



City of Yuma City Council Meeting Agenda

Wednesday, March 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.

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

I. MOTION CONSENT AGENDA

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

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

1. [MC 2024-032](#) **Special Worksession/Legislative Day Draft Minutes March 4, 2024**

Attachments: [2024 03 04 SWS Legislative Days](#)

2. [MC 2024-033](#) **Special Worksession/Legislative Day Draft Minutes March 5, 2024**

Attachments: [2024 03 05 SWS Legislative Days](#)

3. [MC 2024-034](#) **Special Worksession/Legislative Day Draft Minutes March 6, 2024**

Attachments: [2024 03 06 SWS Legislative Day](#)

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 2024-028](#) **Bid Award: Entertainment Promoter Services**

Award to the most responsive and responsible bidder a one-year contract for the purchase of entertainment promoter services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$108,000.00 to BMC Productions & Entertainment LLC, Yuma, Arizona (Administration RFB-24-172) (Jen Miller/Robin R. Wilson)

2. [MC 2024-029](#) **Contract Award: Kennedy Skate Park Construction**

Authorize the City Administrator to execute a guaranteed maximum price construction contract to the Design-Build team Willmeng Construction with lead designers J2 Engineering and American Ramp Company to build (Construction Phase) Kennedy Skate Park in the amount of \$2,891,566.46.
(Engineering-RFQ-22-179) (David Wostenberg/Eric Urfer/Robin R. Wilson)
3. [MC 2024-030](#) **Cooperative Purchase Agreement: Public Safety, Emergency Preparedness, Safety Equipment and Solutions**

Authorize the purchase of night vision goggles, holographic sights, gun-mounted lasers, and ballistic helmets from Safeware, Inc., Lanham, Maryland utilizing a Cooperative Purchase Agreement through OMNIA Partners, for a total expenditure of \$434,677.93.
(Police/Administration - GRT-24-214) (Thomas Garrity/Robin R. Wilson)
4. [MC 2024-025](#) **Cooperative Purchase Agreement: YRCS Regional P25 Radio System Equipment and Services**

Authorize the purchase of various equipment and services supporting the regional radio system utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$3,172,449.00 to Motorola Solutions, Inc., Chicago, IL
(Information Technology GRT-24-239) (Jeremy W. Jeffcoat/Robin R. Wilson)
5. [MC 2024-031](#) **Cooperative Purchase Agreement: YRCS Ethernet Backhaul Equipment**

Authorize the purchase of Ethernet backhaul network equipment utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$488,013.12 to Advanced Network Management, Inc., Scottsdale, AZ. (Information Technology - GRT-24-254) (Jeremy W. Jeffcoat/Robin R. Wilson)

II. RESOLUTION CONSENT AGENDA

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

1. [R2024-010](#)

Intergovernmental Agreement: Crane School District No. 13

Approve an Intergovernmental Agreement (IGA) with Crane School District No. 13 for the City to act as the Project Sponsor in connection with Arizona Department of Transportation (ADOT) Project No. T0557, Crane Elementary School District No. 13 Transportation Safety. (Engineering) (David Wostenberg)

Attachments:

[1. RES IGA: Crane School District No. 13](#)

[2. AGMT IGA: Crane School District No. 13](#)

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2024-010](#)

Vacation of Surplus Right-of-Way and Correction of Scrivener's Error

Vacate a portion of right-of-way (ROW) on Arizona Avenue to the abutting land owner (T3AZ, LLC) upon negotiating a fair market-value purchase price for the vacated ROW and correct a scrivener's error contained in O2008-36 and in T3AZ, LLC's subsequent deed for the abutting land. (Engineering/Development) (David Wostenberg)

Attachments:

[1. ORD Right-of-Way vacation and correction of Scrivener's Error](#)

IV. INTRODUCTION OF ORDINANCES

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

1. [O2024-011](#)

Text Amendment: Residential Development Standards

Amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z Rpt. Text Amendment: Residential Development Standards](#)

[2. ORD Text Amendment: Residential Development Standards](#)

FINAL CALL

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

V. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of March 7, 2024 through March 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 that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

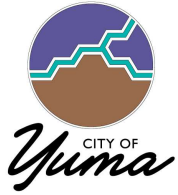
VIII. EXECUTIVE SESSION

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

- A. Discussion or consideration of personnel issues. (A.R.S. § 38-431.03 A1)
- B. Discussion, consultation with, and/or instruction to legal counsel regarding proposed ordinance. (A.R.S. § 38-431.03 A3 & A4)
- C. Discussion, consultation with, and/or instruction to legal counsel regarding deed of trust. (A.R.S. § 38-431.03 A3, A4 & A7)
- D. Discussion, consultation with, and/or instruction to legal counsel regarding potential lawsuit settlement. (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 2024-032

Agenda Date: 3/20/2024

Agenda #: 1.

Special Worksession/Legislative Day Draft Minutes March 4, 2024

MINUTES
SPECIAL WORKSESSION/LEGISLATIVE DAY
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
ARIZONA STATE CAPITOL BUILDING
1700 W. WASHINGTON, PHOENIX, ARIZONA

March 4, 2024

6:00 p.m.

Councilmembers Present: Knight, Morales, Morris, Smith and Mayor Nicholls
Councilmembers Absent: Shoop and Shelton
Staffmembers Present: Acting City Administrator, Jay Simonton
Deputy City Administrator, Jenn Reichelt
Deputy City Attorney, Rodney Short

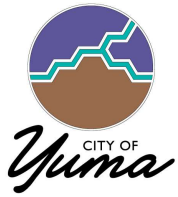
I. DINNER WITH HIGHGROUND AND STATE AGENCY PERSONNEL

Mayor, City Council and staff attended a working dinner with Highground representatives, held at The Desmond located at 1 North 1st Street, Phoenix AZ, which included discussions regarding the status of current bills, with special attention to HCR2023/SCR1006, the Public Nuisance bill, and the implications that it may have on Arizona and Yuma. Additional discussions were regarding the meeting schedule for the next two days, and points of interest for each meeting.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor



City of Yuma
City Council Report

File #: MC 2024-033

Agenda Date: 3/20/2024

Agenda #: 2.

Special Worksession/Legislative Day Draft Minutes March 5, 2024

MINUTES
SPECIAL WORKSESSION/LEGISLATIVE DAY
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
ARIZONA STATE CAPITOL BUILDING
1700 W. WASHINGTON, PHOENIX, ARIZONA
March 5, 2024
8:00 a.m.

Councilmembers Present: Knight, Morales, Morris, Smith and Mayor Nicholls
Councilmembers Absent: Shoop and Shelton
Staffmembers Present: Acting City Administrator, Jay Simonton
Deputy City Administrator, Jenn Reichelt
Deputy City Attorney, Rodney Short

I. MEETINGS

- State Minority Leader Mitzi Epstein, Senate Minority Whip Lela Alston and Senator Brian Fernandez
 - Discussed agenda items
- Lunch with Yuma Delegation at the League of Arizona Cities and Towns that included Representative Tim Dunn, Representative Mariana Sandoval, and Senator Brian Fernandez discussing Agenda items and HCR2023/SCR1006 Public Nuisance bill as it applies to Yuma
- Introduction of City Council and staff were made on Senate Floor by Senator Sine Kerr and Senator Brian Fernandez with Senator T.J. Shope presiding over the Senate
- House Minority Leader Lupe Contreras, House Minority Whip Melody Hernandez, and House Minority Chief of Staff Lizzette Flores
 - Agenda items discussed
- Arizona Department of Transportation: Director Jennifer Toth and ADOT staff
 - Discussed agenda items related to roads and transportation
- Arizona Department of Emergency and Military Affairs: Brig General John A. Conley, Col. Denise K. Sweeney, Lt. Col. Judd Douglas, Director of Emergency Services Gabriel Lavine, and Government Affairs Israel Kiyogera
 - Discussed agenda items related to border, infrastructure, military, and public safety

Discussion summary:

Housing

The City of Yuma has been successful in developing and implementing innovative policies, programs, and processes which encourage development and address the critical issue of housing in our community.

The City not only provides applicants with outstanding customer service, expedited timelines, and free predevelopment meetings, it offers a one-stop-shop intended to streamline the development process from beginning to end. In addition, the City has implemented at-risk permitting and a self-inspection program.

The Council has adopted several policies, which encourage housing development such as allowing for accessory dwelling units, increased densities, company housing (specifically for agricultural H2-A

workers), modified standards (i.e., parking requirements, setbacks, lot coverage, etc.), and an Infill Overlay District.

The housing successes above happen because the City can implement the City Council's policy direction as well as listen to ideas and feedback from the community. This does not happen when local councils are preempted into a one-size-fits-every-community regulation by the legislature. We urge our elected officials to allow cities and towns to retain the tools necessary to meet their community's needs and provide quality services without preemption.

Innovation District

The City is developing an Innovation District to provide opportunities for research, higher education, and unique quality of life prospects. An early action item is a public/private partnership to build an Innovation Hub in Historic Downtown Yuma for STEM related activities. Yuma's only multinational headquartered company is interested in being the primary tenant of the 30,000-40,000 square foot Innovation Hub. We encourage our legislators to support policies, funding, and programs that promote STEM research and development, which will help prepare communities like Yuma for cutting-edge industries and careers of the future.

Water Insecurity

The City of Yuma is dependent on the Colorado River for almost all its domestic water needs. Yuma's agricultural industry is a \$4 billion-plus industry that provides more than 90% of the leafy vegetables consumed in the United States and Canada during the winter months. It also represents 70% of the total Yuma economy. Longstanding water entitlements are being marketed that could have a drastic impact on existing communities along the river and food insecurity for the state and nation. We urge our elected officials to support existing Colorado River water entitlements and honor the state priority system that recognizes communities whose only water source is Colorado River water. We also encourage augmenting Arizona's water supply with new technologies to bolster an already over-allocated Colorado River system.

Economic Development

Economic development plays a critical role in driving prosperity, improving quality of life, and ensuring Yuma's long-term sustainability. In 2022, the City completed a Target Industry Analysis and Market Study to elevate its business recruitment and attraction efforts. The plan identified several key industries and subsectors that play to the City's assets and strengths, including Advanced Manufacturing; Logistics and Processing; Science, Engineering, and Technology; Entertainment; and Life Sciences.

Right now, Arizona is the only state in the union not offering tax increment financing as a tool for economic prosperity. Currently, the Legislature is attacking the only available tool communities have, the Government Property Lease Excise Tax. Elimination of this program greatly reduces the ability for Yuma to compete for industry, especially those relocating from California.

We urge our elected officials to support funding and programs which encourages economic development in our community and assists in closing the economic divide between rural and affluent communities.

Public Safety

The City of Yuma supports full and expanded funding dedicated to supporting state and local law enforcement and public safety, such as Community Oriented Policing Services, Byrne Justice Assistance

grant programs, Assistance to Firefighters grants, and Staffing and Adequate Fire and Emergency Response grants. Recruitment and retention of public safety is difficult, but even more so in smaller communities like Yuma. The City is seeking funding and support to ensure fully staffed public safety departments, the installation of alert systems in all fire stations, as well as de-escalation education/training for public safety officers.

Local Solutions for Local Issues and Statewide Solutions for Statewide Issues

The federal government as well as the federal courts are passing laws and making decisions which limit the powers of local governments. This federal one-size-fits-all approach has made its way to the state legislature with preemption policies affecting the ability for local governments to resolve or mitigate local issues.

A prime example of this is the current series of housing bills being considered by the Arizona Legislature that intend to preempt local control. These bills essentially eliminate our ability to govern our own land use policies and nullify our community's voter approved General Plan, which is used to guide future development.

Yuma is a unique city with its own distinct character, challenges, and opportunities. Our local government is best positioned to understand the needs and aspirations of our community members, as well as the nuances of our geographic, economic, and social landscape. By empowering local decision-makers to shape planning and zoning regulations, we can ensure that development aligns with our City's vision for sustainable growth, economic prosperity, and quality of life.

Yuma Space Port Facility

The City of Yuma is in the process of developing a commercial spaceport for industry and research. The unique location north of the Gulf of California and surrounded by the Marine Corps Air Station Yuma (MCAS) allows for 1.9 million acres of protected airspace and provides the best opportunity for vertical launch in Arizona. The City, in partnership with regional leaders, seeks the support of an Federal Aviation Administration application for the approval of a Yuma spaceport.

Public Infrastructure

The City's economy and quality of life largely depends on ensuring our community has adequate and well-maintained public infrastructure such as bridges, roads, bicycle paths, sidewalks, parks, and high-speed internet. We urge our elected officials to continue to support programs and funding that assist with public infrastructure improvements.

Quality of Life

The Quality of Life of any community is dependent not just on the municipal services it provides but on amenities like parks, schools, and healthcare facilities. The City supports funding to improve its parks and recreational opportunities while creating and sustaining a healthy and livable community. We encourage our elected officials to continue to support the Yuma Crossing National Heritage Area and Yuma East Wetlands Conservation Area.

II. RECEPTION

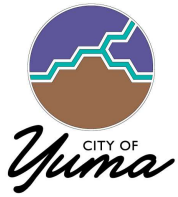
A dinner reception was held by HighGround, Inc. at 830 North 4th Avenue in Phoenix. This was a social event and no specific City business was entertained.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor

DRAFT



City of Yuma
City Council Report

File #: MC 2024-034

Agenda Date: 3/20/2024

Agenda #: 3.

Special Worksession/Legislative Day Draft Minutes March 6, 2024

MINUTES
SPECIAL WORKSESSION/LEGISLATIVE DAY
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Deputy City Attorney, Rodney Short

I. MEETINGS

- Arizona Department of Agriculture: Director, Paul Brierley
 - Discussed agenda items related to water, agriculture, and preemption.
- Attorney General Kris Mayes, Attorney General Chief Deputy Bill Mundell, and, Attorney General Director of Governmental Affairs Nick Debus
 - Discussed agenda items including Public Nuisance bill as it applies to Yuma, and Opioid settlement
- Governor Katie Hobbs, Director of Policy-Legislative-and Intergovernmental Affairs Jennifer Loreda, Director of Federal Relations Billy Kovacs, and Senior Director of Legislative and Fiscal Affairs, Marge Zylla
 - Discussed agenda items
- Senate President Warren Petersen and Senate Chief of Staff Josh Kredit
 - Discussed agenda items

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Local Solutions for Local Issues and Statewide Solutions for Statewide Issues

The federal government as well as the federal courts are passing laws and making decisions which limit the powers of local governments. This federal one-size-fits-all approach has made its way to the state legislature with preemption policies affecting the ability for local governments to resolve or mitigate local issues.

A prime example of this is the current series of housing bills being considered by the Arizona Legislature that intend to preempt local control. These bills essentially eliminate our ability to govern our own land use policies and nullify our community's voter approved General Plan, which is used to guide future development.

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APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor



City of Yuma

City Council Report

File #: MC 2024-028

Agenda Date: 3/20/2024

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
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:

Bid Award: Entertainment Promoter Services

SUMMARY RECOMMENDATION:

Award to the most responsive and responsible bidder a one-year contract for the purchase of entertainment promoter services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$108,000.00 to BMC Productions & Entertainment LLC, Yuma, Arizona (Administration RFB-24-172) (Jen Miller/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Connected and Engaged as it provides an opportunity to collaborate with local businesses, artists, and community organizations while creating a network of support and interaction within the City.

REPORT:

The City produces annual signature events which contain musical performances, such as the Medjool Date Festival, BBQ & Brew Festival, 4th of July Spectacular, Tacos & Tunes, and Old Town Christmas. These events are intended to promote local culture, enhance community engagement, and stimulate the economy. Many performing artists are local and diverse and highlight the cultural relevance of Yuma.

Through the Request for Bid process, the City received two bids, one from BMC Productions & Entertainment LLC (BMC) and the other from Tronix Sound LLC. BMC was selected to provide entertainment promoter services, as they are the lowest responsive and responsible bidder.

The City will leverage BMC’s expertise in the entertainment promotion industry by enhancing the quality and diversity of performances, attracting a wider audience, and increasing engagement in the local community.

BMC’s services include the cost of the performers and promoter fee for the events.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$108,000.00	BUDGETED:	\$ 108,000.00
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 \$108,000.00

122-50-66-6201 Professional Services Parks Two-Percent Tax Special Revenue Fund		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the City Council’s approved FY 2024 budget.

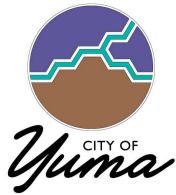
ADDITIONAL INFORMATION:

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

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



City of Yuma

City Council Report

File #: MC 2024-029

Agenda Date: 3/20/2024

Agenda #: 2.

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

TITLE:

Contract Award: Kennedy Skate Park Construction

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a guaranteed maximum price construction contract to the Design-Build team Willmeng Construction with lead designers J2 Engineering and American Ramp Company to build (Construction Phase) Kennedy Skate Park in the amount of \$2,891,566.46. (Engineering-RFQ-22-179) (David Wostenberg/Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

Providing premier services and amenities such as parks and open spaces ensures the Yuma community is Active and Appealing.

REPORT:

Kennedy Skate Park is a 35,000 square foot facility located inside the Kennedy Memorial Park Complex. The existing modular skate park equipment has reached the end of its useful life and needs to be replaced.

On December 21, 2022, City Council approved the Design-Build contract (Design Phase) award to Willmeng Construction with lead designer J2 Engineering and American Ramp Company for the design services for Kennedy Skate Park. The design phase is now complete.

The new proposed contract is for the construction portion of the project, which will include a skate plaza with urban skating opportunities, a skating bowl and pump track for a guaranteed maximum price of \$2,891,566.46. Construction is anticipated to start in July 2024 and be completed by end of December 2024.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 792,303.46	BUDGETED:	\$ 3,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 2,099,263.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP Two Percent Revenue \$792,303.46 ARPA \$2,099,263.00	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Budget authority is provided in the City Council approved FY 2024 Budget and Capital Improvement Plan (CIP); which will be carried forward to FY 2025 to complete the multi-year project. The project is primarily funded with American Rescue Plan Act (ARPA) funding in the amount of \$2,099,263.00 with the balance of \$792,303.46 funded with the Parks Two-Percent Tax Special Revenue.

What is ARPA? The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements. Recipients must obligate the funds by December 31, 2024, and spent by December 31, 2026.

On April 6, 2022, City Council adopted Resolution R2022-012 that approved the City’s ARPA Project List, which outlines the City’s intended uses for the funds. This project was one of the originally adopted ARPA funded in the FY 2023 City Council approved budget.

ADDITIONAL INFORMATION:

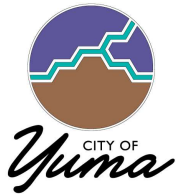
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



City of Yuma

City Council Report

File #: MC 2024-030

Agenda Date: 3/20/2024

Agenda #: 3.

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

TITLE:

Cooperative Purchase Agreement: Public Safety, Emergency Preparedness, Safety Equipment and Solutions

SUMMARY RECOMMENDATION:

Authorize the purchase of night vision goggles, holographic sights, gun-mounted lasers, and ballistic helmets from Safeware, Inc., Lanham, Maryland utilizing a Cooperative Purchase Agreement through OMNIA Partners, for a total expenditure of \$434,677.93. (Police/Administration - GRT-24-214) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

The use of grant funds for the purchase of night vision goggles, holographic sights, gun-mounted lasers, and ballistic helmets furthers the City Council’s strategic outcomes of Safe and Prosperous supporting both the safety of law enforcement officers, and the safety of the community.

REPORT:

The State of Arizona Department of Emergency and Military Affairs (DEMA) awarded the City of Yuma Police Department (YPD) a grant which will be utilized for the purchase of night vision goggles, holographic sights, gun-mounted lasers and ballistic helmets. These items will be issued to YPD’s sworn personnel. This purchase will allow YPD’s officers to respond to areas where visibility is limited while maintaining stealth if needed. Night vision goggles mounted on the helmets allow for the accurate identification of targets and non-targets in the dark while able to use both hands to control weapons, movement of suspects, or less than lethal devices, which ensures more safety for the officers and the public.

Night vision can play a critical role in successful operations for YPD’s personnel. These headsets will assist YPD’s personnel with coordination and deployment in low-light and no light scenarios. Although the YPD’s readiness to respond in daylight is adequate, this equipment will increase a YPD’s officer safety and tactical advantages significantly at nighttime.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 500,000.00
STATE FUNDS:	\$ 434,677.93	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$434,677.93	193-60-12-BSGF.8970 Police Department Grants	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2024 City Council approved budget to execute this purchase. This is funded by a state grant with no impact to the City's General fund.

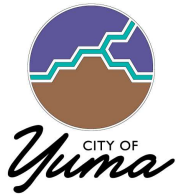
ADDITIONAL INFORMATION:

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

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



City of Yuma

City Council Report

File #: MC 2024-025

Agenda Date: 3/20/2024

Agenda #: 4.

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

TITLE:

Cooperative Purchase Agreement: YRCS Regional P25 Radio System Equipment and Services

SUMMARY RECOMMENDATION:

Authorize the purchase of various equipment and services supporting the regional radio system utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$3,172,449.00 to Motorola Solutions, Inc., Chicago, IL (Information Technology GRT-24-239) (Jeremy W. Jeffcoat/Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase of equipment and services supporting the regional radio system contributes to the City Council’s strategic outcome of Safe and Prosperous by enhancing the capabilities of public safety radio communications to increase reliability and interoperability. Public safety radio communications enhance all regional public agencies’ day-to-day operational capabilities in order to provide citizen services throughout the region.

REPORT:

The Yuma Regional Communications System (YRCS) has identified various projects to increase the reliability and interoperability of the regional P25 radio system that all public safety agencies utilize in Yuma and La Paz counties. The YRCS regional P25 radio system is also a key component of the statewide public safety radio system. Past incidents with power and equipment failures have illustrated a deficiency in the current systems design. All core radio equipment is located at City Hall, which is a single point of failure for this critical public safety system. All public safety communications centers (PSCC) that utilize YRCS have outdated dispatch radio consoles that are nearing end of manufacturer support, and the Police Department has a need to expand its PSCC to handle increasing calls for service. The YRCS regional P25 radio system operates using an outdated modulation standard that is not interoperable with nearby mutual aid agencies and does not support possible future Federal Communications Commission (FCC) rules for increased radio spectrum efficiency. The Police Department also desires to have increased radio interoperability capabilities to communicate with agencies that may respond from outside the region for special events or all-hazards incidents.

The proposed projects to address these needs include a geographically diverse hot standby radio core located in Phoenix that will be hosted by the Arizona Department of Public Safety. In the event of a temporary failure affecting City Hall such as a power outage, all radios will automatically switch to Phoenix within 30 seconds and continue operating as normal. YRCS radios can operate from the Phoenix core indefinitely if needed. To address the Police Department’s need to expand its PSCC by two operator positions and to benefit all YRCS

PSCC’s, all dispatch radio consoles for the Police Department will be replaced with new equipment. The existing equipment will have utility to YRCS as spares that will allow YRCS PSCCs more time to plan replacement of their agency’s radio consoles. The most utilized portions of the YRCS regional P25 system will be upgraded to the latest modulation standards for greater interoperability and to begin to future-proof the system from FCC rules. The Police Department also proposes to purchase 60 all-band radios that can communicate on all commonly used frequencies by public safety agencies, and new technology such as cellular.

The cost of the project includes hardware, installation, support services, training, subscription fees, warranty, and maintenance.

The described projects are State grant funded from the Police Department’s Border Fencing and Technology grant with no use of City funds. These three projects have common goals to increase the reliability and interoperability of the YRCS regional P25. By bundling these projects together into a single purchase, the radio manufacturer was able to provide increased discounts that will enable YRCS to make additional enhancements using these grant funds to benefit all YRCS member agencies.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 5,596,890.00
STATE FUNDS:	\$ 3,172,449.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 3,172,449.00

193-60-12.BSGF YRCS Grant \$2,580,658.00		
406-15-40 YCSOBS Grant \$591,791.00		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

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

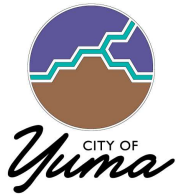
None

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

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

Acting City Administrator:	Date:
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John D. Simonton	03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



City of Yuma

City Council Report

File #: MC 2024-031

Agenda Date: 3/20/2024

Agenda #: 5.

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

TITLE:

Cooperative Purchase Agreement: YRCS Ethernet Backhaul Equipment

SUMMARY RECOMMENDATION:

Authorize the purchase of Ethernet backhaul network equipment utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$488,013.12 to Advanced Network Management, Inc., Scottsdale, AZ. (Information Technology - GRT-24-254) (Jeremy W. Jeffcoat/Robin R. Wilson)

STRATEGIC OUTCOME:

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

REPORT:

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

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

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 1,342,856.00
STATE FUNDS:	\$ 488,013.12	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$488,013.12			
193-60-12-BSGF.8970 State Grant			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2024 City Council approved budget to execute this purchase. This is grant funded and has no impact on the City's general fund.

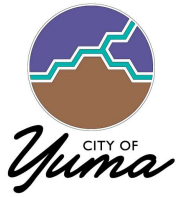
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Acting City Administrator: John D. Simonton	Date: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



City of Yuma

City Council Report

File #: R2024-010

Agenda Date: 3/20/2024

Agenda #: 1.

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

TITLE:

Intergovernmental Agreement: Crane School District No. 13

SUMMARY RECOMMENDATION:

Approve an Intergovernmental Agreement (IGA) with Crane School District No. 13 for the City to act as the Project Sponsor in connection with Arizona Department of Transportation (ADOT) Project No. T0557, Crane Elementary School District No. 13 Transportation Safety. (Engineering) (David Wostenberg)

STRATEGIC OUTCOME:

This IGA aligns with City Council’s strategic outcome of Respected and Responsible and Safe and Prosperous, as it will enhance Yuma’s roadway safety and traffic operations.

REPORT:

Recognizing the need to explore a solution for creating an improved and safer area of transportation access in the public right of way or easement to Gary A. Knox Elementary School, the Engineering Department seeks to enter into an IGA with Crane School District No. 13 to act as the District’s Project Sponsor.

The proposed project consists of a multi-phase approach to creating a safe area of transportation for students attending Gary A. Knox Elementary School within the Crane Elementary School District in Yuma, Arizona by acquiring professional services to design the installation of one of the following:

- Installing a High-Intensity Activated Crosswalk (HAWK) Signal at the vicinity of 30th Street and 21st Drive or;
- Installing a Traffic Signal at 21st Drive and 28th Street, improving from an “All Way” stop.

This Federal-aid project will be subject to a 94.3%/5.7% split. The federal funding (94.3%) for this project is \$144,281.00 with a local match (5.7%) of \$8,721.00. The local match costs will be paid by Crane Elemental School District No. 13 with no City of Yuma funding required for this project.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 153,002.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 144,281.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 8,721.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$ 153, 002.00	Grant	

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024

RESOLUTION NO. R2024-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND CRANE ELEMENTARY SCHOOL DISTRICT NO. 13

WHEREAS, the City of Yuma (City) desires to enter into an Intergovernmental Agreement (IGA) with Crane Elementary School District No. 13 to improve transportation and pedestrian safety within the Crane School District; and,

WHEREAS, both parties agree the City’s Engineering Department will act as the Project Sponsor in connection with the Arizona Department of Transportation (ADOT) Project No. T0557 Crane Elementary School District No. 13 Transportation Safety,

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

SECTION 1: The Intergovernmental Agreement attached and incorporated into this resolution by reference is approved in accordance with the terms of the IGA.

SECTION 2: The City administrator is authorized and directed to execute the described Intergovernmental Agreement on behalf of 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

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF YUMA
AND CRANE ELEMENTARY SCHOOL DISTRICT NO. 13**

This intergovernmental agreement (“Agreement”) is entered into on this 13th day of February, 2024, (“Effective Date”) by and between the Crane Elementary School District No. 13 (“District”) and the City of Yuma (“City”), an Arizona municipal corporation. The District and the City are sometimes hereafter referred to individually as the “Party” and collectively as the “Parties.”

WHEREAS, the District and the City are authorized by A.R.S. § 11-952 *et. seq.* and the City is also authorized and empowered pursuant to Article III, Section 13, of the Yuma City Charter and the District is also authorized through A.R.S. § 15-342(13), to enter into agreements for the joint exercise of any power common to the contracting Parties as to governmental functions necessary to the public health, safety and welfare, and the proprietary functions of such public agencies; and,

WHEREAS, the District has been awarded an Arizona Department of Transportation Grant (“ADOT Grant”) to cover costs related to services to design an improved and safer area of transportation access in a public right of way or easement to Gary A. Knox Elementary School (“Project”); and,

WHEREAS, the City is willing to act as the “Project Sponsor” to facilitate the work to be completed in connection with the Project as further described in this Agreement.

WHEREAS, as part of the ADOT Grant, the Arizona Department of Transportation (“ADOT”) will provide scoping and design services for the Project. The ADOT Grant funds will be used to compensate ADOT for its services rendered in connection with the Project.

NOW, THEREFORE, the Parties agree as follows:

1. **ADOT Grant.** The ADOT Grant is \$144,281 and as part of the grant, the District is required to contribute 5.7% (\$8,721) as a local match (“District Contribution Amount”) to cover the costs associated with the Project to bring the total award to \$153,002 (“Project Amount”). The City in its capacity as Project Sponsor will invoice the District the District’s Contribution Amount and once paid, will forward the same to ADOT.
2. **Design Services for Project.** The District and City have been advised that ADOT will provide the scoping and design services for the Project to explore a solution for creating an improved and safer area of transportation access in the public right of way or easement to Gary A. Knox Elementary School which may include scoping and design for the following solutions:
 - A. Installing a High-Intensity Activated Crosswalk (HAWK) Signal at the vicinity of 30th Street and 21st Drive in Yuma, Arizona, or
 - B. Installing a Traffic Signal at 21st Drive and 28th Street in Yuma, AZ, improving from an “All Way” stop.

District and City will reasonably cooperate with ADOT to provide any feedback or assistance it may require to complete the Project.

3. **Cost Responsibility.** The District anticipates the Project Amount will be sufficient to cover the costs associated with the Project. To the extent ADOT's costs for the Project are less than the Project Amount, the District shall be entitled to receive a reimbursement of a portion of the District Contribution Amount as determined by ADOT. In the event ADOT's costs for the Project exceed the Project Amount, the District shall be responsible for such costs and the City shall have no cost responsibility.
4. **Term.** This Agreement shall be effective as of the Effective Date set forth above and shall remain in full force and effect for two (2) years ("Initial Term") from the Effective Date, unless terminated as otherwise provided in this Agreement. After the expiration of the Initial Term, this Agreement shall automatically renew another two years ("Renewal Term") unless either Party provides at least thirty (30) days written notice of termination to the other Party before the expiration of the Initial Term or the Agreement is terminated as otherwise provided in this Agreement.
5. **Termination.** Either Party may terminate this Agreement for any reason upon ninety (90) days advance written notice to the other Party.
6. **Entire Agreement.** This instrument contains the entire agreement between the Parties with respect to the subject matter contained in it and supersedes all prior and contemporaneous agreements, discussions and representations related thereto. No supplement, modification or amendment hereof shall be binding and effective unless in writing and signed by all of the Parties.
7. **Assignment.** No right or interest in this Agreement shall be assigned by the District without prior, written permission of the City, signed by the City Administrator. Any attempted assignment by the District in violation of this provision shall be a breach of this Agreement by the District. The requirements of this Agreement are binding upon the heirs, executors, administrators, successors, and assigns of both Parties.
8. **Severability.** The Parties agree that should any part of this Agreement be held to be invalid or void, the remainder of the Agreement shall remain in full force and effect and shall be binding upon the Parties.
9. **No Partnership.** Nothing in the Agreement is intended or shall be construed to constitute a partnership or joint venture between the Parties and neither Party shall be deemed the principal, agent, officer, or member of the other.
10. **Rights/Obligations of Parties Only.** The terms of this Agreement are intended only to define the respective rights and obligations of the Parties.
11. **Choice of Law/Jurisdiction/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona. Any action to enforce any provision of this

Agreement or to obtain any remedy with respect this Agreement shall be brought exclusively in the Superior Court, Yuma County, Arizona (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona, if, but only if, the Superior Court lacks jurisdiction over such action). The Parties expressly and irrevocably consent to the exclusive jurisdiction and venue of such courts and expressly waive the right to transfer or remove any such action.

12. **Attorney Fees and Costs.** In the event any action, suit or proceeding is brought for failure to observe any of the terms, covenants, or provisions of this Agreement, the prevailing Party shall be entitled to recover as part of such action or proceeding, all litigation, arbitration, and/or collection expenses, including, but not limited to, witness fees, court costs, and reasonable attorney fees.
13. **Records.** Each Party shall keep and maintain records pertaining to the exercise of this Agreement for no less than five (5) years.
14. **Conflict of Interest.** The Agreement is subject to the conflict of interest and cancellation provision of the A.R.S. § 38-511, as amended, the provision of which are incorporated herein.
15. **Remedies.** If either Party breaches or defaults on this Agreement the other Party is entitled to exercise legal and equitable rights and remedies. The defaulting Party shall be given written notice and an opportunity to cure the default. In no event shall the time to cure exceed thirty (30) days after receipt of notice, however, that if the default takes longer than thirty (30) days to cure, the defaulting Party will not be deemed to be in default if the defaulting Party has begun the cure and diligently prosecutes the cure to completion.
16. **Employment Eligibility.** To the extent applicable under A.R.S. § 41-4401, the Parties hereby warrant, and represent to each other, that they are in compliance with A.R.S. §§ 41-4401 and 23-214, the Federal Immigration and Nationality Act (FINA), and all other federal immigration laws and regulations. A breach of this warranty shall be deemed a material breach of the Agreement and is subject to penalties up to and including termination of this Agreement. The Parties retain the legal right to inspect the papers of any Party or subcontractor employee who works on this Agreement to ensure that the other Party or its subcontractors are complying with this warranty.
17. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given and received if (A) personally delivered to the undersigned representatives listed below at the addresses set forth below; (B) three (3) days after it is deposited in the U.S. Mail, postage prepaid, certified, return receipt requested, to the addresses set forth below; or (C) prepaid and given to a recognized and reputable overnight delivery service, such as UPS or FedEx, to be delivered to the addresses set forth below.

If a copy of a notice is also given to a Party's counsel or other authorized recipient, the notice is deemed to have been received on the date on which the undersigned representative

received the notice, not the date its counsel or other authorized recipient received the notice.

City of Yuma
Attn: City Administrator
One City Plaza
Yuma, AZ 85364

Crane School District
Attn: Superintendent
4250 W. 16th St
Yuma, AZ 85364

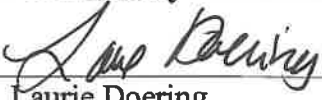
18. **Waiver.** The failure of either Party to insist upon strict performances of any of the provisions of this Agreement, or to exercise any of the rights or remedies provided by this Agreement, or any delay in the exercise of any rights or remedies, shall not release either Party from any of the responsibilities or obligations imposed by law or by this Agreement, and shall not be deemed a waiver of any right of either Party to insist upon strict performance of this Agreement.
19. **Compliance with Law.** The Parties shall comply with all federal, state, and local laws and ordinances applicable to its performance under this Agreement. The Parties shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. The Parties shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, and the Americans with Disabilities Act.
20. **Time is of the Essence.** Time is of the essence in this Agreement. Unless otherwise specifically provided in this Agreement, any consent to delay in the performance by the District of any obligation shall be applicable only to the particular transaction to which it relates, and it shall not be applicable to any other obligation or transaction.
21. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which is an original and all of which together constitute one and the same instrument. Delivery of signature by fax, or scan delivered by email, receipt acknowledged are effective to bind a Party hereto.
22. **Provisions Required by Law.** Each and every provision of law and any clause required by law to be in the Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, the Agreement will promptly be physically amended to make such insertion or correction.
23. **Authorization.** This Agreement has been approved by actions taken by each of the governing bodies of the District and the City. In such respective action, the undersigned were authorized and directed to execute this Agreement.

IN WITNESS WHEREOF, the Parties thereto have executed this Agreement as of the Effective Date written above.

City of Yuma

By: _____
John D. Simonton
Title: City Administrator

Crane Elementary School District No. 13

By:  _____
Laurie Doering
Title: Superintendent, Crane Elementary School District
No. 13

ATTEST:

Lynda L. Bushong, City Clerk


INTERGOVERNMENTAL AGREEMENT DETERMINATION

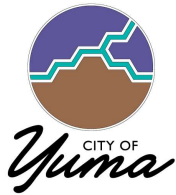
In accordance with A.R.S. § 11-952, this contract has been reviewed by the undersigned who have determined that this contract is in appropriate form and within the powers and authority granted to each respective public body.

Attorney for City of Yuma

Richard W. Files

Attorney for Crane Elementary School
District No. 13

 _____
Curtis Chipman



City of Yuma
City Council Report

File #: O2024-010

Agenda Date: 3/6/2024

Agenda #: 1.

Table with 3 columns: DEPARTMENT: Engineering, DIVISION: Development, STRATEGIC OUTCOMES (Safe & Prosperous, Active & Appealing, Respected & Responsible, Connected & Engaged, Unique & Creative), ACTION (Motion, Resolution, Ordinance - Introduction, Ordinance - Adoption, Public Hearing)

TITLE:
Vacation of Surplus Right-of-Way and Correction of Scrivener's Error

SUMMARY RECOMMENDATION:
Vacate a portion of right-of-way (ROW) on Arizona Avenue to the abutting land owner (T3AZ, LLC) upon negotiating a fair market-value purchase price for the vacated ROW and correct a scrivener's error contained in O2008-36 and in T3AZ, LLC's subsequent deed for the abutting land. (Engineering/ Development) (David Wostenberg)

STRATEGIC OUTCOME:
This item furthers City Council's strategic outcome of Respected and Responsible by placing unused ROW on the tax rolls and by eliminating a scrivener's error that creates a cloud on T3AZ, LLC's title.

REPORT:



Correction of Scrivener’s Error

On September 3, 2008, the City Council adopted Ordinance No. O2008-36, authorizing the City of Yuma (City) to exchange property with the Davis Family Trust whereby the City would acquire Parcel A in exchange for giving the Davis Family Trust Parcels B and C near 19th Street and Arizona Avenue.

Unfortunately, the legal description of Parcels B and C in Ordinance No. O2008-36 contains a scrivener’s error, resulting in the City erroneously retaining ownership of an 8-foot strip of land between Parcels B and C. After acquiring Parcels B and C from the City in 2009, the Davis Family Trust assumed control over all portions of Parcels B and C (including the 8-foot strip of land erroneously retained by the City) (the “Property”), and the scrivener’s error has not yet been addressed in subsequent deeds.

On August 14, 2023, the Davis Family Trust transferred ownership of the Property to T3AZ, LLC. To prevent a potential cloud on T3AZ, LLC’s title to the Property, City staff recommends issuing a quitclaim deed transferring all the City’s interest and ownership of the Property to T3AZ, LLC. This will remove the cloud on the title and stop the perpetuation of the scrivener’s error going forward.

Vacation of ROW on 19th Street and Arizona Avenue

T3AZ, LLC wants to develop a mixed use project (Project) on the Property but lacks sufficient space for its current design. T3AZ, LLC wants the City to vacate a portion of ROW along the southwest corner of 19th Street and Arizona Avenue, as depicted in Exhibit A attached to the proposed ordinance. The ROW in this area was originally acquired to facilitate the expansion of Arizona Avenue into a major arterial street, based on the 1997 Major Roadways Plan. However, the City’s 2018 Transportation Master Plan downgrades Arizona Avenue to a major collector street. Due to this change, the City Engineer believes the City has excess ROW and supports vacating the ROW identified in Exhibit A to T3AZ, LLC, provided T3AZ, LLC is willing to pay fair market value for the vacated ROW.

Upon T3AZ, LLC agreeing to pay the City fair market value for the vacated ROW, the City would quitclaim the vacated ROW to T3AZ, LLC. Before the Project begins, T3AZ, LLC would need to tie the vacated ROW to the Property through a recorded lot tie.

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

FISCAL IMPACT STATEMENT:

This ordinance would generate a positive fiscal impact.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/27/2024
Reviewed by City Attorney: Richard W. Files	Date: 02/23/2024

ORDINANCE NO. O2024-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING A PORTION OF RIGHT-OF-WAY SURPLUS FOR CITY USE AND VACATING TITLE TO THE ABUTTING PROPERTY OWNER UPON PAYMENT TO THE CITY OF FAIR MARKET VALUE AND CORRECTING A SCRIVENER'S ERROR

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, Ordinance No. O2008-36 authorized the City to dispose of Parcels B and C, as depicted in Exhibit 1, to the Davis Family Trust; and,

WHEREAS, the legal description in Ordinance No. O2008-36 contained a scrivener's error resulting in the City erroneously retaining a strip of land approximately 8-feet wide along the northern boundary of Parcel B, as depicted in Exhibit 1; and,

WHEREAS, after obtaining title to Parcels B and C in Quitclaim deed, Fee # 2009-04227, the Davis Family Trust assumed control over all portions of Parcels B and C (including the 8-foot strip erroneously retained by the City) (the "Property") and, on August 14, 2023, sold the Property to T3AZ, LLC; and,

WHEREAS, the legal description of Parcels B and C (including the 8-foot strip erroneously retained by the City) is attached as Exhibit 2 and incorporated as part of this ordinance by reference; and,

WHEREAS, in addition to clearing the cloud on title created by the 8-foot strip, T3AZ, LLC wants the City to vacate that portion of right-of-way ("ROW") depicted and described in Exhibit 1 to facilitate the construction of a mixed-use project on the Property; and,

WHEREAS, Arizona Revised Statutes (A.R.S.) § 28-7205(2) and A.R.S. § 28-7208 authorizes the City to vacate portions of ROW to the "owners of the land abutting the vacated portion" upon payment to the City of consideration commensurate with the value of the right-of-way; and,

WHEREAS, the City Engineer believes the City has excess ROW and supports vacating to T3AZ, LLC the ROW depicted and described in Exhibit A, provided T3AZ, LLC is willing to pay fair market value as defined in A.R.S. § 12-1136 for the vacated ROW.

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

SECTION 1: The City Administrator is authorized and directed to correct the scrivener's error contained in Ordinance No. O2008-36 by recording a quitclaim deed transferring all the City's interest and ownership of the Property to T3AZ, LLC.

SECTION 2: The portion of ROW depicted and described in Exhibit 1, attached and incorporated by reference, is declared surplus for the City and public use and the City is authorized to record this Ordinance and a quitclaim deed transferring ownership of the vacated right-of-way to T3AZ, LLC upon T3AZ, LLC paying the fair market value for the surplus ROW.

SECTION 3: The City shall not issue any construction permit for the Property until such time as a lot tie of the vacated ROW to the Property shall be recorded in the records of the Yuma County Recorder.

Adopted this ____ day of March 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk


APPROVED AS TO FORM:

Richard W. Files
City Attorney

EXHIBIT 1



 **ROW Area to be vacated**

 **Area Erroneously Retained by City due to scriveners error**

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	CITY OF YUMA ENGINEERING DEPARTMENT	DATE: 2-13-2024	CIP NO.
Checked by: John LeSueur		SCALE: N.T.S	
	REVISED:		

Legal Description
(ROW to be quitclaimed)

A portion of the South half of the Southeast quarter of the Northeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, also being a portion of Block 8, Sunset Heights, dated 5/19/1946, recorded in Book 3 of Plats, Page 9, Yuma County Records (YCR) and further described in Record of Survey LOTS 1-5, Block 8, Sunset Heights, dated 11/20/2008, FEE # 2008-33744, Recorded in Book 7 of Surveys, Pages 54-55, YCR, and more particularly described as follows:

Commencing at the Southeast corner of Lot 5, said Block 8, Sunset Heights subdivision;

Thence North 89°30'47" West along the South line of said Lot 5, a distance of 19.00 feet to a point, point also being the **True Point of Beginning**

Thence North 00°28'02" East along a line parallel to and 52.00 feet West of the East line of said Section 33, a distance of 75.23 Feet to a point;

Thence North 89°31'58" West, a distance of 5.00 feet to a point;

Thence North 00°28'02" East along a line parallel to and 57.00 feet West of the East line of said Section 33, a distance of 120.00 feet to a point;

Thence North 44°32'39" West a distance of 56.56 feet to a point;

Thence North 89°33'20" West along a line parallel to and 47.00 feet south of 19th Street centerline, a distance of 60.75 feet to a point lying on the West line of Lot 1, said Block 8, Sunset Heights;

Thence South 00°27'52" West along the West line of said Lot 1 a distance of 17.11 feet, to the Northwest corner of real property described as Parcel No. 1 in Quitclaim Deed, dated 2/18/2009, recorded in Fee # 2009-04227 YCR;

Thence South 89°33'20" East along the North line of said Parcel 1, a distance of 44.25 feet to a point;

Thence South 44°32'39 East along the corner triangle of said Parcel No. 1 a distance of 56.56 feet to a point;

Thence South 00°28'02 West, along the East line of Said Parcel No. 1 a distance of 106.41 feet to the Southeast corner of said Parcel No. 1, also being the Northeast corner of Parcel No. 2 described in said Quitclaim deed dated 2/18/2009, recorded in Fee # 2009-04227, YCR;

Thence South 00°28'02" West along the East line of said Parcel No. 2, a distance of 13.59 feet to a point;

Thence South 89°31'58" East a distance of 5.00 feet to a point;

Thence South 00°28'02" West along the East line of said Parcel No. 2, a distance of 58.10 feet to the Southeast corner of said Parcel No. 2;

Thence South 89°30'47" East along the South line of said Lot 5 described in said Record of Survey, a distance 16.50 feet to the **True Point of Beginning**.

Containing 5,409.045 square feet, or 0.124 acres, more or less.

Description Verified By:	Andrew McGarvie
City Engineering Department	2/13/2024

EXHIBIT 2

Legal Description

Parcels B and C (including the 8-foot strip erroneously retained by the City)

A parcel of land being a portion of lots 1 through 5, block 8, Sunset Heights subdivision, as recorded in Book 3 of Subdivision Plats, Page 9, dated March 1, 1946, records of the Yuma county Recorder, City of Yuma, Yuma County, Arizona, and being more particularly described as follows:

Beginning at the East quarter corner of Section 33, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian;

Thence North 00°28'02" East along the section line a distance of 380.07 feet to a point on the East line of said Section 33;

Thence North 89°30'47" West a distance of 33.00 feet to the Southeast corner of Lot 5;

Thence North 89°30'47" West along the South line of Lot 5 a distance of 35.50 feet to the **True Point of Beginning**;

Thence North 00°28'02" East along a line parallel with the East line of said Section 33 a distance of 58.10 feet;

Thence North 89°31'58" West a distance of 5.00 feet;

Thence North 00°28'02" East along a line parallel with the East line of said Section 33 a distance of 120.00 feet;

Thence North 44°32'39" West a distance of 56.56 feet;

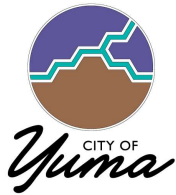
Thence North 89°33'20" West a distance of 44.25 feet to a point on the West line of Lot 1;

Thence South 00°27'52" West a distance of 218.04 to the Southwest corner of Lot 5;

Thence South 89°30'47" East along the South line of Lot 5 a distance of 89.24 feet to a point being 68.50 feet west of the East line of said Section 33 and the **True Point of Beginning**.

Containing a gross area of 17,862.20 square feet or 0.410 of an acre.

Description Verified By:	Andrew McGarvie
City Engineering Department	2/13/2024



City of Yuma

City Council Report

File #: O2024-011

Agenda Date: 3/20/2024

Agenda #: 1.

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

TITLE:

Text Amendment: Residential Development Standards

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support an increase in opportunities for residential development, through increases in lot coverage, reductions in setbacks, and increases in building heights. With the increase in density this request also aims to establish minimum open space standards for multi-family development. All of these proposed amendments support the City Council's strategic outcomes of Safe and Prosperous and Active and Appealing.

REPORT:

The City of Yuma is continually exploring opportunities to improve development within the community. With this proposed text amendment, the City is seeking to increase residential lot coverage allowances, reduce the setbacks for several residential districts, establish open space requirements for multi-family development, and increase height allowances for development within the High-Density Residential (R-3) District.

The goal of the text amendment is to reduce certain development standards, allow new development opportunities, while also encouraging an increase in residential density.

Below is a more detailed description of each proposed amendment:

- 1. Lot coverage:** Concerning lot coverage requirements, the proposed text amendment will simplify the allowances for lot coverage while also increasing the buildable area. Lot coverage is the area of a lot covered by the footprint of all structures, including any area under roof and on the ground, expressed as a percentage of the total lot area. Most of the residential zoning districts currently provide an additional square footage for covered parking, which does not count towards lot coverage. However, in an attempt to simplify lot coverage provisions, these covered parking allowances will be removed and the total lot coverage for the zoning district will be increased.
- 2. Setbacks:** The proposed setback reductions will reduce the rear setback within the Low-Density Residential (R-1-8) and Residence-Manufacture Housing (R-MH-8) Districts, the side yard setbacks within the Medium Density Residential (R-2) and High-Density Residential (R-3) Districts, and will

reduce the setbacks required between multi-family development and low density residential development.

- 3. **Open space:** As the City encourages the development of increased density, it is important that open space standards be formalized within the code. Open space standards will assist in ensuring that residents are provided access to sufficient outdoor space. The proposed standards were determined using the development specifications from recently constructed projects within our community.
- 4. **Height allowances:** As the City continues to encourage and expand opportunities for increased density, increasing allowable heights within the High-Density Residential (R-3) District will assist in facilitating such development.

The proposed text amendment was provided to the development community and local agencies for comment and input. No comments, suggestions, or negative feedback were received regarding the proposed amendments.

On February 12, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update the definitions relating to housing and to match the zoning district density requirements to the City of Yuma General Plan within the Medium (R-2) and High (R-3) Density Residential Districts.

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

QUESTIONS FOR STAFF

“Chris Hamel - Planning and Zoning Commissioner asked if the text amendment was a result of public feedback from the General Plan.

“Alyssa Linville - Director of Planning and Neighborhood Services confirmed.

“John Mahon - Planning and Zoning Commissioner asked if the text amendment applied to pre-existing or new developments only.

“Linville said it would apply to both.

PUBLIC COMMENT

None

MOTION

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Greg Counts - Planning and Zoning Commissioner to APPROVE ZONE-42143-2023 as presented.

“Motion carried unanimously (7-0).”

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

-			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

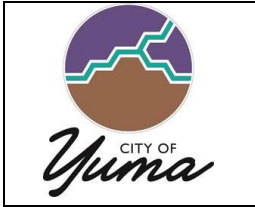
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



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

Hearing Date February 12, 2024

Case Number: ZONE-42143-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42143-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Staff Analysis: The City of Yuma is continually exploring opportunities to improve development within the community. With this proposed text amendment, the City is seeking to increase residential lot coverage allowances, reduce the setbacks for medium and high-density residential development, establish open space requirements for multi-family development, and increase height allowances for development within the High-Density Residential (R-3) District.

The goal of the text amendment is to provide relaxation from certain development standards, intended to offer new development opportunities, while also further encouraging an increase in residential density.

Below is a more detailed description of each proposed amendment:

1. **Lot coverage:** With regard to lot coverage requirements, the proposed text amendment will simplify the allowances for lot coverage while also increasing the allowable buildable area. Lot coverage is the area of a lot covered by the footprint of all structures, including any area under roof and on the ground, expressed as a percentage of the total lot area. Most of the residential zoning districts currently provide an additional square footage for covered parking, which does not count towards lot coverage. However, in an attempt to simplify lot coverage provisions, these covered parking allowances will be removed and the total lot coverage for the zoning district will be increased.
2. **Setbacks:** The proposed setback reductions will reduce the rear setback within the Low-Density Residential (R-1-8) District, the side yard setbacks within the Medium Density Residential (R-2) and High-Density Residential (R-3) Districts, and will reduce the setbacks required between multi-family development and low density residential development.
3. **Open space:** As the City encourages the development of increased density, it is important that open space standards be formalized within the

code. Open space standards will assist in ensuring that residents are provided access to sufficient outdoor space. The proposed standards were determined using the development specifications from recently constructed projects within our community.

4. **Height allowances:** As the City continues to encourage and expand opportunities for increased density, increasing allowable heights within the High-Density Residential (R-3) District will assist in facilitating such development.

The proposed text amendment was provided to the development community and local agencies for comment and input. No comments, suggestions, or negative feedback were received regarding the proposed amendments.

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

Yes. The 2022 General Plan sought to increase the allowable densities with the City. The proposed text amendment will support the development of projects with increased densities through the establishment of modified development standards.

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

Yes. The proposed amendment fits the overall purpose and intent of the zoning ordinance.

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

No. The proposed amendment will change the development standards associated with residential development, however, will not change the range of uses.

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

Yes. The proposed amendment will modify development requirements associated with lot coverage, setbacks, open space, and building heights.

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

There are no potential negative impacts identified with the proposed text amendment. However, the adoption of the proposed text amendment may provide a number of positive impacts for the City of Yuma; including, increased opportunities for development throughout a variety of residential zoning districts.

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

N/A

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

Yes.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

No Conditions of Approval required.

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Alyssa Linville*

Date: 01/23/2024

Alyssa Linville,

Director of Planning and
Neighborhood Services

Alyssa.linville@yumaaz.gov

(928)373-5000, ext. 3037

Approved By: *Jennifer L. Albers*

Date: 1/23/24

Jennifer Albers,

Assistant Director of Planning

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for each of the four Suburban Ranch Districts shall be ~~45~~ **25%** of the lot area. ~~The first 600 square feet of covered parking shall not count against the maximum lot coverage.~~

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The following is the list of maximum lot coverage for each of the three residential estate districts:
- (a) *Residential Estate-35 (RE-35) District.* ~~Twenty percent~~ **30%**;
 - (b) *Residential Estate-18 (RE-18) District.* ~~Twenty-five percent~~ **35%**; and
 - (c) *Residential Estate-12 (RE-12) District.* ~~Thirty percent;~~ and **40%**.
 - ~~(d) Exception. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for the R-1-40, R-1-20, R-1-12, R-1-8 and the R-1-6 Districts shall be ~~35~~ **50%** of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (4), be amended to insert the bolded text:

- (c) *Minimum rear yard setback.* Twenty feet (reduced to ten feet in the R-1-6 District **and fifteen feet in the R-1-8 District**); and

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be ~~35~~ **50%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* Five feet ~~clear of equipment and any other structures and/or appurtenances on one side;~~ nine feet on the other side;

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the ~~for each of the five~~ Residence-Manufactured Housing Districts is: **shall be 50% of the lot area.**

~~(a) Residence-Manufactured Housing-6 (R-MH-6) District. Thirty-five percent;~~

~~(b) Residence-Manufactured Housing-8 (R-MH-8) District. Thirty-five percent;~~

~~(c) Residence-Manufactured Housing-10 (R-MH-10) District. Thirty-five percent;~~

~~(d) Residence-Manufactured Housing-12 (R-MH-12) District. Thirty percent;~~

~~(e) Residence-Manufactured Housing-20 (R-MH-20) District. Twenty-five percent;~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (5), be amended to insert the bolded text:

(a) 3. *Minimum rear yard setback.* Twenty feet; reduced to ten feet in the R-MH-6 District **and fifteen in the R-MH-8 District;** and

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), be amended to insert the bolded text and delete the strike through text:

(b) 5. *Side yard setback.* ~~Seven~~ **five** feet;

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), be amended to insert the bolded text and delete the strike through text:

(d) *Lot coverage.* The maximum lot coverage for all principal and accessory buildings in the Recreation Vehicle Subdivision District is ~~50~~ **55**%.

SECTION 11: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (3), be amended to insert the bolded text and delete the strike through text:

(b) *Side yard.* ~~Seven~~ **five** feet from interior lot lines and ten feet from side street lot lines;

SECTION 12: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (5), be amended to insert the bolded text and delete the strike through text:

(5) *Maximum Lot coverage.* The maximum permitted coverage by the manufactured home unit and accessory buildings shall not exceed ~~45~~ **55**% of the manufactured home lot, ~~excluding the first two carports up to 44 square feet.~~

SECTION 13: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

(3) *Lot coverage.* The maximum lot coverage in the Medium Density Residential (R-2) District shall be ~~35~~ **55**% of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 14: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setback.* ~~Seven~~ **Five** feet;

SECTION 15: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* The maximum building height in the Medium Density Residential (R-2) District shall be 40 feet. The building height for multi-family structures shall be reduced to 20 feet (one story maximum) when located within ~~60~~ **40** feet of adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential, **and whose use is residential.** Single-family structures are exempt from the 20-foot height limit.

SECTION 16: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F, be amended to insert the bolded text:

- (8) ***Open space.* The following is the minimum amount of open space required for multi-family developments:**
 - (a) ***Private open space.* Multi-family projects with three or more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) ***Common open space.* Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 17: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall be ~~45~~ **55%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 18: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Five feet clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 19: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the High Density Residential (R-3) District shall be ~~35~~ **60%** of the lot area. ~~An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total coverage does not exceed 50% of the lot area.~~

SECTION 20: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Seven~~ **Five** feet;

SECTION 21: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* Except as provided in 154-15.03, the maximum building height shall be ~~40~~ **50** feet. The maximum building height **for multi-family structures** shall be reduced to 20 feet (one story maximum) ~~for all land~~ **when** located within ~~60~~ **40** feet of ~~a lot in an~~ **adjacent parcels zoned** Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District, **and whose use is residential. Single-family structures are exempt from the 20-foot height limit.**

SECTION 22: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F, be amended to insert the bolded text:

- (8) ***Open space.* The following is the minimum amount of open space required for multi-family developments:**
 - (a) ***Private open space.* Multi-family projects with three or more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) ***Common open space.* Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (01/19/24)
- 34 Commenting/Reviewing Agencies noticed: (12/27/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (02/12/24)
- Comments due: (01/08/24)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

ORDINANCE NO. O2024-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO AMEND THE LOT COVERAGE, SETBACKS, OPEN SPACE REQUIREMENTS, AND HEIGHT ALLOWANCES FOR CERTAIN RESIDENTIAL DISTRICTS

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on February 12, 2024 in Case no: ZONE-42143-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on January 19, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-42143-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for each of the four Suburban Ranch Districts shall be **15 25%** of the lot area. ~~The first 600 square feet of covered parking shall not count against the maximum lot coverage.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The following is the list of maximum lot coverage for each of the three residential estate districts:
- (a) *Residential Estate-35 (RE-35) District.* ~~Twenty percent~~ **30%**;
 - (b) *Residential Estate-18 (RE-18) District.* ~~Twenty-five percent~~ **35%**; and
 - (c) *Residential Estate-12 (RE-12) District.* ~~Thirty percent;~~ and **40%**.

~~(d) Exception. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

(3) *Lot coverage.* The maximum lot coverage for the R-1-40, R-1-20, R-1-12, R-1-8 and the R-1-6 Districts shall be **35 50%** of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (4), is amended to insert the bolded text:

(c) *Minimum rear yard setback.* Twenty feet (reduced to ten feet in the R-1-6 District **and fifteen feet in the R-1-8 District**); and

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be **35 50%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

(b) *Minimum side yard setbacks.* Five feet ~~clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the ~~for each of the five~~ Residence-Manufactured Housing Districts ~~is:~~ **shall be 50% of the lot area.**

~~(a) Residence Manufactured Housing 6 (R-MH-6) District. Thirty five percent;~~

~~(b) Residence Manufactured Housing 8 (R-MH-8) District. Thirty five percent;~~

~~(c) Residence Manufactured Housing 10 (R-MH-10) District. Thirty five percent;~~

(d) — ~~Residence Manufactured Housing 12 (R-MH-12) District. Thirty percent;~~

(e) — ~~Residence Manufactured Housing 20 (R-MH-20) District. Twenty five percent;~~

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (5), is amended to insert the bolded text:

- (a) 3. *Minimum rear yard setback.* Twenty feet; reduced to ten feet in the R-MH-6 District **and fifteen in the R-MH-8 District;** and

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), is amended to insert the bolded text and delete the strike through text:

- (b) 5. *Side yard setback.* **Seven five** feet;

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), is amended to insert the bolded text and delete the strike through text:

- (d) *Lot coverage.* The maximum lot coverage for all principal and accessory buildings in the Recreation Vehicle Subdivision District is ~~50~~ **55**%.

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (3), is amended to insert the bolded text and delete the strike through text:

- (b) *Side yard.* ~~Seven~~ **five** feet from interior lot lines and ten feet from side street lot lines;

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Maximum Lot coverage.* The maximum permitted coverage by the manufactured home unit and accessory buildings shall not exceed ~~45~~ **55**% of the manufactured home lot, ~~excluding the first two carports up to 44 square feet.~~

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage in the Medium Density Residential (R-2) District shall be ~~35~~ **55**% of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setback.* **Seven Five** feet;

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* The maximum building height in the Medium Density Residential (R-2) District shall be 40 feet. The building height for multi-family structures shall be reduced to 20 feet (one story maximum) when located within ~~60~~ **40** feet of adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential, **and whose use is residential.** Single-family structures are exempt from the 20-foot height limit.

SECTION 16: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F, is amended to insert the bolded text:

- (8) *Open space.* **The following is the minimum amount of open space required for multi-family developments:**
 - (a) *Private open space.* **Multi-family projects with three of more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) *Common open space.* **Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 17: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall be ~~45~~ **55%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 18: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Five feet clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 19: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the High Density Residential (R-3) District shall be ~~35~~ **60%** of the lot area. ~~An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total coverage does not exceed 50% of the lot area.~~

SECTION 20: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Seven~~ **Five** feet;

SECTION 21: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* Except as provided in 154-15.03, the maximum building height shall be ~~40~~ **50** feet. The maximum building height **for multi-family structures** shall be reduced to 20 feet (one story maximum) ~~for all land~~ **when** located within ~~60~~ **40** feet of a lot in an **adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District, and whose use is residential. Single-family structures are exempt from the 20-foot height limit.**

SECTION 22: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F, is amended to insert the bolded text:

- (8) *Open space.* **The following is the minimum amount of open space required for multi-family developments:**
- (a) *Private open space.* **Multi-family projects with three of more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
- (b) *Common open space.* **Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 23: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment.

Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney