



City of Yuma City Council Meeting Agenda

Wednesday, November 20, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL

PRESENTATIONS

- *Code Update relating to Carports*

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 2024-192](#) **Regular Council Worksession Draft Minutes October 15, 2024**
Attachments: [2024 10 15 RWS Minutes.docx](#)
2. [MC 2024-193](#) **Regular Council Meeting Draft Minutes October 16, 2024**
Attachments: [2024 10 16 RCM Minutes.docx](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2024-184](#) **Bid Award: Avenue 5E Sanitary Sewer Main Extension and Turn Lane Improvements**
Authorize a construction services contract for Avenue 5E Sanitary Sewer Main Extension from 30th Place to 37th Street and the addition of a right turn lane from 32nd Street to north bound Avenue 5E, to the lowest responsive and responsible bidder in the amount of \$3,454,137.38 to Gutierrez Canales Engineering (GCE), Yuma, Arizona. (Engineering RFB-25-102) (David Wostenberg, Robin R. Wilson)

2. [MC 2024-185](#) **Bid Award: Ocean to Ocean Bridge Lighting Upgrades**
Award a construction services contract for Ocean to Ocean Bridge Lighting Upgrades to the lowest responsible bidder in the amount of \$224,900.50 to: Westmoor Electric, Inc., Yuma, Arizona (Engineering RFB-25-058) (David Wostenberg/Robin Wilson)
3. [MC 2024-186](#) **Bid Award: Replacement of 12 HVAC Units at Fire Station #1**
Authorize the purchase and installation of 12 HVAC ground-mounted units to the lowest responsive and responsible bidder, Trane, Tucson, Arizona for a total cost of \$127,423.75. (Building Safety RFB-24-307/RFB-25-155) (Justin Lewis/Robin R. Wilson)
4. [MC 2024-187](#) **Bid Award: Replacement of 20 HVAC Units at Public Works**
Authorize the purchase and installation of 20 HVAC Rooftop units to the lowest responsive and responsible bidder, Polar Cooling, Yuma, Arizona for a total cost of \$228,475.00. (Building Safety RFB-24-307/RFB-25-147) (Justin Lewis/Robin R. Wilson)
5. [MC 2024-188](#) **Cooperative Purchase Agreement: Public Safety Video Surveillance Solutions with Related Equipment, Software and Accessories**
Authorize the purchase of body-worn cameras, hardware, licenses, and support utilizing the Cooperative Purchase Agreement through Sourcewell for a total expenditure of \$346,784.26. (Police/Administration CPA-25-181) (Thomas Garrity/Robin R. Wilson)
6. [MC 2024-189](#) **Cooperative Purchase Agreement: OpenGov Asset Management Software Subscription**
Authorize the use of the National Cooperative Purchasing Alliance (NCPA) Cooperative Purchase Agreement for a three-year asset management software subscription "OpenGov" for a total estimated expenditure of \$550,000.00 to Vertosoft, Leesburg, Virginia. (PW/PR/IT-CPA-25-194) (Joel Olea/Eric Urfer/Isaiah Kirk/Robin Wilson)
7. [MC 2024-190](#) **Sole Source Procurement: Police Workforce Platform Software Subscription**
Authorize the purchase of additional modules of a PowerDMS software subscription for a three-year term at a total cost of \$279,265.27 to PowerDMS, El Segundo, California. (SS-25-186 Police/Information Technology) (Thomas Garrity/Isaiah Kirk/Robin R. Wilson)

8. [MC 2024-191](#) **Ratification: Settlement of Hartman Claim**

Ratify settlement of the Hartman Notice of Claim. (City Attorney)
(Richard Files)

II. RESOLUTION CONSENT AGENDA

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

1. [R2024-064](#) **Intergovernmental Agreement: Arizona Department of Transportation**

Authorize an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) to accept the delegated authority for Partial Certification Acceptance to bid, award and inspect federally funded construction projects. (Engineering Department) (David Wostenberg/Steve Wilson).

Attachments:

[1. SUPP DOC IGA: Arizona Department of Transportation](#)

[2. RES IGA: Arizona Department of Transportation](#)

[3. AGMT IGA: Arizona Department of Transportation](#)

2. [R2024-065](#) **Grant Agreement: U.S. Department of Transportation's Federal Highway Administration - Safe Streets and Roads for All Grant**

Authorize the City Administrator to execute a Grant Agreement with the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA) to develop a City of Yuma Comprehensive Safety Action Plan. (Engineering Department) (David Wostenberg/Steve Wilson)

Attachments:

[1. RES Grant Agreement: Safe Streets and Roads for All Grant](#)

[2. AGMT Grant Agreement: Safe Streets and Roads for All Grant](#)

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. [O2024-039](#)

Gift Acceptance: Utility Easement Property

Authorize the acceptance of real property from Santana RE 142, LLC and Elliott Construction, Inc. (Engineering) (David Wostenberg)(Andrew McGarvie)

Attachments: [1. ORD: Property dedication by gift](#)

IV. PUBLIC HEARING AND RELATED ITEMS

1. [R2024-066](#)

Major General Plan Amendment: 19 A, LLC

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: 19 A, LLC](#)
[2. RES GP Amendment: 19 A, LLC](#)

V. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of November 7, 2024 through November 20, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

2. Scheduling:

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

VI. SUMMARY OF CURRENT EVENTS

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

VII. CALL TO THE PUBLIC

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

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:

There are no additional executive session items scheduled at this time.

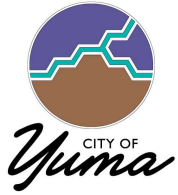
A. Discussion, consultation with and/or instruction to legal counsel concerning a contract matter. (A.R.S. § 38-431.03 A3, A4 & A7)

B. Discussion, consultation with and/or instruction to legal counsel concerning potential litigation. (A.R.S. § 38-431.03 A3 & A4)

C. Discussion, consultation with and/or instruction to legal counsel concerning the potential sale and acquisition of real properties. (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 2024-192

Agenda Date: 11/20/2024

Agenda #: 1.

Regular Council Worksession Draft Minutes October 15, 2024

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
October 15, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 5:33 p.m.

Councilmembers Present: Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Morales
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Public Works, Joel Olea
Director of Building Safety, Randy Crist
Neighborhood Services Manager – Grants, Nikki Hoogendoorn
Fire Chief, Dusty Fields
Director of Parks and Recreation, Eric Urfer
Assistant Director of Engineering, Steve Wilson
Director of Planning and Neighborhood Services, Alyssa Linville
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. YUMA COUNTY ANTI-DRUG COALITION

Joanne Fiser, Executive Director, and **Shelly Mellon**, Chair, presented the following year-in-review of the Yuma County Anti-Drug Coalition (YCADC):

- About YCADAC
 - Comprised of community members and professionals to collectively educate and provide resources to reduce substance misuse within Yuma County
 - Coalition members represent a wide range of community sectors including:
 - Business
 - Media
 - Law enforcement
 - Schools
 - Substance use providers
 - Youth
 - Parents
 - Youth-serving organizations
 - Civic groups
 - Healthcare professionals
 - Governmental agencies
 - Faith-based organizations
- Red Ribbon Week
 - 2023
 - Kicked off the week at City Hall with Mayor Nicholls
 - Delivered Red Ribbon merchandize and balloon kits to over 20 schools
 - Featured a commercial on social media about the history of Red Ribbon Week

- 2024
 - Developed a month long campaign
 - Gathered community leaders as guest speakers at elementary and high schools throughout Yuma County
 - Themed kits distributed to 46 schools
- Yuma CARES Model
 - Curated to highlight YCADC's commitment to compassion, advocacy, resources, education, and support (CARES)
 - Included a press release and marketing campaign
 - The Yuma CARES approach is:
 - A comprehensive strategy for Substance Use Disorder, Opioid Use Disorder, and Alcohol Use Disorder
 - It begins with compassion, raises awareness about the issue, connects individuals to valuable resources, educates the community and provides ongoing support to those affected by substance misuse
 - Aims to eradicate the impact of substance misuse in the community
- Quarterly Campaigns
 - Strategically developed quarterly marketing campaigns aimed at effectively communicating and disseminating vital tools and resources to the community
 - Alcohol/Mental Health Awareness
 - Dangers of Vaping
 - Marijuana Misuse
 - Fentanyl is Fatal
 - Each campaign is thoughtfully crafted to address specific challenges related to substance misuse, with a focus on both prevention and education
 - Tools and resources from Substance Awareness Coalition Leaders of Arizona and other trusted partners used to present to local community members, Rotary Clubs, faith-based groups, and schools
 - Messaging is tailored to align with the community's needs to ensure that the resources provided are accessible, relevant, and impactful
- YCADC Radio Show
 - Launched in January 2024 to feature coalition champions and their resources
 - Features engaging discussions to be a catalyst for change
 - Creates a platform for passionate community advocates' voices to be heard
 - Enlightens, inspires, and unites against drug misuse in Yuma County
 - Amplifies awareness to the Yuma community
 - Airs live on 1400 AM every-other Wednesday and streams live on the YCADC Facebook page
- Resource Distribution and Community Events
 - 20,000 cinch bags distributed to Yuma County families
 - 100,000 pieces of drug prevention resources provided at various community events
- Youth Engagement
 - Practice shirts, cinch bags, and resources supplied to more than 1,000 children in the Yuma Catch and Go Football League

- Donations provided to more than 250 children in the Coyote Football League and over 600 children in the Yuma Boy's Baseball Leagues
- Strategic Partnerships
 - Yuma Regional Medical Center
 - Yuma Police Department
 - City of Yuma's 2024 Back to School Rodeo
- Grad Night Revival
 - 2,100 students attended
 - \$29,000 in monetary support from the community
 - \$11,500 in raffle prizes donated by Community Partners
 - \$126,000 in food donated by food vendors
 - \$27,200 in-kind sponsors
- Growing Network
 - Initial member roster of 40 individuals has grown to over 150 dedicated, engaged members committed to fostering a drug-free community
 - Monthly coalition meetings
 - Monthly Yuma CARES conversations
 - Website, Instagram, YouTube, and Facebook
 - Internship program
 - Constant Contact communication channel
- Awareness Campaign Partnership with Yuma County Sheriff's Office
 - Fentanyl awareness video was created and has been aired on KYMA

Discussion

- The Fentanyl Awareness Forum held last year was great because it reached out to the whole community, not just Yuma's youth, to address what is a community-wide issue; it would be a welcome addition to next year's schedule (**Mayor Nicholls/Mellon**)
- Hushabye Nursery is a member of YCADC that specializes in helping substance exposed babies and their caregivers; in addition to education and prevention, YCADC also offers resources for those currently impacted by mental health and/or substance abuse issues (**Smith/Fiser**)

II. CLEAN & BEAUTIFUL ANNUAL REPORT

Olea introduced **Greg LaVann**, Chairman of the Clean and Beautiful Commission (Commission), to provide an update on the Commission's accomplishments over the past year and plans for future projects.

LaVann presented the following information:

- Purpose
 - To educate, assist and involve the community in achieving visible improvements in the way our city's environment is preserved, protected, beautified and maintained
- Beautification Awards
 - In the past year, six businesses were awarded for their efforts
- Adopt-A-Street
 - Eight new streets adopted:
 - 24th Street from Pacific Avenue to Avenue 3E
 - 16th Street from Avenue B to Avenue C

- Bike Path from 1st Street to 8th Street
- Bike Path from 8th Street to 16th Street
- Avenue A from County 12th Street to Airport Loop
- Palo Verde Street from Pacific Avenue to Avenue 3E
- Avenue 3E from 32nd Street to 40th Street
- 4th Avenue from 16th Street to 24th Street
- Household Hazardous Waste Program
 - Commissioners volunteers their time to support this City program
 - Over 2,626 tons of household hazardous waste was collected
- Collateral Materials
 - More than 1,000 pamphlets printed and distributed to the community
- Website Update
 - The Commission’s page on the City’s website has been updated to include Beautification Award winners and information on the Adopt-A-Street Program and Yuma Click & Fix
- Collaborations
 - Planting of 14 date trees in Downtown Yuma in collaboration with the Downtown Yuma Merchant’s Association, Gowan Company, and the Parks and Recreation Department
 - Over 130 trees and shrubs were purchased and planted along the East Main Canal with the support of Onvida Health (formerly Yuma Regional Medical Center), NexGen, and Arizona Public Service
 - Installation of augmented reality murals along the East Main Canal sponsored by Onvida Health
- Current Projects
 - East Main Canal Beautification Mural Installation
 - East Main Canal Phase II: 24th Street to 32nd Street
 - Pacific Avenue Corridor Beautification

Discussion

- The Commission’s involvement with Yuma Click & Fix is limited to promoting it as a tool to submit requests and report issues (**McClendon/LaVann**)
- There are many alleyways throughout the City and streets that visitors to Yuma frequently drive on that could benefit from some attention; the Commission will discuss that as a possible future initiative (**McClendon/LaVann**)
- The biggest challenge the Commission is facing is educating the community on the resources that are available to them (**Shelton/LaVann**)
- The augmented reality mural allows people to bring the murals to life and interact with them using their smartphone (**Morris/LaVann**)

III. BUILDING SAFETY DEPARTMENT UPDATE

Crist presented the following Building Safety Department update:

- Building Safety Department – Two Divisions
 - Building Safety Division
 - Budget Fiscal Year 2023-2024: \$2,126,631
 - Staff: 24 Employees

- Facilities Management Division
 - Budget FY 2023-2024: \$7.9 million
 - Staff: 55 Employees
 - Oversees 900,000 square-feet of building space
- Professional Staff
 - All staff are International Code Council (ICC) certified
 - Career ladder opportunities are available to staff
 - Helps address turnover by providing promotional opportunities contingent upon earning certain certifications
 - Employee of the Quarter
 - An exceptional employee is recognized each quarter
 - Their name is engraved on a plaque and they receive a gift card
- Adopted Building Codes for the City of Yuma
 - A total of 10 codes
 - 2024 codes are currently under review
 - All life safety provisions reviewed (residential and commercial)
 - Accessibility requirements reviewed (Americans with Disabilities Act, Chapter 11 of the International Building Code)
 - Residential energy standards reviewed
 - Codes are reviewed on a six-year cycle

Crist displayed several photos and a video illustrating the code violations that Building Safety has encountered over the years and the safety risks they pose.

- Permit Technicians
 - Permits Issued
 - 5,631 permits issued in 2023 (4,304 so far in 2024)
 - Single family homes – 405 in 2023 (490 so far in 2024)
 - Over-the-counter permits – same day
 - Residential review times – two to five days
 - Commercial review times – seven to 15 days
 - 2023 construction valuation \$169 million in 2023 (\$156 million so far in 2024)
- Plans Examiners
 - Plans Examined
 - 3,200 plan reviews in 2023
 - 15 day review time – 90% on time
 - 75% of plan reviews are now electronic
 - 2,100 plans reviewed to date this year
- Online Permits and E-Reviews
 - Use of the Yuma Development Portal for online permit and plan reviews significantly increased in 2020-2022 during COVID, and also now with the City's updated online system
- Significant Projects Under Construction
 - Three new hotels totaling 360 rooms (\$20 million)
 - Alside Windows addition of 104,000 square feet (\$8.1 million)

- Exceptional Health Surgery Center (\$1.9 million)
- Yuma County Administration Building 101,000 square feet
- Onvida Health Project (\$23.5 million)
- Building Inspectors
 - Inspections Performed
 - Over 30,000 inspections completed in 2023 (currently at 25,000 for 2024)
 - 24 hour response - 100% on time
 - Morning and evening inspections, weekends, and holidays
 - Full combination inspectors for both commercial and residential
 - Use of iPads with wireless technology for all inspections; mobile access to internet and e-plans
 - Use of FaceTime and videos for Inspectors
 - Use of robot and drone for inspections
- Self Inspection Program (SIP)
 - Program is for drywall, roof and lath nailing only
 - 81 contractors participated in the program training
 - 69 certificates were issued
 - Contractors took a test and needed 80% to pass
 - Spot checks conducted by inspection staff
 - Reports required for all SIP inspections
- Post Disaster or Event: Response, Repair, Mitigation
 - Works closely with the Yuma Fire Department and Yuma Police Department following fire or other disaster events
 - Frequently called out after hours to assess buildings and determine whether occupants can safely return
- Code Compliance
 - In 2023, Code Enforcement staff opened 800 cases (587 so far in 2024)
 - Complaints ranged from work without permit, to operating without business license, to dangerous or abandoned buildings and various zoning violations
 - Cases are primarily opened on a complaint basis through Yuma Click & Fix, calls, and emails
- Building Advisory Board/Board of Appeals
 - Review commercial building codes
 - Serves as Board of Appeals for commercial properties
- Residential Advisory Board/Board of Appeals
 - Reviews residential building codes
 - Serves as Board of Appeals for residential properties
- The Future of Building Safety
 - Utilize drone and robot for inspections
 - Certified drone pilot on staff
 - Safer and easier to inspect difficult to access areas
- The Results
 - Team effort applied to customer service – The Yuma Way
 - Safe working environment for our inspectors (drone/robot)
 - Projects start quickly
 - One stop shop for permits and plan reviews

- Steady progress
- Timely completion
- Premium quality service
- Safe structures to live, shop, and work in

Discussion

- The drone is used to inspect roof nailing on high roofs with steep slopes as well as solar, tower, and sign inspections, and lathing inspections on taller buildings (**Morris/Crist**)
- The City Attorney is a licensed pilot and provided training for one staff member; additional staff are interested in completing the training and certification (**Morris/Crist**)
- The robot weighs about eight pounds and is able to navigate over pipes and other obstacles without flipping over (**Morris/Crist**)
- Bathroom exhaust fans are a significant cause of home fires, which have led to major damage and loss of life; a proposed amendment to the building code would require fans to be installed on a timer instead of a switch, so they will turn off automatically (**Morris/Crist**)
- Both the drone and the robot have the capability to record inspections; staff is currently exploring legal and storage concerns related to keeping video footage on file (**Mayor Nicholls/Crist**)

IV. REGULAR CITY COUNCIL MEETING AGENDA OF OCTOBER 16, 2024

Motion Consent Agenda Item C.4 – Bid Award: Replacement of Manufactured Home with HOME Investment Partnership Act Funding (award of bid to lowest responsive and responsible bidder in the amount of \$110,398.00 to Easy Living Lifestyles, LLC.) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- The reason that a manufactured home is being purchased versus a site-built home is because the HOME funds require that it be a “like-for-like” replacement (**Morris/Hoogendoorn**)

Motion Consent Agenda Item C.9 – Cooperative Purchase Agreement: Fire Service Apparatus (purchase of one Skeeter Emergency Vehicle 2025 Ford F-550 Type 5 Rescue Vehicle at a cost of \$374,330.79 from Hughes Fire Equipment, Inc.) (CPA-25-138) (YFD)

Discussion

- This is a specialized vehicle that will not be used as frequently as a pumper truck or ambulance, and will be staffed only as needed for situations that require going off-road; additional staff can be called in if necessary (**McClendon/Fields**)
 - City Council also recently approved the purchase of a vehicle utilizing Department of Emergency and Military Affairs grant funding that will assist with emergency responses along the border (**Mayor Nicholls/Fields**)
- _____

Motion Consent Agenda Item C.11 – Begin Negotiating Terms of the Hotel Del Sol Development Agreement (with Kalthia Group Hotels from San Diego for redevelopment of the Hotel del Sol and former AlSCO properties) (RFQ-24-200) (Eng)

Discussion

- This agreement will work in conjunction with the grant the City received for the multimodal transportation center, which will only take up the first floor of the three-story Hotel Del Sol; the remaining two floors are available for the developer to utilize (**McClendon/Simonton**)

Resolution R2024-055 – Intergovernmental Agreement: Yuma Union High School District #70 – Joint Use of Facilities (to continue the current Joint Use of Facilities Program) (Parks & Rec)

Resolution R2024-056 – Intergovernmental Agreement: Yuma Union High School District #70 – Cibola Softball Complex (to continue the current maintenance and use of the Cibola High School Softball Complex) (Parks & Rec)

Resolution R2024-057 – Intergovernmental Agreement: Yuma Union High School District #70 – Sunrise Optimist Park (to continue the current maintenance and use arrangement of the Sunrise Optimist Park) (Parks & Rec)

Discussion

- The Joint Use of Facilities Program agreement was modified to remove Desert Hills Golf Course (DHGC) from the list of facilities, a priority list was added to resolve use request conflicts, and the school year was defined (**Morris/Urfer**)
- The agreement regarding the Cibola Softball Complex was modified to change the term to 10 years with renewal for up to two additional five-year terms, and to specify that any repair over \$10,000 will be split between the parties; no changes were made to the Sunrise Optimist Park agreement (**Morris/Urfer**)
- Red line copies will be provided for the middle school agreements that will be brought to City Council for approval in the next few months, to clarify the changes being made (**Mayor Nicholls/Morris/Urfer**)
- Any litter issues in the past have been from users who have booked facilities from the City, and the City has dealt with them directly; the insurance requirement for the agreements is \$1 million per incident, \$3 million aggregate (**Mayor Nicholls/Urfer**)
- There are three Facility Use Priorities:
 - Priority 1 (Required)
 - Schools/Intergovernmental Agreements
 - State Agreements
 - Event Agreements
 - Priority 2 (Critical)
 - City Programs
 - Co-Sponsors
 - Priority 3 (Important)
 - Third Party Users

Most school use of facilities occurs immediately after school release, while City programs and co-

- sponsors use the fields later in the evening, so conflicts are not frequent (**Mayor Nicholls/Urfer**)
- DHGC was removed from the Joint Use of Facilities Program for priority use by schools because it became impractical to continue to run the golf course as a revenue generating operation while still affording significant time to schools; students are being accommodated mostly on the driving range, greens, other chipping facilities, and the Par Three (**McClendon/Urfer**)
 - The Parks, Arts, Recreation and Trails Master Plan specifically encourages the pursuit of collaborative partnerships to strengthen and grow parks, recreation programs, and services (**Mayor Nicholls/Urfer**)

Ordinance O2024-035 – 3rd Street Right-of-Way Acquisition (acquire 3rd Street right-of-way from east of 27th Drive to Avenue B, a distance of approximately 700’, from Yuma County) (Eng)

Discussion

- The areas on either side of 3rd Street are already City property, and this acquisition will allow the connection of those two areas (**Mayor Nicholls/Wilson**)

Resolution R2024-054 – General Plan Amendment: Southeast corner of Avenue A and 16th Street (change the land use designation for approximately 1.3 acres of property from Mixed Use and Low Density Residential to High Density Residential) (GP-42762-2024) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- It may be wise to put this item on hold until proposals are received to avoid making unnecessary changes (**Mayor Nicholls/Shelton/Simonton**)
- The subject property seems to be a prime location for housing, and housing is something that is needed in the community (**Morris**)
- The Request for Proposal (RFP) can state that the City is open to commercial or residential development on the property; if this item is put on hold, the RFP would specify that additional steps would be required for a multifamily residential development (**Simonton**)
- The idea of families with small children living and playing near a busy intersection is concerning; this is an opportunity to pause and take a closer look at the issues raised (**McClendon**)
- Several neighbors have brought up concerns, and the Planning and Zoning Commission did not give a unanimous recommendation of approval; City Council should get more information before proceeding (**Smith**)
- City Council will be provided with the time limit, after which the amendment would need to restart, at tomorrow night’s meeting (**Mayor Nicholls/Linville**)
- Staff will prioritize sending out the RFP very soon after directed by City Council to avoid losing time already invested in the process (**Mayor Nicholls/Simonton**)
- A concept plan, basic elevations, and points of ingress and egress can be required to be submitted as part of the RFP (**Mayor Nicholls/Morris/Simonton**)

EXECUTIVE SESSION/ADJOURNMENT

Motion (Morris/McClendon): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 7:33 p.m.

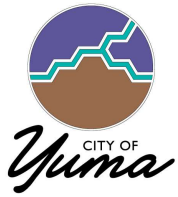
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

File #: MC 2024-193

Agenda Date: 11/20/2024

Agenda #: 2.

Regular Council Meeting Draft Minutes October 16, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
OCTOBER 16, 2024
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 Burks, Stone Ridge Church, gave the invocation. **Isaiah Kirk**, Chief Information Officer, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present: Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: Morales
Staffmembers Present: Acting City Administrator, John D. Simonton
Principal Planner, Amelia Domby
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. PRESENTATIONS

Chris Wheeler, president of Downtown Yuma Merchants Association, presented the following:

Downtown Yuma Merchants Association

- The Downtown Yuma Merchants Association (DYMA) is a 501(c)(3) nonprofit organization
- DYMA was formed by replicating the existing organizations in some cities around the Phoenix Metropolitan area who have made progress in redevelopment
- DYMA's mission is to maintain the historical integrity of the Yuma Downtown Historic District while promoting a family-friendly environment for locals and those visiting Yuma
- In exchange for DYMA taking over the alcohol sales at City events, the organization is provided with a continuous source of revenue during event season from the City
- DYMA is comprised of representatives from local bars, restaurants, retail, and agriculture businesses
- Ex-officio positions are available for the Chamber of Commerce, Visit Yuma, and the Yuma Crossing National Heritage Area

Board of Directors

- The Board of Directors is made up of Downtown Yuma retailers, merchants and business owners
- The membership is specifically designed to give equal representation to the owners and operators downtown
 - If an owner operates more than one business, they will still have only one vote; the idea being that it is representative of the entire merchant organization and no one voice outweighs another
- The organization's bylaws were replicated from the Downtown City of Chandler Merchants Association which were successful in transforming the downtown Chandler area over the last 20 years.
- The City of Chandler, Arizona replicated their bylaws from the City of Tempe Downtown Merchants Association
- These types of organizations grow slowly over time. In the short term you will see small projects. The realization of when the organization is deemed successful is when the organization has the ability to fund major projects, apply for grants, or receive revenue and put it forward to do good things for the downtown area.

Digital Footprint

The infographic features a dark blue triangle on the left containing social media follower counts. The main white area contains the text 'And people are responding...' followed by a photo of hands holding a pink heart. Below this are three sections detailing top performing Instagram content with their respective view, like, comment, and share counts.

Platform	Follower/Subscriber Count
Instagram	11,167 followers
Facebook	1,290 followers
Tiktok	1,382 followers
Youtube	54 subscribers

And people are responding...



Top Performing Video on Instagram:
147,363 views; 7,735 likes; 118 comments; and 2,294 shares

Second Top Performing Video :
122,492 views; 6,611 likes; 114 comments; and 1,782 shares

Third Top Performing Reel on Instagram :
102,711 views; 3,889 likes; 69 comments; and 871 shares

- The organization has worked together with Visit Yuma to establish a digital footprint and promote what is going on in Downtown Yuma, within the City and beyond
- MGM Design has been contracted to design the DYMA website, mobile application, and to update the kiosks in the downtown area
- DYMA's social media presence is excellent; there is frequent traffic on the website and with almost 150,000 views on Instagram, videos are reaching people beyond the City
- Because of DYMA's social media presence, there has been an increase in business and foot traffic in the downtown area, which translates to revenue and revenue translates to tax dollars

- Year to date, there have been 49,000 views to the website
- There are more than 1,200 listings of businesses and points of interests on the website

Partnership with the City of Yuma

- One of the big visual impacts to date in downtown Yuma are the Date Palms on the Gowan Company block, which were inspired by the Yuma City Hall building; with the help of Gowan Company, date palms were placed down the entire block of Main Street to be indicative of what the City does so well
- As landscaping needs to be replaced in downtown Yuma, DYMA would like to install more date palms for a uniform look; DYMA will share the cost of electricity with the City and will also be responsible for the maintenance cost of upkeeping the date palms, and any damages the date palms may cause in the event of a fire; the revenue from the events and liquor sales gives DYMA the ability to take on that responsibility



- There are updated kiosks around the downtown area with a scannable Quick-Response (QR) Code that will open up to the DYMA website where every business in the downtown area is listed; clicking on the business name will show the business location, what type of business it is, and a small description about the business
- The kiosks can be updated within 24 hours to reflect changes in existing businesses, if a new business is opening up, or if a business is closing
- The website also links to information about recreation, the Yuma Territorial Prison, the Quartermaster Depot, where to find available scooters for rent, where you can charge a Tesla while shopping, and many other amenities
- DYMA plans to replace the kiosks when they become obsolete or start to look bad; it will help the City look marketable and appealing when selling downtown

What's Next?

- Continue to develop an organizational structure for DYMA:
 - Membership
 - Membership is limited to the overlay of the entertainment district downtown, which means that it extends beyond Main Street
 - DYMA intends to be inclusive of who represents the downtown and the historic area
 - Strategic Advertising Plan
 - Strategic Advertising for the businesses, targeted to a specific demographic and pushing out the services
 - Collaboration and business-to-business networking opportunities within the downtown business area
 - Asking merchants to participate in the “First Friday” events and incur the expense of opening for long operating hours, and convincing them that joining in on the event is a worthwhile endeavor
 - It is believed that merchants will participate in the First Friday events once they see it up and running

Discussion

- In the last 20 years the downtown area has been transformed and revitalized with new businesses opening; with DYMA, the transformation is headed in the right direction (**Mayor Nicholls**)
- Not all people know how to use a QR code, adding a map to the kiosks on the next update might be appropriate. (**Mayor Nicholls**)
- The mobile application is currently being beta tested; once complete, the application will have a map of what the City defines as the Entertainment District, which runs from First Street to Giss Parkway and Gila Street to 4th Avenue. (**Morris/Wheeler**)
- Being that The Yuma Crossing National Heritage Area is the organization that manages the East Wetlands and the Yuma Territorial Prison; they have been added to the website and to links to visit the National Parks and Gateway Park; although, that is not a direct focus on the river, the idea is to be inclusive. DYMA’s mission is engagement by bringing people to Yuma, and the organization is receptive to the possibility of tourism and activities focusing on the river. (**Shoop/Wheeler**)
- The redevelopment is a tremendous leap forward for the City; kudos to the leadership, merchants, and the businesses for putting this together, you are up to great things. (**Shelton**)
- At this time there is no definitive answer as to when the next First Friday event will be held. (**Smith/Wheeler**)
- If anyone in the community is interested in participating in the First Friday events, please have them send an email to info@downtownyumamerchants.com. (**McClendon/Wheeler**)

- Kudos to the social media footprint; in a short amount of time, it has become top notch. (**Mayor Nicholls/Wheeler**)

II. MOTION CONSENT AGENDA

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

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

Regular Council Worksession Minutes	September 17, 2024
Regular Council Worksession Minutes	October 1, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by James Owens, agent for Angry Italian located at 2680 S. 4th Ave. (LL24-13) (Admn/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Jesus Ortiz Paez, agent for Mariscos El Navegante 2 located at 1651 S. 4th Avenue. (LL24-15) (Admn/Clk)
3. Award to the most responsive and responsible bidder a one-year contract for backflow assembly testing, inspections, and repair services with an option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for an estimated \$22,000.00 annually to Metro Fire Equipment, Inc., Gilbert, Arizona. (RFB-25-014) (Bldg Sfty/Purch)
4. Authorize award of bid to replace a manufactured home under the Neighborhood Services Housing Rehabilitation Program to the lowest responsive and responsible bidder in the amount of \$110,398.00 to Easy Living Lifestyles, LLC. (Plng & Nbhd Svcs)
5. Pursuant to the City Code § 36-36, reject all bids received for the Mesa Heights Neighborhood Visual Improvement Program – Metro Mobile Project due to incomplete bid submittals. (Plng & Nbhd Svcs/Nbhd Svcs)
6. Authorize the City Administrator to execute a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, with the following qualified vendors: Alexander Ford Lincoln, Yuma, Arizona; Chapman Chevrolet Buick GMC, Yuma, Arizona, Lamb Chevrolet, Prescott, Arizona and Sanderson Ford of Glendale, Arizona. (RFQ-24-245) (Pub Wrks/Fleet Svcs)

7. Authorize the use of a cooperative purchase agreement initiated by the Yuma Educational Materials Management Consortium to obtain painting services for City Hall and the Public Works building at an estimated cost of \$155,100.00 to MC Custom Painting LLC, Yuma, Arizona. (CPA-23-251) (Facilities Mgmt/Purch)
8. Authorize the purchase of various Ground and Turf Maintenance Equipment from: RDO Equipment, Yuma, Arizona; Stotz Equipment, Avondale, Arizona; Felling Trailers, Sauk Centre, Minnesota; Simpson Norton, Goodyear, Arizona utilizing Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated expenditure of \$403,245.28. (CPA-25-133) (Pks & Rec/Purch)
9. Authorize the purchase of one Skeeter Emergency Vehicle 2025 Ford F-550 Type 5 Rescue Vehicle, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$374,330.79 to: Hughes Fire Equipment, Inc., Springfield, Oregon. (CPA-25-138) (YFD/Purch)
10. Authorize additional modules of Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, California, for a one-year estimated expenditure of \$210,000. (SS-25-002) (IT/HR/Purch)
11. Authorize the City Administrator and City staff to begin negotiating the term of a development agreement with Kalthia Group Hotels from San Diego, California, for the redevelopment of the Hotel del Sol and former AlSCO properties. (RFQ-24-200) (Eng/Purch)
12. Approve the final plat for the Santana Unit 1 Subdivision, located at the northwest corner of 34th Street and Avenue 7^{3/4} E Alignment. (SUBD-043214-2024) (Plng & Nbd Svcs/Cmty Plng)
13. Adopt the updated 2024 - 2029 City of Yuma Strategic Plan. (Admn)

III. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2024-055

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the joint use of facilities (to provide access to additional facilities for City and school-based recreational programs) (Pks & Rec)

Resolution R2024-056

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the maintenance and use of the Cibola High School Complex (to allow the community access to the Cibola Softball Complex during non-school hours) (Pks & Rec)

Resolution R2024-057

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma Union High School District #70 for the maintenance and use of the Sunrise Optimist Park (to provide the community with access to facilities for recreational programming and parks) (Pks & Rec)

Resolution R2024-058

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Jose A. Contreras for Assessor Parcel Number 631-56-157 located on 5th Street, West of Avenue C (to facilitate the connection of City services for the undeveloped site) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-059

A resolution of the City Council of the City of Yuma, Arizona, authorizing execution of a license agreement with Cactus State Utility Operating Company, LLC (to permit Cactus State to continue sanitary sewer service in their franchise area) (Admn)

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

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title(s):

Ordinance O2024-033

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 Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District, and amending the Zoning Map to conform with the rezoning (approximately 48,207 square feet located at 733 S. Clifford Way) (Plng & Nbhd Svcs/Cmty Plng)

Ordinance O2024-034

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, providing for changes to the Zoning Code to amend certain sections relating to outdoor lighting (to provide adequate lighting while limiting excessive, unnecessary light trespass onto neighboring properties) (Plng & Nbhd Svcs/Cmty Plng)

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

V. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-035

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of real property and related property interests by transfer from Yuma County (3rd Street from east of 27th Drive to Avenue B) (Eng)

Ordinance O2024-036

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of Shaw Field (located at the northeast corner of 1st Street and Avenue B) (Admn/Atty)

Ordinance O2024-037

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of certain parcels of real property and temporary construction easements, hereafter described, by donation, purchase, or by the power of eminent domain for the pedestrian hybrid beacons, Capital Improvement Project (0032-ROAD8), traffic signals and ADA sidewalk ramps, and authorizing payment therefor, together with costs necessary for the acquisition (to install five Pedestrian Hybrid Beacon Signals to improve pedestrian safety) (Eng)

Ordinance O2024-038

An ordinance of the City Council of the City of Yuma, Arizona, (1) approving a tender offer with respect to the purchase of certain obligations of the City; (2) approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents related to such tender offer and purchase; (3) delegating authority to the City Administrator and the Finance Director of the City to determine certain matters and terms with respect to the forgoing; (4) approving a transfer of appropriations within the fiscal year 2025 budget; and (5) authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance (to approve a tender offer with respect to the purchase of certain obligations of the City) (Admn/Fin)

VI. PUBLIC HEARING AND RELATED ITEMS

Resolution R2024-054 – Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use and Low Density Residential to High Density Residential, for the property located at the southeast corner of Avenue A and 16th Street. (GP-42762-2024) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls opened the public hearing at 5:58 p.m.

Amelia Domby presented the following information relating to a minor general plan amendment request. The property is located at the Southeast corner of Avenue A and 16th Street.

Case Summary

- Proposed change from Mixed Use and Low Density Residential to High Density Residential
- The area is approximately 1.3 acres in size
- Surrounding Land Uses:
 - North – Residential
 - South – Residential
 - East – Office/Residential
 - West – Office/Residential
- Development potential:
 - Dwelling Units – Potential development 39 dwelling units
 - Population – Potential increase of 62 persons
 - Proposed Project – allow a future property owner the opportunity to rezone to High Density Residential (R-3) for the future development of multi-family units

History

- The subject property was purchased to expand the intersection at 16th Street and Avenue A
- In 2013, the subject property was rezoned to the Limited Commercial (B-1) District
- Several Pre-Development meetings held to discuss commercial development on this property
 - Gas station with a convenience store

- Dry cleaners
- Bank
- Multi-tenant commercial building
- Developers interested in commercial development have site development and access concerns
 - This is an irregularly shaped property and is adjacent to residential development, which requires an increased setback depending on the square footage of the commercial building

Public Outreach

- Property owners within 660 feet of the subject property were notified of this request
- Letters mailed on June 18, 2024, August 12, 2024 and additional post card mailed with new City Council date on September 23, 2024
- Neighborhood meeting held on-site on July 11, 2024
 - 14 neighbors in attendance
 - Primary concern is traffic

Daily Traffic Estimates

- Staff discussed multi-family and commercial development traffic impacts with the engineering department based on feedback received during the neighborhood meeting and the public hearing of the Planning & Zoning meeting
 - Gas station (no convenience market):
 - 1,200 vehicle trips per 1,000 square feet of service (canopy) area
 - Multi-Family Residential (40 units)
 - 293 vehicle trips
 - Approximately 7 daily trips per unit
 - Traffic estimates change based on use and peak hours

Request for Proposal (RFP) Process

- Intent is to market the property for either commercial or residential development
- As part of the RFP process, concepts will need to be submitted
 - Site plan identifying access and traffic flow to the property
 - Elevations
 - Design requirements
- If the RFP is awarded to a multi-family project, a residential rezone request would be required; the rezone request is another public hearing process where the neighbors are notified, and another public hearing is held
 - the multi-family project will also need to meet the development standards outlined in the High-Density R-3 District:
 - Landscaping
 - Minimum parking requirements
 - Setback requirements
 - Private and open space
 - Other stipulations can be included for example fencing the entire property or any other design requirements
- The housing element of the approved general plan encourages a variety of housing types
- The minor general plan amendment request is to provide a housing choice other than Low-Density single-family homes, which is the predominant housing option in the City.

Speakers

Ruben Soto, City resident, spoke on behalf of a group of residents, including himself, from the proposed project area on the southeast corner of Avenue A and 16th Street. **Soto** spoke in opposition of the amendment to the land use designation and stated that the neighborhood children's safety is the main concern. **Soto** believes the change would not benefit the neighborhood in any way, and instead would cause more problems than they already deal with regarding traffic. **Soto** also stated that residents on 11th Avenue will lose their privacy if a two-story building is built in the proposed area as the building will look into their backyard. **Soto** requested City Council to review the proposed changes and take into consideration the concerns of the long-time residents.

Christopher Ochoa, City resident, spoke against the change in land use designation of the area on the southeast corner of Avenue A and 16th Street. **Ochoa** is concerned about the traffic flow and the proposed access through an alleyway that is currently used to drop off and pick up children at Alice Byrne Elementary School. **Ochoa** is also concerned about the increase in noise pollution as residents are currently dealing with the loud noise from passing vehicles.

Motion (Smith/Morris): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 6:10 p.m.

Discussion

- There is a need for multi-housing in the community but there has to be a suitable location for that to occur; building 40 units of multi-housing in the proposed area will not work, but five units might work for a developer to put that housing in place. (**Morris**)
- After several pre-development meetings for commercial projects, it was determined that area would not work for commercial development due to restrictions of the predominantly residential area. (**Morris**)
- The concern is that by postponing this resolution to a later meeting it is sending a message out; the message should not convey that offers from developers and investors do not want to be heard. However, if the resolution is voted on tonight, that does not mean residential low density or high density will be placed there, it means that those offers will be heard and looked at to see which will be a good fit and not end up with a vacant dirt lot in that corner of the intersection. (**Morris**)
- The stance is to proceed with the decision tonight. (**Mayor Nicholls/Morris**)
- Postponing the decision tonight sends a message to the community that City Council listens to its residents and neighbors, and also that there is concern in maintaining the integrity of the neighborhoods. Pausing the motion is preferred. (**Shelton**)
- There is extreme concern with High Density housing being built in the area. Families will occupy the housing and there is a safety concern with the heavy traffic flow on the corner of Avenue A and 16th Street. Some type of retention area will need to be built for kids to play in, and even if the retention area is fenced, there is an opportunity for balls to go over the fence into traffic. A pause on voting on this resolution tonight is supported, and looking into a commercial building for the area is encouraged. (**McClendon**)
- Although high residential is needed in the community, it is not fair to vote in favor of High Density being built in this area at this time, more information regarding the change in density needs to be shared and postponing the voting is favorable. (**Smith**)
- Thank you to the staff for going through this process, it has brought some concerns to the City Council from neighbors that will not be ignored. The City Engineering department is looking into

some traffic concerns that have been brought up, and because the action will go away does not mean the traffic concerns will also go away. (**Mayor Nicholls**)

- Something to think about is the longer the lot is empty, the longer it will remain off of the tax roll, which means there is no revenue from that lot, and as a City, the more property revenue coming in, the lower the City can keep the property taxes, and for that reason it is important to get the property back into private hands. (**Mayor Nicholls**)
- This request for proposal is not a typical process where the property would be granted to the lowest bidder and the lowest bidder decides what to do with the property. Bidders have to propose what the land will be used for and then City Council and staff evaluate the proposal to make sure the project is a good fit in the area. (**Mayor Nicholls**)

Motion (McClendon/Shelton): To continue this General Plan amendment pending City acceptance of a Request for Proposal response for the property. Voice vote: **approved 6-0**.

Mayor Nicholls clarified that property owners within 660 feet of the subject property will be notified of any rezoning to the property.

VII. ANNOUNCEMENTS AND SCHEDULING

Announcements

Smith, McClendon, Morris, and Mayor Nicholls reported on the following meetings attended and upcoming events:

- Meeting with Exceptional Health Community Hospital
- Yuma Fire Department Fire Prevention Week Celebration & Employee Recognition Ceremony
- Yuma Water Safety Alliance Presentation to the Foundation of Yuma Regional Medical Center
- First Lady of the United States, Jill Biden, Visits the Yuma Arts Center
- Prison to Prison Beer Run
- G.A.I.N Event
- Arizona Western College School House Soiree
- Onvida Hall of Fame Award Ceremony
- Yuma County Library Open House
- City of Yuma Residential Advisory Board Meeting
- Visit Yuma Board Meeting
- Yuma County Anti-Drug Coalition at Gila Ridge High School
- Kennedy Skate Park Job Site
- Local Tea Party Meeting
- 4H Regional Leaders Meeting
- Weapons and Tactics Instructor Course (WTI)
- GYEDC Attraction Subcommittee Meeting
- Harvest Prep Hispanic Heritage Assembly
- Yuma Crossing National Heritage Area Board Meeting

Scheduling – No meetings scheduled at this time.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- October 19 – Glow Up October Fun Run
- October 26 – Annual “Rocky Horror” Event
- October 26 – 8th Annual Mayor’s International Bike Ride
- October 31 – Yuma Police Department Scary and Safe Trick or Treat

IX. CALL TO THE PUBLIC

There were no speakers at this time.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:37 p.m. No Executive Session was held.

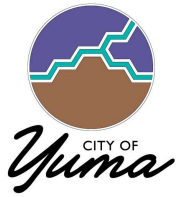
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

City Council Report

File #: MC 2024-184

Agenda Date: 11/20/2024

Agenda #: 1.

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

TITLE:

Bid Award: Avenue 5E Sanitary Sewer Main Extension and Turn Lane Improvements

SUMMARY RECOMMENDATION:

Authorize a construction services contract for Avenue 5E Sanitary Sewer Main Extension from 30th Place to 37th Street and the addition of a right turn lane from 32nd Street to north bound Avenue 5E, to the lowest responsive and responsible bidder in the amount of \$3,454,137.38 to Gutierrez Canales Engineering (GCE), Yuma, Arizona. (Engineering RFB-25-102) (David Wostenberg, Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this contract supports the City Council’s strategic outcome of Safe and Prosperous by implementing an additional right turn lane on 32nd Street as it will help to facilitate traffic flow at the Avenue 5E and 32nd Street Intersection. The project also provides a Sanitary Sewer Main Line Extension from 37th Street to 30th Place and will provide sanitary sewer service to the underdeveloped Curtis Industrial Park area. By adding the Sanitary Sewer Extension, the existing Lift Station and force main located at the Rancho Serenade neighborhood can be abandoned, eliminating the need to replace an existing, out of date lift station and force main.

REPORT:

The Avenue 5E Sewer Main Extension will address the immediate need of replacing and upsizing the existing sanitary sewer lift station that is currently beyond service life. The Sanitary Sewer Extension will provide the City the ability to abandon the existing sanitary sewer and utilize a gravity sewer line to service the Rancho Serenade Neighborhood and a portion of the Curtis Industrial Park Area. Removing the existing Sanitary Sewer lift station will reduce the Utilities Department maintenance costs on lift stations and provide a viable long-term solution for providing sanitary sewer services to the area.

The Avenue 5E turn lane improvements will provide a much-needed additional right turn lane on 32nd Street going northbound on Avenue 5E reducing traffic backups on the through traffic due to turning vehicles at this intersection. The additional turn lane will be 12 feet wide and 435 feet long.

The following four bids were received:

B & F Contracting	\$5,509,259.37
DPE Construction, Inc.	\$3,978,424.50

Gutierrez Canales Engineering **\$3,454,137.38**
Oliver Industries LLC \$5,351,012.83

Approving this motion awards the contract and authorizes the City Administrator to execute the contract on behalf of the City of Yuma.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 3,454,137.38	BUDGETED:	\$ 4,465,500.00
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 \$3,454,137.38

Wastewater City Road Tax		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

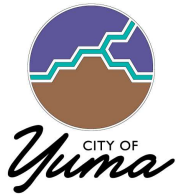
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-185

Agenda Date: 11/20/2024

Agenda #: 2.

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

TITLE:

Bid Award: Ocean to Ocean Bridge Lighting Upgrades

SUMMARY RECOMMENDATION:

Award a construction services contract for Ocean to Ocean Bridge Lighting Upgrades to the lowest responsible bidder in the amount of \$224,900.50 to: Westmoor Electric, Inc., Yuma, Arizona (Engineering RFB-25-058) (David Wostenberg/Robin Wilson)

STRATEGIC OUTCOME:

Awarding this contract meets the City Council's strategic outcome of Respected and Responsible. Upgrading the bridge lighting to LED lighting reduces the energy used from the existing incandescent bulbs and minimizes the maintenance costs required to change the bulbs. This upgrade also meets the Unique and Creative strategic outcome by utilizing new advancements in LED lighting to improve the appearance of the illuminated "Ocean to Ocean Highway Yuma" sign.

REPORT:

The Ocean to Ocean Bridge sign upgrades were completed in 2002 and there have been numerous advancements in energy efficient LED lighting since that time. The upgrade of the sign consists of, but is not limited to, removing, repairing, and repainting the existing channel letters, installing white acrylic sign faces, installing an LED rope lighting system, and re-installing on the bridge. An APS service pedestal will be installed as part of the project, together with a backup battery solution to improve safety on the one-way bridge in instances of power outage.

The lighting upgrade will be grant funded with a City match. The grant is through the Energy Efficiency and Conservation Block Grant (EECBG) program which assists eligible units of local government in implementing strategies to reduce total energy use by improving energy efficiency in the transportation sector, the building sector, and other appropriate sectors. The City has received funding from EECBG program in the amount of \$150,000 and the City of Yuma will supply a local match of up to \$80,000.

Responses were received from the following contractors:

Fluoresco Service LLC \$356,905.15

Westmoor Electric, Inc. \$224,900.50

Approving this motion authorizes the award of the contract to Westmoor Electric, Inc.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 74,900.50	BUDGETED:	\$ 226,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 150,000.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$224,900.50			
City Road Tax			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This project will be using City funding from the City Road Tax in the amount of \$74,900.50 for the Grant match as well as the additional cost of the project. The completed project will create a savings in the operating budget as well as maintenance savings.

ADDITIONAL INFORMATION:

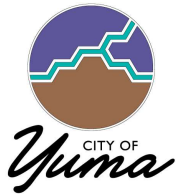
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-186

Agenda Date: 11/20/2024

Agenda #: 3.

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

TITLE:

Bid Award: Replacement of 12 HVAC Units at Fire Station #1

SUMMARY RECOMMENDATION:

Authorize the purchase and installation of 12 HVAC ground-mounted units to the lowest responsive and responsible bidder, Trane, Tucson, Arizona for a total cost of \$127,423.75. (Building Safety RFB-24-307/RFB-25-155) (Justin Lewis/Robin R. Wilson)

STRATEGIC OUTCOME:

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

REPORT:

The Facilities Management division has maintained the aging HVAC system at Fire Station #1 for several years. The existing units are over 12 years old and approaching the end of their expected service life. While the units have not completely failed, proactive replacement is essential to avoid potential operational disruptions and ensure the comfort and safety of staff at the station.

The replacement units have a serviceable life of approximately 15 to 20 years. In addition to comfort and safety, their enhanced efficiency will lead to significant reductions in operating and maintenance costs, which is critical for budget management and long-term operational sustainability.

The City requested bids from Hansberger Refrigeration, Trane, and Polar Cooling; all three vendors are currently under contract for HVAC Services. Trane will provide and install the units and offer a 5-year warranty, as they are the lowest responsive and responsible bidder.

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

FISCAL REQUIREMENTS:

CITY FUNDS:	\$127,423.75	BUDGETED:	\$130,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$127,423.75

Public Safety Tax Fund		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

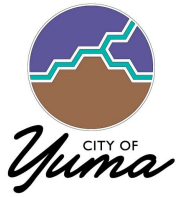
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-187

Agenda Date: 11/20/2024

Agenda #: 4.

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

TITLE:

Bid Award: Replacement of 20 HVAC Units at Public Works

SUMMARY RECOMMENDATION:

Authorize the purchase and installation of 20 HVAC Rooftop units to the lowest responsive and responsible bidder, Polar Cooling, Yuma, Arizona for a total cost of \$228,475.00. (Building Safety RFB-24-307/RFB-25-147) (Justin Lewis/Robin R. Wilson)

STRATEGIC OUTCOME:

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

REPORT:

The Facilities Management division has maintained the aging HVAC system at Public Works for several years. The existing units are over 17 years old and no longer serviceable.

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

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

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

FISCAL REQUIREMENTS:

CITY FUNDS:	\$228,475.00	BUDGETED:	\$230,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$228,475.00

Road Tax - Capital Improvement Program		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

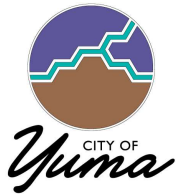
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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-188

Agenda Date: 11/20/2024

Agenda #: 5.

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

TITLE:

Cooperative Purchase Agreement: Public Safety Video Surveillance Solutions with Related Equipment, Software and Accessories

SUMMARY RECOMMENDATION:

Authorize the purchase of body-worn cameras, hardware, licenses, and support utilizing the Cooperative Purchase Agreement through Sourcewell for a total expenditure of \$346,784.26. (Police/Administration CPA-25-181) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

This motion furthers the City Council's strategic outcome of Safe and Prosperous. The use of grant funds for the purchase of body-worn cameras enhances field capabilities related to intelligence and investigative information gathering, analysis and sharing. This allows law enforcement employees, as well as supporting staff, to provide more responsive, effective, and transparent public safety services to the community.

REPORT:

The Yuma Police Department (YPD) has secured grant funding from the Department of Emergency and Military Affairs (DEMA) Border Security Grant Funds to enhance YPD's body-worn camera program.

This funding will cover the necessary hardware, licenses, and support for first responding officers. In light of recent national events regarding police-community interactions, body-worn cameras have proven to be an essential tool for enhancing transparency and accountability. These devices not only help safeguard the public and officers but also serve as valuable evidence in various situations.

The video recordings contribute to the integrity of law enforcement by ensuring that both the public and the officers are protected during interactions.

Approval of this motion authorizes the City Administrator to enter into a contract with AXON through a statewide cooperative purchasing agreement, to further strengthen YPD's commitment to transparency and community safety.

The agreement is broken down into a five-year term. Awarded funds will be used toward paying first year costs. The total five-year cost is \$1,593,246.11. Unless another funding source is identified, the remaining four

years would be paid by general resources.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 350,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 346,784.26	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$346,784.26	DEMA Border Security Grant Funds	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget. Future year payments will be programmed in the City Administrator’s proposed budget, contingent on City Council approval.

ADDITIONAL INFORMATION:

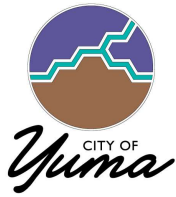
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NONE

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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-189

Agenda Date: 11/20/2024

Agenda #: 6.

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

TITLE:

Cooperative Purchase Agreement: OpenGov Asset Management Software Subscription

SUMMARY RECOMMENDATION:

Authorize the use of the National Cooperative Purchasing Alliance (NCPA) Cooperative Purchase Agreement for a three-year asset management software subscription “OpenGov” for a total estimated expenditure of \$550,000.00 to Vertosoft, Leesburg, Virginia. (PW/PR/IT-CPA-25-194) (Joel Olea/Eric Urfer/Isaiah Kirk/Robin Wilson)

STRATEGIC OUTCOME:

OpenGov software suite aligns with the City Council's strategic outcome of Connected and Engaged by serving as the central tool for asset management across the City, standardizing asset tracking, consolidating workflows, and enhancing productivity.

REPORT:

Staff is currently utilizing an outdated asset management software. Currently multiple departments are using various applications, and manual methods, which creates inefficiencies in tracking asset values, service requests, and future projections. These gaps hinder accurate budgeting and resource planning which was identified as a critical deficiency in the Parks, Arts, Recreation, and Trails (PART) Plan, as well as in other departmental operational assessments.

Transitioning to OpenGov’s Asset Management Software will allow the City to manage infrastructure, such as Transportation, Stormwater, Traffic Signals, Parks and Recreation, and Facilities, through a unified, modern system. This platform integrates with SeeClickFix for citizen reporting and with Geographic Information System (GIS) for spatial data analysis, supporting data-driven decisions, streamlining operations, and improving cost-efficiency. Additionally, the platform promotes public engagement, regulatory compliance, and transparency, facilitating efficient, sustainable, and accountable City services.

OpenGov’s integration with GIS equips the City with a powerful, centralized asset management system, enhancing location-based tracking, historical data layering, and predictive maintenance across various domains.

By consolidating asset oversight, this system improves regulatory compliance, optimizes maintenance schedules, and supports proactive resource management through data-driven decision-making.

The inclusion of public feedback tools like SeeClickFix empowers the City to make resource allocation and service delivery decisions informed by resident input. GIS-based analytics enable in-depth spatial analysis, allowing the City to prioritize assets in high-use areas, environmental impact zones, and high-risk locations. With SeeClickFix, resident-reported issues are mapped geographically, providing staff a clear view of public concerns. This combined approach ensures resources are allocated effectively, targeting areas with concentrated service requests and prioritizing maintenance where it will benefit residents most.

Mobile access to OpenGov enhances work order management and field operations. Field crews can create, update, and close work orders in real time, improving coordination and responsiveness across transportation, parks, facilities, and other areas. Supervisors can manage tickets centrally and adjust priorities as needed. Additionally, SeeClickFix issues are automatically converted into OpenGov work orders, streamlining the process from citizen request to resolution.

OpenGov’s Scenario Builder allows the City to model different strategies for asset maintenance and upgrades, helping optimize costs and plan strategically. This tool provides a spatial view of budget forecasting and resource allocation, enabling staff to assess the financial and operational impacts of various approaches. Predictive maintenance, powered by GIS mapping and historical data, minimizes emergency repairs, reducing unexpected costs and extending asset lifespans.

With a unified reporting dashboard, moving to OpenGov, the City gains real-time insights into asset conditions, costs, and maintenance activities. GIS integration and public feedback capabilities empower data-driven decisions, foster community engagement, and ensure transparency. Ultimately, this transition positions the City to deliver accountable, sustainable services that efficiently meet current and future community needs.

The software is accessible through subscription licensing requiring a three-year term with first year payment of \$250,000.00 for installation and configuration and annual payments of \$150,000.00 for a total expenditure of \$550,000 for the subscription.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 550,000.00	BUDGETED:	\$ 550,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 550,000.00

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

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

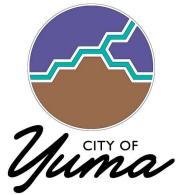
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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-190

Agenda Date: 11/20/2024

Agenda #: 7.

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

TITLE:

Sole Source Procurement: Police Workforce Platform Software Subscription

SUMMARY RECOMMENDATION:

Authorize the purchase of additional modules of a PowerDMS software subscription for a three-year term at a total cost of \$279,265.27 to PowerDMS, El Segundo, California. (SS-25-186 Police/Information Technology) (Thomas Garrity/Isaiah Kirk/Robin R. Wilson)

STRATEGIC OUTCOME:

This proposed purchase supports the City Council’s strategic outcome of Safe and Prosperous. The software purchase advances the Police Department’s digital infrastructure, optimizes communication, and fosters greater engagement among employees in Yuma Police Department’s internal operations.

REPORT:

PowerDMS by NeoGov serves the Yuma Police Department (YPD) as a robust platform, offering essential policy management services. The City already utilizes PowerDMS for policy management and PowerDMS Arizona Law Enforcement Accreditation Program (ALEAP) for accreditation, but seeks to expand the capabilities by adding new modules to enhance operational effectiveness.

This platform boasts a cloud-based infrastructure that strengthens the efficiency and effectiveness of YPD operations, ensuring seamless communication.

The subscription includes modules such as PowerReady, which provides an agency-wide license for unlimited programs, including mobile accessibility, email notifications, ongoing training resources, and industry partnerships. PowerReady Setup Services offer one-time implementation support with access to online/virtual resources and a dedicated consultant.

The PowerIA Subscription offers agency-specific access to modules for Internal Affairs case management and complaint tracking. The PowerAction Subscription provides a license for collecting, tracking, and reporting actions taken by officers, while the PowerVitals Subscription includes a module for tracking indicators and assistance plans for early officer intervention. The setup services for PowerIA, PowerAction, and PowerVitals include system configuration training and access to online resources.

The PowerLine Subscription offers an agency-wide license for the wellness application, while the Vetted

Subscription provides background investigation software based on usage.

PowerDMS Policy/Training Subscription: Offers cloud-based software as a service (SaaS) platform that combines document management, training management and accreditation management, and electronically links that content to alert users whenever a change may impact.

PowerEngage LE Subscription (Cuehits): Subscription to a computerized citizen engagement and feedback. Automated text message/text survey platform for law enforcement agencies sent based on interaction with a single department. Includes connection to agency Computer Aided Dispatch (CAD) and Law Records Management System (RMS). Does not include fees, if any, charged by the CAD or RMS vendor.

Vetted Subscription: Provides centralized place to manage candidates through a selection process for both recruiters and background investigators.

ALEAP Law Enforcement Annual Subscription and ALEAP Communications (911) Annual Subscription.

The total cost for these services is: Year 1 - \$ 74,368.11
Year 2 - \$ 100,647.45
Year 3 - \$ 104,249.71

Approval of this Motion authorizes the City Administrator to enter into a three-year contract for each of the six subscription services totaling \$279,265.27 and payable on an annual basis as described above.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 74,368.11	BUDGETED:	\$ 75,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$74,368.11			
General Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council FY 25 approved budget and programmed in financial forecasts, contingent on appropriations.

ADDITIONAL INFORMATION:

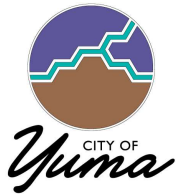
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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: MC 2024-191

Agenda Date: 11/20/2024

Agenda #: 8.

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

Ratification: Settlement of Hartman Claim

SUMMARY RECOMMENDATION:

Ratify settlement of the Hartman Notice of Claim. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:

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

REPORT:

This claim stems from a September 8, 2024 water intrusion caused by a broken water main that damaged the residence at 825 S. 9th Avenue.

The Parties agreed to a full and final settlement of \$65,000.00 to completely resolve the claim. The City Attorney's Office believes this settlement is fair and reasonable considering the facts and the potential costs of future litigation.

Adoption of this motion ratifies the settlement of the Hartman claim for \$65,000.00 for property damage.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 65,000.00	BUDGETED:	\$ 65,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 65,000.00			
502-20-10.6305			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

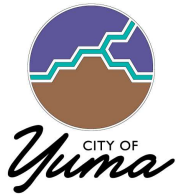
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Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/07/2024



City of Yuma

City Council Report

File #: R2024-064

Agenda Date: 11/20/2024

Agenda #: 1.

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

TITLE:

Intergovernmental Agreement: Arizona Department of Transportation

SUMMARY RECOMMENDATION:

Authorize an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) to accept the delegated authority for Partial Certification Acceptance to bid, award and inspect federally funded construction projects. (Engineering Department) (David Wostenberg/Steve Wilson).

STRATEGIC OUTCOME:

This action supports the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by delivering federally funded construction projects with local stewardship and oversight.

REPORT:

The Federal Highway Administration (FHWA) delegates authority to ADOT to administer projects funded under the Federal-Aid Highway Program (FAHP). Title 23 Code of Federal Regulations (CFR) Sections 1.11 and 635.105 allow ADOT to further delegate this authority to qualified Local Public Agencies (LPA’s).

The City of Yuma has received probationary status under ADOT’s Certification Acceptance Program that will allow the City to self-administer federally funded construction projects. Self-administration can save time and money through efficiencies during the construction phase of the project.

The City of Yuma Engineering Department has worked closely with ADOT to develop a Project Delivery Manual to ensure compliance with rules and regulations of the FAHP. The Project Delivery Manual has been approved by ADOT.

The IGA for the Probationary Certification Acceptance Agreement describes the requirements the City must follow for compliance with federal regulations on FAHP projects.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 20,000.00	BUDGETED:	\$ 20,000.00
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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 Road tax fu	
TOTAL \$20,000.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

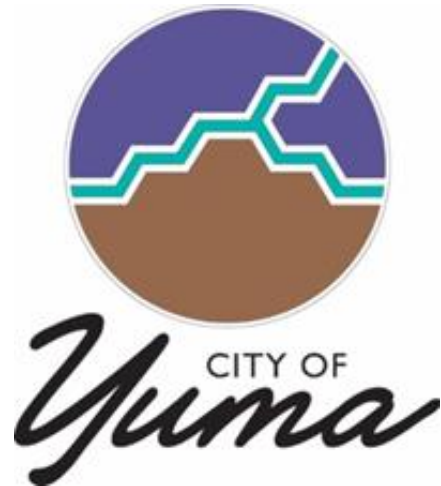
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/12/2024



City of Yuma

Engineering Department

Certification Acceptance Program

Federal-Aid Highway Program

Project Delivery Manual

February 2024
(Revised March 2024)

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Acronyms

ADA – Americans with Disabilities Act
ADEQ – Arizona Department of Environmental Quality
ADOT – Arizona Department of Transportation
APWA – American Public Works Association
ARS – Arizona Revised Statute
ASCE – American Society of Civil Engineers
AZPR2X – Federal-aid Authorization Form
BECO – Business Engagement Compliance Office
BOS – Board of Supervisors
CA – Certification Acceptance
CAP – Certification Acceptance Program
CIP – Capital Improvement Program
CM – Construction Manager
CMAR – Construction Manager at Risk
COY – City of Yuma
DB – Design Build
DBB – Design-Bid-Build
DBE – Disadvantaged Business Enterprise
DOT – Department of Transportation
EEO – Equal Employment Opportunity
FAHP – Federal-Aid Highway Program
FIRE – Financial Integrity Review and Evaluation
FHWA – Federal Highway Administration
IGA – Intergovernmental Agreement
LPA – Local Public Agency
LTAP – Local Technical Assistance Program
MAP 21 – Moving Ahead for Progress in the 21st Century Act
MPO – Metropolitan Planning Organization
NEPA – National Environmental Policy Act
NOI – Notice of Intent
NOT – Notice of Termination
OJT – On the Job Training
PDMR – Project Management Design Review
PE – Professional Engineer
PM – Project Manager
PS&E – Plans, Specifications, and Estimates
QCL – Qualified Consultants List
RDM – Roadway Design Manual
RE – Resident Engineer
RMAP – Regional Mobility and Accessibility Plan
ROW – Right of Way

SOP – Standard Operating Procedure
SWPPP – Stormwater Pollution Prevention Plan
TIP – Transportation Improvement Program
TRB – Transportation Research Board
YMPO – Yuma Metropolitan Planning Organization

Introduction

This Federal-Aid Highway Program (FAHP) Project Delivery Manual provides information for City of Yuma personnel on the processes required for the FAHP. This manual is to be used in conjunction with the “ADOT Certification Acceptance Manual”.

This manual is only applicable to Projects that have federal funding.

This Project Delivery Manual and the ADOT Certification Acceptance Manual is available online at: Project

Delivery Manual: <http://yumaaz.gov/government/design-construction-management>

ADOT Certification Acceptance Manual:

<https://azdot.gov/sites/default/files/2019/05/certification-acceptance-manual.pdf>

Certification Agreement

The Agreement between the State of Arizona and the City of Yuma for the Certification Acceptance Program is recorded in the Agreement #XX, dated X/X/XXXX.

Certification Acceptance Background

See “ADOT Certification Acceptance Manual”, Certification Acceptance section for information on the background and development of the Certification Acceptance (CA) Program.

Staffing

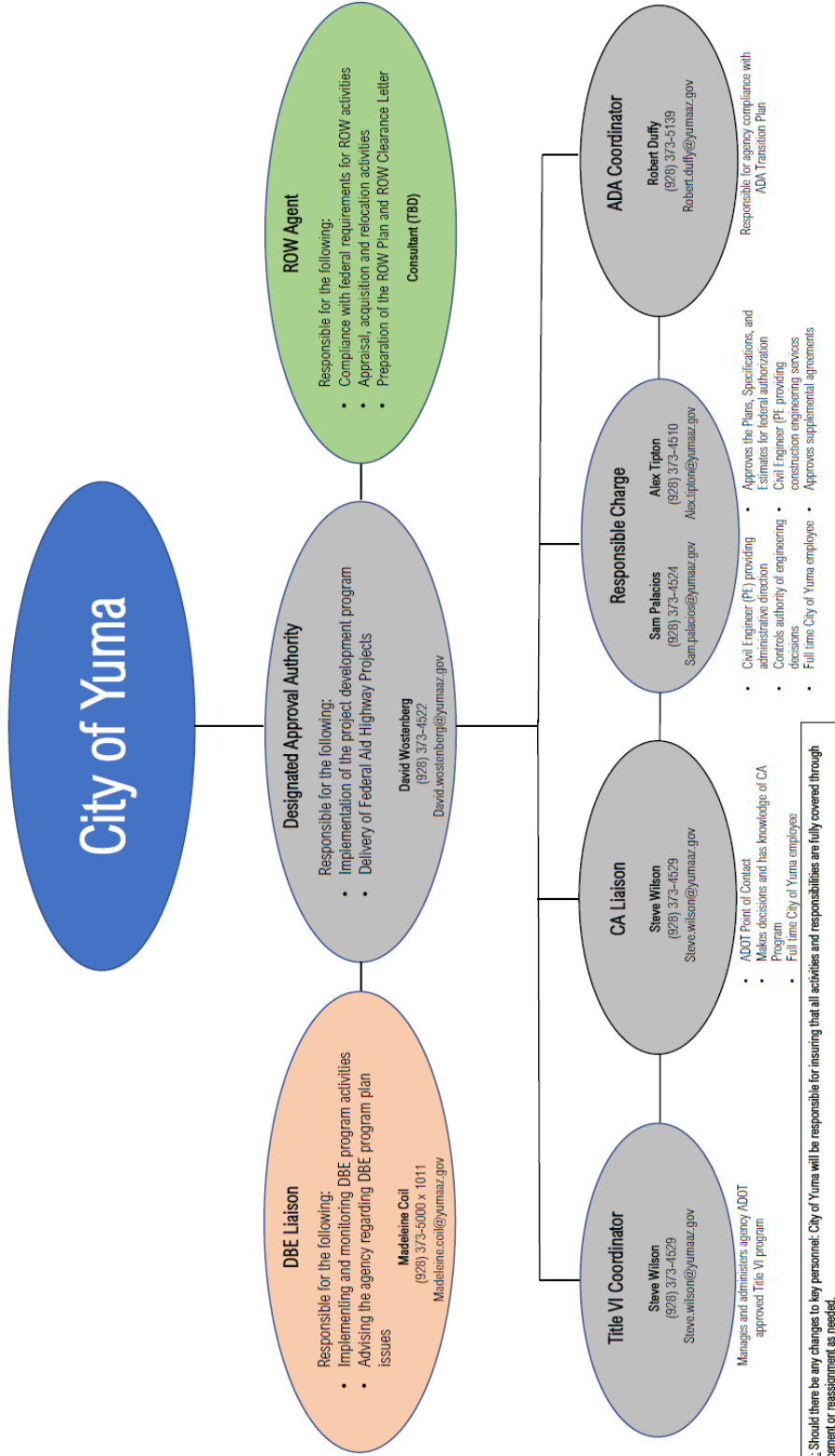
The City of Yuma staffing plan:

Position	Individual	Responsibility
Designated Approval Authority	Dave Wostenberg	Official with the authority to formally assume responsibility for the implementation of the project development program
CA Liaison	Steve Wilson	An executive decision maker with working knowledge of the CA Program and main point of contact for ADOT.
Responsible Charge	Sam Palacios & Alex Tipton	<ul style="list-style-type: none">• Civil Engineer (PE) providing administrative direction• Controls authority of engineering decisions• Approves the Plans, Specifications and Estimates for federal authorization• Civil Engineer (PE) providing construction engineering services• Approves supplemental agreements

ADA Coordinator	Robert Duffy	Designated individual directly responsible for the Agency's compliance with its ADA Transition Plan.
DBE Liaison	Madeleine Coil	Designated individual directly responsible for implementing and monitoring DBE Program activities and advising the Agency fully and properly of DBE Program Plan issues.
ROW Agent	Consultant	Designated individual directly responsible for the Agency's compliance with federal requirements for ROW activities, administration of appraisal, acquisition, and relocation activities, and preparation of the ROW Plan and ROW Clearance Letter.
Title VI Coordinator	Steve Wilson	Designated individual directly responsible for the management and administration of the Agency's ADOT-approved Title VI Program Plan.

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

The listed individuals are the key personnel to manage the Department's federal project delivery program.



NOTE: Should there be any changes to key personnel, City of Yuma will be responsible for ensuring that all activities and responsibilities are fully covered through replacement or reassignment as needed.

The City of Yuma Organizational Chart.

Any change in the key personnel shall be documented and an updated organizational chart shall be provided to ADOT LPA Section. The ADOT LPA section shall be notified prior to any change when possible.

Communication

Proper communication, updates, and dissemination of information between ADOT and the City of Yuma with FAHP involvement are critical to the success of the program. All communications will be with ADOT. ADOT will arrange any required meetings with the FHWA. However, the FHWA does reserve the right to contact the City of Yuma directly for various reviews and audits.

Any program related correspondence or issues will be coordinated by the City of Yuma Director of Engineering for resolution with the ADOT LPA Section. The City of Yuma Director of Engineering shall monitor the program for consistency in communication and compliance with direction from ADOT.

For correspondence related to a specific project, the City of Yuma Project Manager shall correspond directly with the ADOT Project Manager and others as required. The ADOT Project Manager will be informed of the schedule progress throughout the duration of the project. Should any delays occur in the proposed schedule for procurement, design, construction, or project completion, the ADOT Project Manager will be informed of the delay. The LPA Agency Liaison ensures communications are disseminated throughout City of Yuma.

The following requirements shall apply communications with federal, state, and local coordination of design efforts and activities associated with roadway improvement projects:

Program Specific Issues: ADOT will be notified when an issue arises that needs to be resolved. The City of Yuma will work with the ADOT LPA Section Oversight and Monitoring Manager, who will work with the ADOT LPA Section and appropriate technical teams. If an issue cannot be resolved at the lowest level, then the program-specific issue resolution matrix in the table below shall be followed to resolve the issue.

Program-Specific Issue Resolution Matrix

CA Agency	ADOT	FHWA*
Project Manager	LPA Section Oversight and Monitoring Manager	LPA Coordinator
Project Manager	LPA Section Oversight and Monitoring Manager / LPA Process Manager / Assistant State Engineer	Area Engineer/ Program Specialists/ LPA Coordinator
Director/ Assistant Director	Deputy State Engineer/ Assistant Director	Appropriate Team Leader
Director/ Assistant Director	Deputy Director of Transportation/ State Engineer	Assistant Division Administrator

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

Project specific issues: The City of Yuma shall attempt to resolve project concerns internally and at the lowest level of responsibility. For project-specific issues that cannot be resolved internally, the City of Yuma shall promptly notify LPA Section Oversight and Monitoring Manager and the ADOT Project Manager (PM). If an issue cannot be resolved at the lowest level, then the project-specific issue resolution matrix in the table below shall be used to resolve the issue. Conflict resolution using partnering principles shall be followed.

Project-Specific Issue Resolution Matrix

CA Agency	ADOT	FHWA*
Project Manager / Resident Engineer / Agency LPA Liaison	LPA Section Oversight and Monitoring Manager Project Manager / Resident Engineer	Area Engineer/ Program Specialists
Project Manager / Agency LPA Liaison	LPA Section Oversight and Monitoring Manager / Sr. Project Manager / Resident Engineer	Area Engineer/ Program Specialists
Director/ Assistant Director	District Engineer/ Assistant State Engineer	Appropriate Team Leader
Director	Deputy State Engineer	Assistant Division Administrator

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

City of Yuma will retain received communications for future reference within ProjectMates. Project files will be maintained in ProjectMates after the project is complete in accordance with the City of Yuma, ADOT and FHWA Record Retention Program requirements. Record retention time starts when the FHWA provides a final voucher to ADOT. ADOT will provide the final voucher date to the City of Yuma.

Training

City of Yuma staff involved with the FAHP shall receive appropriate training to ensure that they are current and up to date on all standards so as to be fully compliant with all federal requirements.

1. WHO IS RESPONSIBLE AND WHICH EMPLOYEES NEED FAHP RELATED TRAINING?

Training is considered a necessity among all staff members at all levels of responsibility. The City of Yuma Department Directors, Deputy Directors, and Division Managers within each department are responsible for determining who within their staff requires FAHP related training. Training is as follows:

- **Formalized General Staff Training:** When training becomes available and is offered through ADOT, FHWA or other federal or state agencies, due to shifts in policy or other reasons, attendance is offered to multiple staff and divisions to maximize participation levels to the highest degree possible.
- **Topic specific Webinars and Seminars:** COY staff is guided throughout the year to attend topic specific webinars and seminars to keep staff current in FAHP and other related subject matter. In addition, COY managers and staff monitor announcements and opportunities for various learning opportunities offered through the Local Technical Assistance Program (LTAP) and on-line video resources on NEPA processes provided by FHWA. Department staff also attends training opportunities through the professional organizations and conferences as they occur.
- **Informal Training:** Informal person to person training occurs frequently and serves as the primary method for staff development. This method primarily occurs in the form of On-the-Job Training (OJT) in which staff members are introduced to new and/or additional requirements, processes, mandates and work activities in a slower pace and more controlled environment. There are also a number of forums (monthly project manager updates, monthly project status meetings, regular project review meetings, gate meetings, bi-weekly/monthly staff meetings, etc.) that include attendees from multiple departments and divisions (traffic, finance, procurement, Project Delivery, etc.), and these meetings are used to provide updates, share information and discuss new developments and guidelines. In these situations, the less experienced staff members have the opportunity to directly work with and/or engage with the more experienced team members, as well as managers, to ask questions, and receive guidance as well as clarification.

Departments and divisions within COY conduct regular training on items as they relate to that particular department and function (examples include Procurement and Environmental). In all training situations and opportunities, representatives returning from the training session then work within the departments to share the information with other staff and team members as appropriate via staff or team meetings.

2. TRAINING TOOLS AND RESOURCES TO BE USED FOR TRAINING SESSIONS:

These include but are not limited to the following: Manuals, checklists, weblinks, video links, webinars, workshops, conferences, etc. offered by ASCE, FHWA, APWA, ADOT, and TRB. The FHWA Federal Aid Essentials website and videos are a key resource used.

3. TRACKING OF FAHP TRAINING AND ATTENDEES:

Training within COY is monitored and tracked as it occurs. Supervisors provide training opportunities to staff as they are offered. Staff is also encouraged to request training from

division managers when they learn of training opportunities. Staff that has attended training is then responsible for disseminating the knowledge and skills acquired throughout the organization, so that everyone benefits.

The Assistant Director of Engineering keeps a sign in sheet and agenda of all staff that has attended training.

Reporting

The City of Yuma will follow the reporting procedures described below for information required by the Federal-Aid Highway Program (FAHP).

1. SCHEDULED REPORTING:

- Upon request, COY will provide status reports to the ADOT LPA Section.
- Upon request, on approximately a quarterly basis, the COY PM contacts the ADOT PM to review project progress, activities, answer questions and provide status updates. This may also be supplemented with funding and programming inquiries and status updates as well.
- The COY Procurement Department's DBE Office provides the "Contract Award and DBE Commitment Report" to ADOT BECO on a monthly basis. This report identifies any new FHWA contract awards.
- The COY Procurement Department provides an annual Federal-aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) to ADOT BECO by August 15th of each year in accordance with the COY Reporting Procedures.
- By October 31st of each year, COY will submit the annual CA Agency report to the ADOT LPA Section. The report will include CA program status, CA program accomplishments, and internal assessments of project reviews, audits, and any corrective action plans.
- On a monthly basis for each federally funded project, COY Project Manager sends a complete summary of all expenses incurred on a project and includes this along with the project monthly reimbursement request.
- On a monthly basis for each federally funded project the COY Project Manager sends an updated construction schedule for each Federal Aid Highway Program (FAHP) to the ADOT Project Manager.
- By August 1st of each year, the COY Title VI Coordinator will submit the annual Title VI report to the ADOT Civil Rights Office.

2. **AS-REQUESTED REPORTS:** The COY is committed to providing any and all project, program and summary reports as requested by ADOT. This may include recurring reports during a phase of a project, or as major milestones and updates are desired.

Planning

Long range transportation planning is conducted by the Yuma Metropolitan Planning Organization (YMPO). YMPO is the region's federally mandated metropolitan planning organization (MPO). YMPO Develops the Long Range Transportation Plan (LRTP) for long range planning and the Transportation Improvement Program (TIP) for short range planning.

Further information on YMPO's planning process is available thru their website at: <https://ympo.org/>

Project Initiation

The COY will initiate projects with YMPO through inclusion in a TIP before initiating project activities with ADOT. To initiate a project with ADOT, The COY will request a TRACS number and federal-aid number from the assigned ADOT project manager by sending a letter that provides key information about the project, including the following:

- Project name and limits
- Project location, length, and functional classification of the proposed or existing roadway
- Project scope
- Current year of expenditure cost estimate of the project
- Amount of federal funds being requested for development/design, ROW, and construction activities, and which fiscal year the funds will be used
- Anticipated construction bid-advertisement date
- An attachment of an excerpt from the currently adopted TIP of the MPO/COG to which the LPA belongs (this should indicate that the project has been determined eligible for FAHP funding)
- Contact information for the person in responsible charge (see Chapter 3, Self-Administration, for a full definition of this role)
- Submittal of review fee

An IGA between the COY and ADOT will be developed and executed for the project. ADOT will provide the COY with an establishment letter before eligible costs can be incurred. The COY will submit a request for reimbursement within 90 days of authorization to prevent the project from being federally inactive.

ADOT Initiation Request

An initiation request must be sent to the ADOT LPA Section for a federal project number and an ADOT project number before the project process begins. See Appendix A1- Federal Project Initiation Detailed Instructions for a list of items to include in the request.

Delivery Method

This manual is based on the typical Design-Bid-Build (DBB) delivery method. Alternative delivery methods may be used, such as Design Build (DB) or Construction Manager at Risk (CMAR). However, a separate IGA between the City of Yuma and ADOT must be approved by ADOT and FHWA for each specific alternative delivery project.

Contract Administration

Procurement of Consultant

For FAHP projects, the COY may use ADOT's list of prequalified consultants available through ADOT ECS, its own list from an ADOT-approved prequalification process. A pre-qualified firm does not represent or guarantee an award of a contract. A COY's professional service contract procurement and administration process will be an approved qualification-based selection process, requiring the consultant to provide financial information demonstrating the firm's financial viability and compliant accounting system that complies with federal acquisition regulations.

When using federal funds for FAHP projects, the COY will adhere to federal and state laws and regulations, including the Brooks Act (40 U.S.C. §§ 1101 through 1104), 23 U.S.C. § 112, 23 U.S.C. § 117, 2 C.F.R. Part 200, 23 C.F.R. Part 172, 48 C.F.R. Chapter 12, and 49 C.F.R. Part 26 during the selection, negotiation, and management of design contracts.

According to 23 U.S.C. § 112(b)(2)(D) and (E), the COY will ensure the contract and subcontracts are performed and audited according to the cost principles contained in 48 C.F.R. Part 31. The COY will conduct a final/incurred cost audit to determine contract cost allowability, allocability, and reasonableness.

A Request for Qualifications (RFQ) must be issued within 90 days of the FHWA Authorization for design.

The on-call Qualified Consultants List (QCL) Contracts shall not be used for FAHP projects.

Procurement of Materials and/or Install

The procurement of Materials and/or install shall follow the City of Yuma's *Procurement Manual*.

Contact the Procurement Department, Design and Construction Section representative for questions or further information.

Procurement of Contractor

ADOT recommends that the CA Agency use a prequalification process. 7

In accordance with 23 C.F.R. § 635.110 (c), the COY will not require that the contractor obtain a license before submitting a bid.

23 C.F.R. § 635.113 requires that all bids be received, opened, and read without regard to licensing requirements. The reading of bids reveals the apparent lowest responsive, responsible bidder. A successful responsive bidder will have 60 calendar days to obtain the proper contractor's license required by the State. If the lowest responsive bidder cannot obtain the required license, the project may be awarded to the next lowest responsive bidder who has the required license.

In accordance with 23 C.F.R. § 635.113(a), the COY will not negotiate or alter the scope of work, quantities, or pay items with contractors after the opening of bids and before contract award.

In the event of a tie between two or more bidders for the low bid, the COY will provide the ADOT PM and LPA Section written notice immediately after the bid opening. The COY will receive ADOT concurrence before award.

Failure to comply with competitive bidding requirements is a violation of federal and state laws and regulations that will jeopardize federal reimbursement.

Request for Bids (RFB) will be issued within 90 days of the FHWA authorization for construction.

At this time the use of Job-Order Contracts (JOC) is not permitted for FAHP projects.

Contact the Procurement Department, Design and Construction Section representative for questions or

further information.

Contract Provisions

Federal laws and regulations require that specific contract provisions be included in federal-aid construction contracts. The CA Agency must ensure the bid package and awarded construction contract are complete. The package includes the most current version of the following contract clauses:

- Appendix A & E of the Title VI Assurances
- ONLINE Bidders' List and email confirmation
- Breach of Contract Language
- Buy America Provisions
- Cargo Preference Act Language
- Contract Notice to Proceed, Commencement, and Completion of Work dates
- Changes and extra work and contract time and contract time extensions per 23 CFR § 635.120 and §635.121
- DBE Assurance Form 3102C
- DBE Intended Participation Affidavit (DBE Intended Participation Affidavit Individual for Subconsultant Form 3105C and DBE Intended Participation Affidavit Summary for Prime Form 3106C)
- DBE Special Provisions (EPRISE)
- Energy Efficiency Language
- Equal Employment Opportunity (EEO) Clauses:
 - Executive Order 11246 (revised 5-12)
 - EEO Compliance Reports (October 20, 2015)
 - Certification, Contracts, or Subcontracts Subject to EEO Clause (April, 1969)
 - Executive Order 2009-09
- Form FHWA-1273
- Non-collusion Provision
- On the Job Training (OJT) Special Provisions (if applicable)
- Prompt Pay and Payment Reporting Provisions
- Recovered Materials Language
- Environmental Commitments
- Termination of a Contract Language
- Wage Determination Decision
- Standard Change Condition Clause
- List of Required Job Site Posters
<http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>

The COY will ensure that the contractor and subcontractors comply with federal, state, and local immigration laws and regulations, as set forth in *Arizona Executive Order 2005-30*.

Addenda

An addendum may affect the obligation of federal-aid funds. Issuing an addendum during advertisement

could have a profound impact on bid prices and the basis for bid comparisons. For any addendum, the CA Agency must notify the ADOT PM and provide justification before its release to the prospective bidders. If several changes are made through addendum, the CA Agency or ADOT may need to consider a bid extension to allow ample time for bidders to respond. All bidders will bid the project on the same basis, so that no particular advantage or disadvantage occurs to any potential bidder or the CA Agency.

The ADOT PM shall be notified of the bid advertisement and any bid addendum prior to the posting of the advertisement or addendum. This is just a notification not a request for review or authorization.

Bid Analysis

The procedures described below apply to contracts for construction services that are Federal-Aid Highway Program funded, which are solicited and administered by the City of Yuma's Procurement Division in accordance with ADOT's Local Public Agency Section (ADOT LPA) approved procedures.

- Pursuant to Title 23 CFR 635.114, FHWA construction contracts are awarded based on the lowest responsive and responsible bid submitted by a bidder. Bid analysis will be used to justify the contract award or to reject bids. All documents analyzing the bid and documentation for justification of the award or rejection of one or more bids shall be maintained in the procurement file. Award shall be within the time established by the State DOT and subject to the prior concurrence of the Division Administrator.
- For bids that indicate reasonable prices or show good competition, not all the factors need to be analyzed. However, when the low bid differs from the engineer's estimate by an unreasonable amount defined as when the low bid is either more than 110% or less than 85% of the engineer's estimate, a thorough analysis of all bids will be undertaken to justify award of a contract, and a justification memo will be prepared for approval documenting the bid analysis.
- Bid Analysis may include the following factors:
 - Comparison of bid prices for the project under review versus bid prices for similar projects.
 - Number of bids submitted;
 - Distribution or range of bids;
 - Unbalancing of bids;
 - Geographic location of the bidders;
 - Urgency of the project;
 - Current market conditions;
 - Potential savings if re-advertised;
 - Addenda issued during advertisement that may affect bid prices and the basis for bid comparison.
- Engineer's Estimate
 - An independent cost estimate for the project or procurement will be received by the Procurement Officer before a solicitation is issued.
 - Engineer's estimates will be prepared by the engineer of record on the project.
 1. The engineer estimate will contain the bid schedule line items, quantities, estimated unit prices, extended amount, and total price in order to allow for a critical review and comparison of the bids received.

2. The engineer's estimate will not be divulged during the procurement process. Projects may include a range for the estimated project cost in the solicitation document.
3. The engineer's estimate will be retained in the procurement file and will serve as the basis for bid analysis.

4. Unit Prices and Bid Amounts

- Contractors must have the appropriate license issued by the State of Arizona Registrar of Contractors by the end of the sixtieth (60th) calendar day after bid opening. Failure to obtain this license within 60 days may result in rejection of the bid without further recourse and award of the contract to the next low responsive, responsible bidder.
- All construction bids under this process will be bid utilizing a bid schedule consisting of line items, quantities, unit prices, extended amounts, and a total bid amount.
- Unit prices are to include the furnishing of all materials, plant, equipment, tools, all applicable taxes, bonds, and the performance of all labor and services necessary or proper for the completion of the work, unless otherwise expressly provided in these bid documents.
- In the event of an extension error in calculating the extended amount, the unit price bid will govern.
- After bid opening, and before bid award, a bidder may be permitted to withdraw their bid without penalty if the bidder submits evidence, which clearly and convincingly demonstrates that a mistake was made, provided that a bid mistake is evident on the face of the bid, but the intended bid is not obvious.
- After bid opening, and before bid award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake is evident on the face of the bid and the intended bid is obvious.
- Mistakes shall not be corrected after award of the contract except where the Procurement Manager, with the written agreement of the City Administrator, makes a written determination that it would be unconscionable not to allow the mistake to be corrected.
- If correction or withdrawal of a bid after bid opening is permitted or denied under paragraphs (v), (vi), or (vii) above, the Procurement Manager shall prepare a written determination showing that the relief was permitted or denied under these provisions.
- Each bid will be compared to all the contractors bid unit prices received and to the engineer's estimate.
- The City reserves the right to reject a bid as non-responsive if the prices bid are materially unbalanced between line items. A bid is materially unbalanced when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated and there is a reasonable doubt that the bid will result in the lowest overall cost to City, even though it may be the low evaluated bid. In the event unit bid prices are materially unbalanced, the unit bid prices will be evaluated.

Disadvantaged Business Enterprise (DBE) & On the Job Training (OJT)

The City of Yuma Procurement Department and ADOT BECO will determine the DBE goal and OJT goal for each Contract. The DBE determination will be in accordance with the City of Yuma Procurement Department *DBE Goal Setting/Monitoring/Compliance Procedures for FAHP*. The PM shall provide COY Procurement the cost estimate or appropriate cost information in the format requested by procurement for determination of the DBE & OJT goals.

The COY Procurement Department shall inform ADOT BECO in writing prior to any replacement or termination of a DBE Subcontractor.

Claims

The ADOT PM must be informed of any Contract Claim or dispute and kept informed throughout the negotiation and resolution. All claims must be settled before final acceptance.

Contract

See Appendix A2 – Contract Provisions Checklist for a list of all items that need to be included in the Contract.

Supplemental Agreements

The ADOT PM shall be notified of any changes to either consultant or contractor contracts through amendment or Change Orders. Any change to the construction contracts the “ADOT Change Order Approval Process for Local Public Agency Project” must be followed.

<https://www.azdot.gov/docs/default-source/local-public-agency/adot-ca-change-order-process>

Contract Termination

Should a contract need to be terminated for any reason, the ADOT PM must provide concurrence before any contract termination is executed. If a DBE contractor is terminated COY Procurement shall inform ADOT BECO in writing prior to the termination.

Project Development

Design Authorization

A written request for federal authorization for design must be sent to the ADOT PM. The request shall include the project end date for design. It should be noted that the end date determines the date after which no further costs are eligible for reimbursement. Therefore, the end date should be set two years beyond the anticipated design completion. Additionally, the FHWA signed Federal-Aid Project Agreement (Report: TBD) received and all three FHWA electronic signatures complete prior to starting any work associated with project tasks that are eligible for federal reimbursement. This is to verify the FHWA authorized start date. FHWA will not reimburse any costs incurred before the date of the Federal Authorization.

Scoping Document

The COY must determine and prepare the proper scoping document (i.e., scoping letter, project assessment [PA], or design concept report [DCR]) commensurate with the level of effort for each project. The scoping document refines the scope and further evaluates the total project cost, schedule, and potential design and construction alternatives, including an assessment of the clearance and permit needs identified during pre-planning. In conjunction with the preliminary scoping document, supporting technical reports (i.e., geotechnical, drainage, traffic analysis, etc.) may be required when appropriate.

Typically, the scoping document and supporting technical reports provide detailed information on the

following topics:

- Construction cost estimates
- Construction feasibility issues
- Current site characteristics
- Environmental considerations
- Geotechnical considerations
- Hydrologic and drainage conditions
- ROW Information/Land ownership
- Major project components
- Material source and supply
- Potential design alternatives
- Potential project footprint
- Traffic analysis
- Utility and railroad coordination
- Purpose of project
- Background
- Project Scope of Work
- Development Considerations
- Involvement Matrix
- Construction Schedule/Duration

The COY will submit the scoping document, supporting technical reports, and the accompanying design plans to the ADOT PM and Environmental Planning for review. The COY will approve the final scoping document and ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final scoping document.

If the scope of work for the project changes at any time during project development, the COY may need to prepare an amendment to the MPO TIP and STIP. If an amendment is needed, the COY must notify the ADOT PM and ADOT LPA Section and contact the MPO representative for instructions on how to submit amendments to the MPO TIP and STIP.

Design

The COY will ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final PS&E.

The plans and specifications describe the location and design features and construction requirements in enough detail to facilitate the advertising, bidding, awarding, contract control, construction, and estimation of construction costs of the project. The estimate shows the expected project cost in enough detail to provide an initial prediction of the financial obligations to be incurred by the COY, ADOT, and FHWA and allow an effective review and comparison of the bids received.

The COY will ensure NEPA approval, Right-of-Way (ROW), utility, and railroad clearances have been obtained (or necessary arrangements have been made) so as not to delay the construction contractor.

The COY will submit the final PS&E to the ADOT PM for federal authorization for construction. The federal authorization packet is required to be bid-ready. The following includes a list of items that the COY is

required to have in it.

All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract) and all required federal contract provisions as found under Construction Administration, subsection Contract Provisions: ADOT Certification Acceptance Manual 28 June 2019

- The COY will submit a letter that includes a railroad, design exception, and proprietary products statements as well as specified contract time
- Clearances
 - ROW (Signed and approved by ADOT)
 - Utility and Railroad (required even when no railroad is involved in the FAHP project and can be included as a statement in the utility clearance)
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- DBE Goal Assessment Notice (electronic notice sent back to the contractor)
- Financial recapitulation sheet, including a clear cost breakdown of local funds that are federally eligible and those that are not federally eligible
- Materials Quality Assurance project plan approval letter (signed and approved by ADOT)
- NEPA approval that has been validated prior to the PS&E submittal
- Period of performance, including the estimated construction schedule, and project start and end dates
- Project location/vicinity map
- Certification, PIF, or Experimental Product approval, if applicable
- Design exception approval, if applicable
- Executed IGA, if applicable
- Subprogram eligibility letter, if applicable
- Systems engineering checklist, if applicable

Design Development

The project development process is segmented into stages that follow a standardized design progression. The COY defines a phased program for completing FAHP projects as follows:

Stage I (15% Design Plans and Estimate)

Stage II (30% Design Plans and Estimate)

Stage III (60% Plans, Specifications and Estimates)

Stage IV (95% Plans, Specifications and Estimates)

Stage V (100% Plans, Specifications and Estimates)

The development/design process also includes scoping and other preliminary engineering activities, environmental documents and clearances, ROW clearances, utility and railroad clearances, and materials report clearances. These activities are needed to achieve construction-ready PS&Es

Plans, Specifications, and Estimates (PS&E)

The CA Agency must prepare and ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final PS&E.

The plans and specifications describe the location and design features and construction requirements in enough detail to facilitate the advertising, bidding, awarding, contract control, construction, and estimation of construction costs of the project. The estimate shows the expected project cost in enough detail to provide an initial prediction of the financial obligations to be incurred by the CA Agency, ADOT, and FHWA and allow an effective review and comparison of the bids received.

The CA Agency must ensure NEPA approval, Right-of-Way (ROW), utility, and railroad clearances have been obtained (or necessary arrangements have been made) so as not to delay the construction contractor.

The CA Agency must submit the final PS&E to the ADOT PM for federal authorization for construction. The federal authorization packet is required to be bid-ready. The following includes a list of items that the CA Agency is required to have in it:

- All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract), that include the following federal contract provisions:
 - o Record Retention Language
 - o Federal Immigration and Nationality Act Language
 - o Cargo Preference Act Provision in accordance with 46 C.F.R. § 381.7 (a)-(b)
 - o Certification, Contracts, or Subcontracts subject to EEO clause (April 1969)
 - o Notice of Requirement for Affirmative Action to Ensure EEO (Executive Order 11246), Rev. 4/15/1981
 - o FHWA Form 1273 (Rev. 5-12)
 - o EEO Compliance Reports (October 20, 2015)
 - o Wage Determination Decisions
 - o Title VI Assurances
- CA Agency request letter that includes a railroad, design exception, and proprietary products statements as well as specified contract time
- Clearances
 - o ROW (Signed and approved by ADOT)
 - o Utility and Railroad (required even when no railroad is involved in the FAHP project and can be included as a statement in the utility clearance)
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- DBE Goal Assessment Notice (electronic notice sent back to the contractor)
- Financial recapitulation sheet, including a clear cost breakdown of local funds that are federally eligible and those that are not federally eligible
- Pavement Design Memo
- Materials Quality Assurance project plan approval letter (signed and approved by ADOT)
- NEPA approval
- Period of performance, including the construction schedule and project start and end dates
- Project location/vicinity map
- Certification, PIF, or Experimental Product approval, if applicable

- Design exception approval, if applicable
- Executed IGA, if applicable
- Subprogram eligibility letter, if applicable
- Systems engineering checklist, if applicable

Design Guidelines

AASHTO *A Policy on Geometric Design of Highways and Streets (1)* serves as the basis for design of roadways and streets in the City of Yuma and should be referenced for material not covered in this guideline. Public improvements are to adhere to the latest edition of the *MAG Uniform Standard Specifications and Details for Public Works Construction (3)* and *City of Yuma Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)*.

For roadways located within ADOT’s jurisdiction and roadways on the NHS, the design will be based on the guidelines used by the Arizona Department of Transportation in their publication entitled *Roadway Design Guidelines (2)*.

ROADWAY CLASSIFICATIONS

Classification is the process by which roadways and developments are grouped into classes according to function and character and can play an important part in transportation performance-based management. Classifications can be used to describe and track roadway system performance; set benchmarks and targets; measure outcomes for preservation, mobility, access, and safety; and identify design criteria as to how a roadway is expected to be designed (e.g., lane widths, curbing, sidewalks, right-of-way width). This chapter describes roadway and development classifications. For more detailed information on roadway classifications, refer to FHWA Federal Functional Classification Guidelines (1) and *Streets, Federal Highway Code (2)*.

Two distinctive characteristics between roadway classifications are mobility and access control. Arterials provide mobility for large traffic volumes with limited and spaced-out access to reduce interference. Collectors normally offer a balanced combination of mobility and access and act as the go between with arterials and local roads. Local roads emphasize access but handle low traffic volumes with direct property access.

Arterials

Arterials provide the highest level of mobility for long uninterrupted travel and generally have the higher design standards with multiple lanes. Given the level of mobility that they provide in terms of volumes (1,500 to 27,000 AADT) and speed, direct access to adjacent property is limited.

Collectors

Collectors provide a lower degree of mobility than arterials. They are designed for travel at lower speeds and for shorter distances. Unlike arterials, collector roads (150 to 6,300 AADT) may penetrate residential and commercial/industrial areas distributing traffic from the arterials to the ultimate destination for many motorists.

Local Street

Local streets are low volume (less than 700 AADT), low speed undivided roadways with no lane designation. They provide direct access to abutting properties and are not intended for use in long distance travel.

Design Exceptions

Design exceptions within the City of Yuma's jurisdiction, will follow the *AASHTO Review Guide (2)* and will be approved by the City of Yuma Director of Engineering.

For roadways located within ADOT's jurisdiction and roadways on the NHS, the design of the roadway will be based on the procedures and methodology used by the Arizona Department of Transportation publication entitled *Roadway Design Guidelines (3)*. Design exceptions shall be processed in accordance with the *ADOT Guide for Review of the AASHTO Controlling Design Criteria on Existing ADOT Roadways (2)*. The following 10 criteria are considered controlling for the design of projects on the NHS: Design Speed, Lane Width, Shoulder Width, Horizontal Curve Radius, Superelevation Rate, Stopping Sight Distance, Maximum Grade, Cross Slope, Vertical Clearance, and Design Loading Structural Capacity. Stopping sight distance (SSD) applies to horizontal alignments and vertical alignments except for sag vertical curves. Of the 10 controlling criteria, only design loading structural capacity and design speed apply to all NHS facility types. The remaining eight criteria are applicable only to "high-speed" NHS roadways, defined as Interstate highways, other freeways, and roadways with a design speed greater than or equal to 50 mph.

Processing a Design Exception

When a design exception is necessary, the information justifying the exception will need to be Evaluated and documented.

For design exceptions, the evaluation shall consist of the following:

- Evaluation of performance: How does the exception affect the current and planned performance of the particular feature, element and system overall? The analysis must also incorporate the risks associated with the specific variables and parameters if they differ from those projected and/or anticipated.
- Evaluation of cost: How does the exception affect the cost of the particular feature, element and overall estimate?
- Evaluation of impacts: How does the exception affect the impacts associated with the particular feature, element and overall estimate? Impact evaluation shall include but not be limited to; environmental, property and socio-economic categories.

It is important to note that for projects located on the National Highway System (NHS), any design exceptions will require notification of Arizona Department of Transportation (ADOT), followed by review and approval by Federal Highway Administration (FHWA). In addition, this federal action will subsequently require compliance with National Environmental Policy Act (NEPA) requirements and approvals, as well as other federal requirements identified.

For process deviations, these may require approval by other parties such as the City council, or City Administrator, or other departments and/or agencies. The project team shall verify appropriate approval authorities prior to finalizing any requests for process deviations.

Prior to incorporating any design exceptions or process deviations into a project, the project team shall obtain concurrence from the Transportation Department, with formal approval being obtained at the time the DCR is signed by the City of Yuma Director of Engineering.

Environmental

In accordance with NEPA (42 U.S.C. § 4321 et seq.) and other relevant environmental laws and regulations, the COY will prepare a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) that includes engineering technical reports, environmental technical studies, agency coordination, and public involvement for all FAHP projects. The COY will prepare the NEPA documentation and analysis for ADOT and/or FHWA approval.

NEPA approval is FHWA's responsibility that cannot be delegated to the COY under the CA Agreement. Pursuant to Section 1318(b) of MAP-21 and 23 C.F.R. § 771.117(g), FHWA has entered into a programmatic agreement with ADOT, known as The Programmatic Agreement Between the Federal 19 Highway Administration Arizona Division and Arizona Department of Transportation regarding the Determination and Approval of Categorical Exclusion Actions for Federal-aid Highway Projects, that delegates the authority of determining and approving most CEs to ADOT. The non-delegated technical areas are Section 4(f), Section 106, air quality, and biology. All decisions, consultations, and approval related to these processes must be completed by FHWA.

Initiation

During the pre-planning of project design, the COY will conduct early coordination with ADOT Environmental Planning for a preliminary determination of the proper NEPA class of action and level of NEPA documentation needed.

For CE-level projects, the environmental review process may start during the pre-planning and continue into design. When the scoping documents (scoping letter or PA) are completed, the COY will submit the scoping documents to the ADOT PM and Environmental Planning for review of pertinent environmental information. ADOT Environmental Planning will confirm the preliminary NEPA document determination made during the pre-planning or design contract phase and provide guidance to the COY on environmental analysis.

Typically, DCRs are prepared for EA-level projects and require the development of project alternatives that will need to be analyzed during the NEPA review process. For projects requiring an EIS, ADOT and FHWA will determine jointly who will prepare the EIS.

The level of public involvement will be commensurate with the proposed action and conducted in compliance with NEPA requirements and the COY's public involvement guidelines.

NEPA Review Process

The COY will prepare the NEPA documentation. The COY will provide this documentation to ADOT Environmental Planning for approval.

For projects requiring a CE, the COY will obtain NEPA approval before proceeding beyond the 60 percent design plans. If the COY proceeds beyond the 60 percent design plans before obtaining NEPA approval, the COY must provide the ADOT PM written notice by email. Without prior approval by ADOT and FHWA, those design activities are considered "at risk" and may not be reimbursed if redesign is required.

For projects requiring an EA or EIS, the COY will obtain NEPA approval before proceeding beyond the 30 percent design plans.

After NEPA approval, ADOT Environmental Planning will send a copy of the document to the CA Agency. When the COY receives a copy of the NEPA approval, the COY may begin final design. If any part of the scope of work changes after NEPA approval, the COY will contact ADOT Environmental Planning for reevaluation.

The COY will submit subsequent design plans to FHWA through ADOT upon request of the State Historic Preservation Office (SHPO) for projects with a “no adverse effects” determination. As part of an ADOT environmental communication protocol, all parties involved in the environmental process should be included in project communications including but not limited to the Environmental Planner, ADOT Project Manager, applicable Certification Acceptance (CA) staff, ADOT technical team members, respective project consultants and/or subconsultants and any applicable internal or external stakeholders involved with the project. All environmental staff should keep their team(s) actively engaged with project status announcements. This will prevent situations from escalating due to non or miscommunication.

Environmental Commitments

Before the ADOT PM requests authorization for construction from FHWA, the COY will verify that the environmental commitments are included in the final design plans or specifications.

In accordance with 23 C.F.R. § 635.309(j), the COY will incorporate the environmental commitments into the PS&E exactly as approved in the project NEPA approval. The environmental commitments include project-specific mitigation measures, any required permits, and any required species handling guidelines. The COY will adhere to and cannot change the approved environmental commitments without prior written consent from ADOT Environmental Planning. The COY will ensure that the environmental commitments assigned to the COY and contractor are successfully implemented and documented in the project file.

After receipt of the NEPA approval, the COY will contact ADOT Environmental Planning for an assessment of any design changes as changes could trigger additional environmental analysis under NEPA. This applies to pre- and post-bid activities. After NEPA approval, design changes may require reevaluation in accordance with 23 C.F.R. § 771.129.

Environmental Compliance

The COY is responsible for preparing the environmental documentation and meeting all NEPA and other federal, state, and local environmental requirements for their projects in accordance with the same processes and procedures used for ADOT-administered projects.

Federally funded projects must comply with various federal environmental regulations including but not limited to:

- NEPA
- Council on Environmental Quality (CEQ) Regulations for Implementing NEPA
- FHWA/FTA Environmental Impact and Related Procedures
- Clean Water Act (CWA)
- Clean Air Act (CAA)

- Endangered Species Act
- Migratory Bird Treaty Act
- Section 106 of the National Historic Preservation Act (NHPA)
- Section 4(f) of the U.S. Department of Transportation Act Procedures for Abatement of Highway Traffic Noise and Construction Noise
- Resource Conservation and Recovery Act
- Title VI of the 1964 Civil Rights Act

Coordination between federal agencies applicable to a project’s environmental clearance process will need to occur early in the project development process in order to define each agency’s NEPA responsibilities. Thus, it is recommended that the LPA identify and notify known and potential federal agencies during the scoping phase of the project development process. Federal agencies other than FHWA could include FAA, FTA, the U.S. Environmental Protection Agency (EPA), BLM, BIA, the U.S. Bureau of Reclamation, the Corps, USFWS, and USFS.

The COY is responsible for preparing the environmental documentation and meeting all NEPA and other federal, state, and local environmental requirements for their projects in accordance with the same processes and procedures used for ADOT-administered projects.

NEPA addresses three levels of environmental impact evaluation and documentation, depending on the type of action and severity of potential environmental impacts. These include CEs, EAs, and EISs. The criteria for each level of NEPA documentation is outlined in 23 CFR 771.115 and summarized as follows:

- CEs are completed for projects that cause lesser or mitigated social, economic, or environmental impacts.
- EAs are completed for larger-scale projects that do not meet the requirements for a CE, projects that can have environmental impacts reduced through mitigation, and projects in which the significance of the environmental impact is not clearly established.
- EISs are completed for actions that significantly impact the quality of the human and natural environment.

Programmatic and Nonprogrammatic Categorical Exclusions

On June 26, 2008, FHWA and ADOT signed an Arizona Programmatic Categorical Exclusion Approval agreement, which outlines how approval authority for CEs is delegated between ADOT and FHWA. This agreement classifies CEs into two main categories: programmatic and nonprogrammatic. Programmatic actions can generally be reviewed and approved by ADOT without further approval by FHWA. Nonprogrammatic actions must be reviewed and approved by FHWA following ADOT review and approval, and may require some level of involvement by FHWA as the project is reviewed. Projects are programmatic if they meet the qualifications for a CE, and none of the conditions for nonprogrammatic status listed in the June 2008 Arizona Programmatic Categorical Exclusion Approval agreement apply. Examples of nonprogrammatic actions include but are not limited to actions that involve tribal land, actions that require

new ROW on federal land, or actions that involve “use” of properties protected by Section 4(f) of the U.S. Department of Transportation Act of 1966.

Group 1 and Group 2 Categorical Exclusions

Project types and the associated level of documentation required are detailed in two agreements between ADOT and FHWA: the Categorical Exclusion Guidelines (June 2006, or the latest version if updated since 2006) and the 2012 Update to the 2010 Operating Agreement (or the latest version if updated since 2012). For cases in which the Categorical Exclusion Guidelines and the Operating Agreement conflict, the latest version of the Operating Agreement should be used. Projects are qualified as either Group 1 CE projects or Group 2 CE projects according to the definitions and conditions found in the two agreements. ADOT EPG designates projects as either Group 1 or Group 2 according to the extent of ground disturbance. Group 1 CE projects do not involve ground disturbance and are programmatic. Required documentation for Group 1 CEs consists of a clearance memorandum (clearance memo), which is prepared by the LPA or EPG and approved by EPG. FHWA will be notified regarding the clearance memo, but FHWA approval is not required for Group 1 CEs. The clearance memo describes the project limits and scope, summarizes the potential effects of the action, and details all required mitigation measures (if mitigation is required). If the project does not cause ground disturbance but is nonprogrammatic, according to the guidelines in the 2008 Arizona Programmatic Categorical Exclusion Approval agreement, then the project requires a Group 2 CE.

Group 2 CE projects involve ground disturbance and may be either programmatic or nonprogrammatic. Documentation for Group 2 CE projects may consist of either a condensed clearance memo or a CE checklist. Supporting technical resource studies that evaluate impacts on environmental resources are also required. FHWA and ADOT developed the condensed clearance memo to streamline the environmental clearance process for projects that meet Group 2 CE guidelines but that involve only minor ground disturbance. A condensed clearance memo combines the clearance memo with a brief project evaluation of potential effects and mitigation with supporting analyses, as needed. If EPG has determined that a condensed clearance memo is sufficient for environmental clearance, it will provide the LPA with the appropriate condensed clearance memo format. Programmatic Group 2 CEs that involve more than minor ground disturbance and most nonprogrammatic Group 2 CEs require a CE checklist to document the project review. The CE checklist requires a more intensive evaluation of project impacts than the condensed clearance memo. The CE checklist template and the Checklist Completion Guidelines are available in the Categorical Exclusions section of the online EPG Guidance and Documents index. Documentation for programmatic Group 2 CEs is prepared by LPAs and reviewed and approved by ADOT. Nonprogrammatic Group 2 CE documentation is prepared by LPAs for ADOT review and requires FHWA approval. In certain cases, a condensed clearance memo may be used in place of a CE checklist for nonprogrammatic Group 2 CEs; however, the use of a condensed clearance memo will be determined by EPG and FHWA.

Environmental Assessments

An EA should be prepared for a proposed action that does not meet the criteria for a CE and that does not clearly require the preparation of an EIS. An EA may satisfy NEPA compliance or may only assist in determining whether further analysis is needed in the form of an EIS. EAs summarize the environmental scoping process and analyze all reasonable project alternatives, including a no-build alternative. They also include the results of agency coordination outlined in 23 CFR 771.111(d), which requires that agencies with jurisdiction by law or special expertise be requested to become cooperating or partnering agencies. ADOT,

in cooperation with FHWA, will determine whether federal, state, or tribal agencies should be invited to be cooperating agencies, as described under 40 CFR 1501.6.

Draft EAs, including the results of technical resource surveys, must be submitted to the ADOT project manager. ADOT EPG will review and approve the draft EA before sending it to FHWA Arizona Division for review. The draft EA will then be sent to cooperating agencies for review and then back to FHWA for final review and approval for public review. The draft EA must be approved by ADOT and FHWA before it can be circulated for a 30-day public comment period and scheduled for a public hearing. Following the public comment period, the LPA will make appropriate corrections based on any substantive comments and then will submit the final EA to ADOT. ADOT will submit final EA documentation to FHWA for review. The final EA should document compliance with all applicable federal, state, and local environmental laws, executive orders, and regulations or provide reasonable assurance that those requirements can be met.

Finding of No Significant Impact

FHWA will make a final determination of environmental impact following review of the final EA after coordination with cooperating agencies. If the EA concludes that a project will not result in significant impacts, and FHWA concurs with this finding, then FHWA will prepare a separate document called a Finding of No Significant Impact (FONSI). FHWA will provide a copy of the signed FONSI to both ADOT and the LPA. The LPA will then send the FONSI to affected federal, state, and local agencies. If FHWA reviews the EA and determines that the project is likely to cause significant impacts on the environment, the preparation of an EIS document will be required.

Environmental Impact Statements

ADOT and FHWA will determine whether a project is likely to cause significant impacts on the environment, triggering the need for the LPA to prepare an EIS. When ADOT and FHWA decide that an EIS is appropriate, FHWA will publish a Notice of Intent (NOI) in the Federal Register, initiating the EIS process.

If an EIS is required, the LPA will prepare a draft EIS, including technical resource studies, with appropriate guidance and participation by ADOT and FHWA. The draft EIS will evaluate all reasonable alternatives to the action, including the no-build alternative, and discuss why other alternatives that may have been considered were eliminated from detailed study. The draft EIS must be submitted to ADOT for review, who will forward it to FHWA Arizona Division. Following the initial review by FHWA, the draft EIS will be sent to cooperating agencies for review and returned back to FHWA for final review and approval for public review. FHWA will review the draft EIS for compliance with NEPA requirements, including legal sufficiency. Once approved by FHWA, the draft EIS will be circulated for public and agency review and comment by publishing it on the Federal Register.

After circulation of the draft EIS, the public and agency comments will be considered, which may require the LPA to conduct additional studies. The LPA will revise the information in the draft EIS accordingly and prepare a final EIS document. The final EIS will evaluate all reasonable alternatives considered and identify

the recommended alternative. Mitigation measures presented as commitments in the final EIS will be incorporated into the project. The LPA must provide a copy of the final EIS to EPA so that it can be published in the Federal Register and circulated for public and agency review and comment.

FHWA will review the final EIS and make a determination on the preferred alternative through the issuance of a Record of Decision (ROD); however, approval of the final EIS document does not commit FHWA to approve any future federal-aid request to fund the preferred alternative. FHWA will prepare the ROD, which will include the following: the basis for the decision, as specified in 40 CFR 1505.2; a summary of any mitigation measures that will be incorporated in the project; documentation of any required Section 4(f) approval; and any comments received on the final EIS. Before FHWA will sign the ROD, the project described as the preferred alternative must be fully funded in a fiscally constrained, air-conforming plan and program (i.e., funding must be dedicated to the completion of the project). For more information on air conformance policy and guidance, see the FHWA Transportation Conformity websites referenced in the Resources list at the end of this chapter.

Supplemental Environmental Impact Statements

A draft or final EIS may be supplemented at any time before the publication of a ROD. It will be supplemented whenever FHWA determines one of the following:

- Changes to the proposed action would result in relevant environmental impacts that were not evaluated in the draft or final EIS.
- New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the draft or final EIS.

Reevaluations of Environmental Documents

A reevaluation is an analysis of changes in a proposed project action, affected environment, anticipated impacts, and mitigation measures at specific times in the project development process. The purpose of a reevaluation is to determine whether an approved environmental document remains valid and to determine whether changes require preparation of a supplemental or new environmental document. Reevaluation of a CE, EA, or EIS is required if any one of the following conditions is identified:

- There are changes in the proposed action that are relevant to the environmental concerns.
- There are new circumstances that are relevant to the proposed action or its impacts.
- There is new information that is relevant to the proposed action or its impacts.
- A significant amount of time has passed since the original clearance or decision document (varies by document type and by project, but may be as little as 6 months).
- A federal law that is relevant to the project is updated or newly implemented.

Scope changes could result in unanticipated monetary and schedule requirements and can occur at any point during the project. If changes to project scope or funding occur, the LPA should contact ADOT EPG as soon as possible to determine whether reevaluation is necessary (see Appendix A for contact information).

Public Involvement

Public involvement, a component of environmental scoping, is a critical activity during the NEPA process. The goal of public involvement is to promote an exchange of information between the public and the project team. The level of public involvement will depend on the nature and complexity of the project. For projects that can be cleared through CEs, public involvement is usually limited; for those requiring clearance through EAs and EISs, public involvement is more in depth. Public involvement activities may be as simple as informal conversations with the affected public, notification letters to property owners, or announcements in local newspapers. Involvement activities may also include direct mailings, posters, door hangers, and public service ads. More complex projects may require multiple public involvement meetings, hearings, or both.

ADOT provides specific direction for coordinating the initial public involvement scoping effort to determine the level of public involvement. Refer to the Guidelines for Scoping Environmental Determination and Categorical Exclusion National Environmental Policy Act Documents, which is available in the Local Government Projects section of the online EPG Guidance and Documents index. These guidelines are intended to promote consistent, positive initial contact with agencies and the public. All public involvement should be tailored to meet the needs of each individual project. Care should be taken to ensure that information presented is consistent and applicable to the project. Good documentation of public involvement activities can be beneficial to the COY if the project is challenged.

Technical Resource Studies

Technical resource studies are the evaluative tools commonly used as the basis of decisions rendered in environmental documents. These resources are usually identified as being sensitive to project impacts and include natural resources, heritage resources (historic and cultural), social resources, recreational resources, and the like. Technical studies generally have established measurable criteria for evaluating potential project impacts. The methodologies, conclusions, and mitigation measures are coordinated with oversight agencies and regulatory bodies—such as the USFWS, which has jurisdiction over endangered species; EPA, which sets and enforces air quality regulations; and the Corps, which enforces CWA requirements. Environmental documents usually include summaries of the technical analyses and reference the technical study. Discussions of typical technical resource studies are presented in the following sections.

Biological Resources

During the analysis phase, the COY will assess a project's potential impacts on natural resources, including threatened and endangered species, state-protected species, and migratory birds. Coordination with the ADOT biologist will help the COY determine what level of biological resource analysis is required. There are three levels of documentation: a biological review, a biological evaluation, and an Urban Biological Evaluation Form. The ADOT EPG website offers detailed instructions on formats and guidance for each report type. The biological resource report must be completed by a qualified biologist (as determined by ADOT); qualification standards are provided in the Biological Resources section of the online EPG Guidance and Documents index.

Projects that partially occur on lands managed by a federal agency, such as USFS or BLM, or on lands under the jurisdiction of a tribal government may need to address impacts on additional sensitive species and to complete further coordination. The COY will coordinate with the applicable agency’s biologist to determine whether additional studies or document reviews will be necessary.

The COY is responsible for conducting the analysis and completing the appropriate reporting format. Once the biological report is completed, the findings are approved by the ADOT biologist; “may affect” findings are also approved by FHWA. Consultation with USFWS must occur for “may affect” findings that have been approved by FHWA. FHWA serves as the lead federal agency for Section 7 Endangered Species Act consultation with USFWS, although the COY will be required to supply any additional information that may be needed to complete consultation.

Cultural Resources

The LPA must assess a project’s potential impacts on cultural resources. Cultural resources refer to prehistoric and historic archaeological sites, buildings, structures, objects, and districts that are generally 50 years or older. Cultural resources that are determined eligible for listing in the National Register of Historic Places are termed “historic properties.” ADOT EPG’s Historic Preservation Team (HPT) is responsible for cultural-resource-related agency and tribal coordination and documentation reviews on LPA projects. For federally funded projects, FHWA serves as the lead agency for consultation and FHWA review and approval is also required. It is the responsibility of the LPA to coordinate with HPT to determine the necessary investigation and reporting requirements on a project-by-project basis. For more information on HPT’s coordination and documentation requirements, refer to the Cultural Resources section of the online EPG Guidance and Documents index. Section 106 of the NHPA, as amended, requires all federal agencies to consider the effects of their undertakings on historic properties. The regulations implementing the NHPA (36 CFR 800) require consultation with the State Historic Preservation Office (SHPO), the Tribal Historic Preservation Office (THPO), or both, as well as with tribal communities and other interested parties. If a project is on tribal land or land managed by a federal or state agency, the landowner or land manager must be included in consultation. The role of SHPO is defined in both state law (Arizona Historic Preservation Act) and federal law (NHPA). Through its Review and Compliance Program, SHPO assists federal, state, county, and local agencies in meeting their preservation responsibilities as defined by federal and state law.

Class I and Class III Surveys

Every project requires a cultural resources assessment or investigation that usually begins with a records search (typically referred to as a Class I inventory or Class I survey) of the project area. Class I surveys typically occur during the project scoping phase and are used to determine whether all or portions of the project area were previously inventoried, to identify known cultural resources both within the project area and within the vicinity of the project area, and to make recommendations for additional investigations.

Project areas that have not been previously investigated or that are not adequate for consultation will generally require a Class III survey, which typically takes place during a project’s design phase. A Class III survey is a systematic pedestrian survey designed to identify all cultural resources, both prehistoric and historic, within the project area. Class I and Class III survey reports typically describe identified cultural

resources, National Register of Historic Places eligibility recommendations, potential impacts on identified resources, and management recommendations for the avoidance or treatment of those resources.

Supplemental architectural inventory involving preparation of State of Arizona Historic Property inventory forms may be necessary for projects that are located adjacent to or within areas that may be designated as historic districts. HPT will determine whether an architectural inventory is needed.

Any cultural survey report generated by the COY will be reviewed by ADOT, and ADOT will make a recommendation for a determination before forwarding the report to FHWA for review. If the submitted survey report with eligibility recommendations is deemed adequate, FHWA will make a determination, based on ADOT's recommendation, regarding the project's potential effect on historic properties. If FHWA makes a project determination of "no historic properties affected" and consultation with SHPO is not necessary, ADOT will provide a Determination of Effect on historic properties and notify the LPA that the project may proceed without FHWA approval. If ADOT determines that the project will have an "effect" on cultural resources, ADOT will draft a consultation letter that includes the Determination of Effect on cultural resources and submit to FHWA for distribution and consultation. The cultural survey report and consultation letter will be distributed by FHWA to SHPO or the applicable THPO, as appropriate, and to the applicable consulting agencies and tribes. FHWA will request consulting parties' concurrence on the adequacy of the report, eligibility, and effect determinations. The consultation period typically takes 30 to 45 days. For projects that result in an "adverse effect" and require mitigation, an agreement document (such as a memorandum of agreement or programmatic agreement) between FHWA, ADOT, and the LPA, as well as any other affected agencies or tribes, may be necessary. LPAs should consult HPT before initiating a memorandum of agreement or programmatic agreement.

Air Quality

Potential project impacts on air quality must be assessed as required by the CAA. During the preliminary design phase of a federally funded project, a qualified air quality specialist must determine the appropriate level of analysis required for the environmental clearance. The type of air quality analysis will depend on the scope of project activities, the current air quality statistics of the project area, and the presence of local receptors.

National Ambient Air Quality Standards

The CAA requires EPA to establish National Ambient Air Quality Standards (NAAQS) to regulate pollutants considered harmful to public health or welfare. Currently, there are NAAQS for six primary, or criteria, pollutants: sulfur dioxide, carbon monoxide, ozone, lead, particulate matter, and nitrogen oxides. Additional details regarding the NAAQS are available on EPA's Office of Air and Radiation website (see the Resources list at the end of this chapter for a link to that website). An area is classified as in "attainment status," in "attainment with a maintenance plan" (also referred to as "maintenance status"), or in "nonattainment status" according to its compliance with the NAAQS. A map of attainment, nonattainment, and maintenance areas in Arizona is available on the Arizona Department of Environmental Quality (ADEQ) website (see the Resources list at the end of this chapter for a link to that website). The COY should consult the map to determine the status of air quality within their project area. If the project is within a designated nonattainment/maintenance area for one or more of the six criteria pollutants, then an analysis may be required to ensure that the project conforms to the overall air quality goals of the area. These air quality goals for nonattainment areas are outlined in the State Implementation Plan, which is an enforceable plan

developed at the state and local level that explains how the area will comply with the NAAQS according to the CAA. A federally funded transportation project must not create new violations of the NAAQS, increase existing violations, or delay the process of reaching attainment status. No additional criteria air pollutant analysis is required for projects within attainment areas. Some projects are exempt from conformity and therefore do not require an air quality analysis (see 40 CFR 93.126 for a list of exempt projects). The COY should coordinate with the ADOT EPG Air and Noise Team to determine the potential for air quality impacts and whether or not air quality analysis is required.

Mobile Source Air Toxics

In addition to regulating criteria pollutants, EPA regulates air toxics called mobile source air toxics (MSATs). One of four levels of documentation and analysis is required for MSATs:

1. No MSAT documentation required for projects exempt from conformity determinations
2. Level 1 MSAT Documentation for projects with no potential for meaningful MSAT effects
3. Level 2 Qualitative MSAT Analysis for projects with low potential MSAT effects
4. Level 3 Quantitative MSAT Analysis for projects with high potential MSAT effects

The COY will coordinate with the EPG Air and Noise Team to determine the level of required MSAT analysis on any particular project. The COY will refer to FHWA's Interim Guidance on Air Toxic Analysis in NEPA Documents and the joint April 8, 2010, EPG/FHWA memorandum that summarizes guidance for evaluating MSATs. Refer to the Air Quality section of the online EPG Guidance and Documents index for detailed MSAT guidance. Construction activities may result in temporary and short-term increases in emissions of criteria pollutants and MSATs. Mitigation measures during construction may be required. ADOT has developed commonly used mitigation measures that address construction impacts on air quality.

Noise

During the preliminary design phase of a project, the COY will review proposed alterations in roadway, traffic capacity, and distance to sensitive noise receivers in coordination with the EPG Air and Noise Team to determine whether a qualitative or quantitative noise analysis is required (see Appendix A for contact information). According to 23 CFR 772, a noise analysis is required for Type 1 federally funded highway projects. A Type 1 project is one that involves either the construction of a highway on a new location, an increase in the capacity of an existing roadway, or an alteration in the vertical or horizontal alignment of an existing transportation facility. A noise analysis documents both the existing and future noise environments, and it predicts traffic noise impacts by comparing the predicted future build noise levels at each activity area to both the noise impacts threshold for that type of receiver and the existing noise levels at that location. If the noise levels exceed levels determined by the ADOT Noise Abatement Policy, then mitigation measures should be considered to reduce or eliminate the noise impact. These mitigation measures can take the form of noise barriers, traffic-control measures, or other approved methods of reducing the impact of traffic noise, and they must meet the criteria for feasibility and reasonableness listed in the ADOT Noise Abatement Policy. Refer to the Noise section of the online EPG Guidance and Documents index for additional guidance.

Sections 4(f) and 6(f)

Federal transportation policy supports the preservation and integrity of publicly owned parks and recreation areas; wildlife and waterfowl refuges of national, state, or local significance; and historic sites of national, state, and local significance—collectively known as Section 4(f) properties. Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303) prohibits FHWA and all state transportation agencies from approving a transportation program or project requiring the use of any Section 4(f) property unless a determination is made that:

- The use will have no more than a de minimis impact on the area
- There is no feasible and prudent alternative to using the property
- The program or project includes all possible planning to minimize harm to the property resulting from the use

A “use” of a Section 4(f) resource, as defined in 23 CFR 774.17, occurs “(1) when land is permanently incorporated into a transportation facility; (2) when there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in 23 CFR 774.13(d); or (3) when there is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15.” As defined in 23 CFR 774.15(a), a “constructive use” of a Section 4(f) resource occurs “when the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.” The following are examples of a constructive use (23 CFR 774.15[e][1–3]):

- The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f).
- The proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property.
- The project results in a restriction on access, which substantially diminishes the utility of a significant publicly owned park, recreation area, or historic site.

Section 6(f) of the LWCF Act is indirectly related to Section 4(f) policy direction. This federal regulation, administered by the National Park Service (NPS), pertains to transportation projects that propose to convert outdoor recreation property that was acquired or developed with LWCF grant money. Section 6(f) requires NPS approval before any property acquired or developed through the LWCF can be converted to a nonrecreational purpose. NPS is not authorized to approve a Section 6(f) land conversion for a federal-aid highway project unless replacement land of equal value, location, and usefulness is provided as a condition (mitigation) of the conversion.

Section 4(f) and Section 6(f) are typically discussed in the same context of a proposed federal-aid transportation project because it is common for potentially affected Section 4(f) and 6(f) resources to have received funding through the LWCF.

The COY is responsible for completing and documenting all relevant background research and investigation information pertaining to Section 4(f) and 6(f) resources and determinations. FHWA and ADOT EPG will provide the LPA assistance with determining the required information necessary to document any Section 4(f) and Section 6(f) resources. The online EPG Guidance and Documents index provides Section 4(f) policy guidance and a Section 4(f) negative declaration for independent bikeway and pedestrian walkway projects requiring the use of recreation and park areas. The latter is intended to reduce processing time and delays for 4(f) evaluations.

Water Resources

Water resources include surface waters, groundwater, floodplains, impaired waterbodies, and waterbodies regulated by the CWA. The presence or absence of these resources should be assessed so that a project's anticipated impact on water resources can be evaluated by ADOT during the NEPA process. The NEPA document should identify the locations, quantities, and sizes of water resources and provide an initial recommendation on the severity of project impacts on these resources.

While specific permits or authorizations may be required to impact or alter water resources, approvals from various federal, state, and local agencies are not considered a prerequisite for the issuance of environmental clearance by FHWA and ADOT. Securing CWA permits and authorizations can be very time consuming, typically taking 3 to 9 months to acquire. Therefore, COY will begin coordination with applicable agencies as soon as a project's extent of interaction with any water resource is known, and should obtain the necessary permits or approvals before construction. Requirements for COY projects may include any or all of the following: a CWA Section 401 water quality certification, a CWA Section 402 Arizona Pollutant Discharge Elimination System (AZPDES) permit, a CWA Section 404 permit for dredge and fill material, a Rivers and Harbors Act Section 10 permit, or a county floodplain permit. The necessity of these certifications, permits, and clearances depends on the project site and specific project details.

Compliance with the CWA will be required for projects that involve the presence of water resources. The goal of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waterways. It prescribes the policies, practices, and procedures to be used in determining the extent of EPA and Corps jurisdiction over the waterbodies on a given project site. Waterbodies under EPA and Corps jurisdiction are known as waters of the United States (Waters), which are defined under 33 CFR 328.3. Projects that result in the discharge of any material, including stormwater, within Waters are subject to CWA regulations and may require the LPA to obtain permits or certification before construction. Sections 401, 402, and 404 of the CWA are commonly applicable to construction and maintenance projects, and action by the LPA may be required during the early stages of project planning. Authority to oversee Section 401 certifications and Section 402 permits is delegated by EPA to ADEQ; Section 404 permits are managed by the Corps with oversight from EPA.

Complying with the CWA, including obtaining the necessary approvals and certifications from the Corps, EPA, ADEQ, and tribes is the responsibility of the LPA. It is recommended that the applicability of the various CWA requirements for a given project be reviewed early in the project life cycle (i.e., during scoping) and frequently monitored during the design process to determine the appropriate CWA requirements so that sufficient time is allotted to obtain the necessary approvals and certifications.

Clean Water Act Section 404

Section 404 requires Corps authorization for all discharges of dredged or fill material in Waters, including jurisdictional wetlands. Transportation-related activities such as road and bridge improvements, multiuse-path construction, and drainage maintenance, may be subject to regulation under Section 404. The Arizona Branch of the Corps Los Angeles District Regulatory Division is responsible for issuing CWA Section 404 guidance for Arizona.

Technical information on the Corps' Section 404 permit process, including Corps guidance manuals and resource publications that assist in determining a project's permitting requirements, are maintained by the Corps and are available on the Corps Headquarters Regulatory Program and Permits website (see the Resources list at the end of this chapter). Also available are document templates, submittal instructions, and graphic standards that COY will use when preparing Section 404 reports and applications. Although the ADOT EPG Section 404 guidance and submittal requirements do not apply to LPA projects, the EPG Section 404 Procedures website is an excellent resource for obtaining general, relevant information on the Corps' Section 404 program, including applicable policies, regulations, and permits common to transportation projects. The Resources list at the end of this chapter provides links to the Corps and EPG Section 404 Procedures websites, which include the reference materials that are further discussed in this Water Resources section. Figure 9-4 shows an overview of the Section 404 analysis and approval process.

Jurisdictional Determinations

The COY's initial step in the CWA process is to determine the presence of Waters on a given project site by conducting a jurisdictional delineation (JD) of the project area. This information is needed before determining the project's requirements for CWA Section 404 permitting. JDs evaluate the potential for the existence of Waters by assessing the presence or absence of an ordinary high-water mark and other specific physical characteristics associated with Waters according to Corps guidance. Typical Waters affected by COY projects include lakes, rivers, creeks, ephemeral washes, and wetlands. Swales and erosional features are generally not considered Waters, as they typically lack the physical characteristics of a jurisdictional waterbody. Currently, the Corps offers the following reference manuals for conducting JDs:

- Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest, June 2001
- A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States, August 2008
- Jurisdictional Determination Form Instructional Guidebook, May 2007
- Regulatory Guidance Letter No. 08-02, June 26, 2008
- Corps of Engineers Wetland Delineation Manual, January 1987
- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), September 2008
- Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western

Mountains, Valleys, and Coast Region, April 2008

According to the Corps Regulatory Guidance Letter 08-02, there are two JD options: preliminary and approved. A preliminary Jurisdictional Delineation (PJD) is a quicker process and therefore is the most commonly used option; it is also preferred by FHWA, according to its May 6, 2009, guidance memo regarding PJDs and approved JDs. A PJD assumes that all potential Waters identified are hydrologically connected to navigable Waters and are therefore jurisdictional. An approved JD is only required for a determination that the waterbodies on the project site are not jurisdictional because they are not hydrologically connected to navigable Waters, or for when a legally defensible statement regarding the jurisdictional status of the Waters on the site is desired. Currently, the Corps does not have the authority to issue approved JDs, so the Corps forwards approved JD reports to EPA for review and approval, which can add significant time to the approval process.

Projects receiving federal-aid funding are subject to the FHWA policy requirements for utility relocations, adjustments, and reimbursements defined in 23 CFR 645.

If federal funding is requested for utility relocation with prior rights, all requests for authorization of federal-aid funds for utility preliminary engineering and relocation costs should be submitted to URR, as well as to the ADOT project manager. Included with the request is the cost for the utility preliminary engineering and relocation work, the federal-aid pro rata share, and the local matching share of the project cost. ADOT will request authorization of federal-aid funds on the COY's behalf and, if granted, will transmit a copy of FHWA authorization to the COY. Costs incurred before FHWA authorization are not eligible for federal aid reimbursement.

Nationwide Permits

Certain activities involving the discharge of dredged or fill material into Waters are authorized under the Corps 2012 Nationwide Permit (NWP) Program (Federal Register Notice Vol. 77, No. 34, 10184-10290, effective until March 18, 2017). NWPs authorize discharges to Waters that occur due to a variety of specific activities, provided that the project meets the conditions for the applicable NWP, including the NWP General Conditions and the Regional Conditions for Arizona. Depending on the conditions for a given NWP and interaction with surrounding resources (e.g., cultural and biological resources), the LPA may be required to notify the Corps of the project specifications. NWPs common to transportation-related projects include NWP No. 3 (Maintenance), No. 6 (Survey Activities), No. 12 (Utility Line Activities), No. 14 (Linear Transportation Projects), and No. 33 (Temporary Construction, Access, and Dewatering).

Projects that involve impacts on Waters but that do not require notification based on the conditions of the applicable NWP (referred to as "non-notifying"), are authorized to proceed under the conditions of that applicable NWP with no application required. If notification is required due to project design and the conditions of the applicable NWP, the LPA must complete a Pre-Construction Notification application and submit it to the Corps for review and approval before construction. A full listing of current NWPs and submittal requirements are available on the Corps Headquarters' website.

Individual Permits

For projects with impacts on Waters that do not meet the conditions of any NWP or that exceed the threshold of the applicable NWP, the LPA must prepare an individual permit (IP). An IP necessitates greater input on project purpose and need as compared to an NWP and must identify a least environmentally damaging practicable alternative through the completion of a decision document that constitutes the Corps' Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of

Findings. Ips also carry mandatory mitigation requirements and a 30-day comment period intended to provide an opportunity for agency and public input on the project. More details on required IP documentation are available on the Permit Process and Technical Information page of the Corps website

Clean Water Act Section 401

CWA Section 401 requires the State to certify that proposed discharges associated with a project are in compliance with applicable effluent limits, Arizona's water quality standards, and any other appropriate requirements of state law. EPA has delegated authority to ADEQ to grant, deny, or waive Section 401 water quality certification for both Ips and NWP. The Corps cannot issue a permit for a project if ADEQ has not approved or waived certification or has denied Section 401 certification for that project. Certain activities have been precertified by ADEQ if they meet the Section 401 certification requirements of the applicable NWP, so the requirements should be reviewed to determine whether individual certification is necessary. If individual certification is required, the Application for Coverage under the CWA Section 401 Certification Form must be completed and submitted to ADEQ. To obtain a Letter of Certification from ADEQ, the COY will demonstrate that the proposed project will not cause or contribute to the violation of state water quality standards or conditions established by the Water Quality Control Council.

Clean Water Act Section 402

The National Pollutant Discharge Elimination System (NPDES) Program is authorized under Section 402 of the CWA and provides the statutory basis and structure for regulating the discharge of pollutants from any point sources into Waters. However, in 2002, ADEQ was delegated the authority to implement the AZPDES Program, under the primacy of the NPDES Program, on the state level for nontribal lands. If the project will cause any discharge of pollutants off-site or into Waters on nontribal lands, including sediments from construction projects, an AZPDES permit is required.

There are two types of AZPDES permits: general and individual. General AZPDES permits allow for coverage under one permit for similar activities within a specific category, industry, or area. For example, the AZPDES Construction General Permit (CGP) (Permit No. AZG2008-001) covers all construction sites that disturb 1 acre or more, and the AZPDES Phase II MS4 stormwater permit covers small municipal separate storm sewer systems (MS4s). If the project meets the requirements for an available general permit, the project must obtain coverage under and comply with the conditions of that permit in order to be covered under CWA Section 402. If the project does not fall within the coverage of a general permit, an individual AZPDES permit with specialized conditions will be required.

ADOT has an individual AZPDES permit – the Statewide Stormwater Discharge Permit – which provides coverage for the agency on all ADOT-administered state and local projects on nontribal land. ADOT's Statewide Stormwater Discharge Permit only covers ADOT, not the LPA; therefore, the LPA must obtain separate coverage under AZPDES (e.g., through the AZPDES CGP). For additional information on AZPDES/NPDES permitting, forms, best management practices, and example stormwater pollution prevention plans (SWPPPs), refer to the ADEQ and EPA websites listed in the Resources list at the end of this chapter.

Stormwater Pollution Prevention Plans

The AZPDES CGP, which is commonly used for COY construction projects, requires the preparation of a SWPPP as a condition of the permit and the submittal of a Notice of Intent (NOI) with applicable fee payment before beginning ground disturbance activities. A SWPPP is a detailed document that describes how a contractor will address, control, and maintain structural implements and nonstructural practices designed to reduce pollution and restore conditions of natural surroundings before, during, and after

construction phases. The SWPPP is a living document that must be updated frequently with dated records of construction activity, inspections, monitoring, maintenance of best management practices, and stabilization activities. Commonly, a contractor is hired to prepare the SWPPP.

The SWPPP must be prepared before filing an NOI with ADEQ. For ADOT-administered projects, the SWPPP must be reviewed and approved by the ADOT resident engineer before submittal of the NOI. For approved self administration projects and Certification Acceptance projects, the NOI can be submitted upon COY approval of the SWPPP.

Following submittal of the NOI with the applicable fee payment, ADEQ has a 7-day review period for most projects. If the project is located within ¼ mile of an ADEQ-defined Unique or Impaired Waterbody or if the project involves an area determined to contain suitable habitat for threatened and endangered species, the review period may be up to 32 days and the SWPPP must be submitted to ADEQ for review. The review period begins following ADEQ receipt of the NOI and the applicable fee payment, which ranges from \$250 to \$750 depending on the extent of ground disturbance; SWPPP review, if required, has an additional \$1,000 fee. Coverage is granted once ADEQ issues an authorization certificate, which may occur in as little as a few days. Expedited authorization of the NOI is available through the use of the ADEQ Smart NOI electronic signature system (see the Resources list at the end of this chapter for a link to that website). The NOI should be submitted early enough to allow ADEQ ample time to review the NOI and provide authorization before the expected initial construction date.

Once construction disturbance activities are complete, the AZPDES CGP requires that ground surfaces disturbed by construction be stabilized before submittal of a Notice of Termination. The stabilization requirements can be difficult to achieve during the active construction period, particularly when stabilization relies on vegetative growth (i.e., turf seeding, native seeding) to satisfy permit criteria. LPAs whose activities trigger coverage under the AZPDES CGP cannot close out a project until approved to do so by the ADOT resident engineer and the Notice of Termination has been accepted by ADEQ.

Rivers and Harbors Act

Under Section 10 of the Rivers and Harbors Act of 1899, a Corps permit is required to do work within, over, or under “navigable waters” (33 CFR 329.4). Waters that have been previously determined by the Corps to be navigable waters are designated as “traditional navigable waters” (TNWs). Currently the Colorado River reaches the Santa Cruz River and Gila River and is considered TNWs. LPAs must apply for a Section 10 permit to work within the jurisdictional limits of these waterbodies. The LPA should consult the Jurisdictional Determinations page of the Corps Regulatory Division website for a list of TNW decisions, which includes information on the locations of the Corps-designated TNW reaches of the Santa Cruz River and Gila River (see the Resources list at the end of this chapter for a link to that website). The permit application required for Section 10 approval is the same application used for NWP or IP notification.

Floodplains

Protection of floodplains and floodways is required under the following: FHWA’s Federal-Aid Policy Guide, Location and Hydraulic Design of Encroachments on Flood Plains (23 CFR 650A); FEMA Executive Order 11988, Floodplain Management; and U.S. Department of Transportation Order 5650.2, Floodplain Management and Protection.

COY is responsible for assessing and avoiding or minimizing project impacts on base floodplains and regulatory floodways. A preliminary assessment is necessary to determine whether a project alternative will encroach on any base floodplain or regulatory floodway, and the results should be incorporated into the NEPA document. The Flood Insurance Rate Maps page of the FEMA website provides a delineation of special hazard areas and the risk premium zones applicable to a project area (see the Resources list at the end of this chapter for a link to that website).

The COY will procure the necessary federal and county floodplain permits before construction. Any work in a floodplain must be based on accepted hydrologic and engineering studies. In association with the previously mentioned federal orders, the LPA should consult the following ADOT guidelines and manuals for further information related to hydrologic and engineering design within floodplains (see the Resources list at the end of this chapter for links to these documents):

- ADOT Highway Drainage Design Manual: Hydraulics
- ADOT Bridge Hydraulics Guidelines

As of July 2011, Yuma County administers countywide programs designed to provide comprehensive flood-control protection. During the scoping phase, the COY will contact the applicable county floodplain administrator to determine the local policies and design standards that may also apply.

Hazardous Materials

During the environmental clearance process, COY will identify any hazardous materials which may be present in potential project areas. Hazardous materials assessments are conducted early in the project development process to minimize the risk of unexpected project costs and risks to health and safety. The COY will have a qualified hazardous materials specialist review the project area to assess the potential for hazardous materials. A complete list of required professional and educational qualifications is available in the Hazardous Materials section of the online EPG Guidance and Documents index.

ADOT EPG requires a preliminary initial site assessment (PISA) for hazardous materials clearance on most projects. The PISA involves a records check to review EPA and ADEQ records of known hazardous materials sites or incidents (leaking underground storage tanks, landfills, spills, etc.) within a given area within or near the project site. The PISA summarizes the results of the records check, as well as observations made during field verification. Data for the records check is available from online EPA and ADEQ databases and from commercial sources. If the PISA identifies hazardous materials at a project site, Phase I, Phase II, and Phase III environmental site assessments may be required.

For projects involving renovation or demolition activities of a load-bearing structure, asbestos testing and National Emission Standards for Hazardous Air Pollutants notification is required for compliance with 40 CFR 61. Abatement may also be required if asbestos or air pollutants are identified. If paint will be obliterated as part of a project, lead-based-paint testing will also be required. The COY will contact the ADOT Hazardous Materials Team to confirm the need for asbestos and lead-based paint testing. These hazardous materials investigations must be current at the time the NEPA determination is made, with mitigation measures in place in the event that conditions change before bid and award.

Socioeconomics Considerations

According to 23 USC 109(h) of the Federal-Aid Highway Act of 1970, federally funded projects should make final decisions that consider adverse economic, social, and environmental effects, including:

- Air, noise, and water pollution
- Destruction or disruption of human-made and natural resources
- Aesthetic values, community cohesion, and the availability of public facilities and services
- Adverse employment effects and tax and property value losses
- Injurious displacement of people, businesses, and farms
- Disruption of desirable community and regional growth

Where there are foreseeable impacts on a community or group of people, the LPA should analyze and document the level of impacts, including:

- Changes in the neighborhoods or community cohesion for various social groups
- Changes in travel patterns and accessibility to vehicular traffic, bicycles, or pedestrians
- Direct impacts on school districts, churches, police, and fire protection
- Impacts on overall public safety
- Specific impacts on general social groups, such as the elderly, people with disabilities, transit-dependent people, and minority/ethnic groups

Documentation prepared during the NEPA process should address the severity of possible impacts and identify the mitigation measures necessary to avoid or minimize any adverse effects.

Relocation Impacts

If relocations are required, the LPA should provide relocation information for all proposed alternatives to adequately explain the relocation situation, including anticipated problems and proposed solutions. Typical factors to consider include the number of potentially displaced households or businesses, the number of comparable available replacement dwellings or sites, and the LPA's policy on relocation and displacement. For additional details, see the Relocation Process and Uniform Act sections of Chapter 10, Right-of-Way Clearances.

Environmental Justice and Title VI

Title VI of the Civil Rights Act of 1964 and related statutes are intended to prevent individuals from being excluded in, denied the benefit of, or subjected to discrimination on the basis of race, color, national origin, age, sex, and disability. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs that federal programs, policies, and activities not have a disproportionately high and adverse human health and environmental effect on minority and low-income populations. ADOT's Title VI and environmental justice overview is provided in the Environmental Justice section of the online EPG Guidance and Documents index.

All LPAs that receive federal-aid funding for transportation projects and programs are required to comply with Title VI. Additionally, Executive Order 12898 requires federal agencies to include environmental justice as part of their missions. Because ADOT receives federal financial assistance, it is responsible for meeting federal environmental justice regulations.

The COY will identify and evaluate environmental justice for NEPA compliance and appropriately document whether a project will have temporary, adverse, or permanent effects on any businesses, residents, or landowners when preparing environmental documents.

Visual Resources

Visual resources must be analyzed as an integral part of the NEPA process for transportation projects. A visual resource analysis is an explanation of the existing visual character of the subject landscape, with a discussion regarding the impacts that a proposed project would have on the existing visual character. The analysis then discloses whether or not the proposed project would be in compliance with existing visual management objectives, if any. The COY will refer to the Visual Impact Assessment for Highway Projects (Publication No. FHWA-HI-888-054) for guidance on highway planning and assessment.

USFS and BLM have established specific resource management plans for the lands they manage that require the analysis of visual resources. Visual analysis performed on USFS land should be consistent with the Visual Management System manual (Agricultural Handbook No. 462) or the Landscape Aesthetics manual (Agricultural Handbook No. 701). Visual analysis performed on BLM land should be consistent with the Visual Resource Contrast Rating manual (BLM Handbook 8431-1). The COY will contact ADOT EPG to coordinate with USFS and BLM in order to determine the full scope of visual analysis that would be required for a particular project (see Appendix A for contact information).

Materials Source Clearances

NEPA analysis completed for an COY project must include the evaluation of potential materials sources only if the source is predesignated during the planning/programming phase or before construction. However, if a potential materials source is not predesignated, the COY's contractor will be responsible for obtaining environmental clearance from the ADOT Materials Group, independent of the project's overall NEPA clearance.

Contractor-Furnished Materials

Sources Material from a non-ADOT-licensed materials source cannot be used on a federally funded project until the source has successfully completed the EPG environmental analysis process. To initiate the EPG environmental analysis process, the LPA must have the materials source owner or operator complete the Material Source Environmental Analysis Application form and submit it to EPG (refer to the Contractor-Furnished Material Sources section of the online EPG Guidance and Documents index for the form). This form, which includes a cultural survey and report, allows EPG to adequately evaluate the listed material source for compliance with NEPA and ADOT standards. Once EPG has received a completed application, it will initiate a cultural consultation process, if necessary. Following completion of consultation, the materials source will receive a tracking number and will be included on EPG's list of contractor-furnished materials sources.

To use a materials source from the list of contractor-furnished materials sources, the COY will submit the Material Source Environmental Analysis Update form to EPG. Through this form, the contractor agrees to the compliance measures, including any and all mitigation measures stipulated in the accepted environmental analysis application. The update form must also be submitted for any subsequent use of the materials source for other projects, but the Material Source Environmental Analysis Application form does not need to be submitted again for that source.

EPG's list of contractor-furnished materials sources that have previously completed an environmental analysis is available on the Contractor-Furnished Material Sources section of the online EPG Guidance and

Documents index. Inclusion on the list does not guarantee that the materials source will be available for all projects. The COY will consult with the assigned ADOT resident engineer for approval of any listed materials source.

Geotechnical Investigation Clearances

For federally funded projects that require geotechnical investigation, ADOT EPG's geotechnical clearance process should be followed to obtain environmental clearance and to establish any necessary mitigation measures. LPAs should coordinate with their designated EPG liaison to obtain clearance for the investigation plan and any associated temporary features (e.g. access roads, staging areas) before initiating on-site activities.

To obtain geotechnical clearance, the COY will evaluate site-specific environmental issues by completing the Geotech Compliance Form. EPG has identified hazardous materials, biological resources, and cultural resources as technical specialties that require critical evaluation on the form before issuing geotechnical clearance. Following receipt of a completed Geotech Compliance Form, EPG will issue geotechnical clearance, which permits the geotechnical investigation plan to proceed.

Refer to the online EPG Guidance and Documents index for the required checklists and forms applicable to each resource. The COY will coordinate with the EPG NEPA planner upon the initiation of the geotechnical clearance process.

Mitigation Measures

Mitigation measures are commitments made during the environmental evaluation and study process that serve to moderate or lessen negative impacts of the project on the human and natural environment. The Categorical Exclusions section of the online EPG Guidance and Documents index has a downloadable list of commonly used mitigation measures for ADOT highway and LPA projects. These standard measures are to be used as appropriate during preparation of environmental documents, and they cannot be modified. Proposed mitigation measures that are not included on the list must be reviewed and approved by EPG (if applicable); the ADOT district engineer; the ADOT project manager, and the COY (as appropriate) to ensure that they are constructible. Approved mitigation measures must be adhered to and cannot be changed. All mitigation measures that are identified and agreed upon appear in the environmental clearance document and the associated clearance memo. FHWA will not authorize federal-aid funds for construction without verification that mitigation measures are included in the PS&Es and bid documents (23 CFR 635). Mitigation measures identified for a contractor must be included in the contract specifications. Failure to implement the mitigation measures could result in the revocation of permits, funding, or FHWA environmental approval—thus resulting in the inability of the COY to complete the project.

The COY is solely responsible for ensuring that the mitigation measures in the environmental clearance document are successfully implemented. LPAs are financially responsible for their local portion of the mitigation implementation, unless determined otherwise in an IGA or other contract document.

Utility and Railroad Clearance

During the utility/railroad coordination process, the COY is responsible for coordinating with the utility companies to ensure avoidance or to plan for relocation of conflicting utilities, including the preparation of the utility report, utility agreement (if necessary), the utility special provisions, and the utility clearance certification letter. If the COY requests utility relocation that is covered by prior rights, then the COY must

submit its requests for federal-aid funding through URR, as well as through the ADOT project manager. In this instance, the COY must coordinate with URR and submit the clearance documentation and utility or railroad agreement before the execution of those documents. The COY will also coordinate with the railroad companies to obtain the railroad agreement, if necessary. FHWA will only review and provide comments on the draft utility clearance letter on FHWA full-oversight projects (For more information on FHWA and ADOT oversight roles, see Chapter 2, ADOT Administration, and the FHWA and ADOT Stewardship and Oversight Agreement for Arizona).

Materials Memorandum

ADOT currently does not participate in materials clearances for self-administered or Certification Acceptance projects. Self-administering and certified LPAs follow their own materials clearance process, but must provide materials clearance compliance documentation to ADOT and FHWA during the final acceptance process. The COY will contact the Materials Group during the scoping process, as needed, regarding questions about and recommendations for geotechnical analysis, materials and design standards, and materials-testing procedures. Self-administering and certified LPAs must comply with all applicable state and federal laws, regulations, and requirements regarding materials use on federally funded projects.

Geotechnical investigation plans should be provided to the Materials Group for approval before initiating geotechnical operations. This coordination typically occurs during 15% design plans (Stage I design).

The ADOT Materials Group provide detailed information about submittal requirements, design standards, sampling and testing requirements, and policies and procedures that should be adhered to when planning and designing structures and selecting materials to be used for a project. These manuals outline COY's responsibilities and provide descriptions of the tasks to be performed.

The ADOT Materials Testing Manual provides standardized materials sampling and testing procedures for laboratories to evaluate materials for conformance with ADOT specifications. This manual also outlines the certification process and applicable compliance guidelines for materials to be incorporated into projects. Procedures outlined in the manual are separated into four categories:

- Procedures that follow established standards
- Procedures that follow established standards but that have been modified
- Procedures that are modifications of testing procedures used by other state transportation departments
- Procedures originated by ADOT, referred to as the "Arizona Method"

Series 900 of the ADOT Materials Testing Manual details ADOT's Materials Quality Assurance Program, which has been established in accordance with the revised requirements of 23 CFR637B, Quality Assurance Procedures for Construction. Series 900 of the manual details ADOT's policies, procedures, and guidelines for contractor testing, materials acceptance and certification, and independent assurance sampling and testing. ADOT's Quality Assurance Program is intended to ensure that all materials incorporated into ADOT projects satisfy specification requirements and provide the highest degree of confidence in the reliability of tests performed by laboratories. For assistance locating approved materials-testing laboratories and certified technicians, refer to the Materials Group Quality Assurance Section website.

Series 1000 of the ADOT Materials Testing Manual provides certification procedures and documentation requirements. As described in Section 106.05 of the ADOT Standard Specifications for Road and Bridge Construction, a Certificate of Compliance or a Certificate of Analysis must be furnished for certain materials or manufactured assemblies before their use. A listing of materials that require either a Certificate of Compliance or a Certificate of Analysis is also provided in Series 1000.

It is the responsibility of the COY or its contractor to ensure that only materials certified in accordance with ADOT QA procedures are incorporated into a project. The intent of the Materials Testing Manual is to provide detailed procedures so that a competent laboratory operator who is unfamiliar with the method can obtain accurate results when a procedure is correctly followed.

Pavement Section Selection

Flexible and rigid pavement design are based on the procedures and methodology used by the Arizona Department of Transportation in their publication entitled *Pavement Design Manual (2)* as amended herein. In addition, the designer is referred to *MAG Uniform Standard Specifications and Details for Public Works Construction (3)* and *City of Yuma Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)* for material requirements and specifications and the *City of Yuma Construction Standard Detail Drawings for construction details (5)*.

For roadways located within ADOT's jurisdiction and roadways on the NHS, the pavement design will be based on the procedures and methodology used by the Arizona Department of Transportation in their publication entitled *Pavement Design Manual (2)*.

For all other roadways located in the City of Yuma, the pavement design will be based on the procedures and methodology identified in the *City of Yuma Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)* and *City of Yuma Construction Standard Detail Drawings (5)*.

In choosing the optimal design for the pavement structure, the following should be considered:

1. *Continuity of Pavement Type* – To maintain uniform driving conditions for the motoring public, consideration should be given to continuing the same type of existing pavements. This is especially important for relatively short projects.
2. *Local Conditions and Subgrade Material* – Typically there are multiple pavement structural sections that will meet the requirements of the design equation. Local conditions, such as shallow underground utilities, very heavy slow-moving truck traffic, poor drainage, etc., may make one pavement alternative preferable over the others. A significant change in quality of subgrade material along the length of a roadway may justify more than one pavement structural section. Feasibility of using a geogrid, removing, or treating of poor subgrade material, or importing of good material should be considered in the selection of a final pavement section. Refer to Section 1.7 and 2.1.5.2 of ADOT Pavement Design Manual (2) for additional information.
3. *Conservation of Natural Resources* – Conservation of natural resources should be considered in the evaluation of the pavement design alternatives, particularly in areas where aggregates or

other materials are scarce.

4. *Anticipated Construction Problems* – Consideration should be given to the feasibility of the proposed design in regard to standard construction methods.
5. *Cost* – A life cycle cost analysis (LCCA) should be performed to determine the most cost-effective structural design. RealCost software (6) developed by the Federal Highway Administration, or a similar method, should be used for the LCCA. Unless specified otherwise, pavement service life shall be 20 years.

Normally, the pavement design that satisfies the structural requirements and represents the least cost would be selected. However, there may be times when the least cost design would not necessarily be the most appropriate design. Alternative designs for further review may be appropriate in a situation where no one design seems capable of satisfying all of the constraints. For additional information on design considerations, refer to the latest edition of AASHTO Guide for Design of Pavement Structures

PAVEMENT REPORT

The data, procedures, and design recommendations are to be documented in a pavement design report which contains the following sections:

Introduction

Describe the location and limits of the project, and the proposed improvements with emphasis on the pavement design aspects.

Geotechnical Data

Summarize the general geotechnical characteristics of the soils on which the roadway will be constructed. Provide in tabular form the geotechnical data used in designing the pavement structure including the subgrade acceptance chart. The seasonal variation factor should be identified along with figures and equations used in the calculations. Limits of unsuitable subgrade material including soils susceptible to collapse or swelling are to be identified.

Traffic Data

State the traffic data used in developing the pavement structure such as current and design year traffic volumes, percentage of vehicle types, percentage of total traffic in the design lane, and reliability factors. Include the projected annual average daily traffic (AADT) and number of 18-kip equivalent single axle loads (ESAL).

Pavement Structure Design

Discuss the results of the pavement structure design. Provide in tabular or other appropriate form the calculations used to determine the structural number for the various portions of the project.

Provide pavement section design(s) based on the required structural number(s). Present the data and calculations in a manner that is straight forward and easily repeated for checking.

Recommendations

Discuss the recommended structural sections, including sub-base and subgrade treatment, and any

alternatives that were considered. Include life-cycle cost analysis, construction, and other factors taken into account in developing the recommendations.

Bridge Design Guidelines

The City of Yuma has adopted AASHTO *LRFD Bridge Design Specifications 8th Edition, 2017 (1)* and the Arizona Department of Transportation (ADOT) *Bridge Design Guidelines*, current edition (2) as the basis for bridge design.

The AASHTO *LRFD Bridge Design Specifications* and the ADOT *Bridge Design Guidelines* shall be used for both local and non-local NHS bridges as well as any projects within ADOT right-of-way.

Right-Of-Way

Authorization

If the ROW is being funded by the FAHP, then a separate federal authorization request for ROW is required. See Appendix A3 – Federal Authorization Request for ROW Checklist for a list of items to include. COY regularly funds ROW purchase with local funds, in which case no authorization request is necessary. The ROW funding source will be determined individually for each project.

Process

For an FAHP project the same ROW process is used regardless of how the ROW acquisition is being funded. Any property procured for Right-of -Way shall be procured in accordance with the ADOT ROW Manual, Code of Federal Regulations and Revised Statutes, and the Uniform Act and the ADOT Certification Acceptance Manual.

1. Project Manager will initiate the acquisition with assistance from the ROW Consultant. The design consultant will prepare appraisal maps and legal descriptions of the takes and remainders that clearly show the property owner's name and parcel number.
2. The City Attorney's Office would maintain records of Real Property Interest. The City would follow the ADOT ROW manual about keeping records including leases, agreements, and transactions for acquisition and disposal. The City Attorney's office would not be directly involved with negotiations with property owners. The Real Property Agent completes and signs the ROW Certification Form.
3. The COY Project Manager would be responsible for obtaining ADOT ROW Groups' ROW clearance per 23 CFR Part 635.309.
4. The City would request property donations following the requirements Title 23. The property owner would be notified of their right to receive just compensation, and the right to an appraisal or waiver valuation of the real property.
5. Administrative settlements for compensation above the appraised valuation would require an adequate justification acceptable to ADOT ROW Management Group. Double payments for donated properties will be avoided.
6. The City would avoid contact with property owners until after NEPA clearance is received. The ROW plans and legal descriptions can be developed prior to the NEPA clearance.

7. A Memo of Just Compensation would be prepared the appraiser. The appraisal would be based on fair market value analysis. The City PM would review and sign-off prior to submitting to ADOT for review and approval.
8. The City's ROW consultant would be responsible maintaining a log/diary of each and every contact with the property owners in accordance with federal guidelines. The ROW consultant, acceptable to ADOT ROW Group, will be required to maintain a detailed log/diary to confirm that the acquisition/relocation was accomplished in accordance with federal guidelines.
9. After acquisition is complete the COY PM will forward the ROW Certification Packet (ROW Clearance Letter and ROW Certification Form) to the ADOT ROW Group for verification and concurrence.
10. Once verified and concurred by the ADOT ROW Group, the documentation will be provided to the Project Manager.
11. All Real Property documentation shall be maintained in the ProjectMates.

All ROW must be acquired, and ROW Clearance verified and concurred with by ADOT ROW Group prior to sending a request for authorization for construction, unless a conditional ROW clearance has been approved by the ADOT ROW Group, with FHWA concurrence.

Construction

Construction Authorization

The PM shall submit the request for federal authorization for construction through the ADOT PM. See Appendix A4 – Federal Authorization Request for Construction Checklist. The project is required to be bid-ready when the authorization for construction is requested.

The federal authorization packet will be reviewed by the Title VI coordinator and the CA Liaison or designee prior to submission to the ADOT PM. It is highly recommended that the PM initiate discussion with the CA Liaison or designee approximately 4 weeks in advance of finalizing the PS&E package.

The Title VI coordinator is required to verify and document that the current Title VI assurances are included in the contract.

The CA Liaison will provide a quality review of the ADOT requirements for the entire authorization request packet.

Construction Administration

Construction Administration will be completed by the COY Engineering Department. Construction will be administered in accordance with the COY Construction Standards Detail Drawings and the MAG Standard Specifications and Details for Public Improvements and the Contract Special Provisions, as well as all requirements put forth from ADOT and FHWA.

Pre-Construction Meetings and Submittals

When the COY has awarded a project to the contractor, the COY must administer and oversee the preconstruction meeting and preconstruction submittals. The COY must notify the ADOT PM and FHWA

Area Engineer of upcoming preconstruction meetings. The COY must conduct the preconstruction meeting, prepare meeting materials, notes, and documentation of engineering decisions, and discuss the following items if applicable:

- Contractor's submittals
- Railroad or utility adjustments
- Public relations and interests of abutting property owners
- Contractor's work plan and schedule of operations
- Specific contract requirements, including EEO, DBE, and OJT
- Safety and traffic control plans
- Environmental commitments
- Erosion control/Stormwater Pollution Prevention Plan (SWPPP)
- ROW available for use by the contractor
- Time limits and performance of operations, including materials delivery considerations
- Construction time and cost control
- Emergency response to incidents
- Escalation process
- Authorized signature form
- Quality assurance for materials
- Buy America contract provisions

A checklist is available in Appendix A-5.

The COY will provide a written copy of the preconstruction meeting notes to the ADOT PM.

The COY must be fully acquainted with the contractor's plan of operations, planned progress schedule, shop drawings, and other submittals. Before construction begins, the COY must have a traffic control plan, contractor's safety plan, and SWPPP, if applicable.

In accordance with 23 C.F.R. §§ 630.1010 and 630.1012 (b) and (c), the COY must include in the PS&E either a Transportation Management Plan (TMP) or provisions for contractors to develop a TMP. The COY must approve a contractor-developed TMP before implementation. A TMP consists of a Temporary Traffic Control (TTC) plan and addresses both Transportation Operations (TO) and Public Information (PI) components. For projects that the COY determines to have less than significant work zone impacts, the TMP may consist only of a TTC plan. The COY must consider TO and PI issues for all projects.

The COY must review the contractor's safety plan. The safety plan is specific to the project and specifies the procedures the contractor will implement to satisfy Occupational Safety and Health Administration (OSHA) and state occupational safety guidelines for workers and the public during construction.

The COY must require the contractor to submit the Erosion Control Coordinator's certificate and experience to the COY for approval. For projects with one or more acres of disturbed area, the COY must review and approve the SWPPP. When the SWPPP is approved, the COY must file a Notice of Intent (NOI) for coverage under the Arizona Department of Environmental Quality's (ADEQ's) Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity to Waters of the United States. The COY must ensure the contractor does not conduct earth-disturbing activities before the SWPPP is approved, the contractor's NOI is filed, and the authorization letter is received from ADEQ. The COY must monitor the control measures established in the SWPPP to ensure the contractor is following and updating the SWPPP accordingly.

If the contractor needs a staking plan, the COY must review the plan before staking begins. The COY must discuss the staking plan with the contractor throughout the project to ensure the contractor follows the plan.

Submittals

The Contractor must provide the following submittals for review and approval by COY Project Delivery prior to work commencing on the project.

- Temporary Traffic Control Plan
- Contractor's Safety Plan
- Storm Water Pollution Prevention Plan (SWPPP)
- Transportation Management Plan if contractor developed
- Staking plan

Subcontractor Approval

Subcontractors shall be approved in accordance with the following:

- After award of the contract, the Contractor shall submit through ProjectMates, a signed and dated "Subcontractor Request Form" (attached) to the COY Project Manager for each lower tier subcontractor.
- The COY Subcontractor Request Form shall be signed and dated by an authorized representative of the prime contractor and the subcontractor.
- Included with the request form shall be a copy of the subcontractor contract.
- The COY Project Manager shall verify that the information on the Subcontractor Request Form matches the information in the subcontract including the bid items and dollar amount.
- The COY Project Manager shall review the subcontract for inclusion of all required FAHP elements and other flow down requirements from the prime contract.

- Subcontract for DBE contractors shall be reviewed to verify the subcontract amount is equal to or greater than the DBE committed amount.
- Once verified, the COY Subcontractor Request Form will be signed by the Procurement Manager and returned to the contractor as approved.
- If the subcontract is missing any of the required items, the COY Subcontractor Request Form shall be returned as not approved and the Prime contract shall resubmit the COY Subcontractor Request Form and subcontract with any required changes.
- The COY Subcontractor Request Form and subcontract will be maintained in the ProjectMates.
- Once approved, the Prime contractor shall submit to COY a copy of the signed subcontract. The COY Project Manager will verify the signed subcontracts list the correct General Contractor, Subcontractor and includes the execution date.
- Liquidated Damages per ADOT Standard Specification 108.01 Subletting the Contract shall apply to work that begins prior to submitting the required documentation.
- If the subcontract is missing any of the required items, the COY Subcontractor Request Form shall be returned as not approved and the Prime contract shall resubmit the COY Subcontractor Request Form and subcontract with any required changes.
- The COY Subcontractor Request Form and subcontract will be maintained in the Project files.
- Once approved, the Prime contractor shall submit to COY a copy of the signed subcontract. COY Project Delivery will verify the signed subcontracts list the correct General Contractor, Subcontractor and includes the execution date.

Inspections

The duties of the Inspector are as stated in MAG Specification, Section 105.9.

Inspection duties include:

- Observing and measuring the Contractor's workmanship, materials, and methods for compliance with the plans and specifications;
- Communicating to the Contractor's field staff the contract requirements for work under construction or about to be constructed;
- Assisting the Contractor with reading and interpreting the plans and specifications,
- Determining the intent of the specifications when necessary;
- Documenting inspection observations and measurements including summaries of labor equipment and material usage;
- Measuring work for payment; and

- Observing construction operations for general compliance with safety regulations, traffic control requirements, and construction-related government regulations (air quality, noise levels, erosion control, equipment licensing, federal aid requirements, etc.)

Daily Diaries

The COY must ensure the inspectors' daily reports, progress charts, and other data are compiled in the field to facilitate job control and ensure that the project is completed safely and in reasonably close conformity with final PS&E, including supplemental agreements. The COY must verify that discussions and decisions with the contractor are documented. The project documentation must be complete, concise, accurate, factual, and in sufficient detail to document the completion of project work. The COY must ensure that the diaries are signed and dated by an inspector and reviewed by the COY's Responsible Charge or designee. For construction management review, the COY must have complete documentation for work conducted, measured, and paid to include quantities.

Bulletin Boards

The Contractor's on-site bulletin Board must contain, at a minimum, the information listed at: <http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>

The bulletin board shall be inspected at the beginning of the construction work and every six months until final acceptance of the construction work.

Davis-Bacon Wages

City of Yuma staff the process for obtaining certified payroll and spot-checking diaries to verify compliance with Davis-Bacon Acts and Related Acts. The City of Yuma Engineering Department is responsible for the following duties:

1. INSPECTOR DUTIES:

- Construction inspectors shall ensure that daily diaries note and document the following:
- Contractor and/or any subcontractors working on site, including but not limited to; dates and times of work being performed, nature of work being performed, name of subcontractor, etc.

2. CONTRACT ADMINISTRATOR DUTIES

- The Engineering Department Contract Administrator shall perform the following:
- Obtain copies of all certified payroll records for Contractor and all subcontractors.
- Compare Contractor and subcontractor employee interviews against certified payroll records.
- Verify Contractor/Subcontractor certified payroll reports against wage determination for that particular job.
- On a weekly basis, perform spot checks to compare Contractor and subcontractor employee interviews, against certified payroll, as well as inspector daily diaries to ensure compliance with wage requirements.

Materials Quality Assurance

The Quality Assurance requirements for projects using Federal funds shall be in accordance with the Arizona Department of Transportation (ADOT) Local Public Agency (LPA) Certification Acceptance (CA)

Quality Assurance (Q/A) requirements. Additionally, the QA requirements include:

1. Visual inspection and documentation in the daily diaries of the Build America Buy America certifications are required when materials are delivered to the project site.
2. Check that QA/Testing subs are on the ADOT approved list.
3. QA Plans will be submitted to ADOT prior to construction.

Build America Buy America

For all projects using federal funds, the project team shall include all necessary specifications and special provisions (latest version) relating to Build America Buy America. Additionally, the Build America Buy America requirements include the following:

1. Build America Buy America will be applied to the entire FAHP project.
2. Verification of Build America Buy America certifications accompany each material shipment including steel or iron products.
3. A visual inspection and documentation in the daily diaries of the Build America Buy America certifications are required when materials are delivered to the project site.

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) monitoring and documentation shall be in accordance with MAG Specifications.

Financial Acceptance

Final Walk-Through and Inspection

When project construction is near completion, the COY will provide the ADOT PM and FHWA Area Engineer written notice 10 calendar days before conducting the final walk-through and inspection. ADOT has the right to attend the final walk-through and inspection. The COY will ensure that any issues identified during the inspection are resolved before the CA Agency completes final acceptance.

Final Acceptance Request

Before final acceptance, the COY will ensure completion of the COY's punch list, contractor's affidavit of final payment, consent of surety for final payment, bonding lien release waiver, subcontractor's waiver, and release on final payment. If a contractor disputes final payment, the COY must provide the ADOT PM and LPA Section written notice immediately and include an estimated timeframe for resolution.

Upon final acceptance of the project, the COY will ensure that the contractor files a Notice of Termination (NOT) with ADEQ for projects with a NOI. Upon final stabilization of the project, the COY must file a NOT

with ADEQ for projects with a NOI.

The CA Agency must submit final acceptance documentation to the ADOT PM within 90 calendar days after construction is completed. The COY's final acceptance documentation includes the:

- Final reconciliation statement
- Statement of verified and closed certified payrolls
- Contractor's affidavit about the settlement of claims
- Copy of the CA Agency's final acceptance to the contractor
- Final pay request
- DBE Goal Assessment Notice
- Record drawings (as-built plans) if construction
- Project location and vicinity map
- List of items installed and locations if procurement
- Final acceptance letter attesting to project completion
- Certificate of Final Payment to DBE firms

Final Acceptance Letter

The COY's final acceptance letter to ADOT will be on COY letterhead. The final acceptance letter includes:

- Federal and ADOT project numbers
- A statement that the project is complete
- A statement that the COY accepts and will maintain the project or there is an IGA showing another agency's acceptance and maintenance responsibility
- Confirmation of receipt of final payment or final pay request
- A statement that the results of the tests used in the Materials Quality Assurance Project Plan indicate materials incorporated in the construction work and construction operations controlled by sampling and testing were in conformity with the approved contract
- A list of documents included

A project will not be accepted until the CA Agency verifies that it is acceptable, including certifications. All physical work shall be completed before the final acceptance letter date.

The COY will submit the final payment request and final acceptance letter to the ADOT PM. When the ADOT PM has verified that the COY has received final reimbursement, the ADOT internal project closeout process begins. Upon FHWA approval, the project will be closed and no additional federal reimbursement of project costs can be made.

The COY will use FHWA Form 1446B (attached) for Final Acceptance Report.

Record Drawings

The COY will ensure redlines are drawn accurately and to scale with necessary explanation and references noted. Redlines include all changes from the as-bid documents, permit work, subcontract work, supplemental agreements, addendums, field adjustments, requests for information, and discovered, relocated, or abandoned irrigation systems and utilities.

Maintenance

Post-construction operation and maintenance activities, including repairs such as filling potholes, do not qualify for federal funding, with the exception of preventive maintenance costs allowed under 23 U.S.C. § 116(d). The CA Agency must maintain FAHP projects and commit financial resources and adequate personnel for on-going maintenance operations in compliance with 23 C.F.R. § 633.208. These maintenance activities cannot be transferred to another party except through an IGA or annexation.

Project Close Out

Project Closeout will be in conformance with the ADOT Certification Acceptance Manual, Final Acceptance and Project Closeout, and the City of Yuma Project Management and Gate Process Manual, Phase V Close Out.

Closing out of a project involves verifying that all applicable paperwork is complete and that the project was conducted in accordance with the approved contract documents and federal-aid requirements. The closeout submission out will consist of the following items:

- Final Acceptance Letter
- Final Construction package (with attached cover sheet)
- Final Voucher package stating that the project has been completed and accepted by the LPA to the ADOT District Engineer, Field Reports Section, and ADOT project manager as needed (addressed to ADOT)
- Total Project Cost Summary (see attached checklist)

ADOT Closeout

When the project is complete, the PM shall submit the final acceptance documentation to the ADOT PM within 90 days. The final acceptance documentation required is listed in Appendix A6 – Final Acceptance Documentation Checklist.

City of Yuma Closeout

Once the ADOT closeout documentation has been sent the project will be closed out within the city systems per the City of Yuma Project Management and Gate Process.

Records

Project files will be maintained after the Project is complete in accordance with the City of Yuma, ADOT and FHWA Record Retention Program requirements. Record retention time period starts when FHWA provides the final voucher to ADOT. ADOT will provide the final voucher date to COY. Note: It has taken up to two years after COY has provided the closeout documents to ADOT for ADOT to receive the final voucher from FHWA.

The COY's person in responsible charge will retain records on Certification Acceptance projects. During the final acceptance process, all applicable project closeout documentation will be verified for accuracy and completeness by the COY, and then submitted to ADOT LPA Section in the final construction package. The COY will undertake the following steps to prepare a project for final acceptance and project closeout by ADOT. The COY will be responsible for the following:

- Maintain records of all construction phase contractor's practices of construction compliance.
- Provide funding to execute construction contracts and maintain project prior to final acceptance.
- Have the contractor document project activities/ information and retain project documentation.
- Certify materials for compliance to PS&E documents.
- Submit documentation of compliance with Build America Buy America requirements.
- Create and maintain as-built plans and submit them to ADOT.
- Document compliance with AZPDES permit regulations.
- Prepare a Final Construction Package and submit to the ADOT LPA Section.
- Create a final voucher report.
- Compile final cost data and submit to ADOT for funding reimbursement.
- Create a Summary Report (by scope of work) that includes federal and non-federal reimbursable expenses.

The COY will complete the closeout activities above and as shown in Table 14-2 of the ADOT LPA Manual.

CIVIL RIGHTS

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 (49 C.F.R. Part 27) prohibits discrimination based on disability in programs, activities, and services that receive federal financial assistance. Title II of the American with Disabilities Act of 1990 (28 C.F.R. Part 35) prohibits discrimination based on disability in state and local government services regardless of whether the public entity receives federal financial assistance.

In accordance with 49 C.F.R Part 27 and 28 C.F.R. Part 35, a CA Agency that receives federal financial assistance from FHWA must comply with the following:

- Notify the public of ADA obligations
- Designate an ADA Coordinator

- Adopt and implement complaint/grievance procedure for ADA complaints received by the CA Agency
- Conduct a self-evaluation of programs and services for accessibility
- Develop and implement a transition plan to make structural modifications to facilities in order to achieve program accessibility. For FHWA recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule
- Provide assurances to ADOT and FHWA when receiving federal financial assistance that the CA Agency does not discriminate based on disability in any of its programs, services, and activities
- 31
- Conduct programs, services, and activities in accessible facilities or provide alternative means of accessibility
- Make new and altered buildings and facilities accessible in accordance with accessibility guidelines
- Provide effective communications using auxiliary aids (sign language interpreters, large print, or Braille text) so that individuals with hearing, visual, sensory, or cognitive impairments have access to programs, services, and activities

The CA Agency must submit an ADA Action Plan report to the ADOT Civil Rights Office (CRO) for review and acceptance, by January 30th. The CA's annual ADA Action Plan must include:

1. Identify staff and/or consultant to review each facility for compliance. The ADA/504 Coordinator should be the lead staff member in the development and implementation of the transition plan so that efforts to achieve and maintain accessibility can be effectively coordinated throughout the entity and so that there is balance in the transition plan between entity programs and services, buildings and facilities, as well as pedestrian right of way facilities.
2. Establish the public involvement process by which the disability community and others will participate.
3. Identify facilities used by each of the recipients/public entities programs and services. Which includes an inventory and/or maps of streets, sidewalk, intersections, that would need to be made accessible.
4. Map out the usage.
5. Survey tool or list of standards.
6. Incorporate capital improvement plan;
7. Identify funding and timelines.

Title VI Non Discrimination

In accordance with Title VI of the Civil Rights Act of 1964 (49 C.F.R. Part 21) and related statutes and regulations, the COY will comply and further ensure that:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

In accordance with 23 C.F.R. Part 200, the COY will submit a Title VI program plan to the ADOT Civil Rights Office (CRO) for review and acceptance, and an Annual Goals and Accomplishment report by August 1. The Title VI Implementation program plan must include:

- Signed Policy Statement
- Signed Title VI Assurances
- Organization and Staffing/Designated Title VI Program Coordinator
- Program Review Procedures
- Special Emphasis Program Areas
- Sub-Recipient Review Procedures
- Data Collection/Reporting/Analysis
- Title VI Training
- Complaint Procedures
- Dissemination of Title VI Information/Public Participation Plan
- Limited English Proficiency
- Environmental Justice
- Compliance and Enforcement Procedure
- Review of CA Agency Directives 32

In accordance with US DOT 1050.2A, the COY will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and regulations made in connection with all FAHP and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The COY, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color national origin in consideration for an award.”

In accordance with US DOT Order 1050.2A, the COY will insert the clauses of Appendix A and E of the Title VI Assurances in every contract, subcontract, or agreement. When applicable, the COY will insert Appendix B, C, or D of the Title VI Assurances in contracts and subcontracts.

The COY will forward Title VI complaints filed against the COY on a federal-aid program or project to ADOT CRO for investigation.

Equal Employment Opportunity

In accordance with 23 C.F.R. Part 230, Subpart A, ADOT BECO will conduct periodic EEO compliance reviews on CA-administered FAHP projects. The COY will coordinate with ADOT BECO at every stage of the review process to ensure the contractor complies with 23 C.F.R. Part 230. In accordance with 23 U.S.C. § 140(a) and 23 C.F.R. Part 230, Subpart A, the COY will submit a Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) for each active contractor or subcontractor, regardless of tier level, with a contract or subcontract of \$10,000 or more. The COY will submit the report to ADOT BECO every year by August 15.

Disadvantaged Business Enterprise

49 C.F.R. Part 26 removes barriers to participation and creates a level playing field for the participation of DBEs. The COY will adhere to the ADOT FHWA DBE Program Plan to be eligible for federal reimbursement. Before project advertisement, the COY will submit the DBE Goal Setting Worksheet to ADOT BECO to obtain a DBE contract goal. The COY will ensure the advertisement and contract contain the required DBE goal percentage and DBE contract language for engineering and design-related services or the ADOT DBE Special Provisions (EPRISE) for construction projects as mandated by the ADOT FHWA DBE Program Plan. Only BECO can set the DBE goal for a FAHP project. Inclusion of a local goal will cause the project to be ineligible for federal reimbursement.

In accordance with the ADOT FHWA DBE Program Plan, when there is a DBE contract goal, BECO will determine whether a bidder/offeror has met the DBE goal or has documented sufficient good faith effort to be considered responsive. The COY will provide the ADOT PM and BECO written notice immediately following bid opening if the apparent low bidder indicates on the DBE Assurance Form that it cannot meet the DBE goal.

Following bid opening, the COY will submit to BECO the DBE Assurance Form and DBE intended participation affidavits from the apparent low bidder, bidders' list from all offerors, and if applicable, good faith effort documentation or any other documents required by the ADOT FHWA DBE Program Plan. The COY will not award a contract until BECO has concurred.

For contracts with a DBE goal, the contractor's DBE commitment made at the time of bid is a condition of contract award. The COY will notify BECO as soon as the COY is aware of any potential issues that may affect DBE commitments made at award. If the contractor and/or DBE is unable or unwilling to fulfill the commitment in compliance with 49 C.F.R. Part 26 for the duration of the contract, the COY will provide BECO written notice before a committed-DBE's termination, substitution, or reduction of work. The CA

Agency must obtain written approval from BECO before replacing or reducing committed DBE participation.

Failure to carry out the DBE Program requirements can result in withdrawal of federal funding from the FAHP project. When ADOT notifies the COY of its failure to carry out the DBE Plan, ADOT will impose sanctions, which may include measures that affect CA status and the COY ability to receive federal funding.

On the Job Training

ADOT BECO will assess an OJT goal at the time of the DBE goal assessment in accordance with the ADOT OJT Program requirements. The COY will include the OJT Special Provisions provided by ADOT BECO in contracts with OJT goals and monitor those contracts to ensure contractor compliance with OJT provisions.

Financial

General

The COY project management and administrative functions will ensure activities submitted for federal-aid reimbursement meet the eligibility requirements from the FHWA as specified by Title 23 CFR and by Title 2 CFR 225. Functions include the following:

General:

- Federal Authorization shall be received prior to acceptance of any costs that are eligible for reimbursement.
- All payments are processed through “New World ERP” software.
- All individuals processing payment applications will be trained by the COY on the financial system prior to access.
- Various financial reports are available through “ProjectMates” and “New World ERP” software.
- Contractor payments are subject to ARS 34-221, Arizona Prompt Payment Act.

Allowable project costs must be reasonable, necessary, and directly related to the specific project and follow the guidelines in Chapter 17 of the ADOT LPA Manual.

Consultant Pay Applications

- The Project Manager shall receive, and review all Pay Applications prior to approval for payment.
- The Pay Application shall be reviewed for conformance to the Contract.
- Pay Applications shall include sufficient documentation to justify the costs being requested.
- Project Manager shall verify the hours, quantities and fees are appropriate for the work that has been completed.
- Project Manager shall verify no work has been duplicated from previous applications.
- Project Manager shall receive the Pay Application in the financial system and input the data into ProjectMates, route for department approval and the Administrative Support Supervisor will process the transaction into New World ERP, route it for COY payment approval and COY finance will process the payment.

- The Project Manager will track the any delays in the schedule using ProjectMates and communicate any delays with the ADOT Project Manager.
- If a Project End Date for planning or engineering is extended, the Project Manager will make changes in ProjectMates software and communicate any changes with the ADOT Project Manager.

Contractor Pay Applications

- Field Inspector and Contractor review the monthly quantities prior to pay application submission.
- Contractor submits the Pay Application, signed by an authorized representative of the Contractor, to COY Field Engineering.
- Pay Application is reviewed by the Field Inspection for conformance to the actual status of field work.
- Pay application is reviewed against previous pay applications and for conformance with the Contract and required additional documentation.
- Pay Applications will document the local matching funds as shown on the attached example Pay Request sheet.
- Pay Application is approved or denied by the Field Engineering Manager or designee within 7 calendar days of receipt.
- If denied, Pay Application is returned to Contractor for corrections.
- If approved, Pay Application is received in “ProjectMates and New World ERP”. Payment to Contractor is completed within 14 calendar days.
- Pay Applications will be submitted quarterly (even if the request is \$0)
- Project End Dates are tracked using schedules in ProjectMates software.
- If a Project End Date for construction is extended, the Project Manager will make changes in ProjectMates software and communicate any changes with the ADOT Project Manager.

Subcontractor Payments

- The ADOT LPA DBE System will be monitored to ensure contractor and subcontractor verifications of payments are being completed.

Labor Compliance

The COY PM shall perform the following review of a pay application:

- Obtain copies of all certified payroll records for Contractor and all subcontractors.
- Compare Contractor and Subcontractor employee interviews against certified payroll records.
- Verify Contractor/Subcontractor certified payroll reports against wage determination for that particular job.
- On a weekly basis, perform spot checks to compare Contractor and Subcontractor employee interviews, against certified payroll, as well as inspector daily diaries to ensure compliance with wage requirements.

Federal Reimbursement

- The City of Yuma Finance Department will manage the grant and request grant reimbursements in accordance with Finance Procedure FN-GMD-15, Monthly Grant Reconciliation and Finance Procedure FN-GMD-16, CIP Grant Process.

Inactive Projects

Projects with no billing activities for 90 calendar days are placed on the ADOT inactive list. Impacts and additional inactive project timeframes are listed in the ADOT Certification Manual, Financial Administration, Inactive Projects.

Audit and Oversight

The procedures described below for auditing and oversight of Federal Aid Highway Projects (FAHP). The City of Yuma Finance Department and Department of Engineering are responsible for components of the procedures.

1. COMPONENTS:

4. Construction Inspection Reviews

- Independent construction inspection reviews are performed by the City of Yuma Department of Engineering.
- Reviews are conducted on each FAHP Project.
- Reviews are conducted at least three times during the project.
- The request for review is initiated by the Construction Manager.

5. Annual Single Audit

- An annual single audit is required when the COY expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards. The single or program-specific audit will be conducted for that year in accordance with the provisions of 2 CFR 200.501.
- The audit must be completed and the data collection form described in [paragraph \(b\)](#) of 2 CFR 200.512 and reporting package described in [paragraph \(c\)](#) of section 2 CFR 200.512 must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. The audit will be submitted electronically to the Federal Audit Clearinghouse (FAC) no later than nine months after the COY's fiscal year end as required by 2 CFR 200.512.
- Project will be periodically reviewed by the CA Liason for conformance to the Certification Acceptance Manual.

6. Record Keeping

- All review and audit records, including any findings and corrective actions shall be maintained in ProjectMates.
- The COY must keep one copy of the data collection form described in paragraph (b) of 2 CFR 200.512 and one copy of the reporting package described in paragraph (c) of 2 CFR 2900.512 on file for three years from the date of submission to the FAC.

2. ACCESS TO DOCUMENTS AND PROJECT SITE:

- ADOT and FHWA may, at their sole discretion, inspect the Department, contractor or subcontractor project documentation and visit the construction site at any time.
- The Department will provide any documentation requested by ADOT or FHWA within a reasonable time.

Title VI Program

The Title VI Program shall conform to the City of Yuma Transportation Title VI Implementation Plan 2019.

ADA Transition Plan

The ADA Transition Plan shall conform to the COY Transition Plan Update Final Report, Phase 1 and 2, June 2012.

APPENDIX

A1 - Federal Project Initiation Detailed Instructions

The ADOT LPA has standardized the project initiation process. The same process and form are used for all LPA projects. As such some items will not be applicable to Certified Agency projects.

Use the “Local Public Agency Project Initiation Sample Letter” as the template for the initiation letter. The letter can be found at: <https://azdot.gov/business/programs-and-partnerships/local-public-agency/project-initiation>

Follow the instruction on the sample letter. Note the following:

- a. For the scoping letter item on the sample letter note to see the ADOT Project Data Sheet. For City of Yuma the project scoping documents are provided during design. This item is for non-CA projects.
- b. For supporting documents include if applicable. CA project may not have additional supporting documents.
- c. The Self-Administration approval memo is no applicable to City of Yuma projects.

Also, complete the ADOT LPA Project Data Sheet located at:

<https://www.azdot.gov/business/programs-and-partnerships/local-public-agency/one-stop-shop/project-initiation>

Follow the instructions on the data sheet. The estimated schedule does not need every line completed. Complete what information is available. The total Development hours is for ADOT use only, do not fill in.

A2 - Contract Provisions Checklist

Include the most current version of the following:

- Breach of Contract Language
- Buy America Provisions
- Cargo Preference Act Language
- Changes and extra work and contract time and contract time extensions per 23 CFR § 635.120 and §635.121
- Contract Notice to Proceed, Commencement, and completion of Work Dates
- Disadvantaged Business Enterprise (DBE):
 - DBE Special Provisions (DBE EPRISE)
 - DBE Assurance Form 3102C
 - DBE Intended Participation Affidavit
 - DBE Intended participation Affidavit Individual for Subconsultant Form 3105C
 - DBE Intended Participation Affidavit Summary for Prime Form 3106C
 - Online Bidders / Proposers List Requirements
 - DBE Good Faith Efforts 103C
 - DBE Form 3108C DBE Termination Substitution Reduction Request
 - DBE Certification of Final Payment Form 3110C
 - DBE Joint Check Agreement Request Form 3109C
 - DBE Joint Check Agreement Form 3114C
- Energy Efficiency Language
- Environmental Commitments
- Equal Employment Opportunity (EEO):
 - Equal Employment Opportunity Clauses
 - Executive Order 11246 (revised 5-12)
 - EEO Compliance Reports (October 20, 2015)
 - Certification, Contracts, or Subcontracts Subject to EEO Clause (April, 1969)
 - Executive Order 2009-09
 - Specific Federal Immigration and Nationality Act Language, excluding sanctions
- FHWA 1273 (Rev. 5-12)
- Job Site Posters Required List: <https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
- Non-Collusion Provision
- On the Job Training Provision (If Applicable)
- Prompt Pay Provision and Payment Reporting Provision
- Record Retention Language
- Recovered Materials Language
- Standard Change Condition Clause
- Termination of Contract Language
- Title VI Assurances and Title VI Appendix A & E
- Wage Determination Decision - Project Specific

A3 - Federal Authorization Request for ROW Checklist

- CA Agency authorization request letter
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- NEPA approval
- Project location/vicinity map
- ROW plan
- Title report (parcel and ownership information)

A4 - Federal Authorization Request for Construction Checklist

- Cover Letter with construction start and end dates. These dates will be used for allowable reimbursements. Ensure the end date is two years after the anticipated construction completion to allow for closeout activities.
- All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract) that includes the following federal contract provisions:
 - Record Retention Language
 - Federal Immigration and Nationality Act Language
 - Cargo Preference Act Provision
 - Certification, Contracts or Subcontracts subject to EEO Clause, April 1969
 - Notice of Requirement for Affirmative Action to Ensure EEO (Executive Order 11246), Rev. 4/15/1981
 - FHWA Form 1273 (Rev. 5-12)
 - EEO Compliance Reports, March/October 2015
 - Wage Determination Decision
 - Title VI Assurances
- Request Letter that includes a railroad, design exceptions and proprietary products statements
- Clearances
 - ROW
 - Utility
 - Railroad (required even when no railroad is involved in the FAHP project and can be a statement in the Utility Clearance)
- Current MPO TIP and DTIP pages (showing the project name, funding year and funding source)
- DBE goal assessment letter
- Cost Estimate
- Financial recapitulation sheet, including the construction schedule and project start and end dates
- Materials Memo
- Materials QA Project plan approval letter
- NEPA approval
- Period of performance, including the construction schedule and project start and end dates
- Project location/vicinity map
- Certification, PIF, or Experimental Product approval, if applicable
- Design exception approval, if applicable
- Executed IGA, if applicable
- Subprogram eligibility letter, if applicable
- System engineering checklist, if applicable

A5 – Pre-Construction Meeting Checklist

The following items are to be included in the preconstruction meeting agenda, if applicable.

- Contractor’s submittals
- Railroad or utility adjustments
- Public relations and interests of abutting property owners
- Contractor’s work plan and schedule of operations
- Specific contract requirements, including EEO, DBE, and OJT
- Safety and traffic control plans
- Environmental commitments
- Erosion control/Stormwater Pollution Prevention Plan (SWPPP)
- ROW available for use by the contractor
- Time limits and performance of operations, including materials delivery considerations
- Construction time and cost control
- Emergency response to incidents
- Escalation process
- Authorized signature form
- Employee Interviews
- Materials - Certificates of Compliance and Analysis Checklist – Review documentation requirements
- Quality assurance for materials

A6 - Final Acceptance Documentation Checklist

Contractor Final Acceptance

- Completed Punchlist
- Contractor's affidavit of final payment
- Consent of Surety for final Payment
- Bond lien release waiver
- Subcontractor's waiver and release on Final Payment

Other Items

- Contractor Notice of Termination (NOT) with ADEQ for projects with a NOI
- City of Yuma Notice of Termination (NOT) with ADEQ for projects with a NOI

ADOT Final Acceptance (Closeout)

The following items are to be included in the Final Documentation submittal to ADOT.

- Final Acceptance letter attesting to project completion – The final acceptance letter shall include the following:
 - Federal and ADOT project numbers
 - A statement that the City of Yuma accepts and will maintain the project or there is an IGA showing another agency's acceptance and maintenance responsibilities.
 - Confirmation of receipt of Final Payment or final payment request
 - A statement that the results of the tests used in the Materials QA Project Plan indicate materials incorporated in the construction work and construction operations controlled by sampling and testing were in conformity with the approved contract
 - A list of documents included.
- Final reconciliation statement
- Statement of certified and closed certified payrolls
- Contractor's affidavit about the settlement of claims
- Copy of COY final acceptance notification sent to Contractor.
- Final Pay Request
- Certification Acceptance (CA) Agency Record Drawing Documentation Form: <https://www.azdot.gov/business/ManagementServices/ProjectResourceOffice/record-drawing-guidelines>, under additional resources
- Project location and vicinity map
- List of items installed and locations if procurement

A7 - Forms

A-8 FAHP Project Delivery Manual Updates

A-9 DBE Goal Setting/Monitoring/Compliance for FAHP

Disadvantaged Business Enterprise Goal Setting/Monitoring/Compliance for FHWA Federally-Funded Projects

I. PURPOSE

The purpose of this document is to define City of Yuma (“City”) Procurement Department’s procedure for establishing Disadvantaged Business Enterprise (DBE) goals and contract compliance of Federal-Aid projects in accordance with regulations of the U.S. Department of Transportation (DOT) 49 CFR Part 26, and City of Yuma Finance Department Procurement Division Policies and Procedures Manual. By execution of the Certification Acceptance (CA) Agreement with the Arizona Department of Transportation (ADOT), City of Yuma (Local Public Agency) has agreed to adhere to the responsibilities and requirements set forth by the Federal Highway Administration (FHWA) as a Subrecipient/Subgrantee receiving financial assistance for the design and construction of federal-aid construction projects.

II. DEFINITIONS

- A. **Disadvantaged Business Enterprise (DBE):** Disadvantaged Business Enterprise (DBE): A small business owned and controlled by socially and economically disadvantaged individuals that received a DBE certification from the relevant state generally through the state Uniform Certification Program (UCP). To be regarded as economically disadvantaged, an individual must have a personal net worth that does not exceed \$850,000 (13 CFR 124.104 (c)(2)), income (AGI) (13CFR 124.104 (c)(3)) must be less than \$400,000, and Total Assets (13 CFR 124.104 (c)(4)) less than \$6.5 million.
- B. **DBE Liaison Officer (DBELO):** An individual designated for administration of the DBE Program in accordance with the ADOT DBE Program Plan. The City’s selected DBE Liaison collaborates, monitors and provides guidance with contractor’s DBE Liaison regarding DBE matters.
- C. **Eligible Project:** Any Construction, Design or Professional Services project undertaken by the City that is funded in whole or part by a federal grant.
- D. **Prime:** The Contractor or Consultant that has entered into a contract with City for construction, design or professional services and has the full responsibility for the management of its Subcontractors/Subconsultants for the completion of the project.
- E. **Qualified DBE:** A certified DBE listed on AZ UTRACS or current, authorized City DBE Business Certification Directory maintained by the City of Yuma that is ready, willing and able to perform work.

III. DBE GOAL SETTING PROCEDURE

City of Yuma Procurement Division established a DBE Program to comply with federal-aid requirements and will follow the current ADOT FHWA DBE Plan using DBE EPRISE Language. Following is a step-by-step guide to establish a DBE goal for Eligible Projects.

A. DBE Goal Set

The Procurement Division- receives a requisition from the Department to publicly solicit design, construction or professional services. The PO contacts the City DBE Liaison Officer (DBELO) a minimum of 14 days prior to the desired publication date to submit the goal set request to the ADOT Business Engagement & Compliance Office (BECO) for DBE goal assessment through the ADOT Goal Set Application at: <https://dbegoals.azdot.gov> with the following information:

- TRACS number and Federal ID for Project being submitted for DBE Goal Assessment;
- Engineers Estimate, detailed Scope of Work, and ADOT Funding Authorization;
- City of Yuma Project Number / Procurement Method;
- Number of days Project is projected to require for completion;
- Name, email, phone number, fax number of contact person assigned to manage the project.

BECO requires ten (10) business days to complete and return a goal assessment. The goal will be valid for **120 calendar days**. If the contract is not advertised within 120 calendar days from receipt of the DBE goal memo, a new DBE Goal Request must be submitted.

B. DBE Goal Waiver

Good Faith Efforts (GFE) – In the event that the Prime is unable to meet the DBE Goal and has documented sufficient good faith efforts to be considered responsive, the DBELO is required to contact BECO immediately in writing and follow the GFE guidelines: <https://azdot.gov/docs/defaultsource/beco-library/103c-adot-gfe-guide.pdf>.

After BECO notification, DBELO emails the PM with instructions provided by BECO on GFE. DBELO obtains necessary forms and assists Prime to ensure all efforts have been made and all resources exhausted to obtain a DBE for the project. DBELO will follow up as needed with the PM to remain compliant with updates on all requirements. DBELO will document, copy and file all information obtained.

IV. SOLICITATION – CONSTRUCTION PROJECT WITH GOAL

A. Solicitation Review – The DBELO reviews the solicitation documents prior to advertisement to ensure that the following is included:

- Project Goal;
- LPA EPRISE with Goal;
- LPA Prompt Pay and Payment Reporting Provisions;
- FHWA 1273;
- DBE Goal Assurance (Form 3102C);
- Equal Opportunity Statement (Compliance Report);
- Title VI Assurance;
- Advertisement in the Yuma Sun and City of Yuma Procurement Portal.

B. Project Bid

All bidders must submit the following with bid to be deemed responsive:

- DBE Assurance Form 3102C;
- On-Line Bidder's List Confirmation Email;
- Primes and subcontractors, including DBEs, must be registered in the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

C. Evaluation

1. DBELO verifies submission of required information by Prime Apparent Low Bidder (ALB) to ensure it is timely, accurate and complete as follows:
 - Prime has met or exceeded the DBE goal assigned to the project;
 - DBE utilized is certified as a DBE as well as certified to perform the work;
 - Contractor/Bidder Project DBE Assurance Form 3102C;
 - On-Line Bidder's List Confirmation Email;
 - DBE Intended Participation Affidavit – Individual Form 3105C;
 - DBE Intended Participation Affidavit Summary for Prime Form 3106C;
 - DBELO reviews ALB's Bidders List Notice and Affidavits after 4:00 pm on the 5th calendar day following bid opening. If ALB is non-responsive, DBELO reviews the subsequent low bidder's submittal and continues down the list of bidders until a responsive bidder is identified. If no responsive bidder is identified, DBELO will consider rejection of all bids and re-advertising the project with BECO concurrence.
2. Within seven (7) business days of review, DBELO submits to BECO the Bidder's List confirmation email, DBE Assurance Form and Affidavits to LPAContractorCompliance@azdot.gov . BECO will review and provide email concurrence with Bid Verification letter within five (5) calendar days from receipt. DBELO provides the DBE Bid Verification letter to the PO and City Project Manager (PM) authorizing commencement of the project.

V. SOLICITATION – DESIGN PROJECT WITH GOAL

- A. Solicitation Review – The DBELO reviews the solicitation documents prior to advertisement to ensure that the following is included:
 - Project Goal;
 - LPA PS EPRISE with Goal Project Specific;
 - LPA Prompt Pay and Payment Reporting Provisions;
 - Uniform Terms and Conditions Federal and State Contract Requirements (Project Specific Contract);
 - Title VI Assurance;

- Advertisement in Yuma Sun and City of Yuma website.
- B. Project Proposal – All respondents providing design services must be prequalified at the time of submittal with ADOT Engineering Consultants Section (ECS). All respondents must provide a statement verifying prequalification and submit the following to be deemed responsive:
- The required DBE Participation Affidavit Forms with Statement of Qualifications;
 - On-Line Bidder’s List Confirmation Email;
 - The DBE Assurance Form 3212PS;
 - Primes and subcontractors, including DBEs, must be registered in the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

C. Evaluation

1. DBELO reviews submission of required information by the highest qualified respondent to ensure it is timely, accurate and complete as follows:
 - Prime has met or exceeded the DBE goal assigned to the project;
 - DBE utilized is certified as a DBE as well as certified to perform the work via the Arizona Unified Transportation Registration and Certification System;
 - On-Line Bidder’s List Confirmation Email;
 - DBE Subconsultant Intended Participation Affidavit: Individual (Form 3205PS);
 - DBE Consultant Intended Participation Affidavit: Summary (Form 3206PS).
2. Within seven (7) business days of review, DBELO submits to BECO the Bidder’s List confirmation email, DBE Assurance Form and Affidavits to LPAContractorCompliance@azdot.gov . BECO will review and provide email concurrence with Bid Verification letter within five (5) calendar days from receipt. DBELO provides the DBE Bid Verification letter to the PO and City Project Manager (PM) authorizing commencement of the project.

VI. CONTRACT COMPLIANCE / PAYMENT REPORTING / SANCTIONS

A. Contract Compliance

1. DBELO contacts the Prime for a copy of the DBE subcontract for review and approval prior to the commencement of work. This may be provided at or before the Pre-Construction or project kickoff meeting. If the subcontract is not provided at the Pre-Construction or project kick-off meeting, the Prime must provide documentation regarding the reason for delay, a company contact person, telephone number, and status on a weekly basis until the Prime provides the DBE subcontract to City. Upon receipt of the DBE subcontract, DBELO reviews and uploads into the ADOT LPA DBE Tracking System.
 - a. Prime Construction Contract must contain:
 - Complete the FHWA 1273 with each page initialed and dated by the DBE;

- LPA DBE Subcontract Compliance Assurances each page initialed and dated;
- LPA Prompt Pay and Payment Reporting Provisions;
- Complete Executed Subcontract Agreement.

DBE Subcontracts must contain:

- LPA Prompt Pay and Payment Reporting Provisions for all LPA federal-aid contracts and subcontracts;
- LPA DBE Subcontract Compliance Assurances each page initialed and dated.

b. Design or Professional Services Contract must contain:

- Professional Services LPA DBE Subcontract Compliance Assurances each page initialed and dated;
- LPA Prompt Pay and Payment Reporting Provisions;
- Complete Executed Subcontract Agreement.

DBE Subcontracts must contain:

- LPA Prompt Pay and Payment Reporting Provisions;
- Professional Services LPA DBE Subcontract Compliance Assurances.

2. Commercially Useful Function (CUF) Review – City Field Office conducts project site visits on all federally funded (FAHP) contracts to confirm that DBEs are performing a CUF on the projects. City must use the BECO CUF checklist to conduct a CUF inspection for each DBE used to meet a project DBE goal on the project. See the CUF checklist (FHWA Tips on Evaluating a CUF) found on the BECO website under “Site Visit” tab. Once the CUF has been conducted, signed, dated, a copy is sent to the DBELO via Email for review. After review, it is uploaded into the ADOT LPA DBE Tracking System under the document tab of the contract.

B. Payment Reporting

1. DBELO enters all contracts with FHWA Funding in the Arizona Local Public Agency Contract Management System to ensure compliance: <https://arizonalpa.dbesystem.com> . DBELO utilizes ADOT LPA DBE Tracking System to monitor DBE utilization on projects on an ongoing basis and will notify ADOT BECO of a potential issue that may affect DBE commitment made at award.
2. DBELO notifies Prime to add all Subcontractors/Subconsultants, DBEs and non-DBEs to newly created contract into the ADOT LPA DBE Tracking System no later than 15 days after pre-construction meeting.
3. DBELO enters Prime payments on a monthly basis for all City of Yuma Federally funded projects into the ADOT LPA DBE Tracking System. It is a requirement to report Payment/No-Payment for all Federally funded open contracts. After the DBELO enters City of Yuma’s payment/no-payment to Prime in the ADOT LPA DBE Tracking System, an automatic notification email is sent to the Prime to log into the ADOT LPA DBE Tracking System to add payment/no-payment for all Subcontractors working on the listed project.

4. The Prime shall report on a monthly basis indicating the amounts actually paid and the dates of each payment under any reportable contract on the project. The Prime shall provide information for payments made on all reportable contracts during the previous month by the last day of the current month. In the event that no payments were made during a given month, the Prime shall identify that by entering a dollar value of zero. If the Prime does not pay the full amount of any invoice from a subcontractor, the Prime shall note that and provide the reasons in the comment section of the Monthly Payment Audit of the ADOT LPA DBE Tracking System. The ADOT LPA DBE Tracking System will generate an email notifying the Subcontractor/Subconsultant to log into the system and acknowledge payment/no-payment.

C. Monitoring

The Prime shall require that all participants in any reportable contract electronically verify receipt of payment on the contract within 15 days of receipt of electronic payment notification and the Prime shall actively monitor the system to ensure that the verifications are entered into the ADOT LPA DBE Tracking System. The Prime shall proactively work to resolve any payment discrepancies in the system between payment amounts it reports, and payment confirmation amounts reported by others.

D. Sanctions

Sanctions shall be applied per LPA Prompt Payment & Payment Reporting Provisions, Section 5.a *Payment Reporting – Sanctions for Inadequate Reporting*, dated 7-24-2023 or current version.

VII. JOINT CHECK REQUEST

BECO must approve the agreement for the use of joint checks in writing before any joint checks are issued. The Prime shall submit a DBE Joint Check Request form with the Joint Check Agreement, to City and BECO via email within seven (7) calendar days from the date the subcontract is executed. After obtaining authorization from BECO for the use of joint checks, the Prime, the DBE, and/or the supplier must retain documentation to allow for efficient monitoring of the agreement by the City.

Joint Check Request - Form 3109C

Joint Check Agreement - Form 3114C

VIII. DBE SUBCONTRACTOR REPLACEMENT / TERMINATION

In the event the DBE Subcontractor is in breach of contract for:

- Reduction in scope
- Non-Performance

Prime must contact DBELO and PM before replacing or terminating the DBE Subcontractor assigned to any City projects with a DBE goal. A Prime may request the substitution of a DBE subcontractor in writing with the DBE Termination Substitution Reduction Request (Form 3108C).

The Prime may not terminate a committed DBE Subcontractor for convenience to perform the work with its own forces or those of an affiliate without DBELO's prior written approval.

The DBELO must contact ADOT BECO in writing to before any replacement or termination of a DBE Subcontractor. (Replacement of DBEs without BECO’s prior written approval is a material breach of the contract.) If BECO determines that the Prime has failed to make sufficient reasonable efforts to meet contract DBE goals, or to otherwise carry out the DBE provisions, such failure shall constitute a breach of contract and may result in termination of the contract, or any other such remedy as City deems appropriate. If City determines that such failure is not cause to terminate the contract, an amount equal to the value of the DBE goal that was not obtained will be deducted from the payment due the Prime. However, if the failure is the first by the Prime, and the City determines the failure was an unintentional error or oversight, the amount to be deducted may be reduced up to one-half (1/2) of the value of the unobtained DBE goal as determined by BECO. In addition to any other sanctions, willful failure of the contractor or a DBE to comply with this contract or with the Federal DBE regulations may result in disqualification from further contracting, subcontracting, or other participation in ADOT projects.

IX. COMPLIANCE REQUIREMENTS

DBELO is required to collect data from all Primes (Construction) working on FHWA Projects by the 15th of August each year and compile all data from all open projects to submit to the BECO Office by August 31 (BECO must report to FHWA by September 25 each year.) using the FHWA Construction Contractors Annual EEO Report Form 1391.

ADOT BECO submits a Uniform Report of DBE Commitments/Awards and Payment Reports (semiannual) to FHWA. The City is required to monitor ADOT LPA DBE Tracking System to prepare for the semiannual reporting by ensuring contract payments are up to date in the ADOT LPA DBE Tracking System.

City must report all award/no award FHWA-funded contracts by the 10th day of each month to BECO at LPAContractorCompliance@azdot.gov.

X. CONTRACT TERMINATION

Before terminating a federal-aid contract, the CA Agency must contact the ADOT PM to receive ADOT concurrence. ADOT will notify FHWA when a contract is to be terminated and determine whether contract termination costs, including final settlement, are eligible for federal reimbursement.

XI. CONTRACT CLOSEOUT

The Prime’s achievement of the DBE goal is measured by actual payments made to the DBE by the Prime. The Prime shall submit the “Certification of Final DBE Payments” for each DBE firm working on the contract certifying that all DBEs were paid in full for material and/or work performed under the terms of the contract. This form shall be signed by the Prime and the relevant DBE, and submitted to the City no later than thirty (30) days after the DBE completes its work.

- **Contract Closeout Construction:**
Certification of Final LPA DBE Payments (Form 3110C)

- **Contract Closeout Design:**

Certification of Final LPA DBE Payments (Form 3210PS)

City and ADOT will use this certification and other information available to determine applicable DBE credit allowed to date by the Prime and the extent to which the DBE firms were fully paid for that work. By the act of filing the forms, the Prime acknowledges that the information is supplied in order to justify the payment of state and federal funds to the Prime.

The Prime will not be released from the obligations of the contract until the “Certification of Final DBE Payments” forms are received and deemed acceptable by the Cit

A-10 Bid Analysis and Award Procedures

COY Bid Analysis and Award Procedures

The procedures described below apply to contracts for construction services that are Federal-Aid Highway Program funded, which are solicited and administered by the City of Yuma's Procurement Division in accordance with ADOT's Local Public Agency Section (ADOT LPA) approved procedures.

- Pursuant to Title 23 CFR 635.114, FHWA construction contracts are awarded based on the lowest responsive and responsible bid submitted by a bidder.. Bid analysis will be used to justify the contract award or to reject bids. All documents analyzing the bid and documentation for justification of the award or rejection of one or more bids shall be maintained in the procurement file. Award shall be within the time established by the State DOT and subject to the prior concurrence of the Division Administrator.
- For bids that indicate reasonable prices or show good competition, not all the factors need to be analyzed. However, when the low bid differs from the engineer's estimate by an unreasonable amount defined as when the low bid is either more than 110% or less than 85% of the engineer's estimate, a thorough analysis of all bids will be undertaken to justify award of a contract, and a justification memo will be prepared for approval documenting the bid analysis.
- Bid Analysis may include the following factors:
 - Comparison of bid prices for the project under review versus bid prices for similar projects;
 - Number of bids submitted;
 - Distribution or range of bids;
 - Unbalancing of bids;
 - Geographic location of the bidders;
 - Urgency of the project;
 - Current market conditions;
 - Potential savings if re-advertised;
 - Addenda issued during advertisement that may affect bid prices and the basis for bid comparison.
- Engineer's Estimate
 - An independent cost estimate for the project or procurement will be received by the Procurement Officer before a solicitation is issued.
 - Engineer's estimates will be prepared by the engineer of record on the project.
 - 7. The engineer estimate will contain the bid schedule line items, quantities, estimated unit prices, extended amount, and total price in order to allow for a critical review and comparison of the bids received.
 - 8. The engineer's estimate will not be divulged during the procurement process. Projects may include a range for the estimated project cost in the solicitation document.
 - 9. The engineer's estimate will be retained in the procurement file and will serve as the basis for bid analysis.

5. Unit Prices and Bid Amounts

- Contractors must have the appropriate license issued by the State of Arizona Registrar of Contractors by the end of the sixtieth (60th) calendar day after bid opening. Failure to obtain this license within 60 days may result in rejection of the bid without further recourse and award of the contract to the next low responsive, responsible bidder.
- All construction bids under this process will be bid utilizing a bid schedule consisting of line items, quantities, unit prices, extended amounts, and a total bid amount.
- Unit prices are to include the furnishing of all materials, plant, equipment, tools, all applicable taxes, bonds, and the performance of all labor and services necessary or proper for the completion of the work, unless otherwise expressly provided in these bid documents.
- In the event of an extension error in calculating the extended amount, the unit price bid will govern.
- After bid opening, and before bid award, a bidder may be permitted to withdraw their bid without penalty if the bidder submits evidence, which clearly and convincingly demonstrates that a mistake was made, provided that a bid mistake is evident on the face of the bid, but the intended bid is not obvious.
- After bid opening, and before bid award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake is evident on the face of the bid and the intended bid is obvious.
- Mistakes shall not be corrected after award of the contract except where the Procurement Manager, with the written agreement of the City Administrator, makes a written determination that it would be unconscionable not to allow the mistake to be corrected.
- If correction or withdrawal of a bid after bid opening is permitted or denied under paragraphs (v), (vi), or (vii) above, the Procurement Manager shall prepare a written determination showing that the relief was permitted or denied under these provisions.
- Each bid will be compared to all the contractors bid unit prices received and to the engineer's estimate.
- The City reserves the right to reject a bid as non-responsive if the prices bid are materially unbalanced between line items. A bid is materially unbalanced when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated and there is a reasonable doubt that the bid will result in the lowest overall cost to City, even though it may be the low evaluated bid. In the event unit bid prices are materially unbalanced, the unit bid prices will be evaluated.

A-11 Financial Forms

NAME: Construction

PIMA COUNTY - TRANSPORTATION DEPARTMENT												
Pay Request #1												
Reporting Period: PC Program Numbers: Federal / State Project Numbers: Eligible Phase(s): Total Federal Award Amount: Reimbursement Rate: Local Match:					PAY REQUEST APPROVAL I certify that to the best of my knowledge and belief, the data presented herein represents expenditures in accordance with grant requirements. Date: _____							
SUMMARY OF MONTHLY EXPENSES												
PAY REQUEST	PHASE	OBJECT CODE	CATEGORY	VENDOR / CONTRACTOR	VENDOR / CONTRACTOR INVOICES	INTERNAL LABOR	CONTRACTOR CHARGES	OTHER CHARGES	GRAND TOTAL OF CHARGES	TOTAL ELIGIBLE FEDERAL REIMBURSEMENT REQUESTED (94.3%)	LOCAL CONTRIBUTION MATCH (5.7%)	INELEGIBLE
			TOTAL OCTOBER						\$ -	\$ -	\$ -	
			TOTAL NOVEMBER						\$ -	\$ -	\$ -	
			TOTAL BILLING #1						\$ -	\$ -	\$ -	
PROJECT SUMMARY: BILLINGS TO DATE												
BILLING REQUEST		Federal Award Balance Remaining		Local Match Required to meet 5.7%		REVENUE TRACKING		NOTES / COMMENTS:				
1	50.00	500,000.00	545,600.00	545,600.00	CR Number	CR Amount	FEDERAL PARTICIPATION: \$ 848,356.00 FEDERAL FUNDS: \$ 800,000.00 FEDERAL AID PARTICIPATION DOES NOT INCLUDE A LOCAL CONTRIBUTION OF \$ 51,644. SHOWN AS OVER MATCH BY PIMA COUNTY. ADOT IS NOT AWARE OF ANY INELIGIBLE ITEMS THESE FUNDS ARE ATTRIBUTED TOWARDS.					
							\$ -					
							\$ 50.00					

11.00 x 8.50 in



U.S. Department of Transportation
Federal Highway Administration

FINAL ACCEPTANCE REPORT

DIVISION	REPORT NO.	DATE OF FINAL INSPECTION REPORT	PROJECT NO.
DATE CONTRACT STARTED	DATE WORK COMPLETED	ACCEPTANCE BY CONTRACT AGENCY	TIME ELAPSED %
LOCATION			
SCOPE OF PROJECT			
NOTE: FHWA-47 <input type="checkbox"/> Submitted <input type="checkbox"/> Not Required Materials Certification <input type="checkbox"/> Submitted <input type="checkbox"/> Not Required There is compliance with section 1.23 of the Regulations pertaining to encroachments on the right-of-way.			
REMARKS: <input type="checkbox"/> SHA procedures and controls were sufficient to assure that this project completed in reasonable close conformance with the approved plans and specifications including authorized changes and extra work.			
ACCEPTANCE OF PROJECT IS RECOMMENDED		ACCEPTED BY FEDERAL HIGHWAY ADMINISTRATION	
Signature		Signature	
Title	Date	Title	Date

Form FHWA 1446B (Rev. 3-90)

This form was electronically produced by Elite Federal Forms, Inc.

ATTACHMENT 14-1 FINALS COVER SHEET



FINALS COVER SHEET

CONTRACTOR: _____ ORG _____
 PROJECT NUMBER: _____ TRACS NUMBER: _____
 FINAL \$ _____

TIME: CONTRACT _____ EXTENDED _____ USED _____
 PH II: CONTRACT _____ USED _____
 DBE: _____ ENDING MILE POST: _____ OPEN TO TRAFFIC: _____
 ACCEPTANCE LETTER: _____ PAYROLL STATUS: _____
 RED LINES: _____
 AS-BUILTS: _____ MATERIALS CLOSEOUT: _____

REMINDER:

- Take ownership of project back (If turned over to Org for corrections)
- Verify that all L-Sum Structures are paid to 100% per Stand. Spec. 109.10
Note: except, driven piles, caissons, and drilled shafts, which will be paid for under their respective contract items
- Verify in Contract Card that all Subcontracts have been received
- Verify that 203 (Borrow, Drainage Ex, Roadway Ex) are pd. @ 100%
- Verify that all Lump Sum items are pd @ 100%
Note: except, line item Force Accounts, and MPT
- Verify that 4040116 Apply Tack Coat was pd. only for Tack Coat and not Fog Coat
- Verify the total length of all 607 Breakaway, and Perforated Sign Posts of the same size / type are rounded to the nearest Ft.
- Verify that the total of each 608 Sign Panel is rounded to the nearest Sq. Ft.
- Verify that items with a unit of EA are whole numbers (no decimals)
- Verify there were no MPT pymnts. for construction past Subst. Compl. per Stand. Spec. 701-4.03(F)
- Verify that there are no Partial Payments Left in inventory
- Verify that there are no Duplicate Payments (CPE, Reports, Duplicate Payment Check)
- Verify that the previous amount on the final estimate is the same as accumulated amount on previous monthly estimate
- Verify that contract time was charged for the 45 calendar day seeding establishment period per the Spec. Prov. 80f
- Verify that OJT Trainee Hours are at a minimum of 90% if applicable
- Do the number of OJT hours paid in CPE match the number of OJT hours in LCP Tracker (Coord. w/Payroll Person)

ORDER OF DOCUMENTATION:

- Contract Card
- DBE Cert. (Also required if DBE(s) performs work on Project regardless of DBE goal requirement)
- Bit. Price Adjustment
- Diesel Fuel Price Adjustment
- SAT's Log
- Estimates
- Final Balance
- Supplemental Agreements
- Time Packet (Time / Liquidated Damage Ltr., Start & Compl. Status, Time Rpt, & WTR's)
- Final Acceptance Letter
- Award Letter
- Agreement Estimate
- Special Provisions
- Copy pages from Final Estimate with 109 Items
- Copy pages from Final Balance with 700 Items

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RESOLUTION NO. R2024-064

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, APPROVING AND AUTHORIZING A PROBATIONARY
CERTIFICATION ACCEPTANCE AGREEMENT WITH THE ARIZONA
DEPARTMENT OF TRANSPORTATION FOR THE DELIVERY OF
FEDERALLY FUNDED CONSTRUCTION PROJECTS**

WHEREAS, the Federal Highway Administration (FHWA) delegates authority to the Arizona Department of Transportation (ADOT) to administer projects funded under the Federal-Aid Highway Program (FAHP); and,

WHEREAS, Title 23 Code of Federal Regulations (CFR) Sections 1.11 and 635.105 allow ADOT to further delegate this authority to qualified Local Public Agencies (LPA's); and,

WHEREAS, the City of Yuma Engineering Department has worked closely with ADOT to develop a Project Delivery Manual to ensure compliance with rules and regulations of the FAHP; and,

WHEREAS, the City of Yuma has received probationary status under ADOT's Certification Acceptance Program that will allow the City of Yuma to self-administer federally funded construction projects; and,

WHEREAS, the City of Yuma through self-administration can save time and money with efficiencies during the construction phase of the project,

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

SECTION 1: The Probationary Certification Acceptance Agreement attached as Exhibit A, and incorporated by reference as part of this resolution is approved in accordance with its terms.

SECTION 2: The City Administrator is authorized and directed to execute the Probationary Certification Acceptance Agreement on behalf of the City of Yuma.

Adopted this ____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

EXHIBIT A

PROBATIONARY CERTIFICATION ACCEPTANCE AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF YUMA

THIS AGREEMENT (“Agreement”) is entered into by and between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (“State”) and CITY OF YUMA (“City”). The State and City are collectively referred to as “Parties” or individually referred to as a “Party”. Both the State and City are government agencies.

I. RECITALS

1. The Parties recognize the importance of a balanced, integrated, intermodal transportation system for the State of Arizona and understand the need for maximum flexibility in the use of federal funds to address the needs of all transportation modes.
2. The Parties acknowledge that transportation infrastructure projects play an essential role in the State’s transportation system and preservation and maintenance of the transportation infrastructure protects the investments of the past and allows for economic development in the future.
3. The Parties recognize that stewardship is the efficient and effective management of public funds that have been entrusted to the Federal Highway Administration (FHWA) and oversight is the act of ensuring the Federal-aid Highway Program (FAHP) is delivered in accordance with applicable laws and regulations.
4. Title 23, Code of Federal Regulation (C.F.R.), Sections 1.11 and 635.105 allow a State to delegate certain activities, under supervision, to qualified local public agencies for FAHP projects under Certification Acceptance. Delegation is a privilege with responsibilities for both Parties and requires the Parties work in partnership.
5. According to 23 C.F.R. §§ 1.11 and 635.105, the State, as the supervising agency, maintains accountability to FHWA for FAHP projects under Certification Acceptance and is responsible for oversight that ensures projects are completed in compliance with federal and state laws and regulations and conformance with approved plans and specifications.
6. Full Certification Acceptance status includes the delegation of contract administration, development and design, construction administration, procurement of engineering or design-related services consultant, project inspection, and internal program evaluation to the City.
7. Partial Certification Acceptance status includes the delegation of contract administration, development and design, construction administration, project inspection, and internal program evaluation and further excludes the procurement of engineering or design-related services consultant on-call contracts.
8. Probationary status is the initial status given to an agency seeking certification for the first time. This status requires satisfactory performance on the first project completed under the Certification Acceptance Program. If a review of the first project demonstrates satisfactory

performance, Partial Certification Acceptance will be granted. If a review of the first project demonstrates unsatisfactory performance, certification will be denied.

9. The State retains responsibility for disadvantaged business enterprises, equal employment opportunity, on the job training, environmental processes, approval of final certification of right-of-way, proprietary item determinations, and project final acceptance.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. REQUIREMENTS

1. The City will:
 - a. Accept the delegated authority for Partial Certification Acceptance probationary status from the State for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
 - b. Adhere to federal and state laws and regulations, responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
 - c. Perform delegated activities as outlined in the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements).
 - i. Submit a detailed schedule as part of the initiation package submitted to ADOT for consideration. The detailed schedule must include the major milestone deliverables as defined by ADOT in the development schedule.
 - ii. Report any change in the initial developed schedule to ADOT no later than the last business day of each State Fiscal Quarter along with detailed reasons for the delay.
 - d. Cooperate with the State in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
 - e. Have a compliant project development and delivery program, accounting controls, and a project inspection and internal program evaluation process in place for FAHP projects.
 - f. Ensure that the City's Designated Approval Authority reviews and approves FAHP projects.
 - g. Ensure a full-time employee of the City is in responsible charge of FAHP projects or obtain approval from the State before hiring a consultant to act in a management role for the City.
 - h. Assign to each FAHP project, a professional engineer registered in the State of Arizona, either on staff as a public employee or a contract employee designated as the City's Engineer.

- i. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
 - j. Obtain any required State and FHWA reviews, concurrences, and approvals on FAHP projects.
 - k. Obtain, keep, and maintain all books, papers, records, files, accounts, reports, bid documents with backup data, including electronic data, and all other materials relating to the FAHP contract and project.
 - l. Ensure all FAHP contract and project documents are retained and made available for inspection by the State and FHWA during the plan development and construction stages and at least five years after the FHWA final voucher has been recorded. This requirement will survive the termination or expiration of this Agreement or any individual agreement under this Agreement.
 - m. Administer a probationary project.
2. The State will:
- a. Delegate authority, and does delegate authority by this Agreement, for Partial Certification Acceptance probationary status to the City for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
 - b. Communicate with FHWA regarding all aspects of the Certification Acceptance program and FAHP projects.
 - c. Adhere to federal and state laws and regulations and the responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
 - d. Maintain and update the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) and provide ongoing guidance to the City through the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements), training, periodic reviews, and other related tools.
 - e. Cooperate with the City in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
 - f. Have a Certification Acceptance program, accounting controls, and an oversight process in place for FAHP projects.
 - g. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
 - h. Provide any required State reviews, concurrences, and approvals and submit any requests to FHWA for required authorizations, reviews, concurrences, and approvals on FAHP projects.

- i. Conduct continuous oversight on the City's federal-aid programs and projects to ensure compliance with federal and state laws and regulations and conformance with approved plans and specifications.
- j. Deobligate the funding of a project upon the failure of the City to deliver the project according to the project detailed schedule in the initiation package. Subsequently, the City will have to compete in the following fiscal State year to get approval and obtain funding for the project.
- k. Approve the City's certified status upon the successful review of the completed probationary project.

III. MISCELLANEOUS PROVISIONS

1. This Agreement takes effect on the signature date of the FHWA Arizona Division Administrator, who signs this Agreement last.
2. The terms, conditions, and provisions of this Agreement will remain in full force and effect until the satisfactory completion and review of the City's probationary project, at which time an agreement for Partial Certification Acceptance status will be signed.
3. This Agreement will govern all program and project-specific agreements between the State and City.
4. If a conflict exists between the terms, conditions, and provisions of this Agreement and any other agreement between the State and the City, this Agreement will govern and control.
5. Any modification to this Agreement will occur only with the mutual consent of both Parties.
6. This Agreement may be canceled at any time upon 30 days written notice to the other Party.
7. The State may terminate this Agreement upon the City's request or if in the opinion of the Arizona Department of Transportation Director the City lacks adequate staffing or performance. The rescission may be applied to all or part of the program or projects under the Certification Acceptance program.
8. In case of termination of this Agreement for any reason, the City will have a continuing obligation to comply with the terms of this Agreement until all requirements under this Agreement are completed.
9. This Agreement may be canceled in accordance with A.R.S. § 38-511.

IN WITNESS WHEREOF, the Parties, by execution of this Agreement, acknowledge that their signing representatives have read, understand, and agree to be bound by the terms, conditions, and provisions of this Agreement.

**STATE OF ARIZONA
Department of Transportation**

By _____
**John D. Simonton
City Administrator
City of Yuma**

By _____
**Greg Byres
Deputy Director for Transportation/
State Engineer**

By _____
**Lynda Bushong
City Clerk**

**CONCUR:
FEDERAL HIGHWAY ADMINISTRATION
Arizona Division**

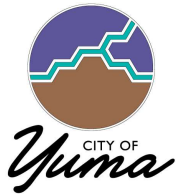
By _____
**Anthony Sarhan
Acting Division Administrator**

Date _____

ATTORNEY APPROVAL FOR THE CITY OF YUMA

Pursuant to A.R.S. § 11-952, the foregoing Agreement has been submitted to the undersigned City Attorney for the City of Yuma, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the Yuma City Charter, Article III, Section 13, and the laws of the State of Arizona to the City of Yuma:

Richard Files
City Attorney
City of Yuma



City of Yuma

City Council Report

File #: R2024-065

Agenda Date: 11/20/2024

Agenda #: 2.

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

TITLE:

Grant Agreement: U.S. Department of Transportation’s Federal Highway Administration - Safe Streets and Roads for All Grant

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a Grant Agreement with the U.S. Department of Transportation’s (USDOT) Federal Highway Administration (FHWA) to develop a City of Yuma Comprehensive Safety Action Plan. (Engineering Department) (David Wostenberg/Steve Wilson)

STRATEGIC OUTCOME:

This action supports the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by developing a Comprehensive Safety Action Plan identifying and prioritizing safety improvements that accommodate all modes of transportation and users.

REPORT:

The City adopted a Vision Zero Strategy on August 16, 2023 to reduce traffic related deaths and serious injury accidents on City of Yuma roadways as part of the Safe Streets for All (SS4a) Program. The SS4a Program assists local governments for implementation, planning and demonstration activities as part of a systematic approach to prevent deaths and serious injuries on the nation’s roadways.

The City received a grant to develop a Safety Action Plan (SAP) and Supplemental Planning efforts. The purpose of the SAP is to generate a prioritized list of projects, which will improve roadway safety by significantly reducing roadway fatalities and serious injuries through safety action plan development or projects focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The Safety Action Plan (SAP) and Supplemental Planning efforts will provide a framework to accomplish safety enhancements and will serve as a guide for development of future safety improvements in the City of Yuma.

By creating this SAP, it will make the City eligible for additional federal SS4A Grants for design and construction of the various safety enhancement projects outlined in the SAP.

This SAP will be a coordinated effort that will accomplish the following:

1. Develop a clear vision and mission to unite stakeholders with a common goal.
2. Assemble collaborative partners and stakeholders to support the plan.

- 3. Identify manpower and create tools essential for ensuring long term execution of the plan.
- 4. Foster open and frequent communication with stakeholders, community partners, and citizens as the plan is developed.

The City of Yuma’s SAP will integrate the 4 E’s - Engineering, Enforcement, Education, and Evaluation and provide a road map for the City to hone a ‘safety first’ proactive stance in reducing and preventing road fatalities and injuries.

Federal funding from the SS4a Program is \$480,000. The local match is made up of a combination of \$90,000 from the AZ SMART grant program and City funds in the amount of \$30,000. The total funding for the Safety Action Plan is \$600,000.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 30,000.00	BUDGETED:	\$ 600,000.00
STATE FUNDS:	\$ 90,000.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$480,000.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$600,000.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/12/2024

RESOLUTION NO. R2024-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, APPROVING AND AUTHORIZING A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION'S (USDOT) FEDERAL HIGHWAY ADMINISTRATION (FHWA) TO DEVELOP A COMPREHENSIVE SAFETY ACTION PLAN

WHEREAS, the City of Yuma has received a grant from the USDOT / FHWA to develop a Comprehensive Safety Action Plan (SAP) identifying and prioritizing safety improvements that accommodate all modes of transportation and users; and,

WHEREAS, the purpose of this SAP is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development or projects focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators; and,

WHEREAS, the City of Yuma's SAP will integrate the 4 E's – engineering, enforcement, education, and evaluation and provide a road map for the City to hone a 'safety first' proactive stance in reducing and preventing road fatalities and injuries; and,

WHEREAS, the Safety Action Plan (SAP) will provide a framework to accomplish safety enhancements and will serve as guide for development of future safety improvements in the City of Yuma.

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

SECTION 1: The Grant Agreement with the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA) attached as Exhibit A, and incorporated by reference as part of this resolution is approved in accordance with its terms.

SECTION 2: The City Administrator is authorized and directed to execute the Grant Agreement with the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA) on behalf of the City of Yuma.

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

- | | | |
|---|--|---|
| <p>1. Federal Award No.
693JJ32540156</p> | <p>2. Effective Date
See No. 16 Below</p> | <p>3. Assistance Listings No.
20.939</p> |
| <p>4. Award To
City of Yuma
One City Plaza
Yuma AZ 85364</p> | <p>5. Sponsoring Office
U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590</p> | |

Unique Entity Id.: GN4ZBTUNC83
TIN No.: 86-6000273

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|---|--|----------------|--------------|------------------|-------------|----------------------|-----|--------------|----------|--------|--------------|
| <p>6. Period of Performance
Effective Date of Award –
36 months from effective date of
award</p> | <p>7. Total Amount</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Federal Share:</td> <td style="text-align: right;">\$480,000.00</td> </tr> <tr> <td>Recipient Share:</td> <td style="text-align: right;">\$30,000.00</td> </tr> <tr> <td>Other Federal Funds:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Other Funds:</td> <td style="text-align: right;">\$90,000</td> </tr> <tr> <td>Total:</td> <td style="text-align: right;">\$600,000.00</td> </tr> </table> <p>*Other funds are state funds,
not federally sourced funding.</p> | Federal Share: | \$480,000.00 | Recipient Share: | \$30,000.00 | Other Federal Funds: | \$0 | Other Funds: | \$90,000 | Total: | \$600,000.00 |
| Federal Share: | \$480,000.00 | | | | | | | | | | |
| Recipient Share: | \$30,000.00 | | | | | | | | | | |
| Other Federal Funds: | \$0 | | | | | | | | | | |
| Other Funds: | \$90,000 | | | | | | | | | | |
| Total: | \$600,000.00 | | | | | | | | | | |

- | | |
|--|--|
| <p>8. Type of Agreement
Grant</p> | <p>9. Authority
Section 24112 of the Infrastructure Investment
and Jobs Act (Pub. L. 117–58, November 15,
2021; also referred to as the “Bipartisan
Infrastructure Law” or “BIL”)</p> |
|--|--|

- | | |
|---|--|
| <p>10. Procurement Request No.
HSA240009PR</p> | <p>11. Federal Funds Obligated
\$480,000.00</p> |
|---|--|

- | | |
|---|--|
| <p>12. Submit Payment Requests To
See Article 5.</p> | <p>13. Accounting and Appropriations Data
15X0173E50.0000.055SR10500.5592000000.4
1010.61006600</p> |
|---|--|

14. Description of the Project

Develop an Action Plan to create safe streets for all for the City of Yuma. Supplemental Planning efforts to include:

1. Predictive Modeling Subplan – Model potential crashes and create predictive outcomes to provide insights for changes critical for future safety planning.
2. Pedestrian Safety Subplan – Perform a robust statistical analysis dedicated to pedestrian

safety issues and include community engagement for potential solutions.

3. Road Safety Audit (RSA) – Perform an RSA at a priority safety location and identify countermeasures to improve safety.

RECIPIENT

15. Signature of Person Authorized to Sign

Signature Date
Name: John D Simonton
Title: City Administrator

Attest:

Signature Date
Lynda L. Bushong
City Clerk

Approved as to form:

Signature Date
Richard W. Files
City Attorney

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

Signature Date
Name: Ryan Buck
Title: Agreement Officer

U.S. DEPARTMENT OF TRANSPORTATION

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2023 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM**

This agreement is between the United States Department of Transportation’s (the “**USDOT**”) Federal Highway Administration (the “**FHWA**”) and the City of Yuma (the “**Recipient**”).

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All (“**SS4A**”) Grant for the City of Yuma Comprehensive Safety Action Plan.

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2023 Safe Streets and Roads for All (“**SS4A**”) Grant Program,” which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements> under “Fiscal Year 2023.” Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient acknowledges that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**ARTICLE 2
APPLICATION, PROJECT, AND AWARD**

2.1 Application.

Application Title: City of Yuma Comprehensive Safety Action Plan

Application Date: 08/02/2023

2.2 Award Amount.

SS4A Grant Amount: \$480,000.00

2.3 Federal Obligation Information.

Federal Obligation Type: Single

2.4 Budget Period.

Budget Period: See Block 6 of Page 1

2.5 Grant Designation.

Designation: Planning and Demonstration

**ARTICLE 3
SUMMARY PROJECT INFORMATION**

3.1 Summary of Project’s Statement of Work.

Develop an Action Plan to create safe streets for all for the City of Yuma. Supplemental Planning efforts will include:

1. Predictive Modeling Subplan – Model potential crashes and create predictive outcomes to provide insights for changes critical for future safety planning.
2. Pedestrian Safety Subplan – Perform a robust statistical analysis dedicated to pedestrian safety issues and include community engagement for potential solutions.
3. Road Safety Audit (RSA) – Perform a RSA at a priority safety location and identify countermeasures to improve safety.

3.2 Project’s Estimated Schedule.

Action Plan Schedule

Milestone	Schedule Date
Planned NEPA Completion Date:	09-15-2026
Planned Draft Plan Completion Date:	11-15-2026
Planned Final Plan Completion Date:	02-15-2027
Planned Final Plan Adoption Date:	05-15-2027

Planned SS4A Final Report Date:	06-15-2027
---------------------------------	------------

Supplemental Planning Schedule

Milestone	Schedule Date
Planned NEPA Completion Date:	02-15-2027
Planned Draft Plan Date:	03-15-2027
Planned Final Plan Completion Date:	04-15-2027
Planned Final Plan Adoption Date:	05-15-2027
Planned SS4A Final Report Date:	06-15-2027

3.3 Project’s Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$480,000.00
Local Funds:	\$120,000.00
Total Eligible Project Cost:	\$600,000.00

(b) Indirect Costs

Indirect costs are allowable under this Agreement in accordance with 2 CFR part 200 and the Recipient’s approved Budget Application. In the event the Recipient’s indirect cost rate changes, the Recipient will notify FHWA of the planned adjustment and provide supporting documentation for such adjustment. This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient’s indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

ARTICLE 4

RECIPIENT INFORMATION

4.1 Recipient Contact(s).

Dave Wostenberg
 Director of Engineering
 City of Yuma
 One City Plaza Yuma AZ 85364
 928-373-4522
 David.Wostenberg@YumaAz.gov

4.2 Recipient Key Personnel.

Name	Title or Position
Steve Wilson	Assistant Director of Engineering
Laura Martinez	Grant Writer
Maura Luna	Grant Accountant
Madeleine Coil	Grants Administrator

4.3 USDOT Project Contact(s).

Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-2822
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-33, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-493-2402
HCFASS4A@dot.gov

and

Division Administrator – Arizona
Agreement Officer’s Representative (AOR)
4000 N. Central Ave. Suite 1500
Phoenix, AZ 85012
602-379-3646
Arizona.FHWA@dot.gov

and

Glen Robison
Arizona Division Office Lead Point of Contact
Safety Specialist
4000 N. Central Ave. Suite 1500
Phoenix, AZ 85012
602-382-8961
Glen.robison@dot.gov

ARTICLE 5
USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the Agreement Officer (the “AO”) are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327. Note: This clause is only applicable to grants that do not include construction.

In accordance with 2 CFR 200.308(f)(6), the recipient or subrecipient shall obtain prior written approval from the USDOT agreement officer for the subaward, if the subaward activities were not proposed in the application or approved in the Federal award. This provision is in accordance with 2 CFR 200.308(f)(6) and does not apply to procurement transactions for goods and services. Approval will be issued through written notification from the AO or a formal amendment to the Agreement

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred within the budget period of this agreement if those costs do not exceed the amount of funds obligated and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI iSupplier System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF-270 (Request for Advance or Reimbursement) or SF-271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.
- (c) The Recipient’s supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient’s share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the Agreement Officer’s Representative (the “AOR”) may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the AOR reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) In the rare instance the Recipient is unable to receive electronic funds transfers (EFT), payment by EFT would impose a hardship on the Recipient because of their inability to manage an account at a financial institution, and/or the Recipient is unable to use the DELPHI iSupplier System to submit their requests for disbursement, the FHWA may waive the requirement that the Recipient use the DELPHI iSupplier Syst

The Recipient shall contact the Division Office Lead Point of Contact for instructions on and requirements related to pursuing a waiver.

- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

**ARTICLE 6
SPECIAL GRANT TERMS**

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4 in this agreement.
- 6.2.** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.
- 6.3** SS4A Funds will be allocated to the Recipient and made available to the Recipient in accordance with FHWA procedures.
- 6.4** The Recipient of a Planning and Demonstration Grant acknowledges that the Supplemental Action Plan will be made publicly available and agrees that it will publish the final Supplemental Action Plan on a publicly available website.
- 6.5** There are no other special grant requirements.

**ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION**

Study Area: City of Yuma

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Equity	Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT	Within 120 days after the end of the period of performance
Costs	Project Costs: Quantification of the cost of each eligible project carried out using the grant	Within 120 days after the end of the period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.	Within 120 days after the end of the period of performance

**ATTACHMENT B
CHANGES FROM APPLICATION**

Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of Attachment B is to clearly and accurately document any differences in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See Article 11 for the Statement of Work, Schedule, and Budget Changes. If there are no changes, please insert "N/A" in Section 3.3 of the table.

Scope: No material changes

Schedule: Schedule dates were pushed out to allow maximum time for completion within the scope of the grant.

Budget: No material changes

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds			N/A	
Non-Federal Funds			N/A	
Total Previously Incurred Costs			N/A	
Future Eligible Project Costs				
SS4AFunds			N/A	
Other Federal Funds			N/A	
Non-Federal Funds			N/A	
Total Future Eligible Project Costs			N/A	
Total Project Costs			N/A	

**ATTACHMENT C
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY**

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table align with the application:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
X	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but intends to take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

The City of Yuma has an underserved population of 20.4% according to the DOT Equitable Transportation Community Explorer Tool. A total of 51 fatalities occurred between 2017 – 2021, corresponding to a total average annual fatality rate of 7.56 per 100,000 population.

The City of Yuma Comprehensive Safety Action Plan grant will allow the recipient to improve safety by analyzing where and why crashes have occurred and what countermeasures can be implemented.

The recipient will also undertake a widespread community outreach with diverse stakeholders to better understand safety challenges, particularly in the low-income and underserved communities.

These actions are necessary to ensure the Safety Action Plan meets the requirements of the USDOT and ensures that communities are not disproportionately impacted by safety challenges and barriers to opportunities.

ATTACHMENT D
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with “X” in the following table align with the application:

	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Recipient or a project partner used environmental justice tools, such as the EJScreen, to minimize adverse impacts of the Project on environmental justice communities. <i>(Identify the tool(s) in the supporting narrative below.)</i>
	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. <i>(Describe that shift in the supporting narrative below.)</i>
	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. <i>(Describe those strategies in the supporting narrative below.)</i>
	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
	The Project supports the installation of electric vehicle charging stations. <i>(Describe that support in the supporting narrative below.)</i>
	The Project promotes energy efficiency. <i>(Describe how in the supporting narrative below.)</i>
	The Project serves the renewable energy supply chain. <i>(Describe how in the supporting narrative below.)</i>
	The Project improves disaster preparedness and resiliency <i>(Describe how in the supporting narrative below.)</i>
	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>
	The Project supports or incorporates the construction of energy- and location-efficient buildings. <i>(Describe how in the supporting narrative below.)</i>

	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. (<i>Describe the materials in the supporting narrative below.</i>)
	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project, as described in the supporting narrative below.
X	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but will take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. Supporting Narrative.

The City of Yuma will utilize the environmental justice tools such as the Environmental Protection Agencies EJSCREEN to assess community vulnerability (measured by a number of indices) to target project focus and attention.

The City of Yuma will continue to evaluate and minimize its impacts to the environment with regard to human health and the environment.

**ATTACHMENT E
LABOR AND WORKFORCE**

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

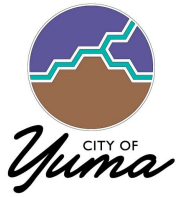
The Recipient states that rows marked with “X” in the following table align with the application:

	The Recipient demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project. <i>(Describe the relevant provisions in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. <i>(Describe the use of registered apprenticeship in the supporting narrative below.)</i>
	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. <i>(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)</i>
	The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. <i>(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)</i>
	The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>

	<p>The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including:</p> <ul style="list-style-type: none"> a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor’s Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements and meet the requirements as outlined in the Notice of Funding Opportunity to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. <p><i>(Describe the equal opportunity plan in the supporting narrative below.)</i></p>
	<p>The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i></p>
X	<p>The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the project, will take relevant actions described in the supporting narrative below.</p>
	<p>The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.</p>

2. Supporting Narrative.

The grant only envisions planning and other activities necessary to develop an approved Safety Action Plan. As a result of this Safety Action Plan, future construction projects would create well-paying jobs and implement strong labor standards.



City of Yuma

City Council Report

File #: O2024-039

Agenda Date: 11/20/2024

Agenda #: 1.

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

Gift Acceptance: Utility Easement Property

SUMMARY RECOMMENDATION:

Authorize the acceptance of real property from Santana RE 142, LLC and Elliott Construction, Inc. (Engineering) (David Wostenberg)(Andrew McGarvie)

STRATEGIC OUTCOME:

Accepting fee title ownership to property encumbered by utility easements along the western boundary of the Santana Unit 2 subdivision will allow the City of Yuma to expand multiuse paths in the future in support of the City Council's Respected and Responsible strategic outcome.

REPORT:

Elliott Homes through two entities, Santana RE 142, L.L.C and Elliott Construction, Inc. seeks to gift the City of Yuma property encumbered by Arizona Public Services (APS), Western Area Power Authority (WAPA), and the United States Bureau of Reclamation (USBR) easements generally located between Avenue 7½E and 7¾E and approximately centered along the USBR "A" Canal with power easements on the southeast edge of the canal as shown in the attached location map.

The APS easement affects lots 44 through 51 of Santana Unit 2 subdivision. Elliott homes reached out to determine if the City could utilize the property under the easements in the future. City staff agreed to accept fee title, subject to City Council approval by ordinance prior to recording any documents.

The combined properties contain 8.35 acres and will allow the City in the future to place a possible multiuse path on a portion of the property, as well as license other utilities to utilize the area.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 100.00	BUDGETED:	\$ 100.00
-------------	-----------	-----------	-----------

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

FY 2025 City Engineering Budget		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/12/2024

ORDINANCE NO. O2024-039

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING THE ACCEPTANCE OF GIFT PROPERTY**

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

WHEREAS, developers Elliott Construction and Santana 142 own property described in the attached exhibits that is not desirable for inclusion in a subdivision due to powerline easements and a United States Bureau of Reclamation (BOR) “A” canal easement on the property; and,

WHEREAS, the developer seeks to donate the described property to the City at no cost, which will benefit Yuma residents in the future as an area for trails and multiuse pathways; and,

WHEREAS, the described portions of Lots 44 to 51, Santana Unit 2 Subdivision, will be dedicated to the City of Yuma together with a One-Foot non-access easement across the new western property line of the existing lots.

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

SECTION 1: The described property shall be accepted by the City of Yuma at no cost to the City.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized and directed to take all actions necessary to accept donations of fee title to property underlying the USBR “A” Canal Easement and various powerline easements as shown in the attached Location Map and described in the Warranty Deeds attached as Exhibits A and B, and to execute a One-foot non-access easement described in Exhibit C.

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



AFFECTED AREA

NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY AND REPRESENTS NO SPECIFIC DIMENSIONS RELATED TO THE SITE.



LOCATION MAP

Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA
ENGINEERING
DEPARTMENT**

DATE: **10/21/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

Warranty Deed Exhibit A

WHEN RECORDED MAIL TO:

Office of the City Clerk
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

Elliott Construction, Inc., an Arizona corporation
6255 E 26th Street
Yuma, AZ 85365
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation
One City Plaza
Yuma, Arizona 85364
(Grantee)

For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

Dated this 16th day of October, 2024.

Elliott Construction, Inc. an Arizona corporation.

WARRANTY DEED
APS EASEMENT OVER LOTS 44-51 SANTANA UNIT 2
COUNCIL ORDINANCE # 2024-
PAGE 1 of 5

By: Roberta Lynn Cooper
Roberta Lynn Cooper
Assistant Vice President

NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc. an Arizona corporation.

State of Arizona)
) ss.
County of Yuma)

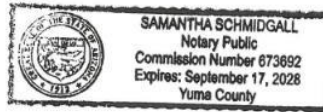
The foregoing instrument was acknowledged before me this 10th day of October, 2024, by Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc., an Arizona corporation, on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set by hand and official seal.

Samantha Schmidgall
Notary Public

My Commission Expires:

9.17.2028



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma, Arizona, as public property and other purposes related thereto.

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF
A PORTION OF THE SANTANA UNIT 2 SUBDIVISION, LOTS 44-51

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 22
WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,
COUNTY, ARIZONA;
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE
WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST ALONG THE
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 10, SAID LINE ALSO BEING THE WEST
BOUNDARY LINE OF THE SANTANA UNIT 2 SUBDIVISION AS RECORDED IN
BOOK 34, PAGE 65, YUMA COUNTY RECORDS, A DISTANCE OF 605.26 FEET
TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST
ALONG THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 128.56 FEET TO
A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A"
CANAL;

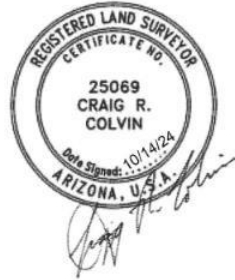
THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID
SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL, AND
THE NORTHWESTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2
SUBDIVISION, A DISTANCE OF 407.00 FEET TO THE NORTHWESTERLY
CORNER OF SAID SANTANA UNIT 2 SUBDIVISION;

THENCE SOUTH 54 DEGREES 51 MINUTES 31 SECONDS EAST ALONG THE
NORTHEASTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2
SUBDIVISION A DISTANCE OF 75.00 FEET TO A POINT ON THE
SOUTHEASTERLY BOUNDARY LINE OF AN ARIZONA PUBLIC SERVICE
EASEMENT AS RECORDED IN FEE NUMBER 2014- 05545 YUMA COUNTY
RECORDS;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST ALONG SAID
SOUTHEASTERLY ARIZONA PUBLIC SERVICE EASEMENT LINE A DISTANCE
OF

511.42 FEET TO A POINT ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, AND THE TRUE POINT OF BEGINNING.

CONTAINING 0.791 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew Mc Camie</i>
City Engineering Department	Date <i>10/21/2024</i>

Warranty Deed Exhibit B

WHEN RECORDED MAIL TO:

Office of the City Clerk
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

Santana 142 RE Holdings, L.L.C.
6255 E 26th Street
Yuma Arizona 85365
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation
One City Plaza
Yuma, Arizona 85364
(Grantee)

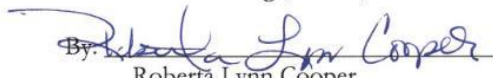
For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

Dated this 16th day of October, 2024.

Santana 142 RE Holdings, L.L.C., an Arizona limited liability company

By: 
Roberta Lynn Cooper,
Manager

WARRANTY DEED
SANTANA UNIT 1 & 2 FEE TITLE TO CANAL R-O-W
COUNCIL ORDINANCE # 2004-
PAGE 1 of 5

NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Manager of Santana 142 RE Holdings, L.L.C.,
an Arizona limited liability company.

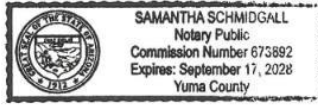
State of Arizona)
) ss.
County of Yuma)

The foregoing instrument was acknowledged before me this 16th day
of October, 2024, by Roberta Lynn Cooper, Manager of Santana 142
RE Holdings, L.L.C., an Arizona limited liability company.

IN WITNESS WHEREOF, I have hereunto set by hand and official
seal.

Samantha Schmidgall
Notary Public

My Commission Expires:
9.17.2028



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma, Arizona, as public property for easements and other purposes related thereto.

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE SANTANA UNIT 1 & 2 CANAL "A"

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE
22 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,
COUNTY, ARIZONA;
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST
HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF
SAID SECTION 10;

THENCE NORTH 89 DEGREES 15 MINUTES 10 SECONDS EAST ALONG
THE NORTH LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 662.32
FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF WEST
HALF OF NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00 DEGREES 32 MINUTES 55 SECONDS EAST ALONG
THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 494.08
FEET (RECORD SOUTH 00 DEGREES 07 MINUTES 43 SECONDS EAST,
A DISTANCE OF 495.16 FEET) TO A 1-1/4" IRON PIPE, SAID POINT
BEING ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE
U.S.B.R. "A" CANAL AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST
ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF THE
U.S.B.R. "A" CANAL, A DISTANCE OF 1135.37 FEET (RECORD SOUTH
35 DEGREES 35 MINUTES 35 SECONDS WEST, A DISTANCE OF
1134.35 FEET) TO A 1/2" REBAR CAPPED LS 16626, SAID POINT
BEING ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF
OF THE NORTHEAST QUARTER OF SAID SECTION 10;

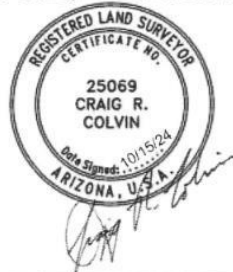
THENCE SOUTH 00 DEGREES 32 MINUTES 46 SECONDS EAST ALONG THE
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 10, A DISTANCE OF 497.11 FEET (RECORD
SOUTH 00 DEGREES 07 MINUTES 53 SECONDS EAST) TO A 1/2" REBAR
CAPPED LS 16810, SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF
WAY LINE OF THE U.S.B.R. "A" CANAL;

WARRANTY DEED
SANTANA UNIT 1 & 2 FEE TITLE TO CANAL R-O-W
COUNCIL ORDINANCE # 2004-
PAGE 4 of 5

THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL A DISTANCE OF 1135.41 FEET TO A 1/2" REBAR CAPPED LS 16626, SAID POINT BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

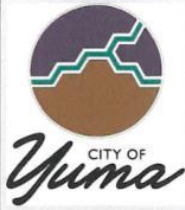
THENCE NORTH 00 DEGREES 32 MINUTES 55 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 497.09 FEET, TO THE POINT OF BEGINNING.

CONTAINING 7.559 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew McConie</i>
City Engineering Department	Date <i>10/21/2024</i>

One-Foot Noon-Access Easement Exhibit C



**ONE FOOT
NON-ACCESS
EASEMENT**

When Recorded, Return To:
The City of Yuma - Engineering
(City will pick up)

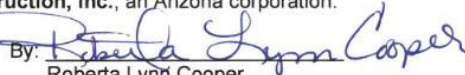
We, **Elliott Construction, Inc.** an Arizona corporation ("Grantor"), for and in consideration of good and valuable consideration, the receipt of which is acknowledged, hereby grants to the City of Yuma, an Arizona municipal corporation ("Grantee"), a permanent One Foot Non-Access Easement along the westerly property lines, and remainder of lots 44, 45, 46, 47, 48, 49, 50, and 51, also being the Southeasterly right-of-way line of the Arizona Public Services easement as shown in the Santana Unit 2 subdivision plat dated 6/17/2022, FEE # 2022-20999, recorded in Book 34 of Plats, Page 8, all located within that portion of the West half of the Northeast quarter of Section 10, Township 9 South, Range 22 West of the Gila and Salt River Basin and Meridian, City of Yuma, Yuma County, Arizona, and across the real estate ("Property") described as the remainder of the following:

ASSESSORS PARCEL NUMBERS
698-47-044, 698-47-045, 698-47-046, 698-47-047,
698-47-048, 698-47-049, 698-47-050, AND 698-47-051.

By virtue of this Easement, Grantor, for and on behalf of themselves and their successors in interest, acknowledge the One Foot Non-Access Easement shall extend the full length of the westerly property line of the remainder lots 44, 45, 46, 47, 48, 49, 50, and 51, Santana Unit 2 subdivision plat, with the recordation of Warranty Deed 2024-_____. Grantor and Grantor's successors specifically waive any rights or suit, complaint, petition, claims, or other such actions as may impede the use and development of the described Easement. Grantor acknowledges that Grantor's Property will be restricted to certain access points into and out of the Property.

Grantor and Grantee intend that this Easement will be construed and interpreted under the laws of the State of Arizona that this Easement shall run with the land, and is binding upon all present and future owners of the Property.

Elliott Construction, Inc., an Arizona corporation.

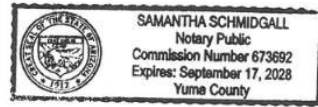
By: 
Roberta Lynn Cooper,
Assistant Vice President

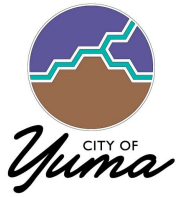
ACKNOWLEDGMENT

State of Arizona)
County of Yuma) ss

The foregoing instrument was acknowledged before me this 16th day of October 2024, by Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc., an Arizona corporation, on behalf of the corporation.

Samantha Schmidgall
Notary Public





City of Yuma

City Council Report

File #: R2024-066

Agenda Date: 11/20/2024

Agenda #: 1.

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

TITLE:
Major General Plan Amendment: 19 A, LLC

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A, Yuma, AZ.

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

The existing Resort, Recreation & Open Space land use designation is intended to identify parks and recreation sites and supports the following types of zoning: Agriculture (AG) and Recreation and Open Space (RO).

The existing Business Park land use designation supports the following types of zoning: General Commercial (B-2), Business Park (BP), and Industrial Park (I-P) districts.

The existing Public/Quasi-Public land use designation allows publicly owned and operated facilities or those devoted to public use by the governmental and quasi-public or non-profit entities such as schools, hospitals, churches, military installations and/or government buildings. The Public/Quasi-Public land use designation

supports a full range of zoning districts.

The proposed Industrial land use designation supports the following types of zoning: Industrial Park (I-P), Light Industrial (L-I), and Heavy Industrial (H-I) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site for future industrial development.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (09/09/24):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

“Motion by Gregory Counts - Planning and Zoning Commissioner, second by Ashlie Pendleton - Planning and Zoning Commissioner to close the first public hearing for case GP-42834-2024. Motion carried unanimously, (7-0).

Public Comments - Excerpt from Planning and Zoning Commission Minutes (10/14/24):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

Tom Pancrazi, 350 W. 16th Street, Yuma, AZ, was available for questions. **Commissioner Counts** asked if the groves were old and non-producing. **Pancrazi** replied that the groves are producing but that there is need in the area for industrial uses. **Counts** then asked if the future development would consist of solar or utilities. **Pancrazi** said it would most likely be solar or a clean energy project.

PUBLIC COMMENT

None

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Chelsea Malouff - Planning and Zoning Commissioner to APPROVE GP-42834-2024 as presented.

“Motion carried unanimously, (4-0) with three absent.

(This is a Major Amendment to the City of Yuma General Plan. Per A.R.S. 9-461.06 H "...a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality.")

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

Not applicable

ADDITIONAL INFORMATION:

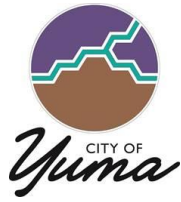
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/12/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/12/2024



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

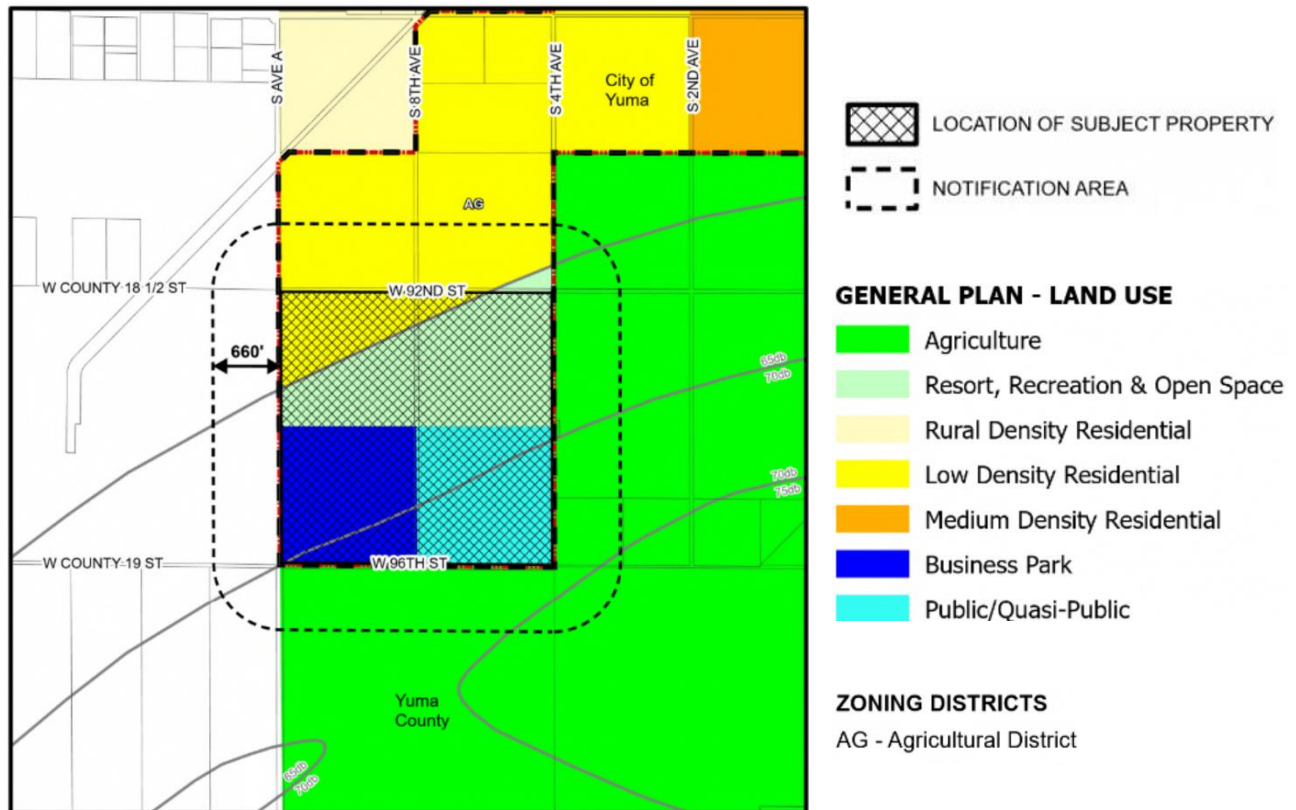
Hearing Date: October 14, 2024

Case Number: GP-42834-2024

Project Description/Location: This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG) District	Agriculture	Low Density Residential and Resort/Recreation/Open Space and Business Park, Public/Quasi Public
North	Agriculture (AG) District	Agriculture	Low Density Residential, Resort/Recreation/Open Space
South	County Rural Area-10 (RA-10)	Agriculture	Agriculture
East	County Rural Area-10 (RA-10)	Agriculture	Agriculture
West	County Rural Area-10 (RA-10)	Agriculture	County Agricultural/Rural Residential

Location Map



Prior site actions: Pre-Annexation Agreement: Res. R2009-31 (June 15, 2009); Annexation: Ord. O2009-39 (July 3, 2009); General Plan Amendment: GP-2009-003, Resolution R2009-87 (November 18, 2009) Major Amendment to change land use designation to a mix of uses.

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 160 acres from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial.

Suggested Motion: Move to APPROVE the request to change the land use designation for approximately 160 acres from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial.

Staff Analysis: This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A, Yuma, AZ.

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

The existing Resort, Recreation & Open Space land use designation is intended to identify parks and recreation sites and supports the following types of zoning: Agriculture (AG) and Recreation and Open Space (RO).

The existing Business Park land use designation supports the following types of zoning: General Commercial (B-2), Business Park (BP), and Industrial Park (I-P) districts.

The existing Public/Quasi-Public land use designation allows publicly owned and operated facilities or those devoted to public use by the governmental and quasi-public or non-profit entities such as schools, hospitals, churches, military installations and/or government buildings. The Public/Quasi-Public land use designation supports a full range of zoning districts.

The proposed Industrial land use designation supports the following types of zoning: Industrial Park (I-P), Light Industrial (L-I), and Heavy Industrial (H-I) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site for future industrial development.

Land Use

The Land Use Element of the City of Yuma 2022 General Plan is a guide for the appropriate locations for residential, commercial, and industrial development. Objective 2.4 notes providing additional opportunities for employment:

Objective 2.4: Achieve a diversified economy that is open to new opportunities and resistant to seasonal employment fluctuations.

The subject properties have historically been used for farming and are presently lemon groves. Due to economic shifts and changes in citrus cultivation, the proposed industrial land use change could potentially create a variety of year-round employment opportunities.

The area is part of a previous General Plan amendment, GP2009-003, the Estancia development. The planned mixed-use development in the Estancia Development Area, has not materialized, leaving much of the land predominantly as farmland. The proposed changes in land use will have a minimal impact on the surrounding area.

Density

The current land use designations of Low Density Residential (23 acres), Resort, Recreation & Open Space (57 acres), Business Park (40 acres), and Public/Quasi-Public (40 acres) would allow the development of residences, public parks, public schools, playgrounds, government buildings and commercial developments.

The proposed Industrial land use designation comprised of 160 acres would allow for the development of business, industrial or scientific research centers, assembly or fabrication of products, warehousing, automotive and equipment repair, lattice tower structures for personal wireless communication facilities, and printing services.

Population

The change in land use designation from Low Density Residential for 23 acres to Industrial is expected to result in a decrease in population, as the intended use for the site will be for industrial purposes.

Transportation

The properties are situated at the northeast corner of County 19th Street and S. Avenue A. Currently, access to the property is available from County 19th Street. There are no bus stops in the vicinity. The closest proposed bike lane is on County 18th Street, between Avenue A and Avenue 3E. The existing surrounding roadways have variable right-of-way widths and pavement surfaces. Possible infrastructure improvements would be needed depending on the need of the proposed future developments.

According to the City of Yuma Transportation Master Plan, County 19th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2023 as 2,196 vehicles on the west side of the County 19th Street and S. Avenue B intersection. Currently, County 19th Street is developed as a 2-lane roadway and is identified in the Transportation Master Plan as a 4-lane Minor Arterial. The change in land use is not expected to cause a change in roadway classifications.

Public Services

Currently, the area is outside the boundaries of the existing water treatment, wastewater treatment and delivery facilities to support the proposed development. Additionally, the 2009 Estancia General Plan Amendment highlighted the need to construct new facilities to serve the development in this area. The facilities would include new water treatment, water reclamation, police sub-station and fire station to provide services and acceptable aid for the future developments in the Estancia area.

Growth Areas

The Estancia Area is designated as a Future Growth Area in the General Plan. This approximately 3,741.5-acre area was intended for a mixed-use development, complete with its own public services. However, since the adoption of the 2009 Estancia General Plan Amendment, infrastructure development has not yet begun. The Estancia amendment highlighted the necessity to update several of the facility plans within the City of Yuma and construct new facilities to adequately serve the area. It is advisable to engage in further discussions about the future and development of the Estancia Area to determine the best path forward.

For the overall Estancia area this is a minor change to the mix of land uses. The existing Business Park land use was intended to provide employment for the area. The expanded area of Industrial will provide additional lands for employment activity.

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

No The change in land use will have a minimal impact on the mix of land uses within the City of Yuma and for the Estancia area.

Transportation Element:

FACILITY PLANS		
Transportation Master Plan	Planned	Existing
County 19 th Street - 4 Lane Minor Arterial	50 FT HW	53 FT FW
County 18 ½ Street - not identified	To be determined	Varies
Avenue A - not identified	To be determined	Varies
4 th Avenue - not identified	To be determined	Varies

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

No As noted in the Estancia General Plan amendment, the area is lacking in infrastructure for roads, utilities and parks. Future development will need to address the infrastructure needs.

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

Yes Both the City Council adoption of R2009-87, the Estancia General Plan amendment and the 2022 City of Yuma General Plan identified these areas as Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: September 9, 2024
- City of Yuma Planning and Zoning Commission: October 14, 2024
- City of Yuma City Council: November 20, 2024

- Public Comments Received:** None Received
- Agency Comments:** See Attachment A
- Neighborhood Meeting Comments:** None Required

Final staff report delivered to applicant on: 9/12/2024

- Applicant agreed with staff's recommendation:
- Applicant did not agree with staff's recommendation:
- Final staff report emailed to applicant and a response has not been received.

Attachments

A	B	C	D	E
Agency Comments	Staff Worksheet	Neighbor Notification List	Estancia Map	Aerial Photo

Prepared By: *Erika Peterson* **Date:** 9/10/2024
Erika Peterson
Senior Planner (928) 373-5000, x3071
Erika.Peterson@YumaAZ.Gov

Reviewed By: *Jennifer L. Albers* **Date:** 9/11/24
Jennifer L. Albers,
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 09/30/24
Alyssa Linville,
Director, Planning and Neighborhood Services

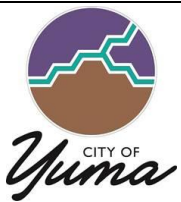
**ATTACHMENT A
AGENCY COMMENTS**

DATE:	7/12/2024	NAME:	Rhonda Buss, AICP	TITLE:	Planner III
AGENCY:	Arizona State Land Department		PHONE:	(602)542-3126	
<i>Enter comments below:</i>					
<p>Thank you for the public notice regarding GP-42834-2024. There are no comments on the proposed Land Use Designations changes.</p> <p>However, it is important to note that ASLD does not see any road ROWs along County 19th Street and Avenue A bordering the subject site. Please contact ASLD ROW at RWS@azland.gov for questions regarding legal access on State Trust Land (STL) if needed. ASLD ROW applications are available on-line at https://land.az.gov/applications-permits if an application is required.</p> <p>Please feel free to contact us should you have any questions.</p> <p>Thank you,</p> <p>Rhonda Buss, AICP Planner III Arizona State Land Department 1110 West Washington Street Phoenix, AZ 85007 O: 602-542-3126 rbuss@azland.gov</p>					

DATE:	7/11/2024	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
AGENCY:	MCAS Yuma		PHONE:	928-269-2103	
<i>Enter comments below:</i>					
<p>MCAS Yuma has reviewed this request for APN 212-16-011 & 012 and offer no comments. Thank you for the opportunity to review.</p> <p align="center"><i>A. Mantz</i></p>					

		COMMENT	X	NO COMMENT	
DATE:	6/24/24	NAME:	Kayla Franklin	TITLE:	Fire Marshal
AGENCY:	YFD		PHONE:	928-373-4865	
<i>Enter comments below:</i>					
<p>Adequate fire flow and hydrant spacing will be required for development, along with paved primary and secondary fire department access and site flow.</p>					
RETURN TO:	Erika Peterson at Erika.Peterson@YumaAz.gov				

**ATTACHMENT B
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: GP-42834-2024 CASE PLANNER: ERIKA PETERSON</p>
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I. PROJECT DATA

Project Location:		NEC of County 19 th Street and Avenue A							
Parcel Number(s):		212-16-011 and 212-16-012							
Parcel Size(s):		80 acres and 80 acres							
Total Acreage:		160							
Proposed Dwelling Units:		Maximum: 0		Minimum: 0					
Address:									
Applicant:		19 A, LLC							
Applicant's Agent:		Kevin Dahl - Dahl, Robins and Associates, Inc.							
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes	No	X			
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	X- AUX 2	70-75	75+	APZ1	APZ2	CLEAR ZONE	

	Existing Zoning	Current Use	General Plan Designation
Site	Agriculture (AG) District	Agriculture	Low Density Residential and Resort/Recreation/Open Space and Business Park, Public/Quasi Public
North	Agriculture (AG) District	Agriculture	Low Density Residential, Resort/Recreation/Open Space
South	County Rural Area-10 (RA-10)	Agriculture	Agriculture
East	County Rural Area-10 (RA-10)	Agriculture	Agriculture
West	County Rural Area-10 (RA-10)	Agriculture	County Agricultural/Rural Residential

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No	R2009-31, recorded 6/15/2009
Annexation	Yes	X	No	O2009-39 adopted 7/3/2009
General Plan Amendment	Yes		No	R2009-87, adopted 11/18/2009
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	Date: N/A
Enforcement Actions	Yes		No	N/A

Land Division Status:	Legal Lots of Record (entire parcels)
Irrigation District:	YMIDD
Adjacent Irrigation Canals & Drains:	
Water Conversion: (5.83 ac ft/acre)	932.80 Acre Feet a Year

Water Conversion Agreement Required	Yes		No	X	
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II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential, Resort/Recreation/Open Space, Business Park and Public/Quasi Public					
Issues:	Provision of services and protection of agriculture					
Historic District:	Brinley Avenue		Century Heights		Main Street	None X
Historic Buildings on Site:	Yes		No	X		

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
County 19 th Street- 4 Lane Minor Arterial	50 FT HW	53 FT FW				X
County 18 ½ Street- not identified	To be determined	40 FT FW				
Avenue A- not identified	To be determined	Varies				
4 th Avenue- not identified	To be determined	Varies				
Bicycle Facilities Master Plan	None					
YCAT Transit System	None					
Issues:	Roadway connections					

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Las Casitas Park	Future: Las Casitas Park
Community Park:	Existing: Smucker Memorial Park	Future: Smucker Memorial Park
Linear Park:	Existing: Eastmain Canal Linear Park	Future: Eastmain Canal Linear Park
Issues:	No facilities planned in the area and the request is eliminating available open space	

Housing Element:

Special Need Household:	N/A
Issues:	Provisions of services

Redevelopment Element:

Planned Redevelopment Area:	N/A					
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X
Conforms:	Yes		No			

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X
Renewable Energy Source	Yes		No	X
Issues:				

Public Services Element:

Population Impacts Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Non-residential</i>						
	Maximum	Per Unit		Officers			GPD
	0	0	0	0.00	0	0.0	0
	Minimum						
0	0	0	0.00	0	0.0	0	

Fire Services Plan:	Existing: Fire Station No. 2				Future: Fire Station No. 2				
Water Facility Plan:	Source:	City	X	Private	Connection:	None at this time			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: None at this time			
Issues:	Connections to water and sewer are not available in this area.								
Safety Element:									
Flood Plain Designation:	500 Year Flood				Liquefaction Hazard Area:	Yes		No	X
Issues:									
Growth Area Element:									
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St	Estancia	X	None			
Issues:	For the overall Estancia Area this is a minor change to the mix of land use.								

NOTIFICATION

- **Legal Ad Published: The Sun** 8/24/24
- **Display Ad Published:** 8/24/24
- **660' Vicinity Mailing:** 6/25/24
- **54 Commenting/Reviewing Agencies noticed:** 6/18/24
- **Site Posted:** 8/26/24
- **Neighborhood Meeting:** N/A
- **Hearing Dates:** 9/9/24, 10/14/24
- **Comments Due:** 8/17/24

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization <small>(ARS)</small>	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning <small>(ARS)</small>	NR			
Yuma County Public Works	YES	6/19/2024	X	
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 <small>(ARS)</small>	NR			
Yuma Elementary School District #1 <small>(ARS)</small>	NR			
Crane School District #13 <small>(ARS)</small>	NR			
City of San Luis <small>(ARS)</small>	NR			
City of Somerton <small>(ARS)</small>	NR			
Imperial County, California <small>(ARS)</small>	NR			
Qwest Communications <small>(ARS)</small>	NR			
Arizona Public Service <small>(ARS)</small>	NR			
Time Warner Cable <small>(ARS)</small>	NR			
Southwest Gas <small>(ARS)</small>	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce <small>(ARS)</small>	NR			
Arizona State Attorney General <small>(ARS)</small>	NR			
Arizona Dept. of Water Resources <small>(ARS)</small>	NR			
Arizona State Land Department <small>(ARS)</small>	YES	7/12/2024		X
MCAS / C P & L Office <small>(ARS)</small>	YES	7/11/2024		X
Bureau of Land Management <small>(ARS)</small>	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	6/19/2024	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			

El Paso Natural Gas Co.	NR			
Western Area Power Administration	NR			

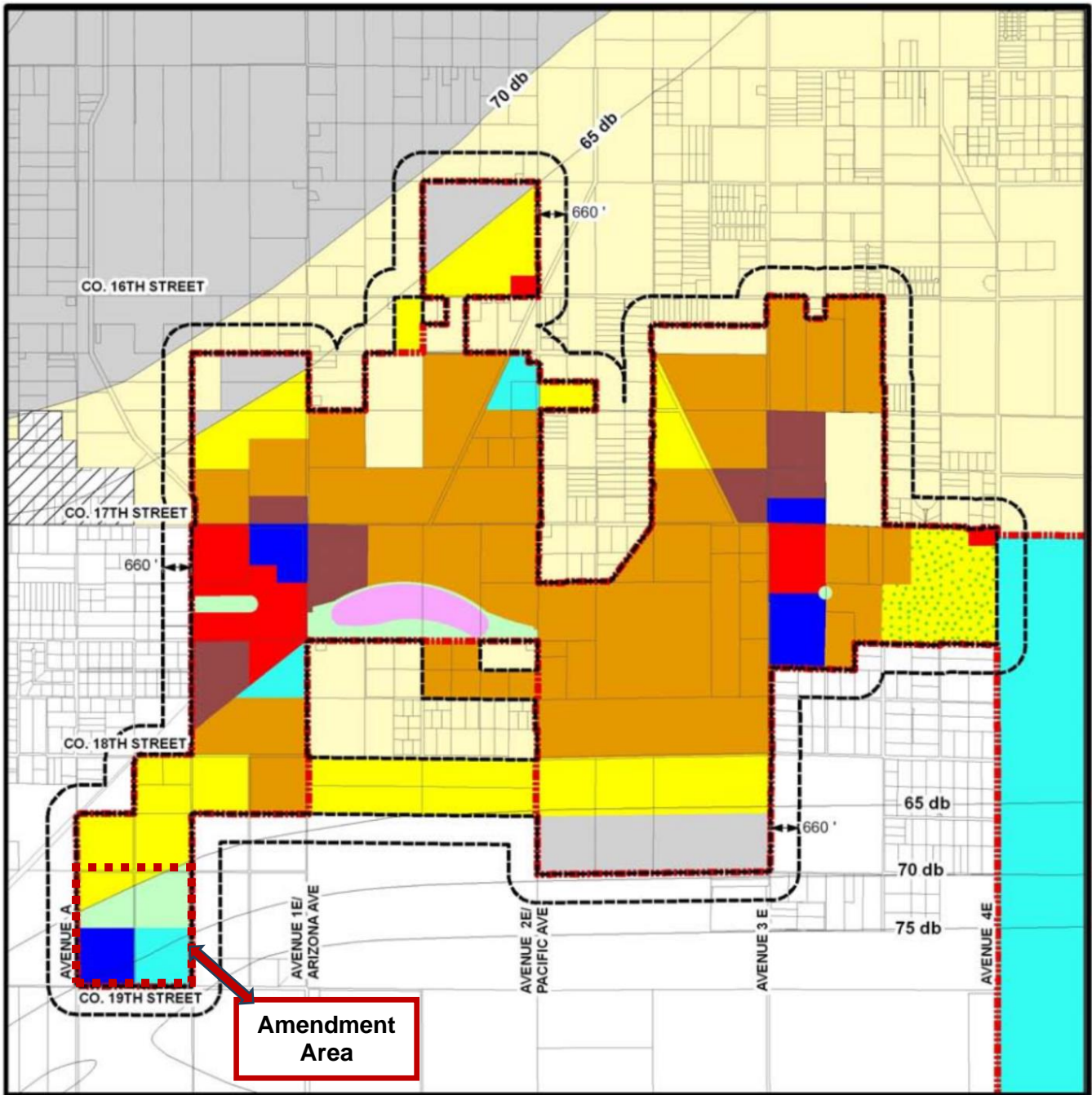
City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	6/24/2024		X
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
No meeting required	N/A
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

ATTACHMENT C
NEIGHBOR NOTIFICATION LIST

NAME	ADDRESS	CITY	STATE	ZIP CODE
19 A LLC	190 S MADISON AVE STE 2	YUMA	AZ	85364
CR&R INC	11292 WESTERN AVE	STANTON	CA	90680
RBC CITRUS LLC	416 E SOUTH AVE	FOWLER	CA	93625
STATE OF ARIZONA	1110 W WASHINGTON ST	PHOENIX	AZ	85007
YELLOWSTONE LAND COMPANY LLC	3064 S AVENUE B	YUMA	AZ	85364
YUMI DATE COMPANY LAND HOLDINGS LLC	5701 TRUXTUN AVE STE 201	BAKERSFIELD	CA	93309

ATTACHMENT D
ESTANCIA MAP



ATTACHMENT E
AERIAL PHOTO



RESOLUTION NO. R2024-066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN, TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 160 ACRES AT THE NORTHEAST CORNER OF COUNTY 19TH STREET AND AVENUE A FROM LOW DENSITY RESIDENTIAL, RESORT, RECREATION & OPEN SPACE, BUSINESS PARK, AND PUBLIC/QUASI-PUBLIC TO INDUSTRIAL

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

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 9, 2024 and October 14, 2024 for General Plan Amendment Case No. GP-42834-2024, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on September 28, 2024; and,

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

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

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

SECTION 1: Resolution R2022-011, the City of Yuma 2022 General Plan, is amended to change the land use designation of the real property depicted with crosshatching in Exhibit A, attached and by this reference made a part of this Resolution, from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

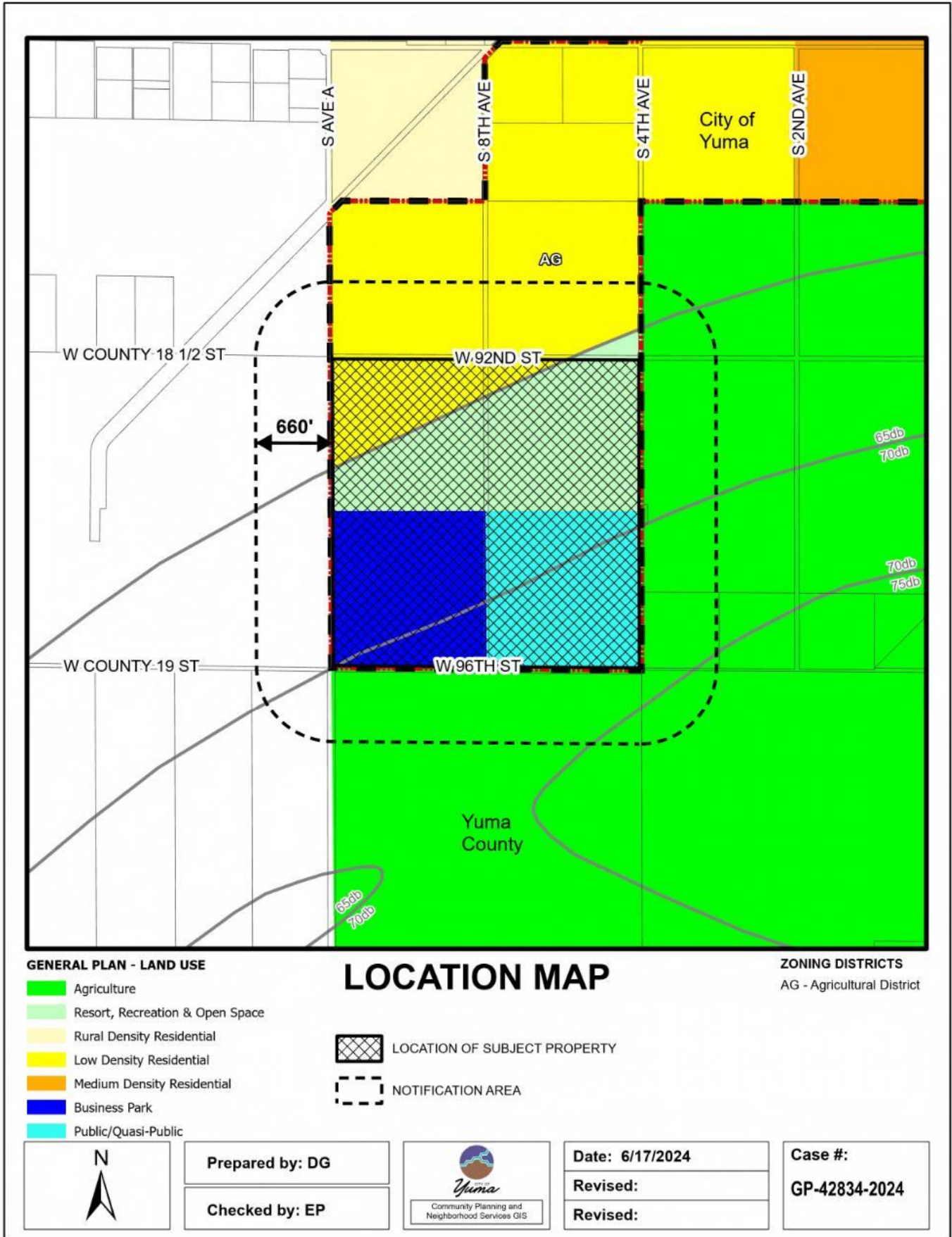
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



Prepared by: DG

Checked by: EP



Date: 6/17/2024

Revised:

Revised:

Case #:

GP-42834-2024