of the Yuma Civic and Convention Center on file with the City Clerk and each and all of the rules and regulations, provisions, penalties, conditions and terms of said documents are hereby adopted as if set forth in full herein.~~

~~—(B) The rules and regulations, standard operating procedures and fee schedules for the Yuma Civic and Convention Center may be amended from time to time by the Council by resolution.~~

**§ 170-05 Lakes and Ponds**

- 1. Swimming or bathing in lakes and ponds located within City parks is prohibited.**
- 2. Fishing is permitted in lakes and ponds located within City parks, unless otherwise posted. All Arizona fishing laws shall be complied with.**

**§ 170-06 Unauthorized Vehicles**

- 1. Parking inoperable or unregistered vehicles in or on City parks and adjoining parking areas is prohibited.**
- 2. Only vehicles authorized by the City may be operated in areas other than those paved areas officially provided for vehicular ingress, egress and parking.**
- 3. Violations of A.R.S. § 28-3511 may also result in impoundment.**

§ 170-99 Penalty

~~—(A) Unless otherwise specifically provided for in this chapter, any Any person, entity, or corporation who shall violate found in violation of any provision of this chapter shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.~~

~~—(B) Any person who violates the provisions of § 170-02 of this chapter shall be guilty of a class 1 misdemeanor and is punishable by a fine not to exceed \$1,000 and a maximum of ten days in jail, or by both fine and imprisonment.~~

SECTION 2: Penalty

Any person, entity, or corporation found in violation of any provision of this ordinance shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.

SECTION 3: Repeal of Conflicting Ordinances

**Ordinance No. 1381 and Resolution No. 2064 are repealed. All ordinances and parts of ordinances in conflict with the provisions of this Chapter are repealed.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

APPROVED:

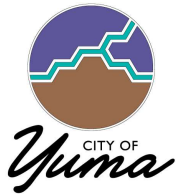
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney



# City of Yuma

## City Council Report

File #: O2024-025

Agenda Date: 6/26/2024

Agenda #: 3.

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

**TITLE:**

**City of Yuma 2024 Special Election**

**SUMMARY RECOMMENDATION:**

Call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation. (City Administration/City Clerk's Office)

**STRATEGIC OUTCOME:**

This proposed City Charter amendment is advocated by a group of citizens on behalf of the community. Placing the proposed amendment on the 2024 Special Election ballot allows eligible voters to engage in the decision-making process and aligns with the Connected and Engaged strategic outcome, as well as Respected and Responsible.

**REPORT:**

Amendments to the Yuma City Charter are required to be approved by a majority of the votes cast by the qualified electors of the City of Yuma. The proposed ordinance calls a Special Election in conjunction with the General Election and designates the purpose, election date, voter registration deadline, and provides for publicity pamphlets.

During City Council discussion at the May 1, 2024 regular City Council meeting, a motion was approved by City Council to allow Yuma voters to decide whether the Yuma City Charter should reflect the recommendation to increase the Elected Official salaries and align them with the current cost of living rates and with other cities/towns within Arizona of a similar size. The approved motion stated that the Charter amendment would move forward on the November 5, 2024 ballot and read as follows (strikethrough text indicates proposed deletions and underlined bold text indicates proposed additions):

- Article VI, Section 14a - From and after January 1, ~~1998~~ 2025, the Mayor shall receive compensation of ~~\$12,000~~ \$45,000 a year and each Councilmember shall receive compensation of ~~\$3,600~~ \$25,000 a year

Adoption of this ordinance calls the Special Election on November 5, 2024 and submits ballot language to the qualified electors of the City for the purpose of amending the Yuma City Charter, as stated 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:**

NON

**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: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



**ORDINANCE NO. O2024-025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE 2024 GENERAL ELECTION; DESIGNATING THE PURPOSE, ELECTION DATE, VOTER REGISTRATION DEADLINE AND PROVIDING FOR PUBLICITY PAMPHLETS**

WHEREAS, Article III, Section 14 of the Yuma City Charter provides that the City shall have the power to make all rules and regulations governing elections not inconsistent with the Constitution and statutes of the State of Arizona; and,

WHEREAS, Article IV, Section 1 and Section 7 of the Yuma City Charter provides the City Council a mechanism, by ordinance, to call for special elections; and,

WHEREAS, Article XIII, Section 2 of the Arizona State Constitution and Arizona Revised Statutes § 9-283(C) and § 19-143(C) provide that the Yuma City Charter may be amended by amendments proposed and submitted to the qualified electors at a general or special election and that no amendment shall be effective until it is approved by a majority of the votes cast thereon; and,

WHEREAS, pursuant to Arizona Revised Statutes §16-204, November 5, 2024 is hereby designated the date for holding the Special Election in conjunction with the General Election in the City of Yuma, Arizona; and,

WHEREAS, the Call of the 2024 General Election was adopted through Resolution R2024-009 on March 6, 2024 for the purpose of electing candidates that were not declared elected through the Primary election; and,

WHEREAS, the City of Yuma desires to bring forward an amendment of Article VI, Section 14 of the City Charter, relating to Elected Officials compensation.

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

SECTION 1: Yuma County registration and voting lists will be used for Special and General Elections. To be qualified to vote in the election, voters must be registered by October 7, 2024.

SECTION 2: A Special Election shall be held on November 5, 2024, to submit to the qualified electors of the City of Yuma the question set forth below to determine whether the City Charter of the City of Yuma should be amended as shown below (strikethrough text indicates proposed deletions and underlined bold text indicates proposed additions except with regard to the proposition number):

**Proposition 425**

SHALL ARTICLE VI - ELECTED OFFICIALS, SECTION 14(a) – COMPENSATION, BE AMENDED TO READ AS FOLLOWS:

- (a) From and after January 1, ~~1998~~ **2025**, the Mayor shall receive compensation of ~~\$12,000~~ **\$45,000** a year and each Councilmember shall receive compensation of ~~\$3,600~~ **\$25,000** a year.

A "YES" vote shall have the effect of adopting the proposed charter amendment.  
A "NO" vote shall have the effect of not adopting the proposed charter amendment.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

SECTION 2: The Special Election shall be held-in conformity with the provisions of the Yuma City Charter and the general election laws of the State of Arizona, and no person shall be entitled to vote unless that person is a registered voter of the City of Yuma.

SECTION 4: The Special Election results shall be submitted to the City Council of the City of Yuma in the same manner and time provided for the return of the ballots for a General Election, whereupon the City Council shall canvass the votes cast in the election and immediately thereafter declare the results of the election.

SECTION 5: If a majority of the qualified electors of the City voting at the election vote in favor of the amendments proposed, it shall be the duty of the City Council, immediately upon canvassing the votes cast in the election as above provided, to transmit a certified copy of the approved amendments to the Governor of the State of Arizona for approval, as provided by the Yuma City Charter and the Constitution of the State of Arizona.

SECTION 6: Pursuant to A.R.S 19-141, the City Clerk shall cause a publicity pamphlet to be printed and mailed to every registered voter household, in accordance with law, before the earliest date that any requested early ballots can be received.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024

APPROVED:

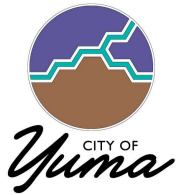
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney



# City of Yuma

## City Council Report

**File #:** O2024-026

**Agenda Date:** 6/26/2024

**Agenda #:** 4.

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

**TITLE:**

**Rezoning of Property: 1712 S. Maple Avenue**

**SUMMARY RECOMMENDATION:**

Approve the rezoning of an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ (ZONE-42472-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

The rezoning of the subject 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 property presently has a single-family home built in 1955, with an older accessory building in the back yard. This property has no driveway on Maple Avenue with vehicular access via the alley to the west. The property owner is requesting this rezoning “for the purpose of possibly resale.”

Further specified in the Yuma City Code § 154-05.04, the following are some of the development standards required of a development in the Low Density Residential (R-1-6) District:

1. The minimum lot size is 6,000 sq. ft.;
  2. The maximum lot coverage shall not exceed 50% of the lot area;
  3. A minimum front yard setback of 20 feet for all buildings, including accessory structures;
  4. A minimum side yard setback of 5 feet\*;
  5. A minimum rear yard setback of 10 feet; and
  6. A maximum building height of 40 feet.
- \*Infill Overlay Incentive.

The request to rezone the property from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District is in conformance with the Low Density Residential Land Use Category in the General Plan.

Three similar rezoning requests were approved in 2007 and 2023: Z2007-005, ZONE-41390-2023 and ZONE-41869-2023. These properties all have single-family homes.

On May 13, 2024, The Planning and Zoning Commission voted to recommend **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance 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:**

**Robert Blevins, Principal Planner, summarized the staff report and recommended APPROVAL.**

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE**

None

**"Motion by Joshua Scott, Planning Commissioner, second by Gregory Counts, Planning Commissioner to APPROVE ZONE-42472-204 as presented.**

**"Motion carried (6-0)"**

**Planning Commission 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:**

NONE

**ADDITIONAL INFORMATION:**

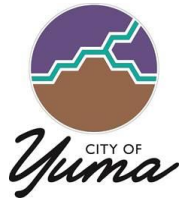
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 6/18/2024
Reviewed by City Attorney: Richard W. Files	Date: 6/17/2024



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

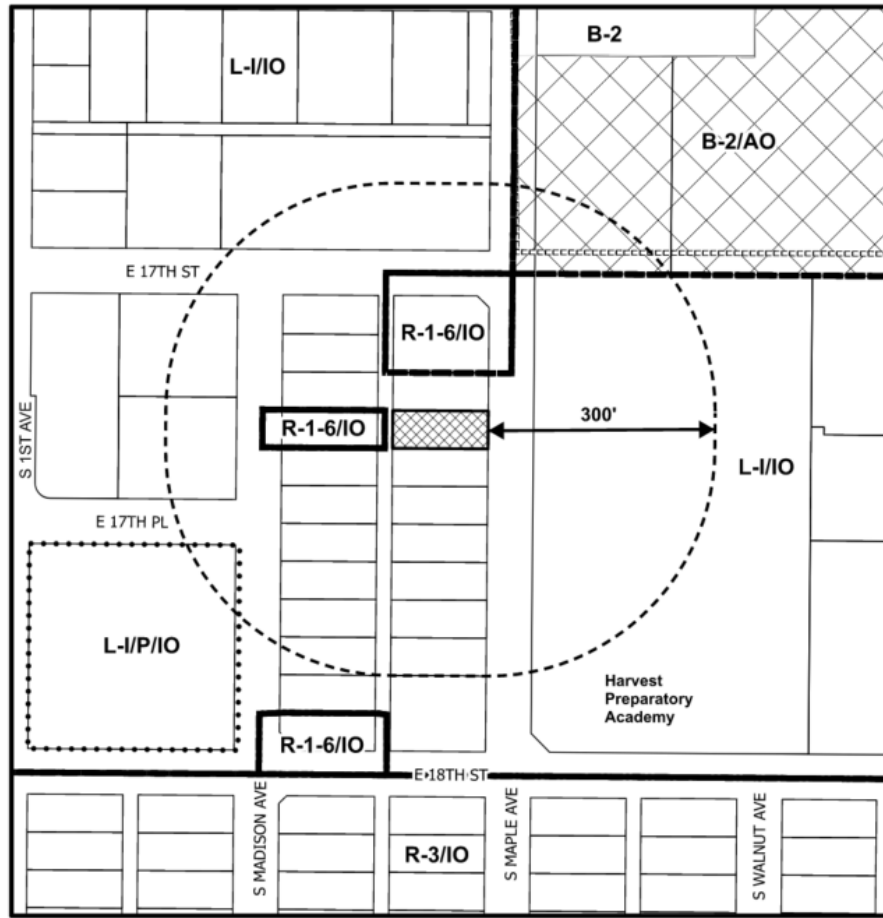
**Hearing Date:** May 13, 2024

**Case Number:** ZONE-42472-2024

**Project Description/Location:** This is a request by Cathy King and Gerald King, Jr., to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/O) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Light Industrial/Infill Overlay (L-I/O)	Residence	Low Density Residential
<b>North</b>	Light Industrial/Infill Overlay (L-I/O)	Residence	Low Density Residential
<b>South</b>	Light Industrial/Infill Overlay (L-I/O)	Outdoor Storage	Low Density Residential
<b>East</b>	Light Industrial/Infill Overlay (L-I/O)	Harvest Prep School	Commercial
<b>West</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Residence	Low Density Residential

**Location Map**



**Prior site actions:** Subdivision: Clarence Trigg Subdivision Unit 2 (05/15/51); Annexation: Ordinance #672 (07/21/56).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-42472-2024 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 recommending approval to the City Council for the request to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The property presently has a single-family home built in 1955, with an older accessory building in the back yard. This property has no driveway on Maple Avenue with vehicular access via the alley to the west. The property owner is requesting this rezoning “for the purpose of possibly resale.”

**Zoning & General Plan:**

Further specified in §154-05.04, the following are some of the development standards required of a development in the Low Density Residential (R-1-6) District:

1. The minimum lot size is 6,000 sq. ft.;
  2. The maximum lot coverage shall not exceed 50% of the lot area;
  3. A minimum front yard setback of 20 feet for all buildings, including accessory structures;
  4. A minimum side yard setback of 5 feet\*;
  5. A minimum rear yard setback of 10 feet; and
  6. A maximum building height of 40 feet.
- \*Infill Overlay Incentive.

The request to rezone the property from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District is in conformance with the Low Density Residential Land Use Category in the General Plan.

Three similar rezoning requests were approved in 2007 & 2023: Z2007-005, ZONE-41390-2023 & ZONE-41869-2023. These properties all have single-family homes.

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

Yes.

<b>Land Use Element:</b>									
Land Use Designation:				Low Density Residential					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes	No	X					

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

No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Maple Avenue- Local Commercial/Industrial Street	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	Maple Avenue – Proposed Bike Route					
YCAT Transit System	Arizona Avenue- Green Route					
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: Joe Henry Optimist Park					Future: Joe Henry Optimist Park				
Community Park:	Existing: Kennedy Memorial Complex					Future: Kennedy Memorial Complex				
Linear Park:	Existing: East Main Canal					Future: East Main Canal				
Issues:	None									
Housing Element:										
Special Need Household:	N/A									
Issues:	None									
Redevelopment Element:										
Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
Conforms:	Yes	X	No							
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:	None									
Public Services Element:										
Population Impacts Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation			
	<i>Single Family</i>				Officers	GPD		AF	GPD	
	Maximum	Per Unit	13	0.02	2,739	3.1	926			
	Minimum									
	1	2.7	3	0.01	559	0.6	189			
Fire Facilities Plan:	Existing: Fire Station No. 4				Future: Fire Station No. 4					
Water Facility Plan:	Source:	City	X	Private	Connection:	4" line on Maple Avenue				
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line in Alley.				
Issues:	None									
Safety Element:										
Flood Plain Designation:	X			Liquefaction Hazard Area:			Yes		No	X
Issues:	None									



Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St	X	Avenue B & 32 <sup>nd</sup> St.		
	North End		Pacific Ave & 8 <sup>th</sup> 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.

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** See Attachment D.

**Proposed conditions delivered to applicant on:** April 10, 2024

**Final staff report delivered to applicant on:** April 29, 2024

- Applicant agreed with all of the conditions of approval on: April 11, 2024
- Applicant did not agree with the following conditions of approval: (list #'s)

**Attachments**

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

**Prepared By:** *Robert M. Blevins* **Date:** 04/11/24  
 Robert M. Blevins  
 Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

**Reviewed By:** *Jennifer L. Albers* **Date:** 4/15/24  
 Jennifer L. Albers  
 Assistant Director of Planning

**Approved By:** *Alyssa Linville* **Date:** 04/19/2024  
 Alyssa Linville  
 Director, Planning and Neighborhood Services

**ATTACHMENT A  
CONDITIONS OF APPROVAL**

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

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

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

**Community Planning, Bob Blevins, Principal Planner (928) 373-5189:**

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

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

**ATTACHMENT B  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 04/19/24
- **300' Vicinity Mailing:** 03/25/24
- **34 Commenting/Reviewing Agencies noticed:** 03/28/24
- **Site Posted on:** 03/27/24
- **Neighborhood Meeting:** 04/04/24
- **Hearing Date:** 05/13/24
- **Comments due:** 04/08/24

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	03/28/24	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/01/24	X		
Yuma County Planning & Zoning	YES	03/28/24	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03/28/24	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	03/28/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/02/24	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 04/04/24

**Location:** 1712 S. Maple Avenue

**Attendees:** Property Owners: Cathy and Jerry King; City Staff: Bob Blevins, Community Planning.

No neighbors were in attendance.

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

- **OLDER HOME NEEDS REPAIRS.**
- **MIGHT REBUILD STRUCTURE IN BACK YARD FOR BETTER ALLEY ACCESS.**

**ATTACHMENT D  
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
AEA FEDERAL CREDIT UNION	1780 S 1ST AVE	YUMA	AZ	85364
BONILLA PABLO	1743 S MADISON AVE	YUMA	AZ	85364
CENICEROS VICENTE A & BEATRIZ JT	4835 W 27TH ST	YUMA	AZ	85364
CONTRERAS RICARDO	1725 S MADISON AVE	YUMA	AZ	85364
DENNIS KEITH A	PO BOX 1987	YUMA	AZ	85366
DOBOSZ DANIEL P & TARA M	3049 W 12TH LN	YUMA	AZ	85364
FUENTES VERONICA & CARLOS JR	2953 S ROYAL ABERDEEN LOOP	GREEN VALLEY	AZ	85614
GAMBOA DAVID JR	1821 S 3RD AVE	YUMA	AZ	85364
GARCIA MIKE	PO BOX 1846	YUMA	AZ	85366
HARVEST POWER COMMUNITY DEVELOPMENT	350 E 18TH ST	YUMA	AZ	85364
HAYNES PROPERTIES AZ LLC	11483 E VIA SALIDA	YUMA	AZ	85367
HERRERA EDUARDO & GONZALEZ MAYRA LIZETH				
MEDRANO CPWROS	1749 S MADISON AVE	YUMA	AZ	85364
KING GERALD JR & CATHY JT	1712 S MAPLE AVE	YUMA	AZ	85364
MAY VIOLA	2525 E BROADWAY BLVD STE 200	TUCSON	AZ	85716
MEDRANO ANDRES &	920 E 24TH PL	YUMA	AZ	85365
NEXT LEVEL HOME BUYERS LLC	2903 W 12TH PL	YUMA	AZ	85364
QUINTERO VALERIE JEAN	2160 S DEL VALLE WAY	YUMA	AZ	85364
QUINTERO VALERIE JEAN	2160 S DEL VALLE WAY	YUMA	AZ	85364
RANGEL SERGIO R &	1737 S MADISON AVE	YUMA	AZ	85364
SANCHEZ NOHEMI	1704 S MAPLE AVE	YUMA	AZ	85364
SMITH WM MICHAEL & DELLA E	1321 W 19TH ST	YUMA	AZ	85364
SPONGROSS KATHY M	1715 S MADISON AVE LOT A	YUMA	AZ	85364
STUHR ROSARIO RAMOS	15385 S AVENUE 4E	YUMA	AZ	85365
TRES ESTRELLAS HOLDINGS LLC	13484 S AVENUE 5 E	YUMA	AZ	85365
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA SAFE STORAGE LLC	4062 S NAVEL AVE	YUMA	AZ	85365

**ATTACHMENT E  
NEIGHBOR MAILING**

This is a request by Cathy King and Gerald King, Jr., to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-42472-2024**

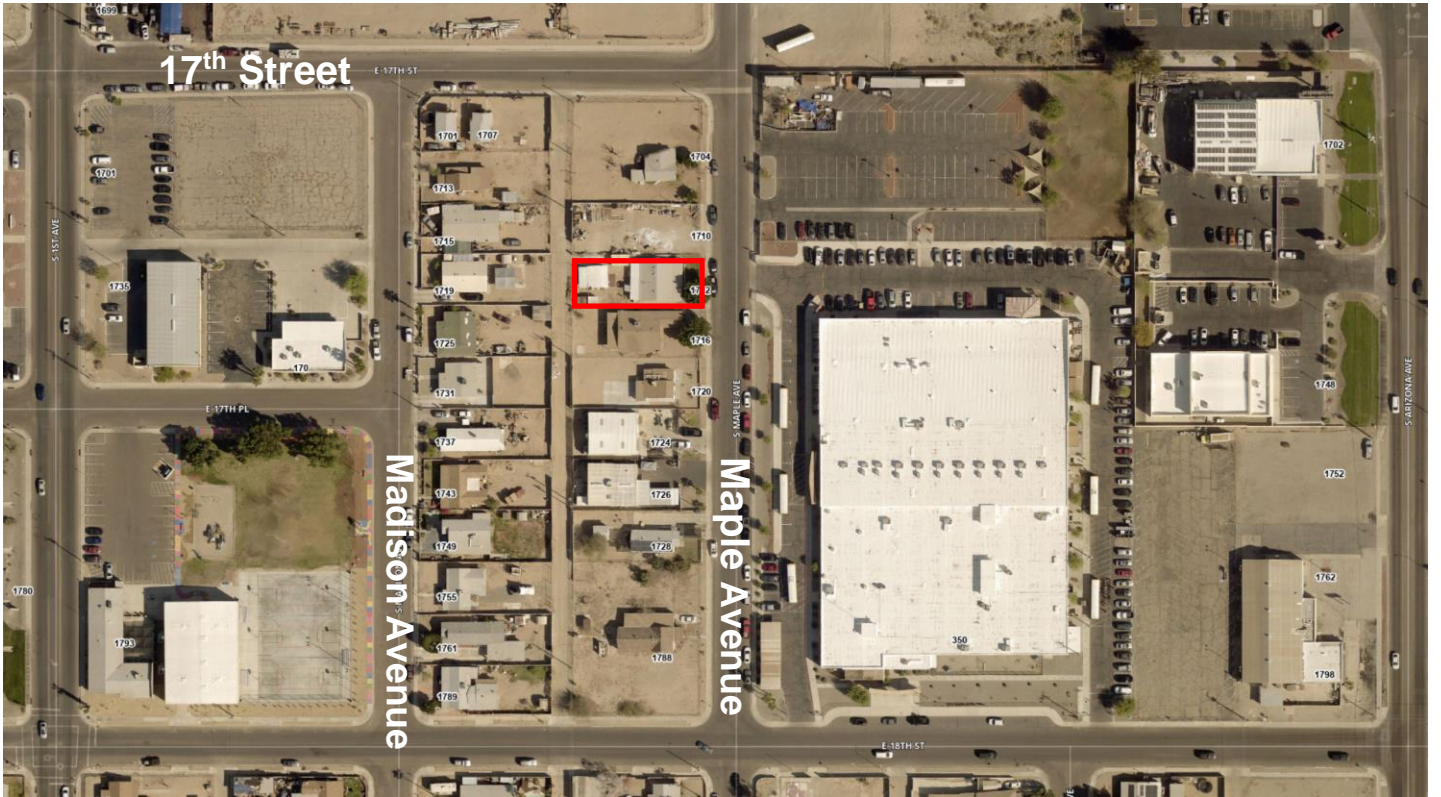
**NEIGHBORHOOD MEETING**  
04/04/2024 @ 5PM  
ON-SITE

**PUBLIC HEARING**  
05/13/2024 @ 4:30 PM  
City Hall Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1712 S. Maple Avenue, Yuma, AZ., you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at [Robert.Blevins@YumaAz.gov](mailto:Robert.Blevins@YumaAz.gov)

ATTACHMENT F  
AERIAL PHOTO



**ORDINANCE NO. O2024-026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIGHT INDUSTRIAL/INFILL OVERLAY (L-I/IO) DISTRICT TO THE LOW DENSITY RESIDENTIAL/INFILL OVERLAY (R-1-6/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on May 13, 2024 in Zoning Case No: ZONE-42472-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Low Density Residential/Infill Overlay (R-1-6/IO) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on April 19, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42472-2024 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: That the following described real property, depicted in Exhibit A, attached:

*Lot 9, Block 6, Clarence Trigg Subdivision Unit No. 2, in the City of Yuma, according to the plat of record in the office of the County Recorder of Yuma County, Arizona, in Book 3 of Plats, page 67,*

*Containing 6,690 square feet, more or less*

shall be placed in the Low Density Residential/Infill Overlay (R-1-6/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Residential/Infill Overlay (R-1-6/IO) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Low Density Residential/Infill Overlay (R-1-6/IO) District.



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

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

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

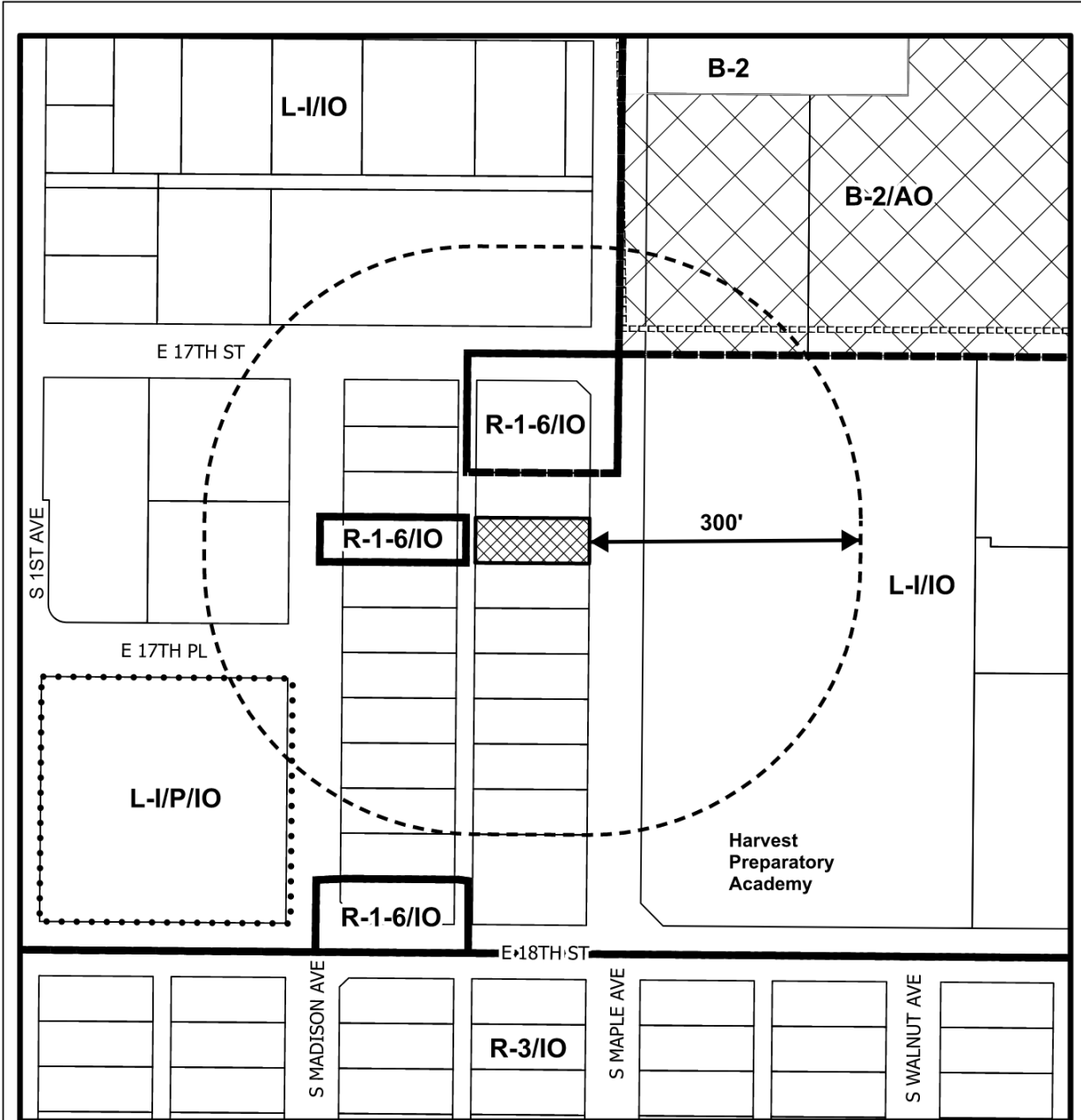
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

Exhibit A



**LOCATION MAP**



LOCATION OF SUBJECT PROPERTY



Prepared by: DG  
Checked by: RB



Date: 3/8/2024  
Revised:  
Revised:

Case #:  
ZONE-42472-2024