



City of Yuma City Council Meeting Agenda

Wednesday, January 17, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

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 2024-009](#) **Regular Council Worksession Draft Minutes December 19, 2023**
Attachments: [2023 12 19 RWS Minutes.docx](#)

2. [MC 2024-010](#) **Regular Council Meeting Draft Minutes December 20, 2023**
Attachments: [2023 12 20 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:

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

II. 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. [O2024-001](#) **Grant of Utility Easement: Fire Station at Avenue 8½ E**
Grant a utility easement near the intersection of Avenue 8½ E and Desert Springs Drive to Arizona Public Service Company (APS) for the installation of electric facilities necessary to serve the new City fire station. (City Administrator/Jay Simonton)
Attachments: [1. AGMT Grant of Utility Easement: Fire Station at Ave 8 1/2E](#)
 [2. ORD Grant of Utility Easement: Fire Station at Ave 8 1/2E](#)

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2. [O2024-002](#) **Intergovernmental Agreement Amendment: Yuma County and Yuma County Airport Authority, Inc.**
- Amend the intergovernmental agreement (IGA) between the City and Yuma County with signature consent by the Yuma County Airport Authority, Inc. for the 40th Street Lift Station and force main improvements. (David Wostenberg)
- Attachments:**
- 1. [AGMT IGA: Yuma County and Yuma County Airport Authority](#)
 - 2. [ORD IGA: Yuma County and Yuma County Airport Authority](#)
3. [O2024-003](#) **Easement Exchange: 24th Place and 31st Drive**
- Accept a new water meter easement and abandon a portion of an existing sewer line located west of 24th Place and 31st Drive. (Engineering/Development Engineering) (David Wostenberg)
- Attachments:**
- 1. [ORD Easement Exchange: 24th Place and 31st Drive](#)
 - 2. [EXH A Easement Exchange: 24th Place and 31st Drive](#)
 - 3. [EXH B Easement Exchange: 24th Place and 31st Drive](#)
4. [O2024-004](#) **Rezoning of Property: 1719 S. Madison Avenue**
- Rezone approximately .15 acres from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District for property located at 1719 S. Madison Avenue, Yuma AZ. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)
- Attachments:**
- 1. [P&Z RPT Rezoning of Property: 1719 S. Madison Ave](#)
 - 2. [ORD Rezoning of Property: 1719 S. Madison Ave](#)
5. [O2024-005](#) **Rezoning of Property: 1641 W. 10th Place**
- Rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)
- Attachments:**
- 1. [P&Z Rpt Rezoning: 1641 W. 10th Place](#)
 - 2. [ORD Rezoning: 1641 W. 10th Place](#)

III. 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. [O2024-006](#)

Rezoning of Property: 1010 and 1012 S. 2nd Avenue

Rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z RPT Rezoning of Property: 1010 and 1012 S. 2nd Ave](#)

[2. ORD Rezoning of Property: 1010 and 1012 S. 2nd Ave](#)

IV. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2024-008](#)

Public Hearing: Proposed Increases to Water and Wastewater Utility Rate Charges and Fees and Reinstatement of the Water Resource Trust Fund Surcharge

Following a public hearing, staff is seeking City Council's recommendation for the preferred water and wastewater rate charge and fee schedule including reinstatement of the Water Resource Trust Fund Surcharge, which will be presented as separate resolutions at a future City Council meeting. (Utilities/Administration) (Jeremy McCall)

FINAL CALL

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

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

CITY COUNCIL APPOINTED POSITIONS/COMMITTEES:

- Deputy Mayor
- Greater Yuma Economic Development Corporation, Executive Board
- Greater Yuma Economic Development Corporation, Board of Directors
- Greater Yuma Port Authority
- Western Arizona Council of Governments, Executive Board
- Western Arizona Council of Governments, Council on Aging
- Western Arizona Council of Governments, Yuma County Advisory Board
- Yuma Metropolitan Planning Organization, Executive Board (three terms/appointments)
- Yuma Fire Public Safety Board
- Yuma Public Safety Police Board

BOARD AND COMMISSION APPOINTMENTS:

- Clean and Beautiful Commission – one appointment
- Planning and Zoning Commission – two appointments
- Parks, Arts and Recreation Commission – one appointment

2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of January 4, 2024 through January 17, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

3. Scheduling:

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

VI. SUMMARY OF CURRENT EVENTS

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

VII. CALL TO THE PUBLIC

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

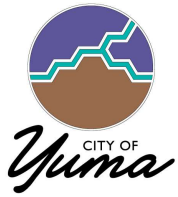
VIII. EXECUTIVE SESSION

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

- A. Discussion, consultation with and/or instruction to legal counsel regarding the establishment clause and public meetings. (A.R.S. 38-431.03 A3 & A4)
- B. Discussion, consultation with and/or instruction to legal counsel regarding the potential purchase of real property. (A.R.S. 38-431.03 A3, A4 & A7)

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2024-009

Agenda Date: 1/17/2024

Agenda #: 1.

Regular Council Worksession Draft Minutes December 19, 2023

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
December 19, 2023
5:30 p.m.

CALL TO ORDER

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

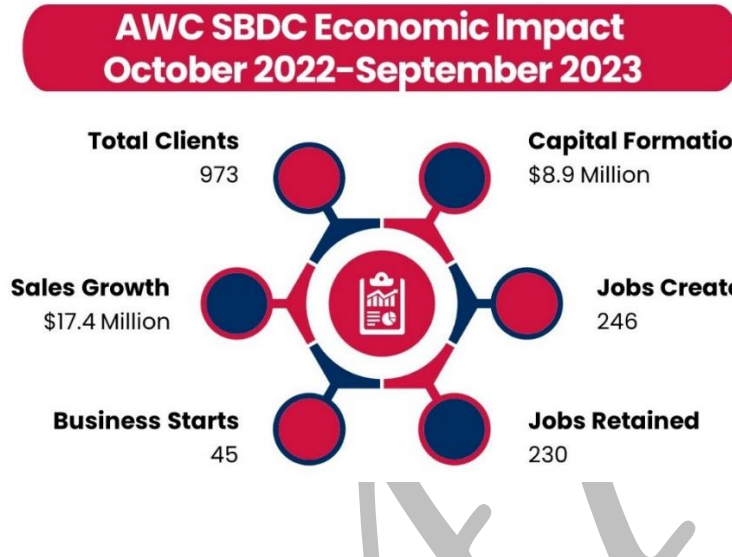
Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Utilities, Jeremy McCall
Yuma Crossing National Heritage Area
Executive Director, Cathy Douglas
Assistant IT Director, Jason Smith
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. ARIZONA WESTERN COLLEGE SMALL BUSINESS DEVELOPMENT CENTER

Crystal Mendoza, Director of the Arizona Western College Small Business Development Center (SBDC), presented the following overview of the SBDC's economic impact and accomplishments:

- Who We Are
 - The Arizona SBDC Network works to help launch, grow and sustain small businesses in Arizona
 - Arizona's largest most comprehensive and accessible statewide source of assistance for small businesses in every stage of development
- SBDC Services
 - Counseling
 - No cost one-on-one confidential business counseling services are available in all municipalities serviced by SBDC
 - Training
 - Provided more than 50 free workshops in Fiscal Year 2023 on a variety of topics including:
 - Youth Entrepreneurial Skills
 - Marketing
 - Moonshot Pitch Competition
 - Lunch & Learn About LLCs
 - Boots to Business – MCAS Yuma
 - Mexican Emprende – Mexican Consulate

- Promoting Small Businesses
 - Counseling and workshops regarding marketing strategy
 - Provide exposure by inviting media to ribbon cutting celebrations
 - Please Buy Local campaign
 - American Express Neighborhood Champions
- Economic Impact



- Funding

Location	Population	2023-2024 Ask	2023-2024 Approved	2024 – 2025 Ask
San Luis	36074	\$ 13,630.00	\$ 13,630.00	\$ 18,037.00
Somerton	14651	\$ 5,860.40	\$ -	\$ 7,325.50
Wellton	2549	\$ 1,020.00	\$ 1,020.00	\$ 1,274.50
Yuma	99600	\$ 39,840.00	\$ -	\$ 49,800.00
Yuma County	57046	\$ 22,818.40	\$ -	\$ 28,523.00
Total	209920	\$ 83,168.80	\$ 14,650.00	\$ 104,960.00

Population per July 1, 2022 Estimates (Per AZ Office of Economic Opportunity)

Salaries & Fringe Benefits	\$ 291,819.10
Small Business Administration	\$ 110,000.00
Host Cash Match - AWC	\$ 110,000.00
Arizona Commerce Authority	\$ 32,000.00
AHEAD Grant	\$ 50,000.00
	\$ 302,000.00

CITY OF YUMA
COMMUNITY
DEVELOPMENT BLOCK
GRANT PROGRAM

A.2. CDBG Request
\$91,350.00

Rachel Canelo, owner of Modern Skn, and **Mario Ghedin**, owner of Autentico Sapore Italiano, spoke regarding how the assistance they received from SBDC positively impacted their businesses.

Discussion

- The SBDC routinely presents to college and high school students and works closely with the Yuma County Chamber of Commerce to bring awareness to the many resources that are available through the SBDC (**Shelton/Mendoza**)
- AWC offers many vocational classes and certificate programs, and the SBDC provides resources to those who are interested in going into business for themselves (**Shoop/Mendoza**)

II. ADVANCED METERING INFRASTRUCTURE

McCall presented an overview of the Advanced Metering Infrastructure (AMI) community rollout as follows:

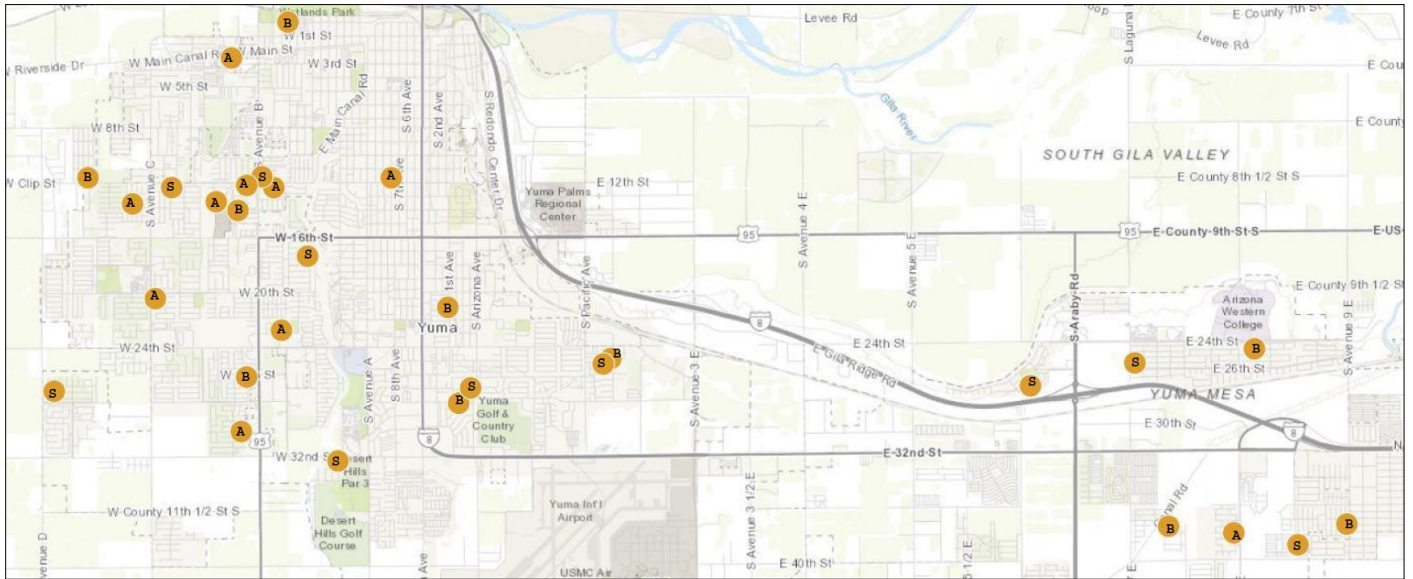
- “Smart” Water Meter Basics



- City’s Water Meter Operations
 - 33,400 water meters
 - Population of 110,000
 - Water Meter Routes
 - 30 individual routes read monthly by two staff meter readers
 - Automated Meter Reading (AMR)
 - Implemented in 2008
 - Drive-by system
 - Electronic data, but semi-manual system
 - Monthly Billing began May 2014
- Master Planning Efforts – Aging Infrastructure
 - AMR Life Expectancy
 - Non-serviceable battery
 - 20-year life expectancy, but actual lifespan closer to 16 years
 - 7,000 failing AMR units
 - Water Meter Life Expectancy
 - 20 years
 - Water meters wear out and contribute to unaccounted for water use

- Next Generation Applications
 - AMI
 - City Council strategic plan outcome of Respected and Responsible
 - Yuma is a trusted steward of City resources; relied upon to provide premier services and regional leadership
- What is AMI?
 - Next Generation Infrastructure
 - AMI is a two-way communication system to collect metering information throughout a utility's service area
- AMI Installations in Arizona
 - Tempe
 - Scottsdale
 - Mesa
 - Surprise
 - Prescott (in process)
 - Flagstaff (radio system)
 - Salt River Project
 - Arizona Public Service
 - The Arizona Water Company - 22 water systems in Arizona, representing a population of approximately 250,000:
 - Apache Junction
 - Superior
 - White Tanks
 - Pinal Valley East and West
 - Coolidge
 - Casa Grande
 - Stanfield
 - Tierra Grande
 - Falcon Valley
 - Saddlebrook Ranch
- Benefits of an AMI System
 - Enhanced Customer Service
 - Customers have direct access to data including consumer engagement website and smartphone/tablet application
 - Customer will gain a greater understanding of their unique water consumption patterns to quickly resolve or prevent service-related issues
 - Increased Visibility Through Analytics
 - Provides data for optimal utility management, including leak detection and water conservation tools
 - Focus on Water Management
 - Will minimize staff deployment and steps needed for monthly billing process
 - Forward Thinking and Future-Proof Technologies
 - Need to be invested in industry trending technology and data management models
- Pilot Project and Vendor Assessment
 - 2022 Vendor Assessment
 - Vendors
 - Smart Earth Technologies
 - Badger Metering
 - Capstone Metering
 - Innovate Water Technologies
 - Sensus Water Technologies
 - Different Technologies
 - Cellular
 - Radio Fixed Network
 - Findings
 - Chosen vendor/system: Badger Meter Cellular AMI System

○ Deployment Map – 30 Installations



- Community AMI Roll-Out Project
 - Early Summer 2024
 - 2,500 AMI units to be received in late spring
 - Meters, encoders, and endpoints
 - Six-year implementation plan
 - Project funding is budgeted within the Capital Improvement Program
 - Target of 5,500 meter installations per year
 - 110 meters/week
 - 20 meters/day
- Web-Based and Mobile Applications

Eye on Water



- Communications and Outreach
 - Webpage addressing Frequently Asked Questions

- Water meter technology upgrades
- How it works
- What do I have to do to upgrade to AMI?
- How do I access the Eye On Water portal?
- Will this change the way my water data is collected?
- Is my information private?
- How can I read my meter?
- Will AMI interfere with devices in my home?
- What kind of signal does AMI use?
- In Field Communications
 - Direct contact with customers
 - Door hangers
 - Information
 - Helpful Links

Discussion

- While the current AMR system information is collected by an employee driving along a specific route, the new AMI system will upload meter information to a cloud four times a day via cellular technology (**Morris/McCall**)
- The AMR meters installed in 2008 will need to be replaced regardless of what business solution the City chooses to implement; moving from an AMR system to an AMI system will provide the additional benefits of the updated technology (**Morris/McCall**)
- The City will be able to apply for a WaterSMART Water and Energy Efficiency Grant to offset some of the cost of the meter replacements due to their water saving potential (**Mayor Nicholls/McCall**)
- In addition to the new meters having a tighter tolerance, which means that there will be less unaccounted for water use, they can provide more immediate notification of a water leak versus the current monthly reading process (**Shoop/McCall**)
- The cost of the cellular technology that will be used in the new meters is covered by the \$1.00 per month AMI Fee (**Mayor Nicholls/McCall**)

III. YUMA CROSSING NATIONAL HERITAGE AREA UPDATE

Douglas presented the following update on the Yuma Crossing National Heritage Area:

- Stability
 - 2023 began with a firm financial foundation for the next 15 years
 - On a bi-partisan basis, Congress reauthorized all National Heritage Areas, including YCNHA, for another 15 years
 - YCNHA is grateful to the City and its voters for renewing the 2% hospitality tax which allows funding growth as the economy grows
- Upcoming Riverfront Park Improvements
 - West Wetlands
 - \$250,000 grant from Arizona Office of Tourism
 - Eight-acre park improvement project
 - Additional parking, landscaping and trails installed in 2024

- East Wetlands
 - \$1.1 million five-year funding agreement
 - Ongoing operations and management of the site on behalf of partners – City of Yuma, Quechan Tribe, Arizona Game and Fish Department, and Bureau of Reclamation (BOR)
 - Assembled multiple grants in excess of \$400,000 to develop a new passive recreational area called Sunset View
 - Though construction costs have escalated for this project, YCNHA is working with grant partners and the City to complete the project in 2024
 - Secured two grants from the Arizona Department of Forestry and Fire Management
 - \$76,000 to restore 3,000 linear feet of bank line
 - \$93,000 for invasive species removal throughout 70 acres
- Pending State of Arizona Capital Investments
 - Architectural plans are being developed for new bathrooms at both parks, with hope that funding will come through to construct the bathrooms within the next year
 - The State has budgeted \$750,000 for planning in preparation for \$5 million slated to be funded in Fiscal Year 2025
- Educational Programming
 - Free STEM (science, technology, engineering, and mathematics) based field trips for third and fourth grade students in Yuma County provided thanks to grant funding from the National Park Foundation
 - An educational video series was created to be used in conjunction with the field trips featuring mascots Ranger Bucky the beaver and Yasmine the yellow-billed cuckoo
- Cultural Events
 - Día De Los Muertos
 - Haru Matsuri Festival
 - Vintage Baseball Tournament
- Youth & Community Programs
 - Christmas on the Colorado
 - National Space Day Event
- The Challenges
 - Balancing annual budget with escalating inflation
 - Yuma East Wetlands
 - YCNHA commits additional funding needed to maintain the site, control invasive species, and combat graffiti, vandalism, and illegal dumping
 - Historic flooding this fall caused significant damage to riverfront trails, requiring costly repairs
 - Colorado River State Historic Park
 - The park has never generated enough admissions revenue to sustain itself, and both the City and YCNHA contribute significant funding to maintain it
 - Goal of engaging local supporters and national philanthropic foundations concerned with the future of the Colorado River to see that the park could be a great vehicle for sharing that story
 - Historic City Hall
 - Leased from the City for the past 20 years – pending lease renewal

- Building operates on a break-even basis, based on rental revenues from both YCNHS and subtenants
- Beyond basic operating costs, tens of thousands of dollars are invested annually for plumbing, roofing, electrical and Heating, Ventilation, and Air Conditioning repairs and replacement
- Now that the building is over 100 years old, YNCHA and the City should consider how to best preserve and enhance this important part of Yuma's history

Discussion

- The Quechan Tribe is one of YCNHA's partners for the East Wetlands, which is located partially on Quechan land on the north side of the Colorado River (**Shoop/Douglas**)
- Camping is not allowed in City parks, but many schools bring students to the East Wetlands on field trips to learn about the natural environment (**Shoop/Douglas**)
- The East Wetlands is part of a multi-species conservation program managed by BOR, and wildlife biologists come out every year to complete bird surveys (**Shoop/Douglas**)
- Dumping and vandalism are both issues that require costly cleanup efforts and could be mitigated by regular patrols of the riverfront area; unfortunately, this is not something that YCNHA has the budget to accomplish at this time (**Shelton/Douglas**)
- Preservation of the Historic City Hall building is something that should be discussed soon, before its condition deteriorates any further (**Mayor Nicholls/Shoop**)

III. REGULAR CITY COUNCIL MEETING AGENDA OF DECEMBER 20, 2023

Motion Consent Agenda Item C.2 – Request for Qualifications Award: Traffic Management Center (execute a contract to provide design and support services for the Traffic Management Center and Traffic Signal Operational Improvements to the 16th Street Corridor with Iteris, Inc., Santa Ana, CA in the amount of \$415,373.00) (RFQ-23-2101) (Eng)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.2 as his firm is involved with the project.

Motion Consent Agenda Item C.1 – Cooperative Purchase Agreement: Email Security and Protection (continued purchase of Proofpoint Email Security and Protection licensing for a one-year term with the option to renew for two additional one-year options for an estimated annual expenditure of \$112,846.87 from SHI, Somerset, New Jersey) (CPA-24-001)

Discussion

- Proofpoint checks all incoming emails against a database for spam, phishing, ransomware, viruses, etc. to prevent them from reaching their intended recipients; over the last 90 days, there were 2.4 million inbound emails to City email addresses, and roughly 640,000 made it through Proofpoint to a City inbox (**Knight/Smith**)
-

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

Discussion

- There will be a motion on the dais at tomorrow night’s City Council Meeting to amend proposed Ordinance O2023-040 by adding language to make sure that property owners and business owners understand that mutual parking agreements are dependent on certain constraints, and that any change to those constraints may invalidate the agreement (**Knight/Mayor Nicholls**)

EXECUTIVE SESSION/ADJOURNMENT

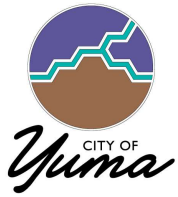
Motion (Morales/Knight): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:44 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

City Council Report

File #: MC 2024-010

Agenda Date: 1/17/2024

Agenda #: 2.

Regular Council Meeting Draft Minutes December 20, 2023

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 20, 2023
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Pastor Tom McConkey, Liberty Baptist Church, gave the invocation. **Eric Urfer**, Director of Parks and Recreation, led the City Council in the Pledge of Allegiance.

ROLL CALL

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

FINAL CALL

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

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.2 – Request for Qualifications Award: Traffic Management Center (authorize the City Administrator to execute a contract to provide design and support services for the Traffic Management Center and Traffic Signal Operational Improvements to the 16th Street Corridor to Iteris, Inc., Santa Ana, CA in the amount of \$415,373.00) (RFQ-23-210) (Eng/Fin)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.2/MC 2023-193, turned the meeting over to Deputy Mayor Morris and left the dais.

Motion (Knight/Morales): To approve Motion Consent Agenda Item C.2/MC 2023-193 as recommended. Voice vote: **approved** 6-0-1 (**Mayor Nicholls** Conflict of Interest).

Mayor Nicholls returned to the dais.

Motion (Knight/Morris): To approve the Motion Consent Agenda with the exception of item C.2/MC 2023-193. Voice Vote: **approved** 7-0

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

Regular Council Meeting	November 15, 2023
Regular Council Meeting	December 6, 2023

B. Executive Session

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

C. Approval of Staff Recommendations

1. Authorize the continued purchase of Proofpoint Email Security and Protection licensing utilizing a Cooperative Purchase Agreement through the State of Arizona a one-year term with the option to renew for two additional one-year options for an estimated annual expenditure of \$112,846.87 to SHI, Somerset, New Jersey. (CPA-24-001) (IT/Fin)
2. Authorize the City Administrator to execute a contract to provide design and support services for the Traffic Management Center and Traffic Signal Operational Improvements to the 16th Street Corridor to Iteris, Inc., Santa Ana, CA in the amount of \$415,373.00. (RFQ-23-210) (Eng/Fin)
3. Approve the final plat of the Riverview Terrace Subdivision. The property is located at the northeast corner of Avenue A and 3rd Street. (Plng & Nbhd Svcs/Cmty Plng)
4. Approve the final plat of the Premier Storage Condominiums of Yuma Unit II LLC, Phases IX, XI, and XIII. The property is located near the southeast corner of Avenue 3^{3/4} E and 32nd Street. (Plng & Nbhd Svcs/Cmty Plng)
5. Authorize settlement of lawsuit, *Aguayo, et al. v. City of Yuma, et al.*, Yuma County Superior Court Case No. S1400CV2022-00579 and Arizona Court of Appeals No. 2 CA-CV 2023-0188. (Atty)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2023-056

A resolution of the City Council of the City of Yuma, Arizona, authorizing a Lease Agreement between the City of Yuma and Yuma Crossing National Heritage Area Corporation for the City-owned property located at 180 West 1st Street for office space use and authorizing the City Administrator to execute the lease agreement (one-year lease beginning January 1, 2024, with option to renew for two additional one-year periods) (Admn/YCNHA)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title(s):

Ordinance O2023-039

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

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

IV. INTRODUCTION OF ORDINANCES

Ordinance O2023-040 – Text Amendment: Off-Street Parking (amend Title 15, Chapter 154 of the Yuma City Code, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking) (Plng & Nbhd Svcs/Cmty Plng)

Motion (Knight/Smith): To amend Ordinance O2023-040 Section 2(E) by replacing the language in subsection 2 and 3 to read as follows:

2. *Floor plans and parking count analysis shall be included, and the analysis will illustrate parking needs without a shared use and with a shared use plan, while also demonstrating a plan to address any future change of use; and*
3. *Completion of a recorded agreement between business and/or property owners with an acknowledgement that any changes in use or hours of operation may invalidate the agreement, City regulations shall be consulted.*

Voice Vote: **approved** 7-0

Bushong displayed the following title(s):

Ordinance O2023-040

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to allowable paving materials, parking dimensions, and parking allowances within residential and commercial districts (to update provisions related to off-street parking) (Plng & Nbhd Svcs/Cmty Plng)

FINAL CALL

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

V. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

Shelton spoke about putting a plan in place to prevent illegal dumping activity. **Simonton** informed Mayor Nicholls about an upcoming presentation on Park Patrols that may address some of **Shelton's** concerns of illegal dumping.

Shelton shared his observation of the missing bathroom building at Smucker's Park. He requested an information report of why the building was torn down, and what will be replacing it. **Simonton** informed **Shelton** of the newly installed prefabricated restroom at Smucker Park. The new restroom was installed right above where the old restroom building sat.

Scheduling - No meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- December 27, 2023 to January 5, 2024 – City of Yuma recycling program for live Christmas trees

Simonton reminded citizens about the Holiday trash pickup schedule.

Call to the Public – There were no speakers at this time.

VII. EXECUTIVE SESSION/ADJOURNMENT

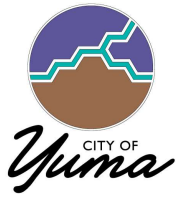
There being no further business, **Mayor Nicholls** adjourned the meeting at 5:54 p.m. No Executive Session was held.

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 #: O2024-001

Agenda Date: 1/3/2024

Agenda #: 1.

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

TITLE:

Grant of Utility Easement: Fire Station at Avenue 8½ E

SUMMARY RECOMMENDATION:

Grant a utility easement near the intersection of Avenue 8½ E and Desert Springs Drive to Arizona Public Service Company (APS) for the installation of electric facilities necessary to serve the new City fire station. (City Administrator/Jay Simonton)

STRATEGIC OUTCOME:

Granting an easement for electrical facilities at this location supports the City Council's strategic outcome of Safe and Prosperous development of the eastern part of the City of Yuma.

REPORT:

A fire station is under construction on a 2-acre parcel of City-owned property near the intersection of Avenue 8½ E and Desert Springs Drive (the Property).

APS has requested a utilities easement on the City-owned Property for the installation of electric facilities that will serve the new fire station.

The Property and proposed Easement Area are described and depicted, respectively, in Exhibit A and Exhibit B of the proposed City of Yuma-APS Utility Easement Agreement.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

Constructing and maintaining a new fire station on the Property will have a fiscal impact to the City, but granting the requested easement will not.

ADDITIONAL INFORMATION:

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

- 1. Draft City of Yuma-APS Utility Easement Agreement

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023

NE¼-11-09S-22W
32.667288 -114.485938
APN 699-35-003
SW-23-44
WA706727
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.

Grantor shall maintain clear areas 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 shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon 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 permitted within the Easement Premises pursuant to this easement 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 to a new location within Grantor's Property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating Grantee Facilities; and (2) Grantor provides Grantee with a new easement in a form and location acceptable to Grantee and at no cost to Grantee. Upon the acceptance by Grantee of a new easement and after the relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement. The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of 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.]

IN WITNESS WHEREOF, City of Yuma, a municipal corporation of the State of Arizona, has caused this Utility Easement to be executed by its duly authorized representative, this ___ day of _____, 2023.

APPROVED AS TO FORM:

CITY OF YUMA
Jay Simonton

City Attorney

By: _____
Jay Simonton, Acting City Administrator

ATTEST:

City Clerk

STATE OF _____ }
County of _____ } ss.

This instrument was acknowledged before me this ___ day of _____, 2023 by
_____ of _____, on behalf of
_____.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal

Notary Public

EXHIBIT “A”

**(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)
AS RECORDED IN INSTRUMENT NUMBER 2011-26964 Y.C.R.**

The South 226.00 feet of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 11 Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPTING there from the East 130.00 feet and the West 49.00 feet and the South 30 feet.

EXHIBIT "B"
ARIZONA PUBLIC SERVICE JOB #WA706727

A Utility Easement situated within the Northeast quarter of Section 11, Township 9 South, Range 22 West of the Gila and Salt River Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of that City of Yuma parcel as described in Warranty Deed No. 2011-26964 YCR, and as shown on that Record of Survey, Book 11 of Surveys, Page 54, from which the Northeast corner of said parcel bears South 89 degrees 27 minutes 18 seconds East, a distance of 487.57 feet (basis of bearings);

THENCE South 89 degrees 27 minutes 18 seconds East, along the North line of said City of Yuma parcel, a distance of 241.04 feet;

THENCE departing said North line, South 00 degrees 32 minutes 42 seconds West, a distance of 20.12 feet;

THENCE North 89 degrees 27 minutes 18 seconds West, a distance of 16.00 feet;

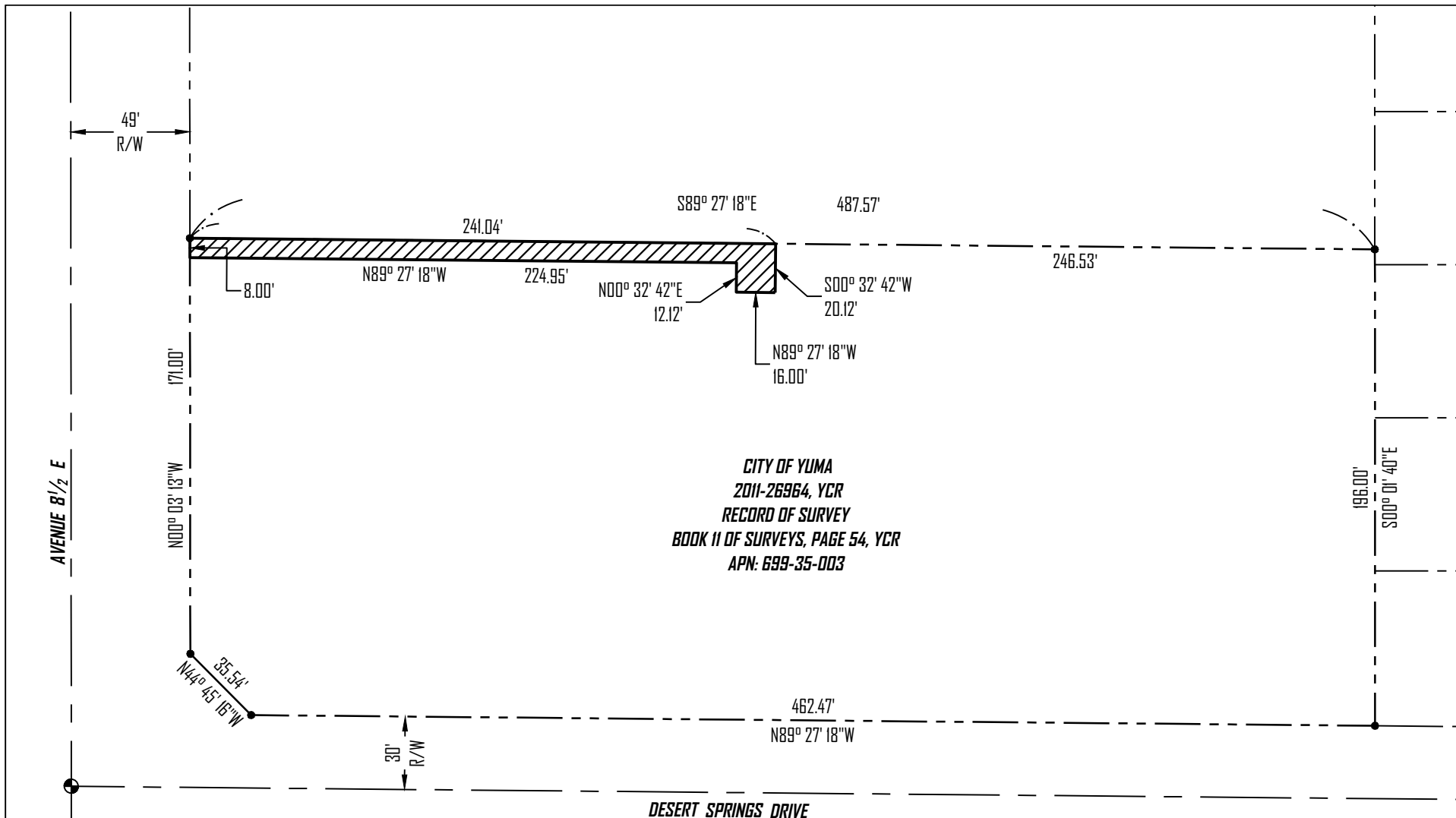
THENCE North 00 degrees 32 minutes 42 seconds East, a distance of 12.12 feet;

THENCE North 89 degrees 27 minutes 18 seconds West, a distance of 224.95 feet to a point on the West line of that aforementioned City of Yuma parcel;

THENCE North 00 degrees 03 minutes 13 seconds West, along said West line, a distance of 8.00 feet to the POINT OF BEGINNING.

Containing an area of 2121.90 square feet or 0.05 acres, more or less.





LEGEND	
	EASEMENT AREA
	MONUMENT LINE
	PROPERTY LINE
	PROPERTY CORNER
	MONUMENT

			EXHIBIT "B"	
	JOB#	WA706727	DATE:	05.10.2023
	NE 1/4	SEC II	T 09 S	R 22 W
	SCALE:	1"=60'	INDEX:	SW-23-44
	R/W:	R. MILLARD		
	SURVEY:	CHEE		
BY:	RICHARDS	SHEET	2 OF 2	

ORDINANCE NO. O2024-001

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY
EASEMENT FOR THE INSTALLATION OF NEW ELECTRICAL
FACILITIES AT CITY-OWNED PROPERTY NEAR THE
INTERSECTION OF AVENUE 8½E AND DESERT SPRINGS DRIVE**

WHEREAS, a new City fire station is under construction on a 2-acre parcel of land the City owns near the intersection of Avenue 8½E and Desert Springs Drive, more particularly described in Exhibit A of the City of Yuma-APS Utility Easement Agreement (the “Property”); and,

WHEREAS, Arizona Public Service Company (“APS”) has requested a utilities easement from the City of approximately 2,122 square feet along the North boundary of the Property as described and depicted in Exhibit B of the City of Yuma-APS Utility Easement Agreement (“Easement Area”) for the installation of facilities necessary to provide electric service to the new fire station

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

SECTION 1: As a matter of public necessity and public welfare, the City grants an easement to APS for the installation of new electrical facilities within the Easement Area. The described easement shall be in substantially the form of the City of Yuma-APS Utility Easement Agreement on file with 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.

SECTION 3: The City Clerk shall maintain all exhibits on file at the Office of the City Clerk.

Adopted this _____ day of _____, 2024.

APPROVED:

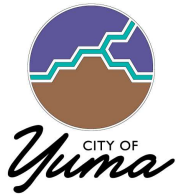
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-002

Agenda Date: 1/3/2024

Agenda #: 2.

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

TITLE:

Intergovernmental Agreement Amendment: Yuma County and Yuma County Airport Authority, Inc.

SUMMARY RECOMMENDATION:

Amend the intergovernmental agreement (IGA) between the City and Yuma County with signature consent by the Yuma County Airport Authority, Inc. for the 40th Street Lift Station and force main improvements. (David Wostenberg)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Safe and Prosperous. The project will improve the sewer collection system in the area. Replacing the lift station will increase safety and prosperity of the neighborhood by providing a safe and reliable collection system for the area.

REPORT:

On February 1, 2023, City Council adopted Ordinance No. O2023-003 authorizing the City to enter into an IGA with Yuma County for the development of a new sewer lift station near 40th Street and 4th Avenue and for the construction of a new manhole within the 40th Street right of way to connect existing sewer lines to the new lift station. The City’s contractor discovered that there is not enough area to construct the manhole within the 40th Street right of way, so the plans were redrawn to construct the manhole on Yuma County property south of the 40th Street right of way. The new plans will require additional easement area for the manhole and pipeline connecting with the lift station. This ordinance seeks authorization to amend the existing IGA to acquire additional easement area from the County to accommodate the new plans.

The amendment of the IGA and acquisition of the new easement area will not require any expenditures from 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:

None

ADDITIONAL INFORMATION:

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

None

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023

**AMENDMENT TO:
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF YUMA AND THE COUNTY OF YUMA WITH SIGNATURE
CONSENT BY THE YUMA COUNTY AIRPORT AUTHORITY, INC. FOR
40TH STREET LIFTSTATION AND FORCE MAIN IMPROVEMENTS**

This Amendment is to the Intergovernmental Agreement between the City of Yuma, an Arizona municipal corporation (“City” or “City of Yuma”) and the County of Yuma, a political body in the State of Arizona (“County” or “Yuma County”) that was originally executed on January 4th, 2023 (“IGA”). Yuma County and the City of Yuma are collectively referred to as the “Parties” and individually as a “Party.” Yuma County Airport Authority, Inc., an Arizona non-profit corporation (“YCAA”), is a signatory to this IGA signifying YCAA’s acceptance of and consent to the Amendment’s terms and conditions.

RECITALS

WHEREAS, Arizona Revised Statutes (A.R.S.) § 11-951 *et seq.* authorizes Yuma County to enter into this IGA and A.R.S. §11-951 *et seq.* and the Yuma City Charter, Article III, Section 13, authorizes the City of Yuma to enter into this Amendment; and,

WHEREAS, the City wishes to acquire an additional sewer easement to facilitate the construction of the sewer lift station, Yuma County desires to grant such additional easement, and YCAA desires to consent to such additional easement; and

WHEREAS, all existing recitals and provision from the original IGA dated January 4, 2023 remain in full force and effect.

PROVISIONS

NOW THEREFORE, in consideration of the terms and conditions contained in the recitals and herein, each of which the parties acknowledge as true and incorporated into this IGA by reference, the parties agree as follows:

1. Grant of Additional Easement: Yuma County does thereby grant an additional easement to the City for the purpose of constructing the sewer lift station, known as the Project on YCAA property, in the form attached hereto as Exhibit 1.

2. Counterparts: This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed an original, but which together shall constitute on and the same instrument.

3. Exhibits and Attachments; Sections: All attachments and exhibits to which reference is made in this Amendment are deemed incorporated in herein and made part of the IGA. References to Sections are to Sections of this IGA unless stated otherwise.

Dated this ____ day of _____, 202__.

Yuma County

City of Yuma

By: _____
Martin Porchas
Chairman, Yuma County Board of Supervisors

By: _____
John D. Simonton
City Administrator

Attest

By: _____
Ian McGaughey
Clerk of the Board of Supervisors

By: _____
Lynda L. Bushong
City Clerk

YCAA Consent

By: _____
Bill Craft
President

Attorney Approval For Yuma County

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to Yuma County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the City of Yuma to enter into this Agreement.

Dated this _____ day of _____, 202____.

By: _____
Minda M. Davy
Deputy County Attorney

Attorney Approval For City of Yuma

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to the City of Yuma under the laws of the State of Arizona.

No opinion is expressed as to the authority of the County of Yuma to enter into this Agreement.

Dated this _____ day of _____, 202____.

By: _____
Richard W. Files
Yuma City Attorney

Exhibit 1- Grant of Easement

When Recorded, Return To:
(The City of Yuma Will Pick Up)

GRANT OF EASEMENT

GRANTOR

Yuma County
An Arizona Political Subdivision
198 South Main Street
Yuma, Arizona 85364

GRANTEE

City of Yuma
An Arizona Municipal Corporation
One City Plaza
Yuma, Arizona 85364-1436

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134(A)(2))

For and in consideration of ten dollars and other valuable consideration, Yuma County, an Arizona political subdivision (“**Grantor**”), hereby grants and conveys to the City of Yuma, an Arizona municipal corporation (“**Grantee**”), its successors and assigns, the right, privilege and perpetual, nonexclusive easement to install and construct, and the right to operate, maintain, repair, replace, reconstruct, and access, a lift station and force main, together with public utilities and utility maintenance access or devices and appurtenances used or useful in the operation of the lift station and force main, and to remove objects interfering therewith, at any and all points within, through, over and across the area more particularly described and depicted on Exhibit A, incorporated herein (the “**Premises**”).

Grantee, at its own cost and expense, shall maintain the Premises in good condition at all times and shall promptly make all repairs that may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the lift station and force main.

By virtue of Granting this perpetual, nonexclusive, easement, Grantor, for and on behalf of itself and its successors in interest to any and all of the described real property, hereby acknowledges that the Grantee will use the property for the purposes of the installation, operation, restoration and maintenance of a sewer lift station and force main and accepts the attributes of such use, which may include noise, vibration, and odors.

IN WITNESS WHEREOF, the Grantor has executed this perpetual, nonexclusive, easement this _____ day of _____, 202____.

GRANTOR:

Yuma County, an Arizona
political subdivision

By: _____
Ian McGaughey
Yuma County Administrator

State of Arizona)
) ss.
County of Yuma)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__,
by Ian McGaughey, Yuma County Administrator, on behalf of Yuma County, an Arizona political
subdivision.

My Commission Expires: _____
Signature and Seal of Notary Public

ACCEPTED and APPROVED, by **GRANTEE**, the City of Yuma, an Arizona Municipal
Corporation.

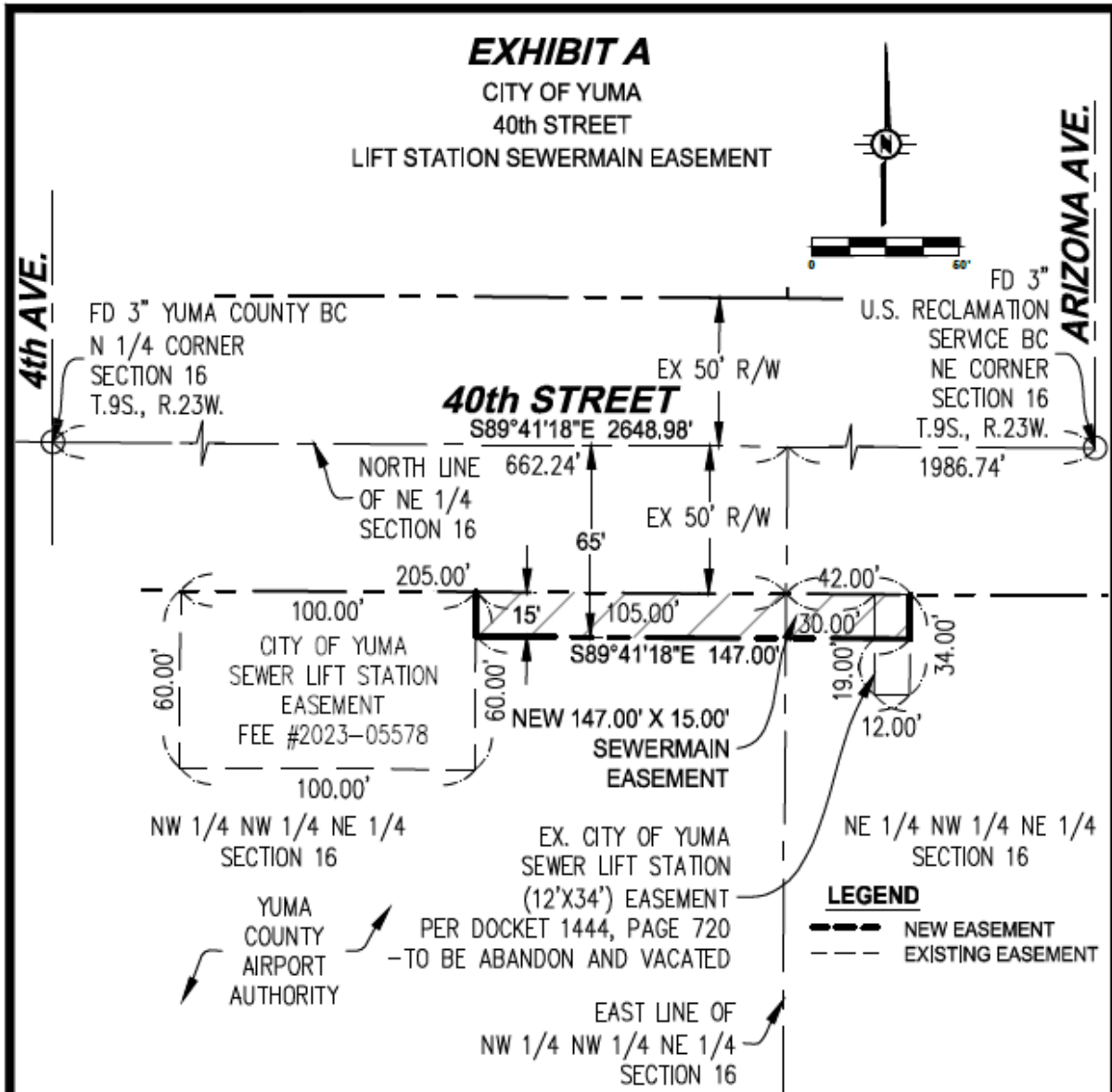
By: _____
John D. Simonton
City Administrator

Attested: _____
Lynda Bushong
City Clerk

Legal Description Verified By:	Vidal Ochoa
City Engineering Department	12/11/2023

EXHIBIT A

CITY OF YUMA 40th STREET LIFT STATION SEWERMAIN EASEMENT



NEW LIFT STATION SEWERMAIN LEGAL DESCRIPTION

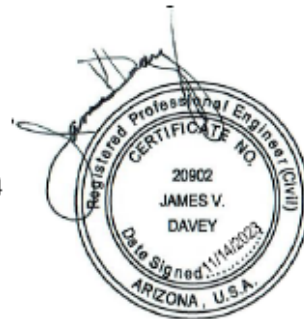
AN EASEMENT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NW1/4 NE1/4) AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NW1/4 NE1/4) OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 23 WEST, GILA & SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE EAST 105.00' OF SAID NW1/4 NW1/4 NE1/4 OF SAID SECTION 16

AND

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE WEST 42.00' OF SAID NE1/4 NW1/4 NE1/4 OF SAID SECTION 16.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,205 SQUARE FEET OR 0.051 ACRE MORE OR LESS.



ORDINANCE NO. O2024-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE AMENDMENT OF AN INTERGOVERNMENTAL AGREEMENT WITH YUMA COUNTY AND AUTHORIZING THE ACQUISITION OF A NEW EASEMENT AREA NECESSARY FOR THE CONSTRUCTION OF A NEW SEWER LIFT STATION AND MANHOLE NEAR 40TH STREET AND 4TH AVENUE

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 13, to enter into and amend intergovernmental agreements; and,

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property and real property interests; and,

WHEREAS, Ordinance No. O2023-003 authorized the City to enter into an intergovernmental agreement with Yuma County for the acquisition of an easement on Yuma County property necessary for the construction of a new sewer lift station along 40th Street, between 4th Avenue and Arizona Avenue; and,

WHEREAS, the City has subsequently identified a need to acquire additional easement area for the construction of a new manhole necessary to connect existing sewer lines to the new lift station; and,

WHEREAS, Yuma County is willing to provide the City with the necessary additional easement area as described and depicted in Exhibit A to the *Amendment to Intergovernmental Agreement Between the City of Yuma and the County of Yuma With Signature Consent By the Yuma County Airport Authority, Inc. For 40th Street Liftstation and Force Main Improvements* on file with the Yuma City Clerk and made a part of this ordinance by reference.

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

SECTION 1: The City is authorized to acquire the easement area described and depicted in Exhibit A to the *Amendment to Intergovernmental Agreement Between the City of Yuma and the County of Yuma With Signature Consent By the Yuma County Airport Authority, Inc. For 40th Street Liftstation and Force Main Improvements*.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized to amend the intergovernmental agreement approved in Ordinance No. O2023-003 to allow the acquisition of the new easement area and to take all necessary acts to effectuate the intent of this ordinance.

SECTION 3: Pursuant to Arizona Revised Statutes § 9-802, the City Clerk shall maintain all referenced exhibits on file at the City Clerk's Office.

Adopted this ____ day of _____, 2024.

APPROVED:

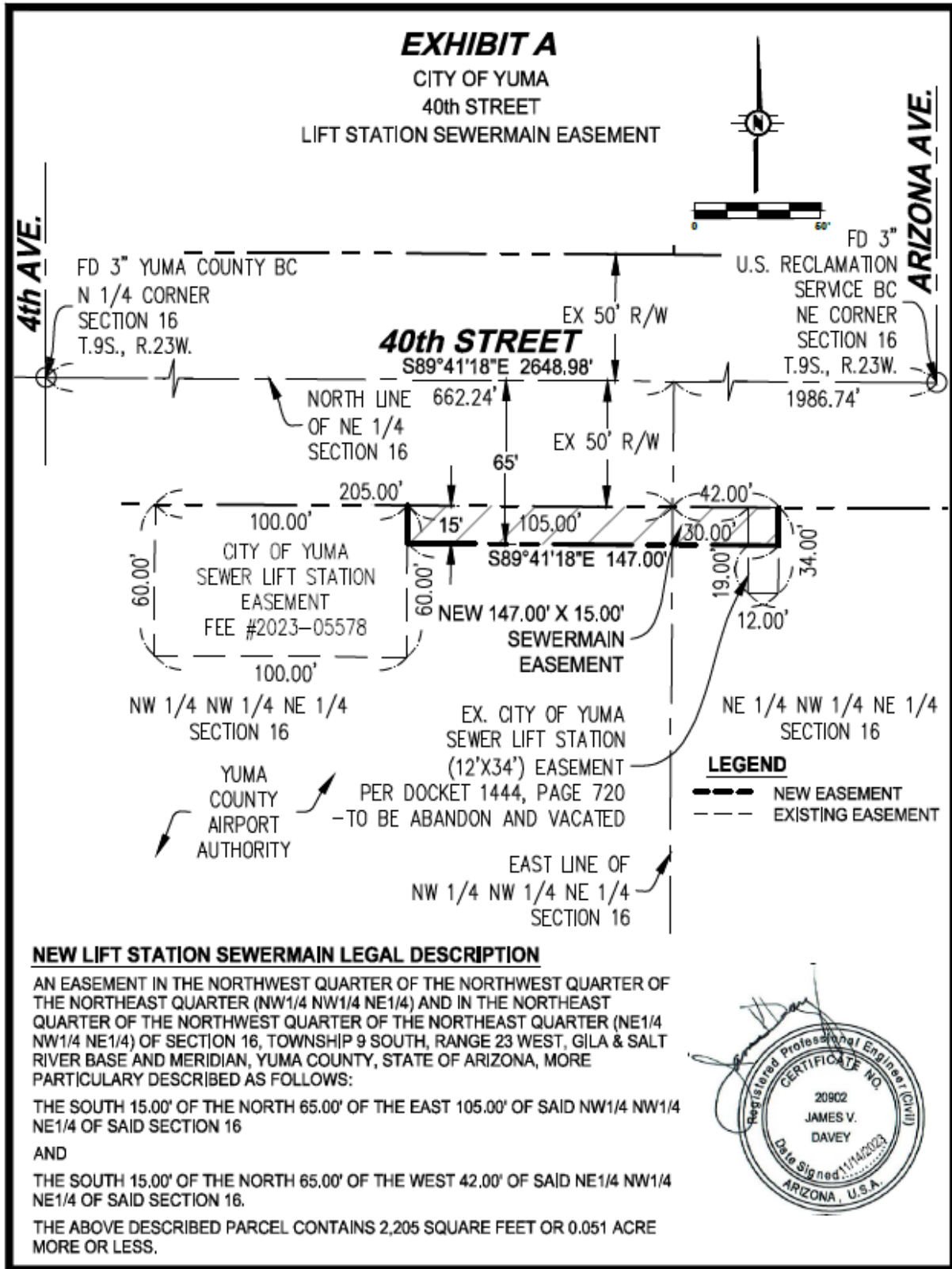
Douglas J. Nicholls
Mayor

ATTESTED:

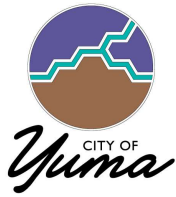
APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney



Legal Description Verified By:	Vidal Ochoa
City Engineering Department	12/11/2023



City of Yuma

City Council Report

File #: O2024-003

Agenda Date: 1/3/2024

Agenda #: 3.

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

TITLE:
Easement Exchange: 24th Place and 31st Drive

SUMMARY RECOMMENDATION:
Accept a new water meter easement and abandon a portion of an existing sewer line located west of 24th Place and 31st Drive. (Engineering/Development Engineering) (David Wostenberg)

STRATEGIC OUTCOME:
This item supports the City Council’s strategic outcome of Respected and Responsible by providing the City access to water meters and abandoning a sewer line not utilized by the public.

REPORT:
Garret J. Marks and Jesse A. Haines, owners of Assessor Parcel Numbers 694-03-306 and 694-03-305 shown on the map noted as Exhibit B to the Ordinance, have requested City abandonment of the existing sewer line west of the manhole located at the intersection of 31st Drive and 24th Place. In exchange, Marks and Haines will grant the City a water utility easement also shown on Exhibit B. The abandonment will result in the owner assuming all responsibility for the maintenance and repair of that entire section of sewer line west of the manhole. The water utility easement will allow for City installation and maintenance of water meters on the property.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:
NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023

ORDINANCE NO. O2024-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF A SANITARY SEWER LINE IN EXCHANGE FOR A WATER UTILITY EASEMENT

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, Garret J. Marks and Jesse A. Haines (owners) have requested that the City of Yuma abandon a section of existing sewer line in exchange for granting the City a water utility easement; and,

WHEREAS, the abandonment will result in the owner assuming all responsibility for the maintenance of a section of sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place as shown on Exhibit B on file with the Yuma City Clerk and made a part of this ordinance by reference.

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

SECTION 1: The City of Yuma shall accept a water utility easement described in Exhibit A on file with the Yuma City Clerk and made a part of this ordinance by reference, containing an area of 239.28 square feet, more or less, in exchange for City abandonment of a section of sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place.

SECTION 2: The water utility easement shall be recorded with a sanitary sewer covenant in a form acceptable to the City of Yuma.

SECTION 3: Upon recording of the water utility easement and sanitary sewer covenant, the sanitary sewer line west of the manhole located at the intersection of 31st Drive and 24th Place shall be deemed abandoned to the benefitted properties owned by Garret J. Marks and Jesse A. Haines and the covenant for repair and maintenance of the abandoned sanitary sewer line shall become a burden on the benefitted properties.

SECTION 4: The City Administrator is authorized and directed to execute all documents and instruments associated with this abandonment of the utility easement and the acceptance of the new water utility easement.

SECTION 5: Pursuant to Arizona Revised Statutes § 9-802, the City Clerk shall maintain all referenced exhibits on file at the City Clerk's Office.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

EXHIBIT A

CITY OF YUMA

WATER METER EASEMENT FOR PARCEL "A" AND PARCEL "B" OF THE MARKS/HAINES LOT SPLIT, FEE# 2019-24657, BK. 31, PG.16

A WATER METER EASEMENT IN PARCEL "A" AND PARCEL "B" OF THE MARKS/HAINES LOT SPLIT, FEE# 2019-24657, BOOK 31 OF PLATS, PG. 16, AS RECORDED IN THE YUMA COUNTY RECORDERS, BEING A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 23 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A BRASS CAP AT THE NORTH QUARTER CORNER OF SAID SECTION 6, ALSO BEING THE AVENUE "B" ½ ALIGNMENT AND 24TH STREET,

THENCE NORTH 89°43'08" EAST ALONG THE NORTH LINE OF SAID SECTION 6 A DISTANCE OF 427.71' FEET TO A POINT,

THENCE SOUTH 01°00'28" EAST A DISTANCE OF 80.00' FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID 24TH STREET ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL "A",

THENCE CONTINUING SOUTH 01°00'28" EAST ALONG THE EAST LINE OF SAID PARCEL "A" A DISTANCE OF 129.21' FEET TO A POINT ON THE SOUTHEAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID PARCEL "B" ALSO BEING THE **TRUE POINT OF BEGINNING**,

THENCE CONTINUING SOUTH 01°00'28" EAST ALONG THE EAST LINE OF SAID PARCEL "B" A DISTANCE OF 10.00' FEET TO A POINT,

THENCE SOUTH 89°43'08" WEST A DISTANCE OF 8.00' FEET TO A POINT,

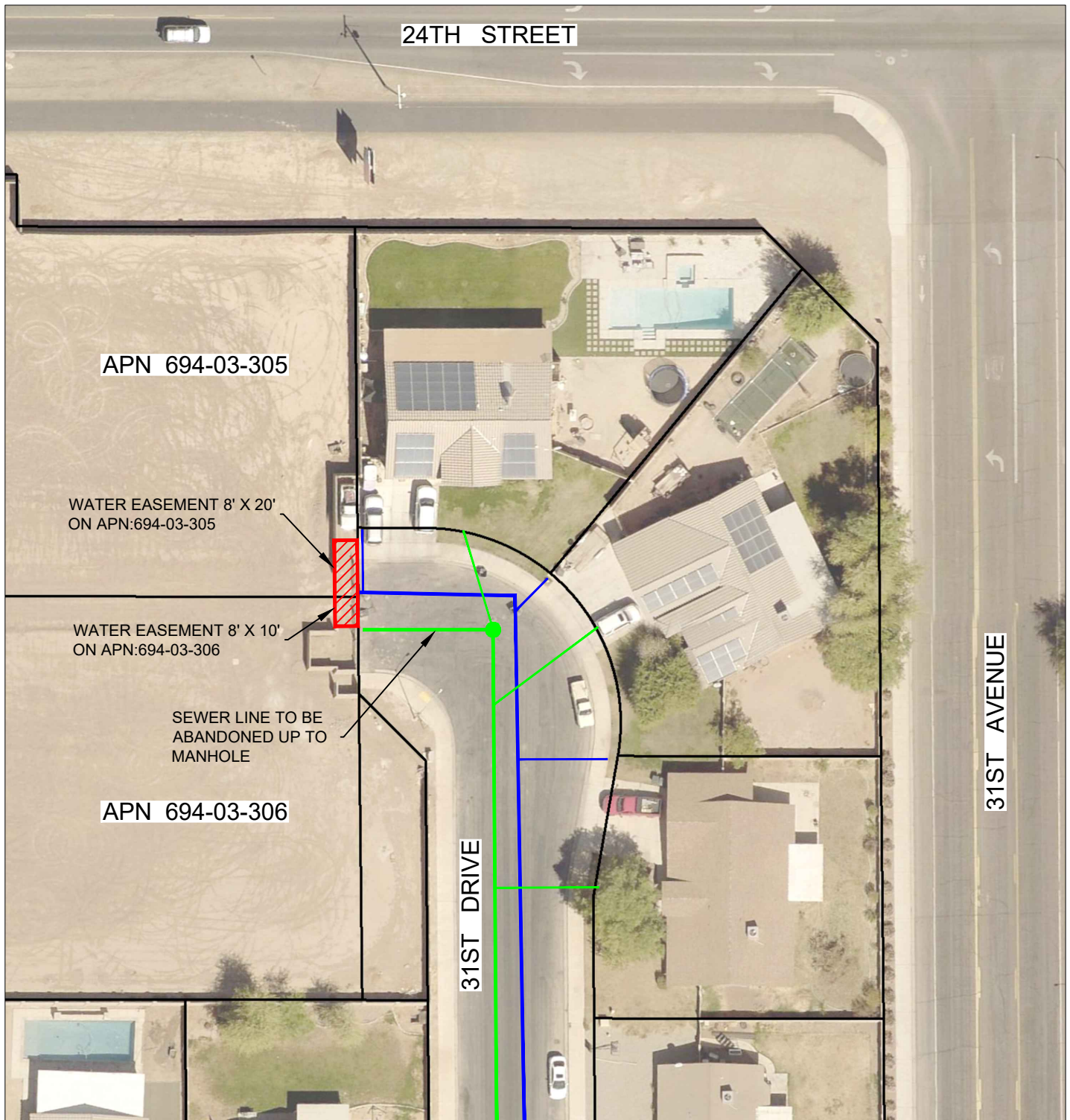
THENCE NORTH 01°00'28" WEST A DISTANCE OF 10.00' FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A" AND THE NORTH LINE OF SAID PARCEL "B",

THENCE CONTINUING NORTH 01°00'28" WEST A DISTANCE OF 20.00' FEET TO A POINT,

THENCE NORTH 89°43'08" EAST A DISTANCE OF 8.00' FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A",

THENCE SOUTH 01°00'28" EAST A DISTANCE OF 20.00' FEET ALONG THE EAST LINE OF SAID PARCEL "A" TO A POINT ON THE SOUTHEAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID PARCEL "B", ALSO BEING THE **TRUE POINT OF BEGINNING**.

CONTAINING AN AREA OF 239.98 SQ. FT. OR 0.006 OF AN ACRE, MORE OR LESS.



LEGEND



SUBJECT PROPERTY



SEWER LINE



WATER LINE

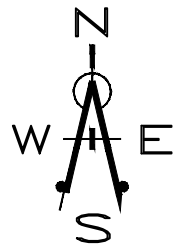


EXHIBIT B

NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY.

CITY OF YUMA

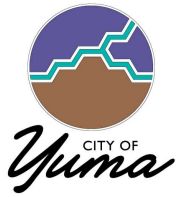
ENGINEERING DEPARTMENT

Date: 10-16-2023

SCALE: N.T.S.

SHT: 1

Prepared by: JOHN NYE



City of Yuma

City Council Report

File #: O2024-004

Agenda Date: 1/3/2024

Agenda #: 4.

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

TITLE:

Rezoning of Property: 1719 S. Madison Avenue

SUMMARY RECOMMENDATION:

Rezone approximately .15 acres from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District for property located at 1719 S. Madison Avenue, Yuma AZ. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

Consistent with the City Council’s strategic outcome of Respected and Responsible, the proposed rezoning is compatible with the surrounding area and supports residential development within the City.

REPORT:

The subject property is located at 1719 S. Madison Avenue, in the Clarence Trigg Subdivision Unit 2, which was recorded on May 15, 1951. The property is approximately 6,286 square feet in size and is currently developed with a 980 square foot single-family home built in 1930. The home was originally designed as a duplex but was later converted into a single-family home. The area was annexed in 1956 and following annexation, the area was zoned Industrial “A”. In 1981 the area was rezoned to the Light Industrial (L-I) District.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Low Density Residential/Infill Overlay (R-1-6/IO) District, with the intention of selling the property in the near future. If the homeowner restores or makes any modifications to the existing home, the new residential construction would require the property to be rezoned to residential.

Several properties in the area are developed with residential homes and the rezone of this property would match the surrounding character and nature of the current uses. This request would also be in conformance with the Land Use Element of the General Plan.

On November 27, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0 with Planning and Zoning Commissioner Branden Freeman absent) of the request to rezone approximately 0.15 acres from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1719 S. Madison Avenue.

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

Questions for Staff:

“ **Lorraine Arney, Planning and Zoning Commissioner** asked if the applicant agreed with the conditions in Attachment A. **Guillermo Moreno-Nunez, Assistant Planner** confirmed.

Questions for Applicant:

“**Vicente Cenicerros, 1719 S. Madison Ave, Yuma, AZ** was available for questions.

Public Comments:

None

Motion:

“**Motion by Arney second by Edgar Olvera, Planning and Zoning Commissioner to APPROVE Case Number ZONE-41869-2023.**

“**Motion carried unanimously (6-0, with Branden Freeman, Planning and Zoning Commissioner Absent).**”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

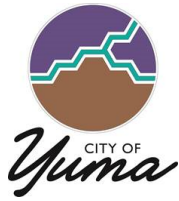
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



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

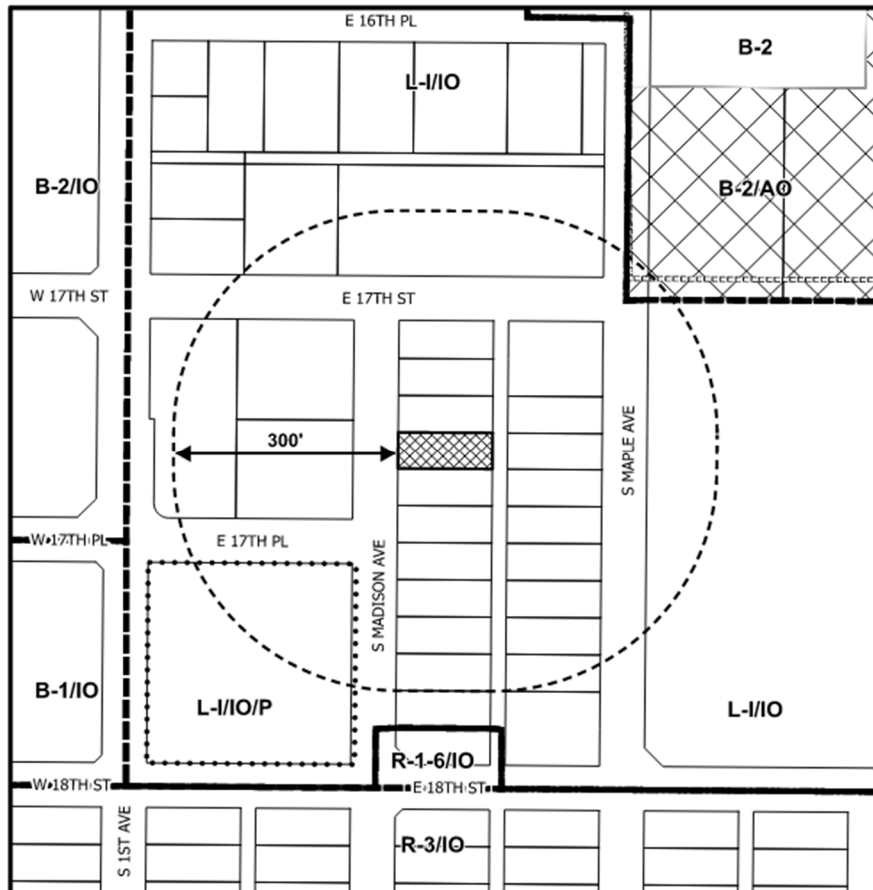
Hearing Date: November 27, 2023

Case Number: ZONE-41869-2023

Project Description/ Location: This is a request by Vicente and Beatriz Cenicerros to rezone approximately .15 acres from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District for property located at 1719 S. Madison Avenue, Yuma AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/ Infill Overlay (L-I/I-O)	Single Family Home	Low Density Residential
North	Light Industrial/ Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
South	Light Industrial/ Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
East	Light Industrial/ Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
West	Light Industrial/ Infill Overlay (L-I/IO)	Commercial Building	Mixed Use

Location Map



Prior site actions: Annexation: Ord. 672 (July 21st, 1956), Subdivision: Clarence Trigg Subdivision Unit No.2 (Mary 15,1951). Rezone: Ord. 1979 (January 7th, 1981) Industrial “A” rezoned to Light Industrial (L-I)

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-41869-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone to Low Density Residential/Infill Overlay (R-1-6/IO) District for the property located at 1719 S. Madison Avenue, 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 at 1719 S. Madison Avenue, in the Clarence Trigg Subdivision Unit 2 which was recorded on May 15, 1951. The property is approximately 6,286 square feet in size and is currently developed with a 980 sq. ft. single-family home built in 1930. The home was originally designed as a duplex but was later converted into a single-family home. The area was annexed in 1956 and following annexation, the area was zoned Industrial “A”. In 1981 the area was rezoned to the Light Industrial (L-I) District.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Low Density Residential/Infill Overlay (R-1-6/IO) District, with the intention of selling the property in the near future. If the homeowner restores or makes any modifications to existing home, the new residential construction would require the property to be rezoned residential.

Several properties in the area are developed with residential homes and the rezone of this property would match the surrounding character and nature of the current uses. This request would also be in conformance with the Land Use Element of the General Plan.

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

Land Use Element:									
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
Madison Avenue- Local	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	17 th Street - proposed bike route					
YCAT Transit System	Green route 4/4A – 16 th Street across Redondo Center Drive					
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:	Mesa Heights Development								
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:									
<u>Population Impacts</u> Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>Single Family</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation
			Maximum	Per Unit		Officers	GPD	AF	GPD
			1	2.9	3	0.01	600	0.7	203
			Minimum						
			1	2.9	3	0.01	600	0.7	203
Fire Facilities Plan:	Existing: Fire Station No. 3				Future: Fire Station No. 3				
Water Facility Plan:	Source:	City	X	Private	Connection:	4" line on Madison Avenue			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line on 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 th St		X	Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St			Estancia	None		

Issues:	None
---------	------

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

Yes.

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

Yes.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: See Attachment D

Proposed conditions delivered to applicant on: October 26, 2023

Final staff report delivered to applicant on: November 14, 2023

- Applicant agreed with all of the conditions of approval on: (enter date)
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – Emailed customer on October 26, 2023. Discussed with homeowner in person at time of neighborhood meeting on November 2, 2023, homeowner stated he was going to review conditions and get back to me, but no response or comments after this.

Attachments

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

Prepared By: *Guillermo Moreno-nunez* **Date:** November 7, 2023
 Guillermo Moreno-nunez
 Assistant Planner Guillermo.moreno-nunez@yumaaz.gov (928)373-5000, x3038

Reviewed By: *Jennifer L. Albers* **Date:** 11/13/23
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 11/14/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

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

Community Planning, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038

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

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

**ATTACHMENT B
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/03/23)
- **300' Vicinity Mailing:** 10/10/23
- **34 Commenting/Reviewing Agencies noticed:** 10/26/23
- **Site Posted on:** 10/10/23
- **Neighborhood Meeting:** 11/02/23
- **Hearing Date:** 11/27/23
- **Comments due:** 10/23/23


External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/16/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	10/13/23	X		
Yuma County Planning & Zoning	Yes	10/13/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona 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	10/16/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/17/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/17/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C
AGENCY COMMENTS**

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

Condition(s) No Condition(s) Comment

Enter conditions here: Subject parcel, APN 665-36-031, is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	17 Oct 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Guillermo Moreno-nunez				
	Guillermo.Moreno-nunez@YumaAZ.gov				

**ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS**

Date Held: 11/02/23

Location: 1719 S Madison Avenue

Attendees: Vicente A. Cenicerros, Patrick Hodges and Guillermo Moreno-nunez

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

- MR. HODGES ASKED THE REASON OF THE REZONE REQUEST AND EXPRESSED HIS CONCERN ABOUT ALL PROPERTIES ON THE BLOCK REZONING TO RESIDENTIAL. MR. HODGES OWNS THE CROSS FIT YUMA GYM ACROSS THE STREET AND IS CONCERNED THAT ANY NEW DEVELOPMENT ON HIS PROPERTY WOULD MAKE HIM SUBJECT TO THE NEED FOR A CUP.
- MR. CENICERROS EXPLAINED WHY HE IS APPLYING FOR THIS PROCESS.

ATTACHMENT E
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
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
MARTINEZ ORALIA	1761 S MADISON AVE	YUMA	AZ	85364
MAY VIOLA	2525 E BROADWAY BLVD STE 200	TUCSON	AZ	85716 5300
MEDRANO ANDRES &	920 E 24TH PL	YUMA	AZ	85365
NEVAREZ RUBEN	3736 W 25TH PL	YUMA	AZ	85364
NEXT LEVEL HOME BUYERS LLC	2903 W 12TH PL	YUMA	AZ	85364
PANHO LLC	350 W 16TH ST STE 332	YUMA	AZ	85364
QUINTERO VALERIE JEAN	1910 W 17TH PL	YUMA	AZ	85364
RANGEL SERGIO R &	1737 S MADISON AVE	YUMA	AZ	85364
RICO BRANDY ANNETTE	4600 SW 122ND ST	OKLAHOMA CITY	OK	73173
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 F
NEIGHBOR MAILING**

This is a request by Vicente and Beatriz Cenicerros to rezone approximately .15 acres from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District for property located at 1719 S. Madison Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41869-2023**

NEIGHBORHOOD MEETING
11/02/2023 @ 5PM
ON-SITE

PUBLIC HEARING
11/27/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1719 S. Madison Avenue, you are invited to attend the public hearing 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

ATTACHMENT G
AERIAL PHOTO



ORDINANCE NO. O2024-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIGHT INDUSTRIAL/INFILL OVERLAY (L-I/IO) DISTRICT TO THE LOW DENSITY RESIDENTIAL/INFILL OVERLAY (R-1-6/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on November 27, 2023 in Zoning Case no: ZONE-41869-2023 in the manner prescribed by law for the purpose of rezoning parcels 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 November 3, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41869-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: The following described real property, depicted in Exhibit A, attached:

A portion of land located in the East Half of the Southwest Quarter, Northeast Quarter, Northeast Quarter, of Section 33, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;

*Block 6, Lot 16 of the **Clarence Trigg Subdivision Unit No. 2**, subdivision plat, Book 3, Page 67, Dated May 18, 1951 as recorded in Yuma County Records Office, City of Yuma, State of Arizona.*

Containing 6,290.0 sq. ft. or 0.14 of an acre 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, and

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

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

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

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

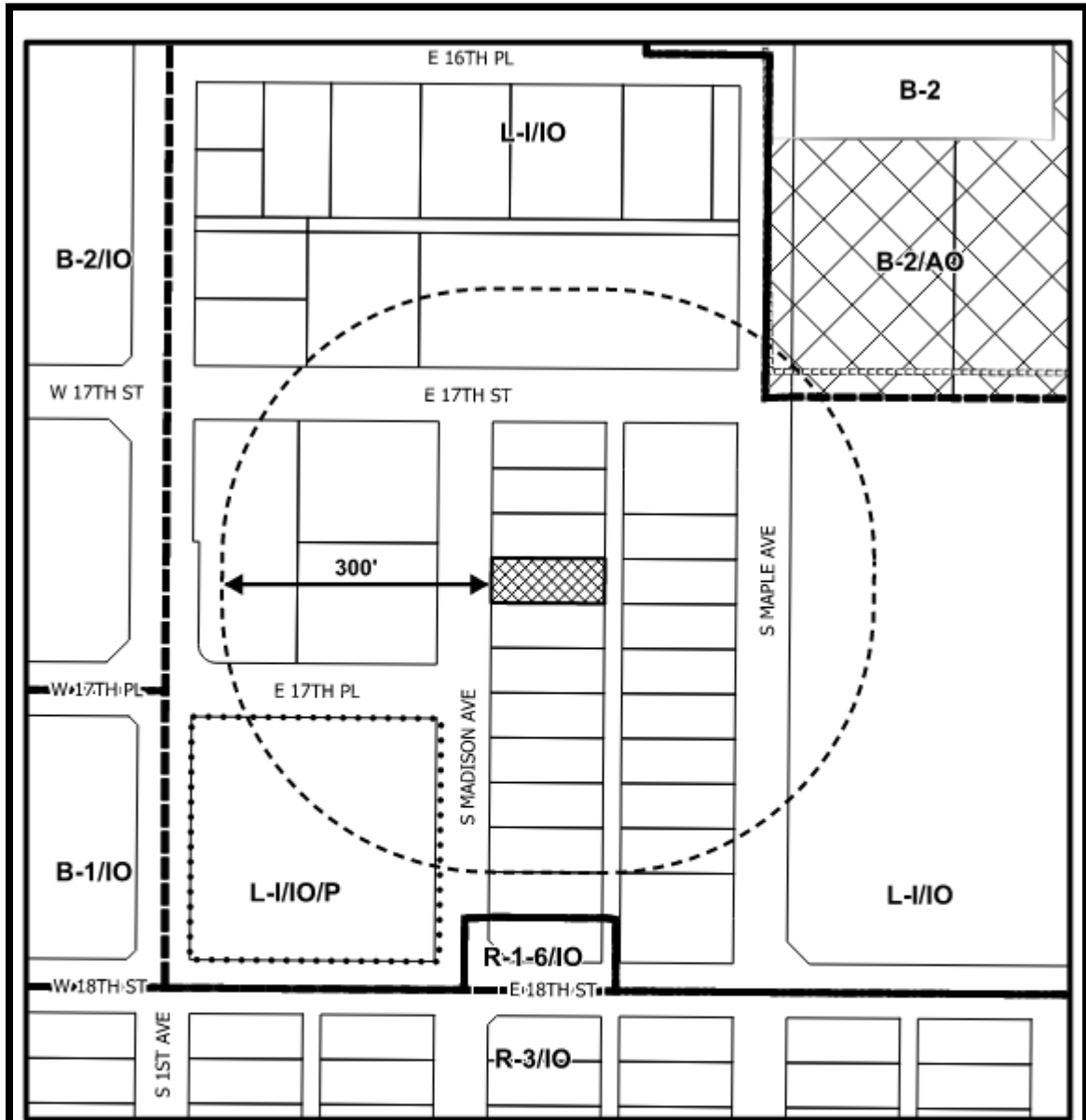
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY

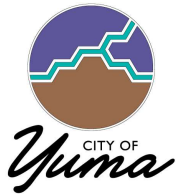


Prepared by: DG
Checked by: JLA



Date: 10/4/2023
Revised:
Revised:

Case #:
ZONE-41869-2023



City of Yuma

City Council Report

File #: O2024-005

Agenda Date: 1/3/2024

Agenda #: 5.

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

TITLE:

Rezoning of Property: 1641 W. 10th Place

SUMMARY RECOMMENDATION:

Rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subject property is located at the end of the 10th Place cul-de-sac, just east of the East Main Canal. The property is approximately 1.33 acres in size and is undeveloped. The property owner intends on developing townhomes on this site.

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

High Density Residential (R-3) District:

The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area:

- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet; and
- A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the High Density Residential District is 40’, however, the maximum building height is reduced to 20’ (one story maximum) for all land located within 60’ of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the High Density Residential District (R-3) are met.

The potential residential development could contain between 17 and 39 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District is in conformance with the General Plan.

On November 27, 2023 the Planning and Zoning Commission voted to recommend APPROVAL of the rezoning from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) 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 - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

Questions for Staff:

“**Chris Hamel - Planning and Zoning Chairman** asked **Amelia Domby - Senior Planner** if she received a copy of a packet with notes and photos that a neighboring property owner provided.

“**Amelia Domby - Senior Planner** confirmed.

Questions for Applicant:

“**John Mahon, 3453 W. 39th Street, Yuma, AZ** was available for questions and stated that the property has been vacant for a long time, and it's being used as a dump. **Mahon** also informed the commission that he hired a local surveyor to survey the subject property and no easements or rights-of-way were found.

Public Comments:

“**Chris Mazza, 1730 W. 10th Pl. Yuma, AZ**, provided a packet to the commission and public that contained notes and pictures of the adjacent property. **Mazza** is in opposition of the request and stated that the property has been vacant for a long time because it is undevelopable and noted that the subject property is the only way to access his back yard. **Mazza** stated that this request would impede him from getting his septic tank serviced. **Mazza** also expressed concerns on the value of his property decreasing if the request was approved.

“**Melvin Hotchkiss, 1730 W. 10th Pl. Yuma AZ**, spoke in opposition of the request. Hotchkiss stated that the previous owner of the subject property allowed him to use the property as an access point to his backyard and place fill in the property. **Hotchkiss** expressed concerns regarding access to his septic tank and was also concerned about the value of his property decreasing.

“**Gregory Castillo, 1681 W. 10th St, Yuma, AZ**, spoke in opposition of the request. Castillo stated that the area would be overpopulated. Castillo also stated that the septic tank in his home can only be serviced if

accessed through the subject property. **Castillo** mentioned that there was a fire along the back side of the property and the fire department was able to access the fire using the subject property. **Castillo** stated that this request would eliminate the access for the fire department. **Castillo** also noted that Arizona Public Service and Southwest gas have lines in the back side of the properties and this request would impede them from servicing their lines. **Castillo** also expressed concerns on the value of his property decreasing due to this request.

Edgar Olvera - Planning and Zoning Commissioner asked **Castillo** if a single-family home was built on the subject property, instead of multiple units, would it still affect the access to his septic tank. **Castillo** confirmed.

Chris Hamel - Planning and Zoning Chairman noted that there appeared to be an issue with the property lines and easements and that visual representation may not be accurate.

Mahon said that prior to him trimming the trees and clearing the property, no utility truck or fire truck could've accessed the back side of the property. **Mahon** referenced page 4 of the packet that Mazza provided, noting that the photo showed a clear path and access point through their own property for them to service their septic tanks. **Mahon** mentioned that he paid a land surveyor to survey the property, and that if the neighbors had concerns regarding their property lines, they could hire a different surveyor.

Gregory Castillo, 1681 W. 10th St, Yuma, AZ stated that there is no other way to access his backyard to service his septic tank.

Chris Mazza, 1730 W. 10th Pl. Yuma, AZ, clarified that there was no alternative access to the back end of the neighboring properties without driving over the septic system and knocking down trees. **Mazza** said that they had an oral agreement with the previous owner regarding an easement that allowed them adequate access to their back yard, noting that the agreement is valid and should've been communicated to Mahon when he purchased the property.

Edgar Olvera - Planning and Zoning Commissioner referenced the photo on page 4, provided by Mazza and asked if there was access through an area highlighted on the photo. **Mazza** said that there was a septic tank in that area that prevented them from making it an access point to the back end of the property.

Mahon said that he had conversations with the neighbors previously and they refused to trim their trees to access their own back yards. **Mahon** noted that there were no recorded easements on the subject property. **Mahon** said that if the neighbors need access to their own back yards, they should trim their own trees to gain necessary access. **Mahon** also said that he would be developing the property according to the City's standards and regulations.

Chris Hamel - Planning and Zoning Chairman noted that a lot of points had been brought up. These concerns are a factor to be considered but the Commission is looking at changing the density allowed.

Edgar Olvera - Planning and Zoning Commissioner said that the concerns of the neighbors were valid and appreciated, also noting that the City was underdeveloped and housing was needed.

Motion:

Motion by Lorraine Arney - Planning and Zoning Vice-Chairman, second by Ashlie Pendleton - Planning and Zoning Commissioner to APPROVE Case Number ZONE-41893-2023.

Motion carried unanimously (5-0, with Branden Freeman Planning and Zoning Commissioner absent and John Mahon Planning and Zoning Commissioner recused).'

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

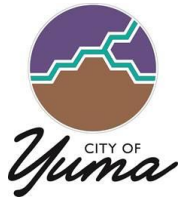
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



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

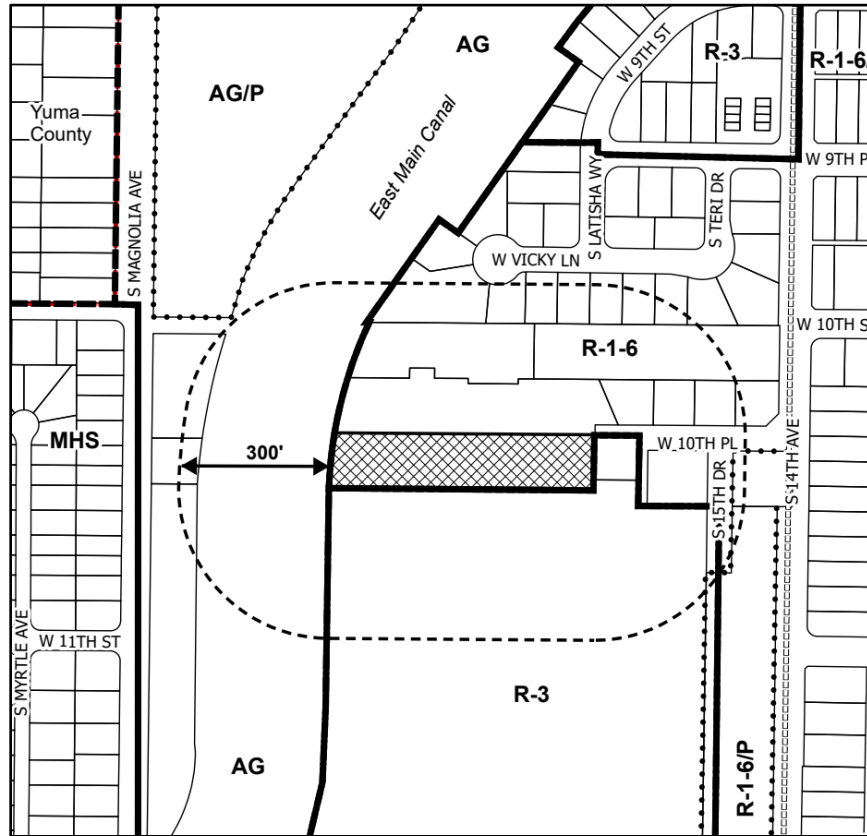
Hearing Date: November 27, 2023

Case Number: ZONE-41893-2023

Project Description/Location: This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6) District	Undeveloped	High Density Residential
North	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
South	High Density Residential (R-3) District	Rio Santa Fe Apartments	High Density Residential
East	High Density Residential (R-3) District	Apartments	High Density Residential
West	Agriculture (AG) District	East Main Canal	Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. 787 (December 31, 1959); Pre-Development Meeting: November 10, 2023

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41983-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located 1641 W. 10th Place, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at the end of the 10th Place cul-de-sac, just east of the East Main Canal. The property is approximately 1.33 acres in size and is undeveloped. The property owner intends on developing townhomes on this site.

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

High Density Residential (R-3) District:

The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
A minimum front yard setback of 20 feet;
A minimum side yard setback of 7 feet; and
A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the High Density Residential District is 40', however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60' of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the High Density Residential District (R-3) are met.

The potential residential development could contain between 17 and 39 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District is in conformance with the General Plan.

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

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

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

FACILITY PLANS							
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard	Truck
10 th Place – Local Street		30 FT H/W	30 FT H/W				
14 th Avenue – Local Street		30 FT H/W	30 FT H/W				
Bicycle Facilities Master Plan		14 th Avenue – Bike Route					
YCAT Transit System		Purple Route 6A					
Issues:		None					

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

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:		Existing: Netwest Park				Future: Netwest Park			
Community Park:		Existing: Carver Park Complex				Future: Carver Park Complex			
Linear Park:		Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park			
Issues:		None							
Housing Element:									
Special Need Household:		N/A							
Issues:		None							
Redevelopment Element:									
Planned Redevelopment Area:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X	
Conforms:		Yes		No		N/A			
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes		No	X				
Renewable Energy Source		Yes		No	X				
Issues:		None							
Public Services Element:									
Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>Multi-Family</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation
		Maximum	Per Unit		Officers	GPD	AF	GPD	
		39	1.9	74	0.14	15,339	17.2	5,187	
		Minimum							
		17	1.9	32	0.06	6,686	7.5	2,261	
Fire Facilities Plan:		Existing: Fire Station No. 1				Future: Fire Station No. 1			
Water Facility Plan:		Source:	City	X	Private	Connection:	6" AC – 10 th Place		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 8" PVC – 10 th Place		

Issues:	None						
Safety Element:							
Flood Plain Designation:	X	Liquefaction Hazard Area:			Yes	No	X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8	Arizona Ave & 16 th St	Avenue B & 32 nd St.				
	North End	Pacific Ave & 8 th St	Estancia	None	X		
Issues:	None						

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: See attached.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: See Attachment.

Proposed conditions delivered to applicant on: November 3, 2023

Final staff report delivered to applicant on: November 20, 2023

Applicant agreed with all of the conditions of approval on: November 20, 2023

Attachments

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

Prepared By: *Amelia Domby* **Date:** **November 8, 2023**

Amelia Domby
Senior Planner
Amelia.Domby@yumaaz.gov (928)373-5000, x3034

Reviewed By: *Jennifer L. Albers* **Date:** *11/13/23*

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** **11/20/23**

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:

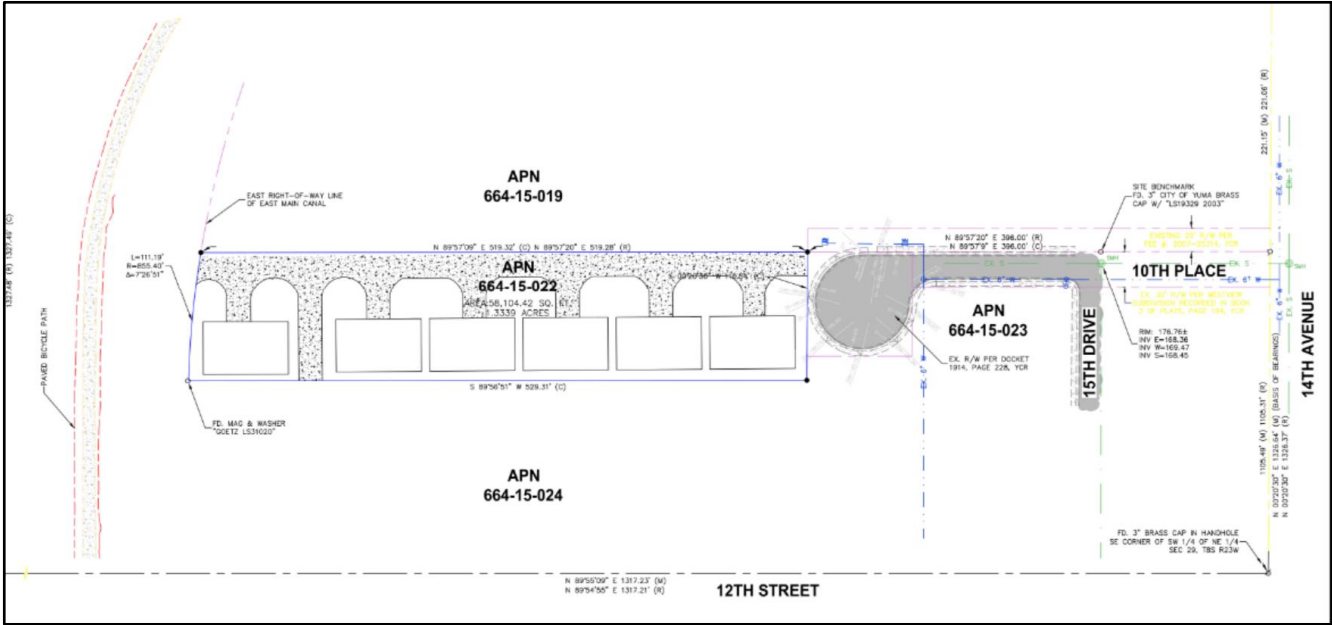
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Amelia Domby, Senior Planner, (928) 373-5000 x3034

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

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

ATTACHMENT B CONCEPTUAL SITE PLAN



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/03/23)
- **300' Vicinity Mailing:** (10/09/23)
- **34 Commenting/Reviewing Agencies noticed:** (10/12/23)
- **Site Posted on:** (10/18/23)
- **Neighborhood Meeting:** (10/25/23)
- **Hearing Date:** (11/27/23)
- **Comments due:** (10/23/23)


External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/12/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/20/23	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	YES	10/12/23			X
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	10/16/23	X		
Yuma Proving Ground	YES	10/12/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/17/23			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

Condition(s)
 No Condition(s)
 Comment

Enter conditions here: Subject property, APN 664-15-022, is located across the canal from Kiwanis Park, a known landing zone hub for the Weapons and Tactics Instructors (WTI) course. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 17 Oct 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist
 CITY DEPT: MCAS Yuma
 PHONE: 928-269-2103
 RETURN TO: Amelia Domby
 Amelia.Domby@YumaAZ.gov



Amelia,
 Yuma Elementary School District #1 is supportive of this rezoning request from low to high density housing, as long as the proposed use is for resident housing, not H2A Corporate Housing. Given the number of housing units that have been converted to Corporate Housing in this area, our schools welcome replacement housing projects designed to serve our local families.
 Sincerely,
 Jamie Sheldahl

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

Condition(s)
 No Condition(s)
 Comment

Enter conditions here: Provide adequate primary and secondary fire department access and site flow. Please show on site plan how the proposed access meets the fire code requirements.

DATE: 10/17/23 NAME: Kayla Franklin TITLE: Fire Marshal
 CITY DEPT: Fire
 PHONE: 928-373-4865
 RETURN TO: Amelia Domby
 Amelia.Domby@YumaAZ.gov

ATTACHMENT E PUBLIC COMMENTS

From: scast3467@aol.com
Sent: Thursday, October 19, 2023 10:39 AM
To: Amelia Domby
Cc: scast3467@aol.com
Subject: 1641 W. 10th Place Yuma AZ high density construction meeting

You don't often get email from scast3467@aol.com. [Learn why this is important](#)

⚠ CAUTION: External Email

Good morning,

Amelia Domby

I am a homeowner within 300 ft of 1641 W. 10th Place under consideration by JP Mahon to build a high density residential project (otherwise known as an Apartment complex) within 300 ft of my residential property. I will not be able to attend the on-site meeting, so I would like to voice my concerns over this proposal by submitting this email to you:

" This proposal to build on this property should not be allowed to proceed or ever be considered. These are my following reasons:

1. The forecast population that would occupy this region will be well over the amount able to be sustained by the current infrastructure. Currently, the area is too overcrowded for both the human population and the traffic management. There have been numerous times when I'm driving and nearly hit a pedestrian crossing in the middle of the street because so many people, including migrant farm workers, are traveling to and from the local businesses and their apartments. This places an unnecessary safety hazard on everyone. In so far as the population growth, The overcrowding this will cause will lead to numerous flare ups in crime and police responses....just look at the Santa Fe apartments as a model and the amount of crime in that area.

2. I currently have an easement with my neighbor using a side access road that would be unusable if this development would proceed in it's current form. The access easement is vital and necessary to allow my septic tank in my backyard to be serviced. In addition, landscaping necessities such as palm tree trimming, mature tree trimming, lawn cutting...etc. all need to access my backyard through this easement road. In addition, APS and Southwest gas have an easement through my property and need to access that road to service their facilities running through my back property. There are numerous times throughout the year that this easement is vital to maintaining the property"

I am against this project, as this proposed development is NOT necessary, does not better the community, and would cause logistic problems in this area.

I will attend the public hearing on 11/27/2023, at which time I will have a copy of the easement agreement and verification from APS, Southwest Gas, PU Septic, and my landscaping service verifying the need to keep this access road open.

Thank you,

Gregory Scott Castillo
Megan Castillo

1681 West 10th St.
Yuma AZ 85364
(928) 783-9035 H
(928) 246-1845 C
(928) 246-3848 C

ATTACHMENT F
NEIGHBORHOOD MEETING COMMENTS

Date Held: October 25, 2023

Location: On-site, 5pm

Attendees: Applicant: JP Mahon; Staff: Amelia Domy, Jennifer Albers; four neighbors in attendance: Megan Castillo, Gregory Scott Castillo, Bud Hatchkis, Chris Mazza

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

- STAFF EXPLAINED THE REZONE REQUEST AND PROCESS.
- NEIGHBORS EXPRESSED THEIR CONCERN WITH THE NUMBER OF CARS PARKING ON THE STREET. STAFF INFORMED THE NEIGHBORS THE NEW DEVELOPMENT WILL HAVE MINIMUM OFF-STREET PARKING REQUIREMENTS. THE NUMBER OF PARKING SPACES WILL BE DETERMINED BY THE NUMBER OF UNITS AND THE NUMBER OF BEDROOMS.
- THE APPLICANT PROVIDED A CONCEPTUAL SITE PLAN OF THE PROPERTY.
- THE NEIGHBORS ASKED IF THE UNITS WOULD BE FOR LOW-INCOME RESIDENTS. THE APPLICANT INFORMED THE NEIGHBORS THESE WOULD BE EXPENSIVE UNITS.
- THE NEIGHBORS NOTED THAT THEY WERE OPPOSED TO THIS PROPOSAL. IN ADDITION, THEY EXPRESSED THEIR CONCERNS WITH THE NEW DEVELOPMENT ON THIS PROPERTY. THE NEIGHBORS HAVE UTILIZED THIS PROPERTY TO ACCESS THEIR REAR YARD.
- THE APPLICANT EXPLAINED THAT HE USED TO WORK FOR APS AND UTILITY COMPANIES SHOULD NOT DRIVE THROUGH OTHER PROPERTIES TO ACCESS A PROPERTY. THERE ARE NOT ANY EASEMENTS ON THIS PROPERTY.
- THE NEIGHBORS ASKED IF THIS REQUEST WAS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, THE NEIGHBORS ASKED WHAT STAFF LOOKS AT FOR REZONE REQUESTS. STAFF INFORMED THE NEIGHBORS THAT THIS REQUEST IS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, STAFF EXPLAINED THAT EXTERNAL AND INTERNAL AGENCIES ARE NOTIFIED OF THE PROPOSED REQUEST.

ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ALEMAN OLGA	1397 W 1ST STREET	YUMA	AZ	85364
BELTRAN JOHN T & GENEVIEVE C	1553 W VICKY LN	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CUELLAR FELIX JR & ESCOBEDO EDUARDO & AURORA ESPERANZA	9875 S AVE 9E	YUMA	AZ	85365
FIGUEROA ROBERT E SR	2527 S 18TH AVE	YUMA	AZ	85364
GERARDO ABEL & CAROLINA A	1011 S MAGNOLIA AVE	YUMA	AZ	85364
GONZALEZ HECTOR	1529 W VICKY LN	YUMA	AZ	85364
HOTCHKISS MELVIN K & MABLE J TRUST	1504 W 10TH PL	YUMA	AZ	85364
JPM DEVELOPMENT LLC	1730 W 10TH PL	YUMA	AZ	85364
LARA JOSE & ROSA	3453 W 39TH ST	YUMA	AZ	85365
LILLIE DAVID W	1536 W 10TH PL	YUMA	AZ	85364
MORA HECTOR J	1565 W VICKY LN	YUMA	AZ	85364
ORTA BARBARA J	1528 W 10TH PLACE	YUMA	AZ	85364
RANGEL NOE T & MARIA C JT	1515 W VICKY LN	YUMA	AZ	85364
REGALADO SARA MORALES DE	PO BOX 5797	SALINAS	CA	93915
RIO SANTA FE OWNER LLC	1541 W VICKY LN	YUMA	AZ	85364
TORRES STEVEN SAL	11999 SAN VICENTE BLVD #325	LOS ANGELES	CA	90049
VALVERDE TIMOTHY DAVID & LISA HEATHER	1521 W VICKY LN	YUMA	AZ	85364
VELAZQUEZ JOSE L & ALMA D	1547 W VICKY LN	YUMA	AZ	85364
YUMA CITY OF	1516 W 10TH PL	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	ONE CITY PLAZA	YUMA	AZ	85364
	450 W 6TH ST	YUMA	AZ	85364

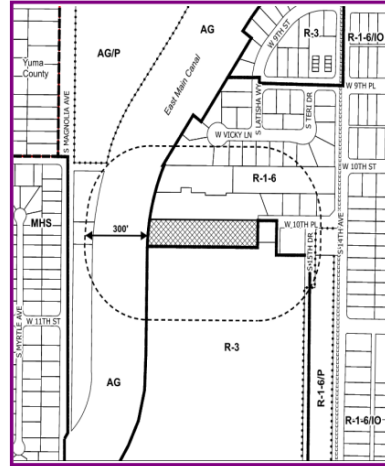
**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41893-2023**

NEIGHBORHOOD MEETING
10/25/2023 @ 5PM
ON-SITE

PUBLIC HEARING
11/27/2023 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1641 W. 10th Place, 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, Amelia Domby by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Domby@yumaaz.gov

ATTACHMENT I
AERIAL PHOTO



ORDINANCE NO. O2024-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT TO THE HIGH DENSITY RESIDENTIAL (R-3) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on November 27, 2023 in Zoning Case no: ZONE-41893-2023 in the manner prescribed by law for the purpose of rezoning a parcel of real property hereafter described to the High Density Residential (R-3) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on November 3, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41893-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: That the following described real property, depicted in Exhibit A, attached:

The South one-third of that portion of the North half of the North half of the Southwest quarter of the Northeast quarter (N¹/₂N¹/₂SW¹/₄NE¹/₄) of Section 29, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, in the City of Yuma, Yuma County, Arizona, lying East of the East Main Canal, more particularly described as follows:

BEGINNING at the Northeast corner of said South one-third, which lies South 0°21' West 221.07 feet from the Northeast corner of the North half of the North half of the Southwest quarter of the Northeast quarter (N¹/₂N¹/₂SW¹/₄NE¹/₄) of Section 29, Township 8 South, Range 23 West;

thence South 89°58¹/₄' West 1023 feet, more or less, to the East bank of the East Main Canal;

thence in a Southerly direction along said East Canal Bank 110 feet, more or less, to a point where the South line of the North half of the North half of the Southwest quarter of the Northeast quarter (N¹/₂N¹/₂SW¹/₄NE¹/₄) intersects the said East Canal Bank;

thence North 89°58¹/₄' East 1023 feet, more or less, along the South line to the Southeast corner of said North half of the North half of the Southwest quarter of the Northeast-quarter (N¹/₂N¹/₂SW¹/₄NE¹/₄) of Section 29;

thence North 0°21' East 110.53 feet, along the East line of above tract to the point of beginning;

Exclusive of the United States Reclamation Service Right of Way along the East side of the said East Main Canal;

EXCEPT the East 396 feet thereof.

Containing 57,934 square feet or 1.33 acres, more or less.

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

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

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

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

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

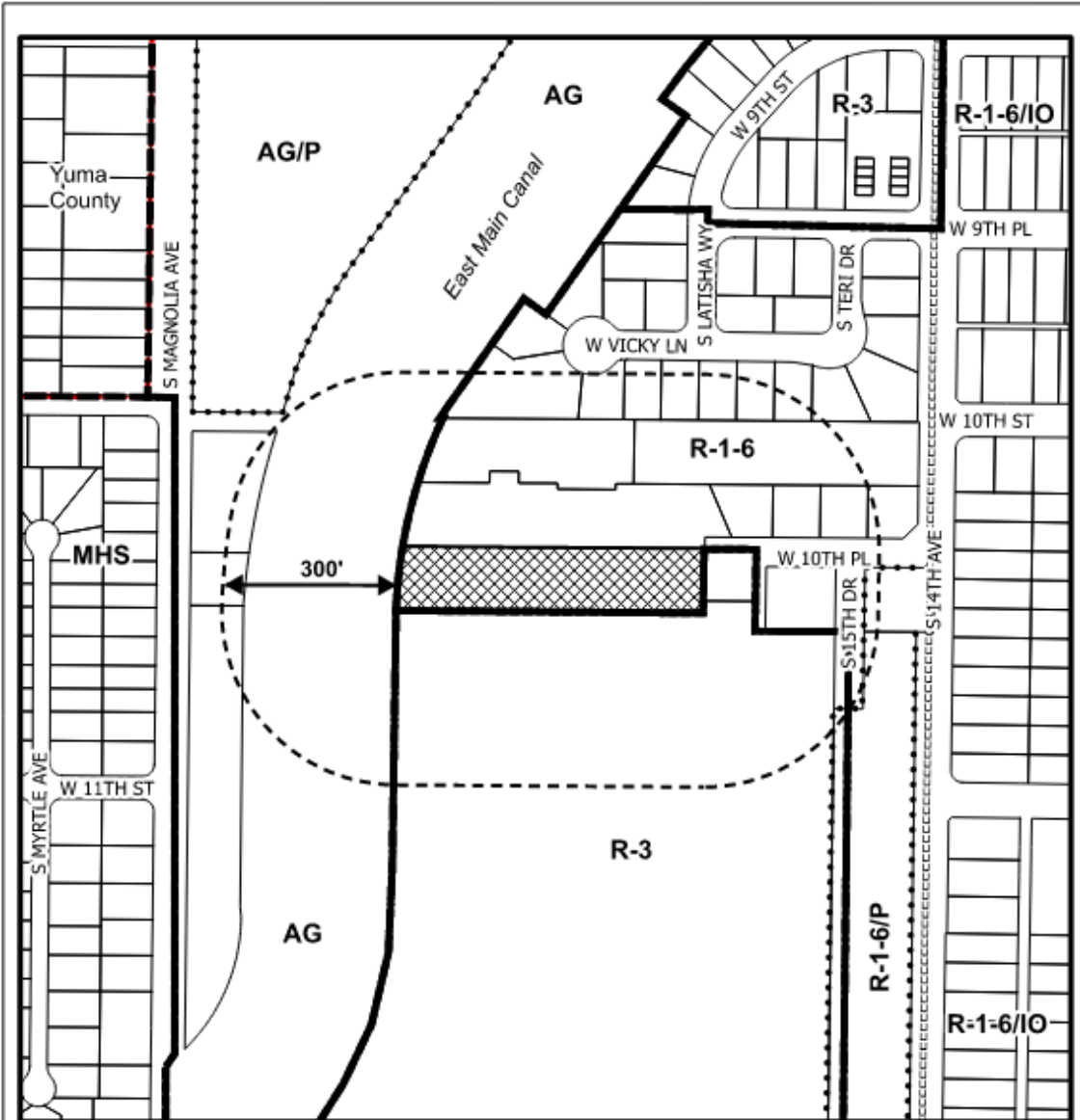
ATTESTED:

Lynda L. Bushong
City Clerk


APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY

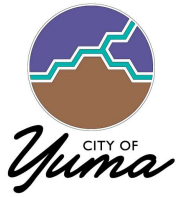


Prepared by: DG
Checked by: JLA



Date: 10/4/2023
Revised:
Revised:

Case #:
ZONE-41893-2023



City of Yuma

City Council Report

File #: O2024-006

Agenda Date: 1/17/2024

Agenda #: 1.

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

TITLE:
Rezoning of Property: 1010 and 1012 S. 2nd Avenue

SUMMARY RECOMMENDATION:
 Rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
 Consistent with the City Council’s strategic outcome of Respected and Responsible, the proposed rezoning is compatible with the surrounding area and further supports residential development within the City of Yuma.

REPORT:
 The subject property is located at 1010 and 1012 S. 2nd Avenue, one parcel with two assigned addresses, in the Speese Addition Subdivision, which was originally recorded on April 18, 1901. The property is approximately 14,000 square feet in size and currently undeveloped. The property was historically developed with a neighborhood market, which was demolished in 2016. Since demolition, the property has remained vacant.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, with the intent to split the property into two lots and build a duplex on each lot. In order to develop residential structures on the property, a rezone is required.

Several properties in the area are developed with single-family homes and duplexes. The rezone of this property would complement the character of the surrounding area, while increasing access to housing. This request is in conformance with the Land Use Element of the General Plan.

On December 11, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with Freeman, Scott, and Pendleton absent) of the request to rezone the 14,000 square foot property from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District.

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

Questions for Staff:

None

Questions for Applicant:

None

Public Comments:

None

Motion:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Edgar Olvera - Planning and Zoning Commissioner to APPROVE Case Number ZONE-41907-2023.

“Motion carried unanimously (4-0, with Branden Freeman - Planning and Zoning Commissioner, Joshua Scott - Planning and Zoning Commissioner, and Ashlie Pendleton - Planning and Zoning Commissioner absent).”

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

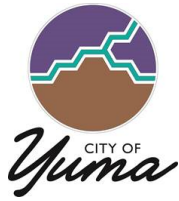
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 01/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/08/2024



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: December 11, 2023

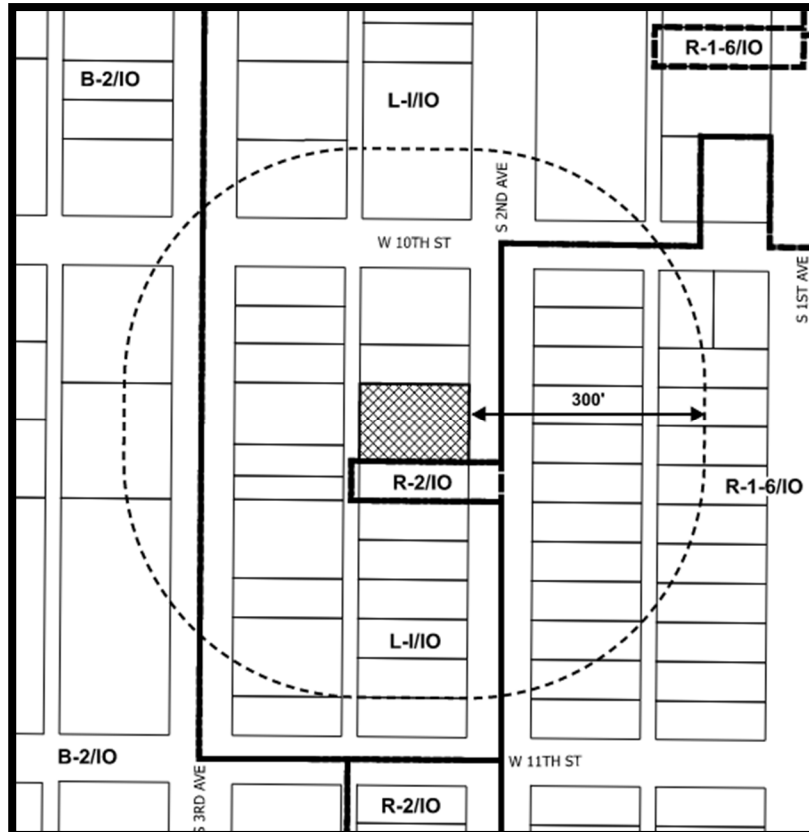
Case Number: ZONE-41907-2023

Project Description/
Location:

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/IO)	Undeveloped Lot	Medium Density Residential
North	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Medium Density Residential
South	Medium Density Residential/Infill Overlay (R-2/IO)	Duplex	Medium Density Residential
East	Low Density Residential/Infill Overlay (R-1-6/IO)	Single Family Homes	Low Density Residential
West	Light Industrial/Infill Overlay (L-I/IO)	Commercial Buildings	Commercial

Location Map



Prior site actions: PDM-41827 for proposed duplex (January 24, 2023), Annexation ord. 449 (May 29, 1946), Rezone: Ord. 1979 (January 7, 1981, Industrial “A” to Light Industrial (L-I))

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-41907-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone to Medium Density Residential/Infill Overlay (R-2/IO) for the property located at 1010 and 1012 S. 2nd Avenue, 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 at 1010 & 1012 S. 2nd Avenue, one parcel with two assigned addresses, in the Speese Addition Subdivision, which was originally recorded on April 18, 1901. The property is approximately 14,000 square feet in size and currently undeveloped. The property was developed with a market which was demolished in 2016 and has remained vacant since.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, with the intent to split the property into two lots and build two-family dwellings on each lot. In order to develop residential structures on the property, a rezone is required.

Several properties in the area are developed with single and two-family homes. The rezone of this property would complement the character of the surrounding area, while increasing access to housing. This request is in conformance with the Land Use Element of the General Plan.

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

Yes

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

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
2nd Avenue	29 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	10 th Street – proposed bike lane					

YCAT Transit System	Yellow Route 95 – Highway 95 South (95) – 4 th Avenue at 10 th Street
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: Marcus Park				Future: Marcus Park				
Community Park:	Existing: Carver Park Complex				Future: Carver Park Complex				
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park				
Issues:	None								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	1 st Avenue – Study Area								
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 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>2-4 Units</i>		Projected Population	Police Impact Officers	Water Consumption GPD AF		Wastewater Generation GPD
			Maximum	Per Unit					
			10	2.5	25	0.05	5,175	5.8	1,750
			Minimum						
			4	2.5	10	0.02	2,070	2.3	700
Fire Facilities Plan:	Existing: Fire Station No. 1				Future: Fire Station No. 1				
Water Facility Plan:	Source:	City	X	Private		Connection:	12" line on 2 nd Avenue		
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 8" line on 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 th St			Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St		Estancia		None	X	
Issues:	None								

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

Yes

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

Yes

Public Comments Received: None Received

External Agency Comments: See Attachment D

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: November 13, 2023

Final staff report delivered to applicant on: November 30, 2023

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant – email sent to owner and applicant, no response received.

Attachments

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

Prepared By: *Guillermo Moreno-nunez* **Date:** November 14, 2023
 Guillermo Moreno-nunez
 Assistant Planner Guillermo.moreno-nunez@yumaaz.gov (928)373-5000, x3038

Reviewed By: *Jennifer L. Albers* **Date:** 11/15/23
 Jennifer L. Albers
 Assistant Director of Planning

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

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

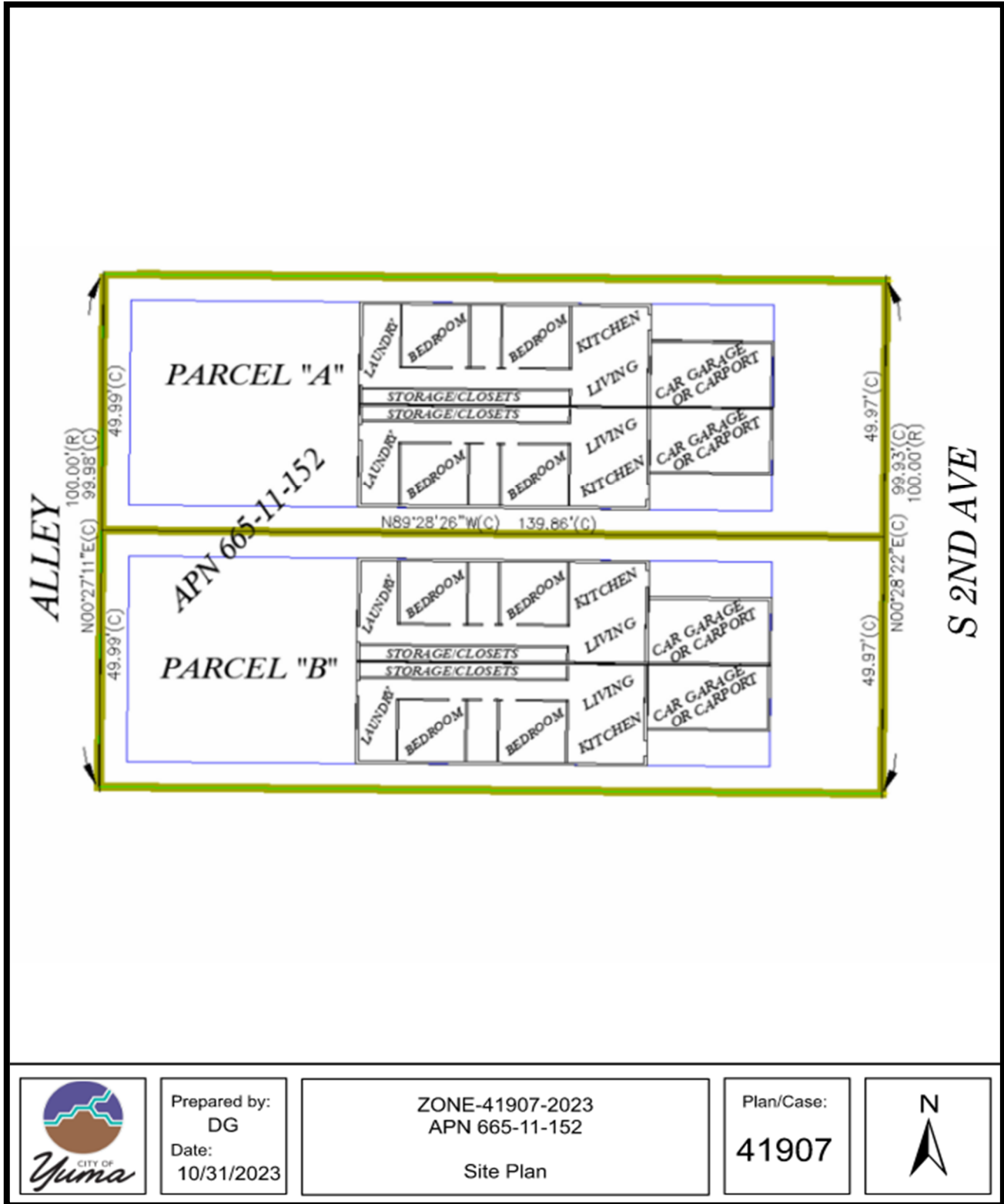
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, 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
SITE PLAN**



Prepared by:
DG
Date:
10/31/2023

ZONE-41907-2023
APN 665-11-152
Site Plan

Plan/Case:
41907



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: **The Sun** (11/17/23)
- 300' Vicinity Mailing: (10/26/23)
- 34 Commenting/Reviewing Agencies noticed: (10/26/23)
- Site Posted on: (10/30/23)
- Neighborhood Meeting: (11/08/23)
- Hearing Date: (12/11/23)
- Comments due: (11/06/23)


External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/26/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
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	10/26/23	X		
Yuma Proving Grounds	Yes	10/26/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/30/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/01/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

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

Condition(s) No Condition(s) Comment

Enter conditions here: Subject parcel (APN 665-11-152) is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	1 Nov 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Guillermo Moreno-nunez				
	Guillermo.Moreno-nunez@YumaAZ.gov				

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/08/23

Location: 1010 & 1012 S 2nd Avenue

Attendees:

Applicant: Hector Hurtado and Raul Garcia

Neighbors: Jose Ramos, Juan Leal Rubio, Henry Pierson and Annette Roscoe

Staff: Guillermo Moreno-nunez and Meredith Burns

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

- HURTADO AND GARCIA- EXPLAINED THE PROPOSED PROJECT FOR PROPERTY.
- NEIGHBORS- WERE ALL IN FAVOR.
- RUBIO- MENTIONED TO LOOK FOR ANY BUFFER NEEDED BETWEEN NEW PROPOSED ZONING AND ADJACENT COMMERCIAL ZONING DISTRICT.
- RAMOS- EXPRESS HIS CONCERN ABOUT DUST CONTROL.
- HURTADO- EXPLAINED THEIR PLAN AND WHAT WILL THEY DO TO AVOID ANY DUST ISSUES.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ANDERSON SHELLEY W	1000 S 5TH AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
BARAJAS JUAN P & SUZANNA JT	1037 S 2ND AVE	YUMA	AZ	85364
BARBOSA MARIA M	145 W 10TH ST	YUMA	AZ	85364
BORDER PROPERTIES & INVESTMENTS LLC	290 W 10TH ST	YUMA	AZ	85364
CABRERA BERNABE	3447 W 27TH LN	YUMA	AZ	85364
CHAVEZ ROLANDO MANUEL	1057 S 2ND AVE	YUMA	AZ	85364
COVARRUBIAS ALFRED R	1053 S 2ND AVE	YUMA	AZ	85364
D & V OF ARIZONA LLC	PO BOX 12798	SAN LUIS	AZ	85349
ESPINOZA JOSEPH S & NANCY A JT	1032 S 2ND AVE	YUMA	AZ	85364
FAJARDO BEATRIZ	1077 S 2ND AVE	YUMA	AZ	85364
GILMORE FRANK & LINDA TRUST 7-14-03	PO BOX 5595	YUMA	AZ	85366
GONZALEZ ENRIQUE MENDOZA	1071 S 2ND AVE	YUMA	AZ	85364
GROUNDED RMR ENTERPRISE LLC	242 E 30TH ST	YUMA	AZ	85364
GUZMAN LUPE	1069 S 2ND AVE	YUMA	AZ	85364
HIGGINS BRANDIE A	1061 S 2ND AVE	YUMA	AZ	85364
HIGGINS YVONNE	1049 S 2ND AVE	YUMA	AZ	85364
HURTADO HECTOR M & MARIA G	2180 S 4TH AVE STE G	YUMA	AZ	85364
LEAL R JUAN A & ELIZABETH V	1025 S 2ND AVE	YUMA	AZ	85364
LEE NELSON JOHN & JANIS JT	1035 S 3RD AVE	YUMA	AZ	85364
LIVING LEGACY INSTITUTE INC	5727 W CIELO GRANDE	GLENDALE	AZ	85310
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
MENDIVIL JOSEPH MICHAEL	1038 S 2ND AVE	YUMA	AZ	85364
OLAGUE MARGARET J	7585 E OLIVE ANN LN	YUMA	AZ	85365
PEREZ JAVIER	18657 NORTHRIDGE DR	SALINAS	CA	93906
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ MARGARITO JR	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ RUBEN	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ YOLANDA	1020 S 1ST AVE	YUMA	AZ	85364
RAMOS FRANK & CONNIE A LIVING TRUST*	PO BOX 6433	YUMA	AZ	85366
RAMOS JOSEPH F & YVONNE	1055 S 2ND AVE	YUMA	AZ	85364
RIVERA ERNESTO & RIVERA CARLOS FRANCISCO & RIVERA JESUS MIGUEL	1028 S 1ST AVENUE	YUMA	AZ	85364
RM-USE LLC	PO BOX 997	ALPINE	CA	91903
RODRIGUEZ BARBARA J	9475 LAKE CANYON RD	SANTEE	CA	92071
RODRIGUEZ LYDIA	7585 E OLIVE ANN LN	YUMA	AZ	85365
ROSCOE WILLIAM J & ANNETTE F JT	1006 S 2ND AVE	YUMA	AZ	85364
SANCHEZ ARTURO E	1037 S 3RD AVE	YUMA	AZ	85364
ULANICKI SLAWOMIR & LORRAINE	3058 DUCK POND LANE	RAMONA	CA	92065
VELAZQUEZ ROSA MARIA ZAMUDIO	1616 W 33RD ST	YUMA	AZ	85365
WARNER ANTONIA FELIX	3800 W FRANCIS ST	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364

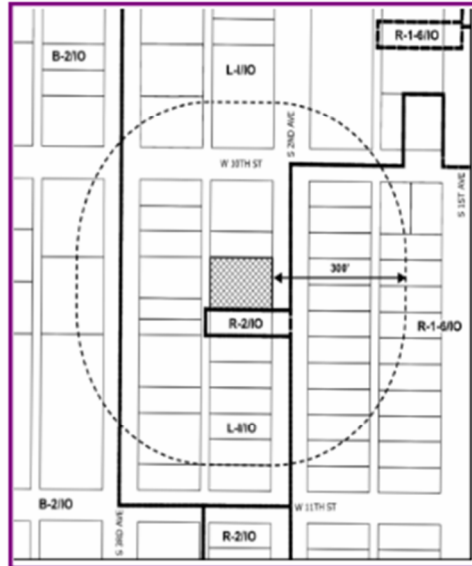
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 S. 2nd Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41907-2023**

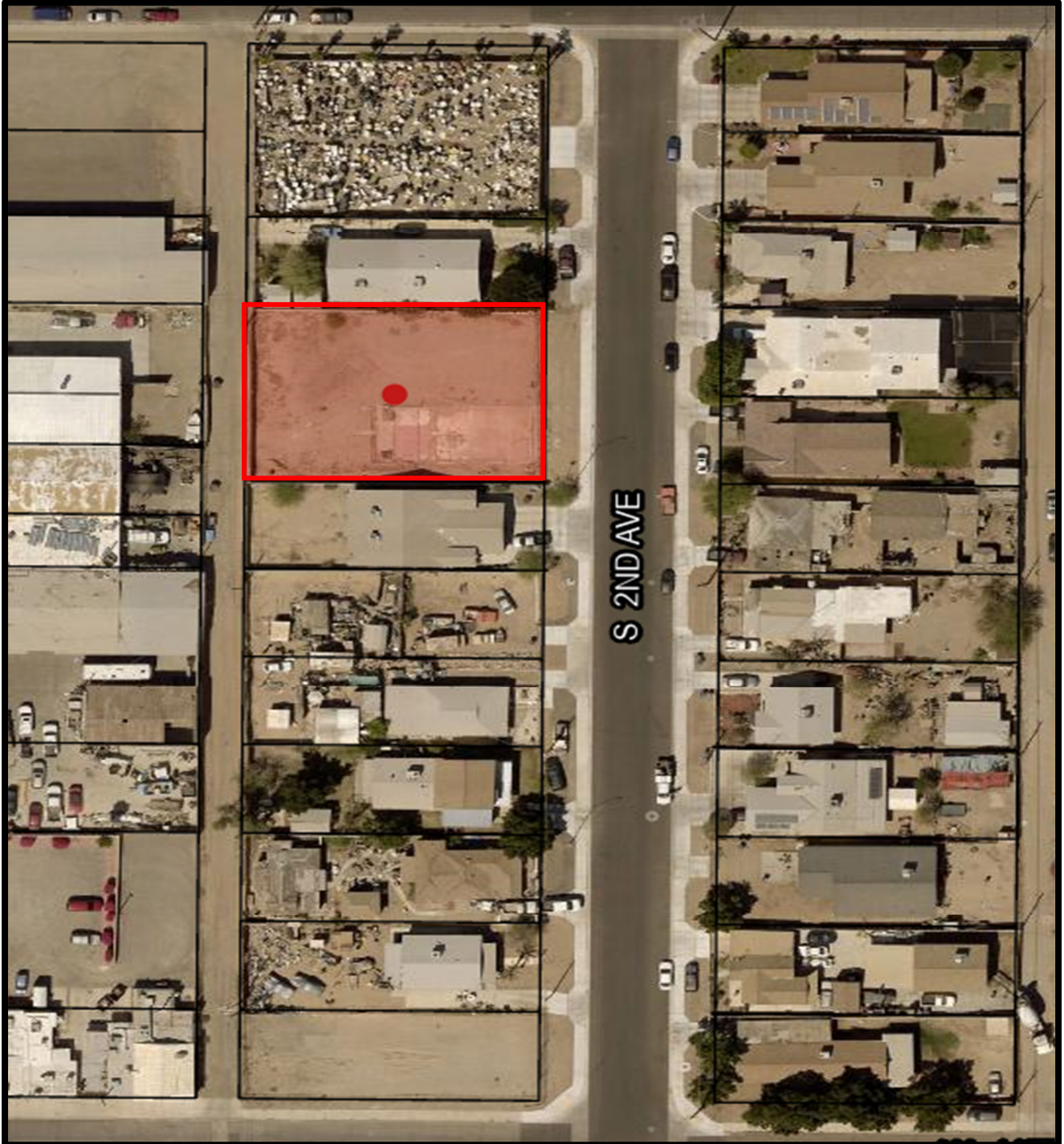
**NEIGHBORHOOD MEETING
11/08/2023 @ 5PM
ON-SITE**

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



Because you are a neighbor within 300' of 1010 S. 2nd Avenue, Yuma, AZ you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at Guillermo.Moreno-nunez@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



ORDINANCE NO. O2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIGHT INDUSTRIAL/INFILL OVERLAY (L-I/IO) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/INFILL OVERLAY (R-2/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 11, 2023 in Zoning Case no: ZONE-41907-2023 in the manner prescribed by law for the purpose of rezoning certain parcels of real property, hereafter described, to the Medium Density Residential/Infill Overlay (R-2/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 November 17, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41907-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: The following described real property, depicted in Exhibit A, attached:

A portion of land located in the Northeast Quarter of Section 28, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;

Block 11, Lots 4 and 5 of the Speese Addition, subdivision plat, Book 2, Page 15, Dated January 20, 1925 as recorded in Yuma County Records Office, City of Yuma, State of Arizona.

Containing 14,000.00 Sq. Ft. or 0.32 of an acre more or less.

shall be placed in the Medium Density Residential/Infill Overlay (R-2/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

Medium Density Residential/Infill Overlay (R-2/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 Medium Density Residential/Infill Overlay (R-2/IO) District.

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

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

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

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

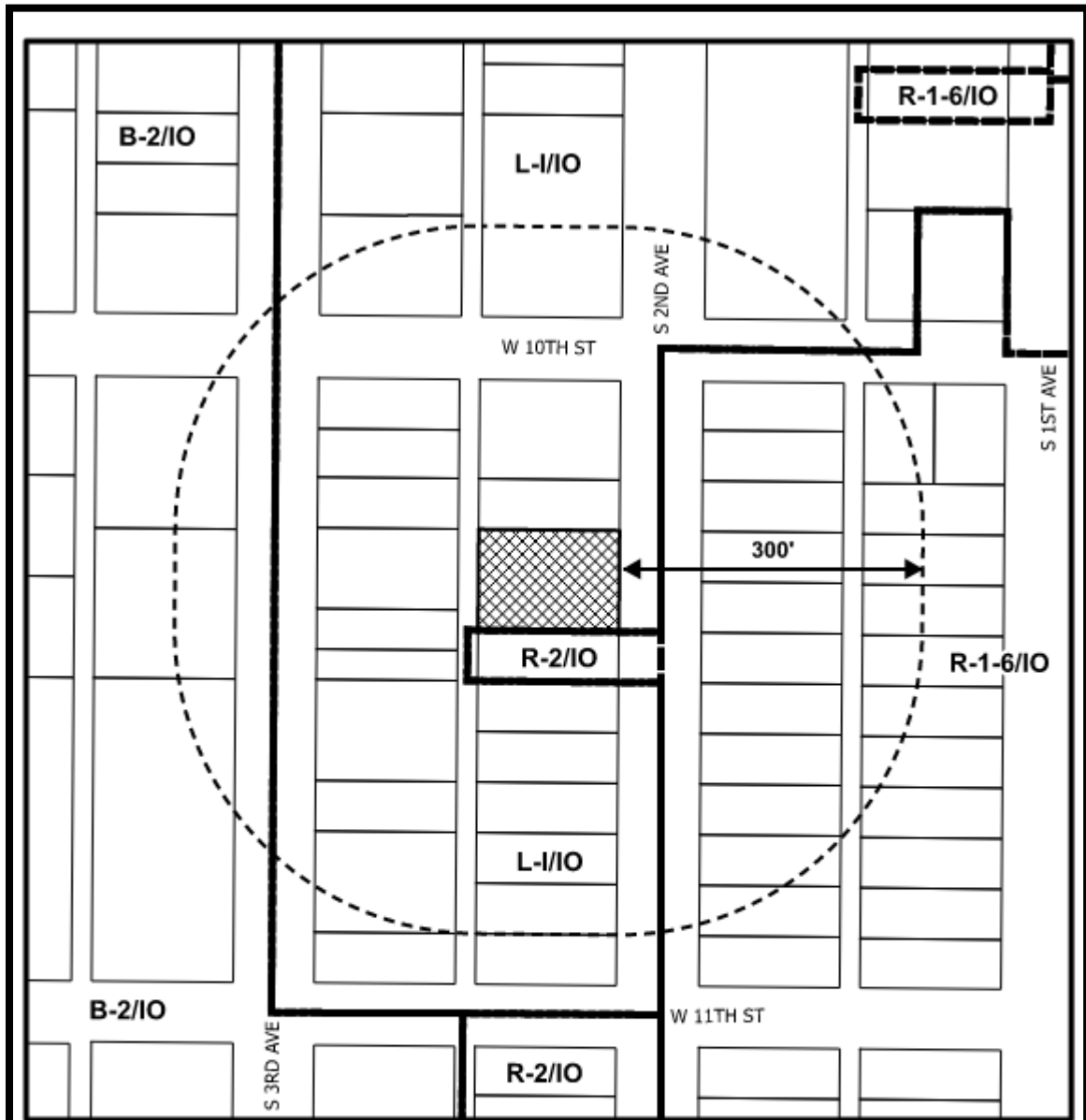
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: JLA



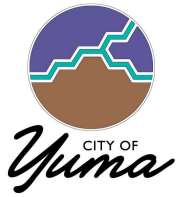
Date: 10/20/2023

Revised:

Revised:

Case #:

ZONE-41907-2023



City of Yuma

City Council Report

File #: MC 2024-008

Agenda Date: 1/17/2024

Agenda #: 1.

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

TITLE:

Public Hearing: Proposed Increases to Water and Wastewater Utility Rate Charges and Fees and Reinstatement of the Water Resource Trust Fund Surcharge

SUMMARY RECOMMENDATION:

Following a public hearing, staff is seeking City Council’s recommendation for the preferred water and wastewater rate charge and fee schedule including reinstatement of the Water Resource Trust Fund Surcharge, which will be presented as separate resolutions at a future City Council meeting. (Utilities/Administration) (Jeremy McCall)

STRATEGIC OUTCOME:

This Public Hearing supports the City Councils strategic outcome of Safe and Prosperous by ensuring the future reliability and quality of the City’s water and wastewater systems and supply through a transparent public process.

REPORT:

The City is proposing an increase in water and wastewater utility rates to meet the needs of our growing community, including increased water demands and infrastructure needs.

The City of Yuma’s last evaluation of water and wastewater rates occurred in 2014. The 2014 rate study recommended implementing a five-year rate plan, which began in 2015 and ended in 2019. In January 2015, City Council adopted Resolution R2015-02, which established water and wastewater rates.

The City has not adjusted water and wastewater rates since January of 2019. In 2023, the Utilities Department completed an Integrated Master Plan evaluation, which assessed the utilities operational and capital infrastructure needs. The master plan identified the need to revise and increase utility rates to meet future requirements. The Utilities Department contracted with Willdan Financial Services to independently evaluate the financials of each utility and make recommendations if needed. The 2023 Water and Wastewater Rate Study and Long-term Financial Plan recommended the adoption of a new rate plan that incorporates annual adjustments over the next five years.

The Utilities Department proposes establishing new water and wastewater rate charges as identified by both the 2023 Utility Rate Study and the 2023 Integrated Master Plan.

City staff also recommends reinstatement of the Water Resource Trust Fund Surcharge. Several Federal reservoir and water management decisional documents and agreements which govern the operation of the Colorado River facilities and management of the Colorado River expire in 2026. These include the U.S. Bureau of Reclamation 2007 Interim Guidelines, which establish water shortage policy for the Colorado River and coordinating criteria for operating Lake Powell and Lake Mead (2007 Interim Guidelines), the 2019 Drought Contingency Plans (DCP), as well as international agreements between the U.S. and Mexico entered into through the 1944 Water Treaty. The post-2026 process has already begun and the City of Yuma needs to engage, educate, and possibly litigate, to protect current water rights. The Yuma City Council created the Water Resources Trust Fund Surcharge in 1988 through Resolution R2558. Reinstating the modest surcharge will generate revenues for a restricted fund used to protect Yuma’s water supply assets.

During the November 15, 2023 City Council Meeting, Council approved a Notice of Intention to adjust water and wastewater utility rates and fees as required by A.R.S. § 9-511.01. In addition to tonight’s (January 17th, 2023) public hearing with City Council and in accordance with statute, the City hosted a public hearing on Tuesday January 16, 2023 with the City of Yuma Water and Sewer Commission at the Thomas F. Allt Utilities Complex Training Room regarding the proposed utility rate and fee increases. Both public hearings were advertised in the Yuma Sun, once on Sunday November 19th, 2023, and again on Saturday December 9th, 2023. A copy of the 2023 Utility Rate Study and the 2023 Integrated Master Plan has been on file with the City Clerk and available to the public via the City’s website in addition to a Report on Reinstating the Water Resources Trust Fund. The reports are also available for review at the Utilities Department, 270 W. 13th Street, Yuma, Arizona 85364.

Following the presentation for the proposed utility rate schedules and input from the public hearing, staff seeks City Council’s recommendation for the preferred water and wastewater rate charge and fees and reinstatement of the Water Resource Trust Fund Surcharge, which will be presented as separate Resolutions at a future City Council meeting.

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:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 01/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/08/2024