



# City of Yuma City Council Meeting Agenda

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Wednesday, July 17, 2024

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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

**Those wishing to speak on an agenda item or during the Call to the Public must complete a Speaker Request Form. Forms are located at the entrance of the Council Chambers and should be submitted to City Clerk staff on the evening of the City Council meeting.**

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

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

## **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 2024-097](#)      **Regular Council Meeting Draft Minutes June 5, 2024**  
Attachments:      [2024 06 05 RCM Minutes.docx](#)
2. [MC 2024-096](#)      **Special Council Meeting Draft Minutes June 18, 2024**  
Attachments:      [1. 2024 06 18 SCM Minutes](#)

### B. Executive Sessions

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

### C. Approval of staff recommendations:

1. [MC 2024-091](#)      **Teletrack Wagering License: Turf Paradise at Showcase Sports Bar**  
Approve a request submitted by David Johnson, Vice President of Turf Paradise, for the renewal of a Teletrack Wagering license at Showcase Sports Bar, located at 2703 S. 4th Avenue, with a term to expire on June 30, 2027, to coincide with the term of Turf Paradise's State license. (OTB24-01) (City Administration/City Clerk) (Lynda L. Bushong)
2. [MC 2024-092](#)      **Request for Proposals (RFP) Award: Offsite Fuel Card Services**  
Authorize the City Administrator to execute a two-year agreement for Offsite Fuel Card Services with the option to renew for three additional one-year periods, one period at a time, subject to the appropriation of funds and satisfactory performance to McNeece Bros. of Yuma, Arizona for an estimated annual expenditure of \$2,000,000.00. (Public Works- RFP 24-284) (Joel Olea/Robin R. Wilson)

3. [MC 2024-093](#) **Declaration of Surplus and Authorize Donation: Fire Engine**  
Authorize the donation of a 1995 Pierce Arrow Pumper to the Town of Wellton, Arizona. (Yuma Fire Dept.) (Dustin Fields)
4. [MC 2024-094](#) **Bid Award: Environmental Laboratory Testing Services**  
Award to the four qualified bidders for Environmental Laboratory Testing Services, with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance for an estimated annual expenditure of \$172,000.00, with the following firms: Eurofins Easton Analytical, LLC., Pomona, California; Eurofins Environment Testing Southwest, LLC., Phoenix, Arizona; SGS North America Inc., Rutherford, New Jersey; Tempe, Arizona; Turner Laboratories, Inc., Tucson, Arizona. (Utilities Department - RFP-24-297) (Jeremy McCall/Robin R. Wilson)
5. [MC 2024-095](#) **Ratification of Purchase Order: Emergency Sewer Bypass Smucker Park**  
Ratify and approve a purchase order issued to Rain For Rent, Yuma, Arizona in an amount of \$129,236.96 for emergency bypass of a sanitary sewer line at Smucker Park. (Engineering/Utilities-EM-24-285) (David Wostenberg/Jeremy McCall/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. [R2024-036](#) **2024 Parks, Arts, Recreation and Trails Master Plan**  
Approve the request to adopt the 2024 Parks, Arts, Recreation & Trails Master Plan. (Parks & Recreation) (Eric Urfer)  
  
**Attachments:** [1. RES 2024 PART Master Plan](#)
2. [R2024-037](#) **Memorandum of Understanding: Airport Cooperative Operational Security Plan**  
Approve a Memorandum of Understanding between the City of Yuma and the Yuma County Airport Authority to create a cooperative operational security plan. (Police/Patrol) (Tom Garrity)  
  
**Attachments:** [1. RES Airport Operational Security Plan](#)  
[2. AGMT Airport Operational Security Plan](#)

3. [R2024-038](#)**Intergovernmental Agreement: United States Border Patrol-Yuma**

Approve an intergovernmental agreement with United States Border Patrol (USBP)-Yuma for the use of the City of Yuma Public Safety Training Facility. (Police/Support Services) (Tom Garrity)

**Attachments:**[1. RES IGA: USBP-Public Safety Trng Facility](#)[1. AGMT IGA: USBP-Public Safety Facility](#)**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. [O2024-024](#)**Amend Yuma City Code: Regulating Parks Within the City**

Adopt a City ordinance to update current park operations and address ongoing issues in the parks. (Parks and Recreation) (Eric Urfer)

**Attachments:**[1. ORD Parks Code Amendment](#)2. [O2024-025](#)**City of Yuma 2024 Special Election**

Call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation. (City Administration/City Clerk's Office)

**Attachments:**[1. ORD 2024 Special Election - Charter Amendment](#)3. [O2024-026](#)**Rezoning of Property: 1712 S. Maple Avenue**

Approve the rezoning of an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ (ZONE-42472-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**[1. P&Z RPT Rezone 1712. S. Maple Avenue](#)[2. ORD Rezone 1712 S. Maple Avenue](#)



#### IV. INTRODUCTION OF ORDINANCES

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

1. [O2024-021](#)

**Rezoning of Property: Northwest Corner of 28th Street and Avenue B**

Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28th Street and Avenue B, Yuma, AZ. (ZONE-42395-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. P&Z RPT Rezoning: NWC 28th Street and Avenue B](#)

[2. ORD Rezoning: NWC 28th Street and Avenue B](#)

#### V. PUBLIC HEARING AND RELATED ITEMS

*Adoption of Resolution R2024-039 may result in this Public Hearing.*

1. [R2024-039](#)

**General Plan Amendment: Yuma Development One**

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Commercial to Medium Density Residential, for the property located at the northwest corner of 34th Street and DeVane Drive. (GP-42445-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. P&Z RPT GP Amendment: Yuma Development One](#)

[2. RES GP Amendment Yuma Development One](#)

#### FINAL CALL

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

## VI. ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

### 1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of June 27 through July 17, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

### 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.

## VII. 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.*

## VIII. 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.*

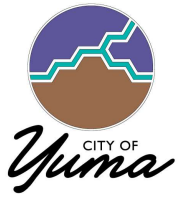
**IX. EXECUTIVE SESSION**

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

A. Discussion, consultation, and/or direction to legal counsel concerning government property leases (A.R.S. § 38-431.03 A(3), A(4) and A(7)).

**ADJOURNMENT**

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



# City of Yuma

## City Council Report

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**File #:** MC 2024-097

**Agenda Date:** 7/17/2024

**Agenda #:** 1.

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**Regular Council Meeting Draft Minutes June 5, 2024**

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

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Scott Little**, Stone Ridge Church, gave the invocation. **Randall Crist**, Director of Building Safety, led the City Council in the Pledge of Allegiance.

**ROLL CALL**

Councilmembers Present:	Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Director of Engineering, David Wostenberg Director of Parks and Recreation, Eric Urfer Director of Finance, Douglas Allen Director of Public Works, Joel Olea Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

**FINAL CALL**

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

**I. MOTION CONSENT AGENDA**

Motion Consent Agenda Item C.3 – First Amendment: Concession services Agreement (Amend the existing Concessionaire Agreement with Guzman Hospitality Group LLC, for operation of the restaurant at Desert Hills Golf Course) (Pks & Rec)

**Deputy Mayor Morris** declared a conflict of interest on Motion Consent Agenda Item C.3 and left the dais.

**Motion** (Smith/McClendon): To approve the Motion Consent Agenda Item C.3 as recommended. Voice vote: **approved** 6-0-1, **Deputy Mayor Morris** abstaining due to conflict of interest.

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

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Motion Consent Agenda Item C.5 – Bid Award: 28<sup>th</sup> Street Reconstruction Project (Authorize the City Administrator to execute a construction services contract for road and infrastructure improvements on 28<sup>th</sup> street from 4<sup>th</sup> Avenue to Madison Avenue and on Virginia Drive from 28<sup>th</sup> Street to 27<sup>th</sup> in

the amount of \$846,255.30 to the lowest responsive and responsible bidder, DPE Construction, Inc., Yuma, Arizona) (RFB-23-277) (Eng/Purch)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item C.5 as his firm is engaged in this project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Morales/Smith): To approve the Motion Consent Agenda Item C.5 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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**Motion** (Morales/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Items C.3 and C.5 which were approved through a previous vote. Voice vote: **approved** 7-0.

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

Regular City Council Worksession Minutes	April 30, 2024
Special City Council Meeting Minutes	May 8, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by Michelle Armenta, agent for Original Yumas Red Tacos located at 2601 S. 4<sup>th</sup> Avenue. (LL24-06) (Admn/Clk)
2. Authorize the City Administrator to execute a three-year contract, with the option to renew for two additional one-year periods, at an estimated annual cost of \$106,400, depending on the appropriation of funds and satisfactory performance to: Baker Tilly US, LLP, Tempe, AZ. (RFP-24-263) (Fin/Purch)
3. Amending the existing Concessionaire Agreement with Guzman Hospitality Group LLC, for operation of the restaurant at Desert Hills Golf Course (Pks & Rec/DHGC)
4. Authorize the City Administrator to execute a one-year contract, with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$60,000.00, depending on the appropriation of funds and satisfactory performance to Albert Holler & Associates, Queen Creek, Arizona. (RFP-24-252) (Fin/Purch)
5. Authorize the City Administrator to execute a construction services contract for road and infrastructure improvements on 28<sup>th</sup> Street from 4<sup>th</sup> Avenue to Madison Avenue and on Virginia Drive from 28<sup>th</sup> Street to 27<sup>th</sup> in the amount of \$846,255.30 to the lowest responsive and responsible bidder, DPE Construction, Inc., Yuma, Arizona. (RFB-23-277) (Eng/Purch)

**II. RESOLUTION CONSENT AGENDA**

Resolution R2024-021 – Intergovernmental Agreement: Arizona Department of Transportation – Highway User Revenue Funding Exchange (Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) regarding receiving Highway User Revenue Funding (HURF) exchange funding in the amount of \$900,000 for the construction of a box culvert, located on Avenue 7E and 40<sup>th</sup> street) (Eng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2024-02 as his firm works on some projects with ADOT and the HURF fund, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Morales/Smith): To adopt the Resolution R2024-021 as recommended.

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

**Resolution R2024-021**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the construction of the Avenue 7E and 40<sup>th</sup> Street box culvert** (to remove the existing siphon on “A” Canal and replace the siphon with a box culvert) (Eng)

Roll call vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

Resolution R2024-024 – Intergovernmental Agreement: Arizona Department of Transportation – Bus Pull-Outs, Avenue A at 16<sup>th</sup> Street Project (Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the construction of the Bus Pull-Outs Avenue A at 16<sup>th</sup> Street Project. This is a Carbon Reduction Program (CRP) project where design will be 100% funded by City Road Tax funds and construction will be 94.3% grant funded, 5.7% local match) (Eng)

Discussion

- The City has excess property at 16<sup>th</sup> Street into Avenue A, which gives the City the right-of-way; that is what made this the perfect location for the construction of the Bus Pull-Outs. Development of the Bus Pull-Outs is being done in conjunction with Yuma County Intergovernmental Public Transportation Authority (YCIPTA); once a diagram of the Pull-Outs is complete it will be given to the City Administrator to disseminate amongst the City Councilmembers. The alleys in the area will not be included in the construction of the Bus Pull-Outs. (**Shoop/Wostenberg**)

Resolution R2024-025 – Intergovernmental Agreement: Arizona Department of Transportation – Shared-Used Pathway, East Wetlands Park to Pacific Avenue Project (Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the design and construction of the Shared-Use Pathway East Wetlands Park to Pacific Avenue Project. This is a Carbon Reduction Program (CRP) project where

design will be 100.0% funded by City Road Tax Funds and construction will be 94.3% grant funded, 5.7% local match) (Eng)

#### Discussion

- Design cost for this project is higher compared to other projects where design costs are generally 10% of the construction cost, due to using federal money to fund the project. When using federal money, a National Environmental Policy Act (NEPA) analysis needs to be completed to consider the effects the project will have on the environment. This project will be a Carbon Reduction Program project which provides part of the funds for the construction that will be done by ADOT. (Morris/Wostenberg)

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Resolution R2024-022 – Intergovernmental Agreement: Arizona Department of Transportation – Crane Elementary School District No. 13 Transportation Safety Project (Authorize the City Administrator to execute an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation for the design of the Crane Elementary School District No. 13 Transportation Safety Project where the City is acting as project sponsor for Crane Elementary School District. This is a Transportation Alternatives Program Funding (TA) Project and is 94.3% grant funded, 5.7% local match, for a total amount of \$153,002.00) (Eng)

#### Discussion

- A High-Intensity Activated Crosswalk (HAWK) is the type of signal that will be installed at the Yuma Library's Main Branch and at the entrance to Gary Knox Elementary School. The new Transportation Alternatives Program is open to the City's non-profit organizations and School Districts to apply for funding through Yuma Metropolitan Planning Organization (YMPO). When an application is received by YMPO, they will contact the City and ask them to sponsor the applicant. If the applicant is willing to invest the matching funds, and it is a project the City has in their overall plans, the applicant is a suitable candidate; or if the project is for safe route for school, the City will presumably sponsor the applicant. (McClendon/Wostenberg)

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Resolution R2024-016 – Ratification of Intergovernmental Agreement: Yuma Elementary School District No. 1 School Safety Program Grant for School Resource Officers (Ratify execution of a three-year Intergovernmental Agreement (IGA) with the Yuma Elementary School District No. 1 (District) for School Resource Officer (SRO) services) (YPD)

#### Discussion

- The agreement requests the presence of all Student Resource Officers (SRO) at School Board Meetings. Although the Yuma Police Department can support security at the meetings, all 5 SROs attending the Board Meetings seems excessive; SROs will attend the meetings on an as needed basis. (Mayor Nicholls/Capt. Boyd)
- The District will be invoiced for the cost of the SRO's salary; benefits and Public Safety Personnel Retirement System (PSPRS) is not included in the invoice. The maximum amount the District will pay for the SROs is around \$400,000 a year for the five officers. Information on the City's portion of the cost of the five SROs will be configured and reflected on the staff report as it is an impact on the City's budget. (Morris/Capt. Boyd/Simonton/Mayor Nicholls)



**Motion** (Morales/Morris): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2024-021 which was adopted through a previous vote.

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

**Resolution R2024-016**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an Intergovernmental Agreement with Yuma Elementary School District No 1.** (placing School Resource Officers (SRO) on school grounds to contribute to safe school environments) (YPD)

**Resolution R2024-017**

**A resolution of the City Council of the City of Yuma, Arizona, extending a delegation agreement between the Arizona Department of Environmental Quality (ADEQ) and the City of Yuma, Arizona** (extending the agreement for the issuance of open burning permits until May 23, 2026) (YFD/Cmty Risk Red)

**Resolution R2024-019**

**A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 125, serving Saguaro Units 5 & 6, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basin and parking and parkways and related facilities together with appurtenant structures of Saguaro Units 5 & 6** (will provide a dedicated stream of funding for the maintenance of the improvements) (Plng & Nbhd Svcs/Cmty Plng)

**Resolution R2024-022**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the design of Crane Elementary School District No. 13 Transportation Safety Project** (designing a High Intensity Activated Crosswalk (HAWK) Signal between Gary A. Knox Elementary School (west on 21st Drive) and the Yuma Main Library (east on 21st Drive) at 30th Street and 21st Drive) (Eng)

**Resolution R2024-023**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the design of 32<sup>nd</sup> Street Shared Use Pathway Project** (designing a 10-foot-wide asphaltic concrete surface Shared Use Pathway on 32nd Street from Avenue 3E to Avenue 7 ½ E with Americans with Disabilities Act (ADA) compliant ramps at the intersections) (Eng)

**Resolution R2024-024**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the construction of Bus Pull-Outs, Avenue A at 16<sup>th</sup> Street Project** (at the northeast and southwest corner at Avenue A and 16th Street; to include a sidewalks along the Bus Pull-Outs that are Americans with Disabilities Act (ADA) compliant) (Eng)

**Resolution R2024-025**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the design and construction of Shared-Use Pathway East Wetland Park to Pacific Avenue** (connecting the existing Shared-Use Pathway in East Wetlands Park to the paved end of Pacific Avenue at the Pacific Avenue Athletic Complex) (Eng)

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

### III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

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

#### **Ordinance O2024-019**

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

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

### IV. INTRODUCTION OF ORDINANCES

Ordinance O2024-021 – Rezoning of Property: Northwest Corner of 28<sup>th</sup> Street and Avenue B (Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ. (ZONE-42395-2024)) (Plng & Nbhd Svcs/Cmty Plng)

**Motion** (Morris/Smith): To continue Ordinance O2024-021 to the Regular City Council Meeting of June 26, 2024, due to unresolved access and an error in the legal description.

Voice vote: **approved** 7-0

Ordinance O2024-024 – Amend Yuma City Code: Regulating Parks Within the City (Adopt a City Ordinance to update current park operations and address ongoing issues in the parks) (Pks & Rec)

#### Discussion

- The parks will close at 9 p.m., unless otherwise posted or permitted. There will be special allowances to those who have a ramada reservation, or a game at one of the ball field complexes; a special permit to stay in the park until 11p.m. will be available upon request. (**McClendon/Urfer**)
- An investigation showed that after 9 p.m. parks that were not active and were not lit for night use, had illicit activity taking place. The change in the Ordinance will give patrol the ability to cite anyone who is in the park without a permit after the park is closed. (**McClendon/Urfer**)
- The Parks and Recreation Master Plan defines, in modern terms all the park categories and classifications; those often change, and it was decided to not modify those in the Ordinance. This would be the best way to make sure that the language stays consistent and kept up to date with the park's classifications and definitions. (**Morales/Urfer**)

- Parks will be closing at 9 p.m. unless otherwise posted or permitted. The activity areas that are lit for night use will be open until 11 p.m. Signs will be posted at all parks and activity areas to inform the community of park hours. **(Mayor Nicholls/Urfer)**
- The language on the Ordinance can be modified to include the new park hours, rather than posting signs at all parks around the City. The ordinance can be reintroduced at the June 26, 2024, City Council Meeting. **(Mayor Nicholls/Simonton)**
- Per the City's Administrative Policy, it is prohibited for cars to drive through the parks in addition to parking in the middle of athletic fields, but it is not enforceable by law. The intent with this Ordinance is to make those types of violations illegal and only allow Parks & Recreation vehicles in restricted areas. Additionally, prohibiting the use of controlled substances in the parks and athletic fields will be included in the Ordinance. **(Mayor Nicholls/Urfer)**
- There is no change in drop-in play. If courts or fields are not reserved for use, anyone can use them until the park closes. **(Shelton/Urfer)**
- It is important to note that these ordinances have not been modified since the 1990's and the effort being made to go that far back to make adjustments to what currently works for the City is appreciated. **(Smith)**

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Ordinance O2024-023 – Amend Yuma City Code: Parks, Arts, and Recreation Commission (Amend § 50-02(C) of the Yuma City Code (YCC) to remove the two-term limit for members of the Parks, Arts, and Recreation Commission and amend YCC § 50-05(A) to change the meeting frequency from monthly to quarterly and as deemed necessary by the Parks, Arts, and Recreation Commission) (Pks & Rec)

#### Discussion

- There are currently seven members on the Parks, Arts, and Recreation Commission, with one vacancy. To hold a meeting, we need a quorum which consists of at least four members, and it has been difficult to reach that quorum monthly. After discussions with the commission, it was agreed that a quarterly meeting would work best to ensure a quorum is reached. Special meetings can be held for reasons such as approving different art commission pieces and things of that nature, which is one of the commissioner's responsibilities. **(Morales/Urfer)**
- The Americans with Disabilities Act (ADA) Commission meets on a quarterly basis and there have not been any issues. Meetings are scheduled in advance and members show up prepared. Also, the agendas are fuller when meeting quarterly rather than monthly. **(McClendon/Morales)**
- Depending on the demand of the commission, perhaps the meetings can be held every other month or every two months. More information is needed to decide what meeting schedule is appropriate for this commission. **(McLendon/Morales)**
- Out of all the Boards and Commissions at the City, the Parks, Arts, and Recreation Commission is the easiest commission to fill empty seats. A two-term limit is appropriate for this commission, and it gives the opportunity to recruit younger candidates. Holding mandatory quarterly meetings and special meetings as needed is suitable. To address attendance issues, language added to the Ordinance should convey that there will be a minimum number of meetings a member must attend, and if that number is not met, that person will be removed from the commission. **(Mayor Nicholls)**
- The current schedule for the Parks, Arts and Recreation Commission meetings are set for the year, letting people know in advance when those meetings will be held. There are things that come up from time to time that cause members to be absent. There is not only one person habitually absent

from meetings, people just have things come up that causes them to miss a meeting here and there, and collectively that tends to occasionally put the meetings below quorum. (**Morris/Urfer**)

- The type of things brought before the committee for decision making are endorsements for policies or ordinances, and standard items such as minutes. It is expected that a great number of items for endorsements will be coming through the committee soon. (**Mayor Nicholls/Urfer**)

**Motion** (Mayor Nicholls/Morales): To continue Ordinances O2024-023 and Ordinance O2024-024 to the regular City Council Meeting of June 26, 2024, due to additional editing of the proposed ordinances.

Voice vote: **approved** 7-0

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

**Ordinance O2024-020**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing the granting of a utility easement for the installation of new electrical facilities at City-owned property near the southeast corner of Maiden Lane and 2<sup>nd</sup> Street** (approximately 1,232 square feet in the Northwest corner of Block 16) (Admn)

**V. PUBLIC HEARING AND BUDGET RELATED ITEMS**

MC 2024-071 – Public Hearing: Truth in Taxation, Main Street Mall and Off-Street Parking Maintenance District No.1, Levy for 12 Municipal Improvement Districts, and Final Budget Adoption for Fiscal Year 2025 (Conduct a combined public hearing on the proposed City of Yuma primary property tax levy (Truth-in-Taxation); the Main Street Mall and Off-Street Parking Maintenance District No. 1 expenditures and levy, as well as for the 12 Municipal Improvement Districts (MID) and the proposed revenues and expenditures (budget) for Fiscal Year 2025 pursuant to A.R.S. § 42-17104. The City of Yuma expenditure budget for Fiscal Year 2025 in the amount of \$521,167,546 which is comprised of a Capital Improvement Program Budget of \$222,418,219; 12 Maintenance Improvement Districts combined for \$672,094 and an Operating expenditure Budget of \$298,077,233; including Governmental and Enterprise operations. Following the close of the public hearing, City Council may open a special meeting to adopt the proposed budget resolution, which includes a 3% increase in solid waste fees) (Admn/Fin)

**Mayor Nicholls** opened the public hearing at 6:21 p.m.

**Douglas Allen**, Director of Finance, presented the overview of the Process of the final adoption of the budget:

## BUDGET CALENDER

FY 2025		KEY BUDGET DATES
Date	Event	
April 8-11	Councilmember individual budget review sessions	
April 30	Worksession: Q3 Briefing, Proposed Budget presentation and CIP	
May 1	Placeholder: for City Council questions and/or discussion	
May 14	Worksession: Budget Update, Other Policy Considerations, MIDs	
May 15	Public Hearing: Capital Improvement Program (CIP)	
"	Motion: Tentative Budget Adoption - State Forms A-G	
May 21, 28	Publication: State Forms and TNT, if applicable in the Yuma Sun	
June 5	Resolution: City Council action regarding FY 2024, if applicable	
"	Resolution: Capital Improvement Program Adoption	
"	Public Hearing: Final Budget and Truth-in-Taxation, if applicable	
"	Resolution: Final FY 2025 Budget Adoption	
"	Ordinance: Introduction of Tax Levy Ordinance	
June 26	Ordinance: Adopt Tax Levies and Rates (General, Mall and MIDs)	
"	Resolution: Adopt Annual PSPRS Funding Policy	
"	Resolution: Designate City's CFO for the AELR	
		Updated: April 18, 2024

- The Public Hearing will be about both the Final Budget and Truth-in-Taxation

After Public Hearing by a motion:

- City Council may adjust Expenditures/Expenses among categories if the total is not increased, see Schedule A
- City Council may retain or reduce, not increase, levies rates as presented on Schedule B
- To start, staff has a requested motion for consideration
  - City Council to look at schedule G where a scrivener's error was discovered after posting

Adopt Final Budget

- Action after City Council's discussions and considerations
- Adopt FY 2025 Final Budget and Levy, as presented or as amended by City Council motions
- Levy is programed at maximum allowed

Property Levies

- June 5: Introduction of Levy Ordinance includes rates adopted with the Adopted FY 2025 Final Budget
- June 26: Adopt Levy Ordinance; then

**Motion** (Morris/McClendon): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:24 p.m.

Resolution R2024-018 – Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program (Adopt a resolution approving the FY2025 – FY 2029 Capital Improvement Program, pursuant to the Yuma City Charter, Article XII, Section 11) (Eng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2024-18 as his firms works on some of the CIP projects, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

#### Discussion

- Projects the Parks and Recreation department would like to see happen, the funding is moved down to that specific project if it becomes available; that is the reason the job is not specifically identified. Having to go back and fix or rebuild to stay in compliance with new laws is not something anyone wants to do; things are being fixed now to not have to go back and fix them later. (**McClendon/Cowey**)
- The Master Plan presentation on June 25<sup>th</sup> will outline in detail the park revitalization program to replace restrooms, playground, and eventually ramada structures. With each of the projects there will be ADA compliance guidelines to follow; for example, the adult changing station in public restrooms are now mandatory and they are now being added to the existing park restrooms and will be in the newly built restrooms in the park revitalization program. (**McClendon/Urfer**)
- All the lettering on the Ocean-to-Ocean bridge will be coming down. The bulbs on the letters will be changed to LED lights, and each letter will be sand blasted and powder coated for a complete restoration. The design is close to being done and the bidding for the project is anticipated to start this summer. (**McClendon/Olea**)

**Motion** (Smith/Morales): to adopt the Capital Improvement Program, Resolution R2024-018 for Fiscal Years 2025 through 2029 as presented.

**Bushong** displayed the following title:

#### **Resolution R2024-018**

**A resolution of the City Council of the City of Yuma, Arizona, adopting the Fiscal Year 2025 through Fiscal Year 2029 Capital Improvement Program** (intent and decision to prioritize spending of limited resources on projects while also reflecting City Council's decision to not allocate the City's limited resources in other areas) (Eng)

Roll call vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

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Doug Allen presented the following diagram regarding the correction of the scrivener's error:

## REQUESTED AMENDMENT – Schedule G

City of Yuma, Arizona  
Full-Time Employees and Personnel Compensation  
Fiscal Year 2024-25

FUND	Full-Time Equivalent (FTE) *	Employee Salaries and Hourly Costs**	Retirement Costs***	Healthcare Costs****	Other Benefit Costs	Total Estimated Personnel Compensation
<b>GENERAL FUND</b>	732.13	58,042,252	7,913,063	8,194,747	4,966,687	\$79,116,749
<b>SPECIAL REVENUE FUNDS</b>						
Highway User Revenue Fund	47.50	3,156,978	387,311	517,748	396,764	4,458,801
City Road Tax Fund	24.80	1,767,822	216,465	253,144	185,209	2,422,640
Two Percent Tax Fund	30.98	2,562,162	284,811	337,153	249,346	3,433,472
Grants Fund	3.90	109,922	13,176	16,348	12,216	151,662
Mall Maintenance Fund	2.10	87,946	10,792	23,947	9,228	131,913
<b>Total Special Revenue Funds</b>	109.28	8,466,678	1,008,801	1,167,068	923,624	11,566,171
<b>ENTERPRISE FUNDS</b>						
Water Fund	96.99	6,191,975	758,201	1,004,903	634,277	8,589,356
Wastewater Fund	70.35	4,806,747	589,978	749,806	475,727	6,621,898
Sanitation Fund	16.95	1,190,714	146,032	166,142	160,218	1,663,106
Desert Hills Golf Course Fund	9.00	754,587	84,399	88,089	65,412	992,401
Yuma Reg Comm Sys Fund	8.30	28,495	89,372	104,675	56,825	279,367
<b>Total Enterprise Funds</b>	201.59	13,672,432	1,667,622	2,113,615	1,392,459	18,846,128
<b>INTERNAL SERVICE FUNDS</b>						
Equipment Maintenance Fund	18.00	1,043,535	128,046	167,648	102,576	1,441,805
<b>Total Internal Service Funds</b>	18.00	1,043,535	128,046	167,648	102,576	1,441,805
<b>TOTAL ALL FUNDS</b>	<b>1,061.00</b>	<b>\$81,224,897</b>	<b>\$10,717,532</b>	<b>\$11,643,078</b>	<b>\$7,385,346</b>	<b>\$110,970,853</b>

\* Full-time employees only, including Elected Officials overflow positions  
\*\* Includes full-time, part-time, overtime and standby pay  
\*\*\* Includes Soc Sec/Medicare  
\*\*\*\* Health/dental/life insurance

**SCHEDULE G**  
15

- Effective July 1, 2023, Desert Hills Golf Course Fund (DHGCF) dissolved into Two Percent Tax Fund (TPTF) as a cost center
- Schedules A-F reflected that change
- Schedule G contained a scrivener's error
  - DHGCF continued reporting as a separate fund, not included in the TPTF
  - Correction will not impact Total of All Funds
- Requested Consideration:
  - City Council motion to correct Schedule G for the Adopted Budget by deleting the DHGCF line and including the amounts in the TPTF

**Motion** (Shoop/Smith): To correct a scrivener's error on Schedule G of the Annual Budget by combining the Desert Hills Golf Course form the Enterprise Fund, to the Two Percent Tax of the Special Revenue funds. This will not change the Total All Funds.

Voice vote: **adopted** 7-0

## VI. SPECIAL MEETING: DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION R2024-020 RELATING TO THE FY2025 FINAL BUDGET

**Mayor Nicholls** called the special meeting to order at 6:25 p.m.

Resolution R2024-020 Final Budget Adoption for Fiscal Year 2025 (Adopt the City of Yuma's final budget for Fiscal Year 2025 in the amount of \$521,167,546 which is comprised of a Capital Improvement Program Budget of \$222,418,219; 12 Maintenance Improvement Districts combined for \$672,094 and an Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise Operations. The adoption of the proposed budget resolution includes a 3% increase in solid waste fees and establishes the budgets for the Main Street Mall and Off-Street Parking Maintenance District No. 1) (Admn/Fin)

**Mayor Nicholls** declared a conflict of interest on the CIP Budget Adoption as his firm works on some of the CIP projects, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

**Motion** (Morales/Smith): To adopt the Fiscal Year 2025 Annual Budget for the Capital Improvement Program in the amount of \$222,418,219.

Voice vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

**Mayor Nicholls** returned to the dais.

**Councilmember McClendon** declared a conflict of interest on the Visit Yuma Budget Adoption, due to being employed by Visit Yuma, and left the dais.

**Motion** (Morris/Shelton): To adopt the Fiscal Year 2025 Annual Budget for Visit Yuma in an amount not to exceed \$903,000.

Voice vote: **adopted** 6-0-1, **Councilmember McClendon** abstaining due to conflict of interest.

**Councilmember McClendon** returned to the dais.

**Allen** presented the following:

## APPENDIX: PROPERTY LEVY – Scenarios

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Scenarios for Changes to FY 2024 Base	Rate for FY 2025	Change FY 2024	TNT Notice: Amount \$100,000 Home Value		Total Levy FY 2025	Decrease from Max Levy FY 2025	Increase from Levy FY 2024	Change to FY 2024 Base Levy (No New Construction)		Amount from New Construction
			FY 2025	Increase				Amount	%	
Max Levy (4%)	\$ 2.1526	\$ 0.0205	\$ 215.26	\$ 8.37	\$ 16,601,683	\$ -	\$ 875,852	\$ 636,201	4.05%	\$ 239,651
Same Rate (3%)	2.1321	-	213.21	6.32	16,443,580	(158,102)	717,749	480,381	3.05%	237,368
2% increase	2.1102	(0.0219)	211.02	4.13	16,274,681	(327,002)	548,850	313,920	2.00%	234,930
1% increase	2.0897	(0.0424)	208.97	2.08	16,116,579	(485,104)	390,748	158,100	1.01%	232,648
Same Base Levy (0%)	2.0689	(0.0632)	206.89	-	15,956,164	(645,519)	230,333	-	0.00%	230,333
Rate in Column B is applied FY 2024 tax base, <b>plus</b> new construction to derive amounts in Column F and H										

- The chart shows the different scenarios of the tax levy from a zero percent increase to a maximum of four percent increase. For example: if the levy stays the same in 2025 the tax rate will be lowered to 2.0689, the tax increase in the Truth in Taxation notice would be zero, the decrease from the maximum levy would be \$645,000 and there would still be an increase in the levy of \$230,000 due to new construction being taxed at that rate.

### Discussion

- Taking into consideration the inflation and the current economy, while a 4% tax levy would typically be the recommendation a flat tax rate would be favored in order to not hit the community with a 3% increase on their tax rate. (**Morris/Allen**)
- The levy reflects the fact that everything is rising in cost and the City does not have unlimited funds to absorb all the increases across the board. This rate would create a balance between keeping things affordable and moderate for the community, but also recognizing that there are increases in expenses and everything that goes up affects our budget. (**Mayor Nicholls**)
- A 4% increase on a \$300,000 home is roughly \$25 annual increase, but not just one item on the bill is affected. When looking at a tax bill there are about 22 items on the bill that need to be considered. When voting for the tax increase, City Council needs to consider that there are 20 other items on a tax bill that are also rising in cost. A 2% or 3% tax increase is appropriate; a 4% increase is unreasonable. (**Morales**)
- As mentioned by Mayor Nicholls, the levy is the overall collection of taxes. If the rate is maintained at 3% like the year before, your property taxes will be the same amount as last year. If the property



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has increased in value from the previous year, that is when the levy increases. The 3% rate stays the same, but the levy increases because the value of the property increases. (Allen/Morris)

- Another element for City Council to take into consideration when voting on the tax levy is the City's support of affordable housing. If an additional dwelling unit is built on a property, the value of the property will increase. When properties go up in value, property taxes go up, which means if someone is leasing a unit on their property, they will have to increase the monthly rent to cover the expense of the tax increase. (Morales)
- Carrying forward in the same fashion is smart. There is not a lot of opportunity to make a lot of changes when it comes to these types of tax rates; a 3% tax increase is reasonable. (Smith)
- Property tax is our most stable revenue source. Reducing the tax rate from 3% to 2% will not immediately cause a substantial impact to the operations budget, but it can be affected in the future. Last year the State Legislature took away the City's ability to tax rental properties, and there were also discussions of removing the grocery tax. If we lose those abilities and we are not collecting a suitable amount of property tax, there will be a substantial impact on the budget in the future. Keeping the 3% rate is moving in a positive direction without having to do budget cuts in other areas. (McClendon/Simonton)
- A lot of things can happen at the state level. Money that the City is expecting to be awarded might or might not be issued, it depends on the State's final budget. That is one reason to not rely on State Legislature funds. (Mayor Nicholls)

**Motion** (Morales/Morris): to adopt Resolution R2024-020, the Fiscal Year 2025 Annual Budget, in the amount of \$297,846,327 as amended, which excludes funding for Visit Yuma and the Capital Improvement Program, that were approved through prior motions and includes an amended primary levy rate of 2.1321, and to amend schedule B to reflect this rate.

Bushong displayed the following title(s):

**Resolution R2024-020**

**A resolution of the City Council of the City of Yuma, Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year 2025 beginning July 1, 2024, and ending June 20, 2025 (Tentative Annual Budget Fiscal Year 2025), which incorporates the budgets for each of the twelve Improvement Districts and the Main Street Mall and Off-Street Parking Maintenance District No. 1; and declaring that such shall constitute the adopted budget of the City of Yuma for Fiscal Year 2025; adopting a three percent increase in both the Residential Solid Waste fee and the Environmental Solid Waste fee; authorize one-time residual equity transfer to restate the Desert Hills Golf Course fund balance; declaring the necessity of Boards and Commissions; and authorizing employment of outside legal counsel (budget process provides the opportunity to match the needs of the City and available resources with the interest of gaining the maximum return on each dollar)**

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

**Mayor Nicholls** reconvened the Regular City Council meeting at 7:00 p.m.

Ordinance O2024-022 – Adopt the Fiscal Year 2025 City of Yuma Primary Property Tax Levy, the Main Street Mall and Off-Street Parking Maintenance District No. 1 Property Tax Levy, and 12 Municipal Improvement District Tax Levies (Adopt the Fiscal Year 2025 Primary Property Tax Levy, the Main Street Mall and Off-Street Parking Maintenance District No. 1 Levies) (Admn/Fin)

**Motion** (Smith/Morales): To amend Ordinance O2024-022 to reflect the primary levy rate of 2.1321 and be introduced as amended.

Voice vote: **adopted** 7-0

Bushong displayed the following title(s)

#### **Ordinance O2024-022**

**An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2025 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous Fiscal Year, providing a general fund; and fixing, levying, and assessing upon property subject to taxation within the boundaries of each of the respective maintenance improvement districts numbered 100, 102, 104, 107, 108, 109, 110, 111, 112, 113, 115, 120 and also upon property subject to taxation within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said District, all for the fiscal Year beginning July 1, 2024 and ending June 30, 2025 as amended.** (Fiscal Year 2025 Adopted Annual Budget is based in part upon an estimated primary property tax levy that is anticipated to raise \$16,601,516 in tax revenue)

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

### Appointments

**Motion** (Morales/McClendon): To appoint Ray Face to the to the Industrial Development Authority, with a term expiration of June 22, 2030. Voice vote: **approved** 7-0.

**Motion** (Morris/Smith): To appoint Sean Kerley to an unexpired term on the Residential Advisory Board with a term expiration of December 31, 2025; and Daniel Delint II and Edgar Garibay to expired terms on the Residential Advisory Board with term expirations of December 31, 2028. Voice vote: **approved** 7-0.

**Motion** (Smith/Morales): To appoint Andrew Scott to an unexpired term on the Water and Sewer Commission, with a term expiration of December 31, 2027. Voice vote: **approved** 7-0.

### **FINAL CALL**

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

### Announcements

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

- EMS Week at City Hall
- Water Safety Day at the Valley Aquatic Center
- “Today in Yuma” Radio Show for Water Safety Wednesdays

- 47<sup>th</sup> Annual Peace Officer Memorial Day Service
- Attainable Housing Committee Kick Off Event
- Geocaching Mega Event Block Party Planning Roundtable
- Chamber of Commerce Member Mixer
- Arizona Tourism and Lodging Association
- Clean and Beautiful Commission Meeting
- Greater Yuma Economic Development Corporation (GYEDC) Board Meeting
- Yuma Metropolitan Planning Organization (YMPO) Board Meeting
- Sunrise Optimist Club Breakfast Meeting
- Arizona State University (ASU) Decision Center Sponsored by Helios
- Arizona Commerce Authority Board Meeting

### Scheduling

**Motion** (Morales/Smith): To reschedule the City Council Worksession and City Council meeting originally scheduled for June 18<sup>th</sup> and 19<sup>th</sup>, 2024, to June 25<sup>th</sup> and 26<sup>th</sup>, 2024 respectively, due to the Juneteenth holiday. Voice vote: **approved** 7-0

**Motion** (Morris/Smith): To cancel the July 3<sup>rd</sup>, 2024, City Council meeting due to the Independence Day holiday. Voice vote: **approved** 7-0

### **VIII. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- June 6 – Grand Opening of Fire Station 7
- Simonton reported on the new road markings recently painted in front of fire stations and the police department. The white X inside the large square is meant to let drivers know to not block that area to first responders.
- June 8 – Teen Party: Night Pool Party at Marcus Pool
- Simonton reminded the community that City Hall will be closed June 19<sup>th</sup> due to the Juneteenth holiday. Trash services will not be affected.

### **IX. CALL TO THE PUBLIC**

**Patricia Ribble**, City resident, spoke regarding the fiber optic installation in the Orchard Garden RV Park Co-Op done by Allo Communications. **Ribble** states Allo has caused damage to the RV Park and they are not doing anything to repair the damages.

**Bill Gibbs**, City Resident, shared his concerns with **Ribble**. Allo has damaged artificial turf and tried to replace the turf with Bermuda grass. The cleanup work on the project as it stands now is unacceptable. Year-round residents are unhappy and seasonal residents will not be happy when they return.

**Karen Watts**, City resident and representative of the National Association for the Advancement of Colored People (NAACP) Yuma Chapter, thanked the City of Yuma Parks and Recreation Department for working closely with the NAACP along with the City of Yuma Fire Department and the Yuma Police Department to

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make their Juneteenth Celebration a safe event. **Watts** invited the community to attend the event on June 15, 2024, at Carver Park which will have free activities for the whole family to enjoy.

**Alexis Liggett**, non-resident, asked for the City Council's permission to add the City of Yuma programs and activities to the Classwallet website for Empowerment Scholarship Accounts (ESA) families to be able to view and participate in community activities. **Liggett** also thanked Randy Crist, Eric Urfer and City Council for their help and collaboration with the Inclusive Play Project and mentioned the We-Go-Swing has been in use at the West Wetlands Park for over a year now and has received positive feedback from the community.

The following people spoke regarding their concerns of censorship of the public by City Council:

- **Charlene Young**, City resident
- **Alea Hassin**, City resident
- **Layla Hassin**, City resident

**X. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Moriss/Smith): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 7:34 p.m.

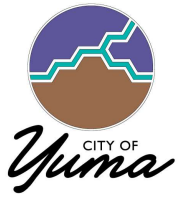
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Lynda L. Bushong, City Clerk

APPROVED:

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

Approved at the City Council Meeting of:

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



# City of Yuma

## City Council Report

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**File #:** MC 2024-096

**Agenda Date:** 7/17/2024

**Agenda #:** 2.

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**Special Council Meeting Draft Minutes June 18, 2024**

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JUNE 18, 2024**  
**5:00 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:04 p.m.

**ROLL CALL**

Councilmembers Present: Morales, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls  
Councilmembers Absent: Smith  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
Deputy City Clerk, Janet L. Pierson

**I. DISCUSSION AND POSSIBLE ACTION**

City Council Appointed Positions/Committees – Greater Yuma Port Authority (GYPA)

**Mayor Nicholls** explained that this item was necessitated as GYPA is having their annual retreat and envisioning session later this week and that former Councilmember Knight was the City of Yuma's assignee to that committee. GYPA bylaws do not allow for a substitute and the City of Yuma must have a voted-in member from the City Council to participate. The City of Yuma has put a lot of work into GYPA over the years and Mayor Nicholls would like to continue with that work. Coming out of normal decorum Mayor Nicholls stated he would like to have City Council's approval to represent the City of Yuma at GYPA and opened it up for discussion and debate.

**Morales** stated that Mayor Nicholls has the background and the communication with Councilmember Knight and is the perfect person to continue the mission of the City with GYPA and stated he would support that motion.

**Motion** (Morris/Morales): To appoint Douglas J. Nicholls to the Greater Yuma Port Authority to fill the remainder of Gary Knights term. Voice vote: **approved** 6-0.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:06 p.m.

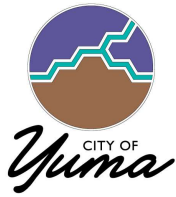
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Lynda L. Bushong, City Clerk

APPROVED:

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

Approved at the City Council Meeting of:

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



# City of Yuma

## City Council Report

File #: MC 2024-091

Agenda Date: 7/17/2024

Agenda #: 1.

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

### TITLE:

**Teletrack Wagering License: Turf Paradise at Showcase Sports Bar**

### SUMMARY RECOMMENDATION:

Approve a request submitted by David Johnson, Vice President of Turf Paradise, for the renewal of a Teletrack Wagering license at Showcase Sports Bar, located at 2703 S. 4th Avenue, with a term to expire on June 30, 2027, to coincide with the term of Turf Paradise's State license. (OTB24-01) (City Administration/City Clerk) (Lynda L. Bushong)

### STRATEGIC OUTCOME:

Approval of this Motion aligns with City Council's Respected and Responsible strategic outcome as it provides notification and transparency of City processes to the public.

### REPORT:

Turf Paradise obtained a Teletrack Wagering License to operate additional wagering facilities at Showcase Sports Bar in 2021. This license expired on May 31, 2024. David Johnson, Vice President of Turf Paradise, in conjunction with the owners of Showcase Sports Bar are requesting City Council's approval to renew the Teletrack Wagering License. State racing licenses are granted for a three-year period; therefore, the renewal request is for an additional three-year term to coincide with the term of their State Racing License that expires on June 30, 2027. The owners of Showcase Sports Bar have expressed their support for this operation through a Teletrack Wagering Facility Agreement with Turf Paradise.

Approval of a Teletrack Wagering license, including the length of term, may be based on public input. Pursuant to the state statutes that govern Teletrack Wagering, the City Council may determine whether the proposed location is in the public's best interest or convenience.

This request has been forwarded to Planning and Neighborhood Services, Police Department, Fire Department, Risk Management, and Business Licensing for review. No objections have been received.

Upon City Council approval, this request will be forwarded to the Arizona Department of Gaming for final processing.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

None

**ADDITIONAL INFORMATION:**

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

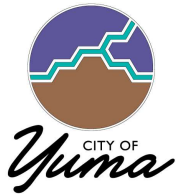
1. Turf Paradise Letter of Request
2. Teletrack Wagering Facility Agreement

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

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

Acting City Administrator: John D. Simonton	Date: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024





# City of Yuma

## City Council Report

File #: MC 2024-092

Agenda Date: 7/17/2024

Agenda #: 2.

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

### TITLE:

**Request for Proposals (RFP) Award: Offsite Fuel Card Services**

### SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a two-year agreement for Offsite Fuel Card Services with the option to renew for three additional one-year periods, one period at a time, subject to the appropriation of funds and satisfactory performance to McNeece Bros. of Yuma, Arizona for an estimated annual expenditure of \$2,000,000.00. (Public Works- RFP 24-284) (Joel Olea/Robin R. Wilson)

### STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Respected and Responsible by ensuring the City's vehicle fleet has accessible fuel sites.

### REPORT:

The City requested proposals from vendors for offsite fuel card services, to be open 24 hours a day, 7 days a week, 365 days per year, with unattended fueling sites designed for the City's fleet vehicles. These services are imperative to maintain fleet operations for all of the City's motorized vehicles and equipment.

The offsite fueling system will provide accurate and real time data, while accounting for all dispensed fuel. The services provided will be a stand-alone, user friendly, fully automated system operating completely unattended. Access to products are restricted through magnetic strip cards, with keypad inputs, which will perform a predetermined series of data that the system is designed to receive and track.

This agreement is for the City's cost of gasoline, diesel, and diesel exhaust fluid (DEF). All fuel pricing is based on the Oil Price Information Service (OPIS) Phoenix, AZ report. The City's cost for all fuel is \$.25 over the distributors cost and the DEF is a flat rate of \$2.69 per gallon.

The City received proposals from McNeece Bros. Oil Co. and Sellers Petroleum, both from Yuma. The evaluation committee, comprised of City staff, reviewed and rated the proposals received, based on the scoring matrix provided to each firm responding to the RFP. Staff is recommending award to McNeece Bros. as they were the highest-ranking fuel distributor with the lowest markup cost.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	2,000,000.00	BUDGETED:	2,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

6805 Fuels & Lubricants for all City departments		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

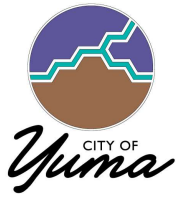
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024



# City of Yuma

## City Council Report

File #: MC 2024-093

Agenda Date: 7/17/2024

Agenda #: 3.

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

### TITLE:

**Declaration of Surplus and Authorize Donation: Fire Engine**

### SUMMARY RECOMMENDATION:

Authorize the donation of a 1995 Pierce Arrow Pumper to the Town of Wellton, Arizona. (Yuma Fire Dept.) (Dustin Fields)

### STRATEGIC OUTCOME:

Donating this fire engine to a neighboring local community to meet the needs of their emergency responses furthers the City Council's strategic outcome of Respected and Responsible as the benefit to the greater Yuma community is far greater than the surplus value.

### REPORT:

The Yuma Fire Department has identified a 1995 Pierce Arrow Pumper, (fire engine) as surplus. The estimated residual value of the fire engine is approximately \$9,000.00. This fire engine was moved into reserve status in 2010 and has been replaced with another engine.

The Town of Wellton does not have a property tax, their sales tax rate is 3.5%, and their state shared revenue allotment does not allow for the purchase of a fire engine or for repairs to their current fire apparatus. The Town of Wellton has requested the donation of Yuma's surplus fire engine to meet the Town's urgent need for an emergency response vehicle.

The Yuma Fire Department requests that the surplus fire engine be donated to the Town of Wellton for their use as requested. Pursuant to Yuma City Code Chapter 38-01, City Council must authorize the donation or sale of surplus property with a value of \$2,500.00 or more. As this fire engine has a fair market value of approximately \$9,000.00, only City Council can authorize the donation of the fire engine to the Town of Wellton as surplus property.

**FISCAL REQUIREMENTS:**

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

TOTAL\$ 0.00

Click or tap here to enter text.		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

N/A

**ADDITIONAL INFORMATION:**

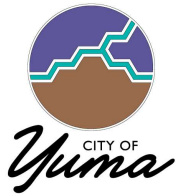
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024



# City of Yuma

## City Council Report

File #: MC 2024-094

Agenda Date: 7/17/2024

Agenda #: 4.

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

### TITLE:

**Bid Award: Environmental Laboratory Testing Services**

### SUMMARY RECOMMENDATION:

Award to the four qualified bidders for Environmental Laboratory Testing Services, with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance for an estimated annual expenditure of \$172,000.00, with the following firms: Eurofins Easton Analytical, LLC., Pomona, California; Eurofins Environment Testing Southwest, LLC., Phoenix, Arizona; SGS North America Inc., Rutherford, New Jersey; Tempe, Arizona; Turner Laboratories, Inc., Tucson, Arizona. (Utilities Department - RFP-24-297) (Jeremy McCall/Robin R. Wilson)

### STRATEGIC OUTCOME:

Awarding these contracts will allow the City to conduct the mandatory testing needed to meet the sampling requirements for the water and wastewater plants, which aligns with the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible.

### REPORT:

The City of Yuma utilizes professional services for environmental laboratory testing services in accordance with United States Environmental Protection Agency, Arizona Department of Environmental Quality, and Arizona Department of Health Services requirements. The City requires the testing of drinking water, wastewater, wastewater biosolids, solid and liquid hazardous waste, and air matrices for physical measurements, inorganic chemicals, organic chemicals, radionuclides, and chronic toxicity for the City's two Wastewater Treatment Plants, two Water Treatment Plants, and the Pretreatment and Risk Management programs. Samples are collected and analyzed to comply with the Clean Water Act, the Safe Drinking Water Act, the Arizona Pollution Discharge Elimination System program, the Aquifer Protection Permit program, and the 40CFR503 biosolids regulations, the City's Pretreatment program and other Federal and State environmental programs. The frequencies of the monitoring requirements are varied as are the analytical requirements: daily, weekly, monthly, quarterly, semi-annually, and annually.

Proposals were received from four vendors. After reviewing and rating the proposals, the evaluation committee is recommending establishing contracts with the four laboratories. Due to the wide range of sample matrices and analytical methods, the use of multiple laboratories will enable the City to utilize laboratories that possess special expertise for specific testing, to split samples for data verification, to conduct quality control checks,

and, most importantly, to give the City more than one option if a laboratory's workload prevents them from receiving and analyzing time-crucial samples.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$172,000.00	BUDGETED:	\$172,000.00
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\$172,000.00			
421-41-46.6201 - Utilities Water Lab 431-41-56.6201 - Utilities Wastewater 431-41-53.6201 - Utilities Wastewater Pretreatment			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

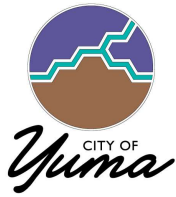
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024



# City of Yuma

## City Council Report

File #: MC 2024-095

Agenda Date: 7/17/2024

Agenda #: 5.

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

### TITLE:

**Ratification of Purchase Order: Emergency Sewer Bypass Smucker Park**

### SUMMARY RECOMMENDATION:

Ratify and approve a purchase order issued to Rain For Rent, Yuma, Arizona in an amount of \$129,236.96 for emergency bypass of a sanitary sewer line at Smucker Park. (Engineering/Utilities-EM-24-285) (David Wostenberg/Jeremy McCall/Robin R. Wilson)

### STRATEGIC OUTCOME:

The emergency sewer bypass pumping for Smucker Park supports the strategic outcome of Safe and Prosperous by ensuring both safety and sanitation of an adjacent school, park, and the environment.

### REPORT:

On January 22, 2024, the Utilities Department responded to a Sewer Sanitary Overflow (SSO) due to a damaged sewer line by Meridian, the general contractor hired by Yuma County Flood Control District. Utilities Department contacted Rain For Rent to place an emergency by-pass to enable City of Yuma Public Works Collections crews to repair the line of a 20-foot section of 12-inch sewer line.

On February 6, 2024, the Utilities Department responded to a collapsed manhole at the construction site due to embankment erosion that supported the manhole. The manhole structure emitted debris into the sewer line causing a blockage. Rain For Rent was contacted to place an emergency by-pass until the line was cleared.

On Feb 8, 2024, the City received a call from Meridian that a section of 18-inch sewer was leaking into Smucker Park Basin, which is adjacent to the Kofa High School parking lot. The City assessed the area and contacted Rain for Rent to do emergency by-pass to inspect the integrity of the sewer line. Once the City identified the issue, the City searched for a company to install a Cured in Place Pipe. The City contracted SAK to do the repair, which was approved through a ratification on May 15 by City Council.

Approval of this motion ratifies the \$129,236.96 expenditure by purchase order to Rain For Rent.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$129,236.96	BUDGETED:	\$129,236.96
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	\$129,236.96	431-97-77.8140 - 0013-Storm Smucker Park Basin	
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

Sufficient budget authority is provided in the City Council FY 2025 approved budget to ratify and approve this purchase order.

**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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024





# City of Yuma

## City Council Report

File #: R2024-036

Agenda Date: 7/17/2024

Agenda #: 1.

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

### TITLE:

**2024 Parks, Arts, Recreation and Trails Master Plan**

### SUMMARY RECOMMENDATION:

Approve the request to adopt the 2024 Parks, Arts, Recreation & Trails Master Plan. (Parks & Recreation) (Eric Urfer)

### STRATEGIC OUTCOME:

Approval of this 2024 Parks, Arts, Recreation, and Trails Master Plan aligns with City Council's Safe and Prosperous, Active and Appealing, Respected and Responsible, and Connected and Engaged strategic outcomes as the Master Plan provides a planning and development guide for the Parks and Recreation Department during the next 10 years.

### REPORT:

On August 2, 2023, the City engaged the services of Conservation Technix to produce a Parks, Arts, Recreation, and Trails (PART) Master Plan. This work has now been completed, the Master Plan has been published on the City website since July 3, 2024, and the plan is ready for adoption.

The Parks, Arts, Recreation, and Trails Master Plan is designed to be a functional guide for Yuma's Parks and Recreation Department and serves as the strategic plan for the planning period of 2024 to 2035. The Master Plan creates a vision for an innovative, inclusive, and interconnected system of parks, trails, and open space that promotes recreation, health, environmental conservation, and fiscal responsibility as integral elements of a thriving, livable Yuma.

The Plan serves as a blueprint for the management, enhancement, and growth of Yuma's park and recreation system. The Plan will assist in guiding decisions related to planning, developing, and maintaining parks, open space, and recreational facilities and identifies priorities for recreation programs, community events, cultural activities and facilities.

The 2024 PART Master Plan provides updated system inventories, community profile, needs analysis, and a comprehensive capital project list. The Master Plan identifies parks and recreation long-range goals including action items and strategies for implementation. The recommendations in this Plan are based on community input, evaluations of the existing park system, evaluations and recommendations for recreation programming base, operating conditions, and fiscal considerations.

This 2024 PART Master Plan reflects the current community priorities and will guide the Department's decision making and investments over the next ten years or more. The result will be a park and recreation system that expands access for all, builds strong communities, innovates for the future, and protects the natural environment in Yuma.

On April 16, 2024, the Park Commission unanimously endorsed the plan and recommends City Council approval.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

1. 2024 Draft Parks, Arts, Recreation, and Trails Master Plan

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024

**RESOLUTION NO. R2024-036**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF YUMA, ARIZONA, ADOPTING  
THE 2024 PARKS, ARTS, RECREATION &  
TRAILS MASTER PLAN**

WHEREAS, in August 2023, the City engaged the services of Conservation Technix (Consultant) to produce a Parks, Arts, Recreation and Trails (PART) Master Plan; and,

WHEREAS, the Parks, Arts, Recreation and Trails Master Plan is designed as a functional guide for Yuma's Parks and Recreation Department and serves as the strategic plan for the planning period of 2024 to 2035; and,

WHEREAS, the PART Master Plan also serves as a blueprint for the management, enhancement, and growth of Yuma's parks and recreation system; and,

WHEREAS, the Consultant surveyed City residents and hosted several engagement sessions to determine the community's preferences for parks and recreation services in Yuma; and,

WHEREAS, the PART Master Plan reflects current community priorities and will guide decision making and investments over the next ten years or more; and,

WHEREAS, the Parks, Arts and Recreation Commission unanimously endorsed the plan and is recommending Council approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows: the *2024 Parks, Arts, Recreation & Trails Master Plan*, attached as Exhibit A and by this reference made a part of this Resolution, is hereby adopted.

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

APPROVED:

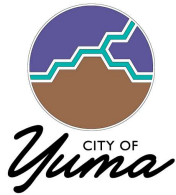
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

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



# City of Yuma

## City Council Report

File #: R2024-037

Agenda Date: 7/17/2024

Agenda #: 2.

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

**TITLE:**

**Memorandum of Understanding: Airport Cooperative Operational Security Plan**

**SUMMARY RECOMMENDATION:**

Approve a Memorandum of Understanding between the City of Yuma and the Yuma County Airport Authority to create a cooperative operational security plan. (Police/Patrol) (Tom Garrity)

**STRATEGIC OUTCOME:**

This Memorandum of Understanding is in accordance with the City Council's Safe and Prosperous and Connected and Engaged Strategic Outcomes. The approved agreement will allow the City of Yuma and the Yuma County Airport Authority to meet and agree upon an Operational Security Plan.

**REPORT:**

The Yuma County Airport Authority operates and manages the Yuma International Airport (Airport) and all of its operations. The Code of Federal Regulations requires that the Airport have an Airport Security Program to provide for the safety and security of persons and property on an aircraft from acts of criminal violence, aircraft piracy, and the introduction of unauthorized weapons, explosives, and incendiaries. The operation of an airport can present unique security challenges, and security threats and issues at the Airport can directly impact the City of Yuma.

The Yuma Police Department has traditionally responded to the Airport to provide security or investigate threats or criminal activity. The Airport and the City of Yuma have a history of coordinating to create an Operational Security Plan to ensure the safety of the community and Airport patrons and personnel.

By adopting this resolution, the Mayor and City Council authorize the City of Yuma, through the Yuma Police Department, to enter into a Memorandum of Understanding with the Yuma County Airport Authority to meet and agree upon an Operational Security Plan not later than 90 days following the effective date.

**FISCAL REQUIREMENTS:**

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

TOTAL \$ 0.00

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

**FISCAL IMPACT STATEMENT:**

There may be training associated with implementing this Operational Security Plan. These expenditures will come out of the General Fund.

**ADDITIONAL INFORMATION:**

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

NONE

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024

**RESOLUTION NO. R2024-037**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,  
AUTHORIZING AND APPROVING THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF YUMA AND YUMA COUNTY AIRPORT AUTHORITY  
CREATING A COOPERATIVE OPERATIONAL SECURITY PLAN**

WHEREAS, the City of Yuma (“City”) is authorized, pursuant to Arizona Revised Statutes (“A.R.S.”) §11-952, to contract for services and enter into agreements with other public agencies for joint or cooperative action; and,

WHEREAS, the Yuma Internantional Airport (Airport) operates within the City; and,

WHEREAS, the Airport has multiple flights to and from Phoenix, Arizona and Dallas Fort Worth, Texas; and,

WHEREAS, the Code of Federal Regulations requires the Airport have an Airport Security program to provide for the safety and security of persons and property on an aircraft from acts of criminal violence, aircraft piracy, and the introduction of unauthorized weapons, explosives, and incendiaries; and,

WHEREAS, the operation of an airport can present unique security challenges and security threats; and,

WHEREAS, issues occurring at the Airport can directly impact the City; and,

WHEREAS, the Airport and City have a history of coordinating to create an Operational Security Plan to ensure the safety of the community and airport patrons and personnel; and,

WHEREAS, the Airport and the City wish to continue the cooperative safety efforts.

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

SECTION 1: The City Council finds entering into a Memorandum of Understanding with Yuma County Airport Authority for the purpose of coordinating to create an Operational Security Plan is in the public interest by promoting a safe and prosperous community.

SECTION 2: The document titled *Memorandum of Understanding between the City of Yuma and Yuma County Airport Authority Creating a Cooperative Operational Security Plan*, attached and incorporated into this Resolution by reference, is approved for signature on behalf of the City of Yuma.

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

APPROVED:

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

ATTESTED:

APPROVED AS TO FORM:

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

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF YUMA AND YUMA COUNTY AIRPORT  
AUTHORITY CREATING A COOPERATIVE OPERATIONAL SECURITY PLAN**

This Memorandum of Understanding Creating a Cooperative Operational Security Plan ("MOU") is entered into by and between Yuma County Airport Authority ("Airport") and the City of Yuma ("City"), on behalf of itself and the Yuma Police Department ("YPD"). The Airport and City are referred to individually as "Party" and collectively as the "Parties."

**RECITALS**

WHEREAS, the Airport operates within the City; and

WHEREAS, the Airport has multiple flights to and from Phoenix, Arizona and Dallas Fort Worth, Texas daily; and

WHEREAS, the Code of Federal Regulations requires the Airport have an Airport Security Program to provide for the safety and security of persons and property on an aircraft from acts of criminal violence, aircraft piracy, and the introduction of unauthorized weapons, explosives, and incendiaries; and

WHEREAS, the operation of an airport can present unique security challenges, and security threats and issues occurring at the Airport can directly impact the City; and

WHEREAS, the Airport and City have a history of coordinating to create an Operational Security Plan to ensure the safety of the community and airport patrons and personnel; and

WHEREAS, the Airport and the City wish to continue the cooperative safety efforts.

**NOW THEREFORE**, in consideration of the mutual promises set forth herein, the Parties hereby agree to the following terms and conditions:

**I. EFFECTIVE DATE.** The Effective Date is the date of the last signature to this MOU.

**II. TERM, TERMINATION, AND RENEWAL.** This MOU shall be for a term of five (5) years starting on the Effective Date ("Initial Term"). This MOU may be renewed for one (1) additional five (5) year period ("Renewal Term") upon written request by the Airport to the City made not less than thirty (30) calendar days prior to the date of expiration of the Initial Term. Renewal is discretionary for both Parties. This MOU may be terminated by either Party, with or without cause, upon thirty (30) calendar days' written notice to the other Party.

**III. OPERATIONAL SECURITY PLAN.**

**A.** The Parties shall meet and agree upon an Operational Security Plan not later than ninety (90) days following the Effective Date. The Chief of Police, or designee, is authorized to engage in this planning and sign the Operational Security Plan on behalf of the City.

**B.** The Operational Security Plan is incorporated by reference.

**C.** The release, disclosure, distribution, and availability of the Operational Security Plan shall be governed by 49 CFR 1542.101, and all requests to the City for its release shall be referred to the Airport Director.

**D.** The Parties shall review the Operational Security Plan annually and update if necessary. Updated Operational Security Plans are incorporated automatically, once signed by the Parties. The Parties may update the Operational Security Plan any time circumstances warrant or require a deviation from the current plan.

**E.** Each Party is responsible for the funds and equipment necessary to support the Operational Security Plan.

**F.** Each Party is responsible for its own costs arising from this MOU.

**G.** Each Party is responsible for ensuring their respective employees, agents, and representatives are aware of the requirements of the Operational Security Plan and are sufficiently trained and equipped to comply.

**H.** In the event a Party has insufficient staffing, training, or equipment to safely comply with the Operational Security Plan, that Party must notify the other Party within seventy-two (72) hours.

#### **IV. RECORDS AND MEDIA STATEMENTS.**

**A.** Records retained and maintained by the Airport are not records of the City for purposes of the Arizona public record laws.

**B.** Records retained and maintained by YPD and the City of Yuma are public records governed by Arizona state law.

**C.** YPD shall permit and have readily available all records relating to this MOU for examination and auditing by the Airport, to include their authorized agents or representatives. YPD shall maintain all such records in compliance with the State of Arizona retention schedules, or for a period of three (3) years after termination of this MOU, whichever is longer. In the event of a pending examination or audit, YPD shall ensure the records are retained until the examination or audit is complete.

**V. NON-DISCRIMINATION.** The Parties shall comply with the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order No. 2009-09, as amended by State Executive Order 2023-01, which mandates 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.



**VI. INDEMNIFICATION.** The Parties are individually responsible for the conduct of their own operations and performance of obligations pursuant to this MOU and for any accidents, injuries, deaths, damage or loss of property, or other losses or damages arising out of the negligent or wrongful acts or omissions of its employees, officers, agents, and representatives acting within the course and scope of their employment and/or while performing the duties undertaken pursuant to this MOU.

**VII. WAIVER.** No provision in this MOU shall be construed, expressly or by implication, as waiver by the Parties of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this MOU. The failure of either Party to insist upon strict performance of any of the provisions of this MOU, or to exercise any of the rights or remedies provided by this MOU, 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 MOU, and shall not be deemed a waiver of any right of either Party to insist upon strict performance of this MOU.

**VIII. ENTIRE AGREEMENT.** This MOU, in conjunction with the Operational Security Plan, as amended, constitutes the entire understanding of the Parties. There are no representations or MOUs other than those contained within this MOU. Any amendment or modification of this MOU shall be made only by a written instrument executed by authorized representatives of the Parties.

**IX. COUNTERPARTS.** This MOU may be executed in multiple counterparts, each of which shall constitute an original and together shall constitute the MOU.

**X. SEVERABILITY.** The Parties agree that should any part of this MOU be held to be invalid or void, the remainder of the MOU shall remain in full force and effect and shall be binding upon the Parties.

**XI. GOVERNING LAW AND VENUE.** This MOU shall be governed by the laws of the State of Arizona. All judicial proceedings arising from or related to this MOU shall be instituted and maintained in a court of competent jurisdiction in Yuma County, Arizona (or as may be appropriate, in the United States District Court for the District of Arizona, if, and only if, a Yuma County court lacks jurisdiction). 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.

**XII. CONFLICT OF INTEREST.** This MOU is subject to cancellation pursuant to A.R.S. §38- 511, the pertinent provisions of which are incorporated herein.

**XIII. NOTICES.** All notices and correspondence between the Parties regarding this MOU shall be in writing and shall be deemed given if delivered in person, by electronic mail with delivery receipt, or ten (10) days after mailing, by United States registered or certified mail, postage prepaid, and addressed to the following:

Yuma County Airport Authority Yuma International Airport Airport Director 2191 East 32 <sup>nd</sup> Street, Suite 218 Yuma, Arizona (928) 726-5882	City of Yuma Captain of Support Services 1500 South 1 <sup>st</sup> Avenue Yuma, Arizona 85364 (928) 373-4783 luis.marquez@yumaAZ.gov <i>or</i> Chief of Police 1500 South 1 <sup>st</sup> Avenue Yuma, Arizona 85364 (928) 373-4700 thomas.garrity@yumaAZ.gov
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In the event the contact information or notice destination of a Party changes, it shall notify the other Party of the new information, in writing, within five (5) business days. The Parties may designate other individuals in the Operational Security Plan to act as the point of contact for tactical operations and non-administrative actions.

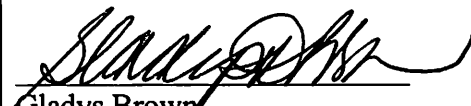
**XIV. RELATIONSHIP OF PARTIES.** Each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. Each Party is responsible for the supervision and management of its personnel, to include the payment of wages and provision of benefits. The Parties shall not exchange personnel or funds pursuant to this MOU.

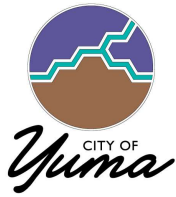
**XV. EMPLOYMENT ELIGIBILITY.** Each Party warrants, and shall require its subcontractors to warrant, that it is in compliance with all federal immigration laws and regulations that relate to its employees, and with A.R.S. §§ 41-4401 and 23-214 relating to verification of employment eligibility. A breach of this warranty shall be deemed a material breach of the MOU and is subject to penalties up to and including termination of this MOU. The Parties retain the legal right to inspect the papers of any Party or subcontractor employee who works on this MOU to ensure that the other Party or its subcontractors are complying with this warranty.

**XVI. RIGHTS/OBLIGATIONS OF PARTIES ONLY.** The terms of this MOU are intended only to define the respective rights and obligations of the Parties. This MOU shall not create any rights or duties in favor of any potential third-party beneficiary or other person, agency, or organization.

**XVII. AUTOMATIC INCORPORATION.** All applicable Federal, State, and local laws, court orders and decisions, Executive Orders, rules and regulations not specifically referenced herein are deemed automatically incorporated.

**XVIII. AUTHORITY OF SIGNATORIES.** The persons executing this MOU on behalf of the Parties represent and guarantee they are authorized to do so, on behalf of themselves and the entity they represent, and avow to present this MOU to their governing bodies as applicable. Further representation is made that due diligence has occurred, and all necessary internal procedures and processes, including compliance with the open meeting law where necessary, have been satisfied to legally bind the entity to the terms of this MOU.

<p>City of Yuma</p>  <p>_____ John D. Simonton Acting City Administrator Date: _____</p>	<p>Yuma County Airport Authority</p> <p> Gladys Brown Airport Director Date: <u>APRIL 25, 2024</u></p>
<p>Yuma Police Department</p>  <p>_____ Thomas Garrity Chief of Police Date: _____</p>	
<p>ATTEST</p>  <p>_____ Lynda L. Bushong City of Yuma Clerk Date: _____</p>	
<p>APPROVED AS TO FORM</p>  <p>_____ Richard W. Files City Attorney Date: _____</p>	



# City of Yuma

## City Council Report

File #: R2024-038

Agenda Date: 7/17/2024

Agenda #: 3.

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

### TITLE:

**Intergovernmental Agreement: United States Border Patrol-Yuma**

### SUMMARY RECOMMENDATION:

Approve an intergovernmental agreement with United States Border Patrol (USBP)-Yuma for the use of the City of Yuma Public Safety Training Facility. (Police/Support Services) (Tom Garrity)

### STRATEGIC OUTCOME:

This intergovernmental agreement is in accordance with the City Council's Safe and Prosperous and Connected and Engaged Strategic Outcomes. The approved agreement will allow USBP-Yuma to use the City of Yuma Public Safety Training Facility for training of their personnel.

### REPORT:

The City of Yuma Public Safety Training Facility is utilized by the Yuma Police Department and the Yuma Fire Department for regular training. The Yuma Police Department and USBP-Yuma have a cooperative working relationship, often collaborating in areas of law enforcement and public safety. USBP-Yuma desires to use the City of Yuma Public Safety Training Facility for the training of sworn peace officers, firefighters, and other personnel.

By adopting this resolution, City Council authorizes the intergovernmental agreement with USBP-Yuma for use of the City of Yuma Public Safety Training Facility.

### FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

**FISCAL IMPACT STATEMENT:**

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024

**RESOLUTION NO. R2024-038**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
YUMA, ARIZONA, AUTHORIZING THE CITY OF YUMA TO  
ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
WITH UNITED STATES BORDER PATROL YUMA**

WHEREAS, the City of Yuma (City) owns a Public Safety Training Facility that the City sometimes makes available to other governmental agencies for training of personnel and related activities; and,

WHEREAS, the User Agency is a Federal agency operating within the City; and,

WHEREAS, the Yuma Police Department and United States Border Patrol (USBP)-Yuma often collaborate in areas of law enforcement and public safety; and,

WHEREAS, the City and USBP-Yuma value their cooperative working relationship; and,

WHEREAS, USBP-Yuma desires to use the City of Yuma Public Training Facility for training of their sworn peace officers, firefighters, and other personnel; and,

WHEREAS, it is in the best interest of the City to ensure USBP-Yuma has access to facilities that enable USBP-Yuma to provide ongoing training to personnel.

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

SECTION 1: The City Council finds entering into an Intergovernmental Agreement with USBP-Yuma to use the City of Yuma Public Training Facility is in the public interest.

SECTION 2: The document titled, *Intergovernmental Agreement between the City of Yuma and United States Border Patrol Yuma for use of the City of Yuma Public Safety Training Facility*, attached and incorporated by reference, is approved in accordance with its terms.

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

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

APPROVED:

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

ATTESTED:

APPROVED AS TO FORM:

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

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

**INTERGOVERNMENTAL AGREEMENT  
FOR  
USE OF THE CITY OF YUMA PUBLIC SAFETY TRAINING FACILITY**

This Intergovernmental Agreement ("Agreement") is entered into by and between U.S. Border Patrol, Yuma Sector Special Operations Detachment ("User Agency") and the City of Yuma ("City"), on behalf of itself and the Yuma Police Department ("YPD"). User Agency and the City are referred to herein individually as the "Party" and collectively as the "Parties".

**RECITALS**

WHEREAS, the City owns a Public Safety Training Facility ("PSTF") that it makes available to other governmental agencies for training of personnel and related activities; and

WHEREAS, the User Agency is a Federal agency operating within the City; and

WHEREAS, YPD and User Agency often collaborate in areas of law enforcement and public safety; and

WHEREAS, the City and User Agency value their cooperative working relationship; and

WHEREAS, User Agency desires to use the PSTF for training; and

WHEREAS, it is in the best interest of the City to ensure User Agency has access to facilities that enable it to provide ongoing training to personnel.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the Parties hereby agree to the following terms and conditions:

- I. **USE OF THE PSTF.** User Agency may use the PSTF for training of sworn peace officers, special agents, fire fighters, and other personnel, so long as such individuals are employees of the Federal government and are acting within their capacity as an employee during the use of the PSTF, or such other uses as deemed appropriate by mutual written agreement of the Parties. User Agency shall schedule its use of the PSTF at least thirty (30) days before the planned use by contacting YPD.
- II. **AUTHORITY.** The City is authorized to enter into this Agreement pursuant to Arizona Revised Statutes ("A.R.S.") § 11-952, *et. seq.*, Article III, Section 13 of the Charter of the City of Yuma. User Agency is authorized to enter into this Agreement pursuant to Department of Homeland Security Management Directive 0450.1, dated January 24, 2003.
- III. **EFFECTIVE DATE.** This Agreement is effective as of the date of the last signature of the Parties.
- IV. **TERM; TERMINATION.** This Agreement shall be for a term of five (5) years starting on the Effective Date ("Initial Term"). This Agreement may be renewed for one (1) additional five (5) year period ("Renewal Term") upon written request from the User Agency to the City not less than sixty (60) days prior to the date of expiration of the Initial Term. The decision to renew shall be in the sole discretion of the City.

This Agreement may be terminated by either Party, with or without cause, upon thirty (30) days written notice to the other Party. Within ten (10) days following termination or non-renewal of this Agreement, the User Agency shall return all property belonging to the City unless otherwise agreed in writing by the Parties.

- V. **USE FEES AND OTHER CHARGES.** User acknowledges the City may opt to charge for the use of the PSTF in such amounts as may be established by the City and incorporated into a written fee schedule. The City will provide USER AGENCY with written notice of the fee schedule prior to implementation. In the event User Agency does not agree with the fee schedule, User Agency may terminate this Agreement as provided in Section III. The User Agency agrees to pay for all consumable product replacement, repair and/or replacement of property and loaned equipment at the PSTF that is damaged, destroyed or rendered inoperable, in part or in whole, as a result of the User Agency's use of the PSTF. Use fees and other charges shall be due and payable within thirty (30) days of receipt of the City's written itemized invoice.
- VI. **EQUIPMENT REQUIREMENTS.** Prior to the User Agency's use of the PSTF, the City shall provide User Agency a written list specifying the supplies and equipment necessary for the User Agency to safely and properly use the PSTF. The User Agency shall, at its sole cost, obtain all listed equipment and supplies prior to its use of the PSTF.
- VII. **SUPERVISION AND CONTROL.** The City may assign a monitor to ensure User Agency uses the PSTF appropriately. User Agency shall supply its own instructors and support personnel. The City reserves the right to immediately terminate User Agency's use of the PSTF if, in the City's sole discretion, it is determined that such use has resulted or may result in damage to the PSTF or if such use otherwise presents a threat to the safety of persons or property.
- VIII. **RELATIONSHIP OF THE PARTIES.** Each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. Each Party is solely liable for any workers' compensation or other benefits received by their respective employees. Each Party is responsible for the supervision and management of its own personnel. The Parties shall not exchange funds or personnel as a provision of this Agreement.
- IX. **NON-DISCRIMINATION.** The Parties shall comply with the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order No. 2023-01, amending State Executive Orders 2003-22 and 2009-09, the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, as amended.
- X. **RESPONSIBILITY**
- a. **Assumption of Risk; Liability.** User Agency agrees to conduct its activities at the PSTF in a careful and safe manner. User Agency agrees to assume all risk of damage to, loss, or theft of User Agency's property while such property is located or used at the PSTF. User Agency agrees that all persons in attendance at User Agency activities at the PSTF will be



Federal employees acting within the course and scope of their employment. User Agency waives all claims against the City.

User Agency agrees to be responsible and assumes liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the fullest extent required by law, to include the Federal Tort Claims Act, 5 U.S.C §2671, *et seq.* In the event of damage, loss, injury, or death arising from User Agency's use of or activities at the PSTF, the person or entity suffering the loss may submit a claim to User Agency under the Federal Tort Claims Act, and such claim will be processed and paid in accordance with applicable law.

- b. Limitation on Negligence of the City; PSTF Accepted "As Is". User Agency acknowledges and agrees the City has given User Agency full prior access to all portions of the PSTF for inspection of the PSTF to determine its suitability for the intended use. The City agrees to provide access for inspection, upon request, to User Agency prior to its scheduled use. User Agency avows that User Agency's personnel who conduct inspections have all the relevant structural, materials, electrical and other expertise necessary to make such a determination, and that any failure of User Agency's said personnel to locate any defect whatsoever that might lead to any of the losses, damage or liability indemnified against in paragraph (a) above, or User Agency's failure to inspect, will constitute negligence on the part of the User Agency and its inspectors, and will not be considered negligence on the part of the City. The City is providing User Agency with the use of the PSTF solely on an "As Is" basis. User Agency agrees not to conduct any activities on any portion of the PSTF that User Agency and its qualified employees have not fully inspected and found to be suitable and safe for the intended use at the time such use is undertaken.

**XI. INSURANCE.** It is understood by the City that the User Agency, as an agency of the United States, is self-insured and as such does not carry liability insurance. The United States will be liable to the extent provided by the Federal Tort Claims Act, for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission User Agency employee acting within the scope of his/her employment while using the PSTF.

**XII. WAIVER.** No provision in this Agreement shall be construed, expressly or by implication, as waiver by the City of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this Agreement. The failure of either Party to insist upon strict performance 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 Agreement 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.

**XIII. INSTITUTIONAL REVIEW PROCESS.** Prior to the use of the PSTF, User Agency shall deliver to the City written descriptions of the User Agency's training program and intended uses and activities, including without special devices used in the training experience. User Agency agrees that the City may request intended activities not be undertaken, in the City's discretion. The City's failure to object to any activities so disclosed shall not constitute negligence on the part of the City under any circumstances, and User Agency shall remain fully responsible for the safe

conduct of all such activities. User Agency hereby acknowledges and agrees that no explosive charges will be detonated without the prior written consent of the City and that no live firearms will be discharged during any User Agency's use of the PSTF.

- XIV. ENVIRONMENTAL REGULATIONS.** User Agency will not permit any Hazardous Substance to be used, stored, generated or disposed of on, in or about the PSTF, or transported to or from the PSTF, by User Agency, User Agency 's officers, employees, contractors, invitees, agents, or persons attending or participating in User Agency's activities, without first obtaining the City's written consent, which the City has the sole discretion to grant and to revoke at any time. If the City consents, all Hazardous Substances must be handled at User Agency's sole costs and expense, in compliance with all applicable state, federal or local governmental requirements, using all necessary and appropriate precautions. If User Agency breaches these obligations or if the presence of Hazardous Substances on, in or about the PSTF caused or permitted by User Agency results in contamination of any part of the PSTF, or if contamination by Hazardous Substance otherwise occurs in a manner for which User Agency is legally liable, then User Agency will indemnify and hold harmless the City from and against any and all claims, actions, damages, fines, judgments, penalties, costs, liabilities, losses and expenses (including without limitation, any sums paid for settlement of claims, court costs, attorneys' fees, consultant and expert fees) arising during or after the expiration or termination of this Agreement as a result of any breach or contamination. Without limitation, if User Agency causes or permits the presence of any Hazardous Substance on, in or about the PSTF and this results in contamination of any part of the PSTF, User Agency will promptly, at its sole cost and expense, take all necessary actions to return the PSTF and any adjacent properties and structures to the condition existing prior to the presence of any Hazardous Substance. User Agency shall first obtain the City's approval for any such remedial action. "Hazardous Waste" or a "Hazardous Substance" as used herein are defined terms pursuant to state, federal or local government law. "Hazardous Substance" includes but is not restricted to asbestos, polychlorobiphenyls and petroleum.
- XV. ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding of the Parties with respect to the subject matter thereof. There are no representations or agreements other than those contained in this Agreement. Any amendment or modification of this Agreement shall be made only by a written instrument executed by authorized representatives of the Parties.
- XVI. 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.
- XVII. COUNTERPARTS.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original and together shall constitute the Agreement.
- XVIII. GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Arizona. All judicial proceedings arising from or related to this Agreement shall be instituted and maintained in a court of competent jurisdiction in Yuma County, Arizona (or, as may be appropriate, in the United States District Court for the District of Arizona, if, and only if, a Yuma County court lacks jurisdiction). 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.

**XIX. CONFLICT OF INTEREST.** This Agreement is subject to cancellation pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein.

**XX. NOTICES.** All notices and correspondence between the Parties regarding this Agreement shall be in writing and shall be deemed given if delivered in person, by electronic mail with delivery receipt, or ten (10) days after mailing, by United States registered or certified mail, postage prepaid, and addressed to persons below. In the event the contact information or notice destination of a Party changes, it shall notify the other Party of the new information, in writing, within five (5) business days.

City of Yuma  Nathan Dusek Law Enforcement Training Supervisor Yuma Police Department 1500 South 1 <sup>st</sup> Avenue Yuma, Arizona 85364 (928) 373-4700	[ENTER USER AGENCY INFORMATION]  <b>United States Border Patrol</b> Yuma Sector Special Operations Detachment 4035 S. Ave A Yuma, AZ 85365 928-785-6580
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**XXI. ASSIGNMENT.** This contract is not assignable unless both parties mutually consent otherwise in writing. The requirements of this contract are binding upon the heirs, executors, administrators, successors and assigns of both Parties.

**XXII. RELATIONSHIP OF PARTIES.** Each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. Each Party is responsible for the supervision and management of its personnel, to include the payment of wages and provision of benefits. The Parties shall not exchange personnel or funds pursuant to this Agreement.

**XXIII. EMPLOYMENT ELIGIBILITY.** Each Party warrants, and shall require its subcontractors to warrant, that it is in compliance with all federal immigration laws and regulations that relate to its employees and with A.R.S. §§ 41-4401 and 23-214 relating to verification of employment eligibility. 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.

**XXIV. RIGHTS/OBLIGATIONS OF PARTIES ONLY.** The terms of this Agreement are intended only to define the respective rights and obligations of the Parties. This Agreement shall not create any rights or duties in favor of any potential third-party beneficiary or other person, agency or organization.

**XXV. IMPOSSIBILITY.** No Party to this Agreement shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder for any reasons beyond its control, including without limitation, global or national pandemics, acts of God or of the public enemy, flood or storm, strikes, court decision order, or statutory regulation or rule of any federal, state or local government, or any agency thereof.

**XXVI. ATTORNEY'S FEES.** 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 all litigation, arbitration and collection expenses, including, but not limited to, witness fees, court costs, and reasonable attorney fees.

**XXVII. AUTOMATIC INCLUSION.** All applicable Federal, State and local laws, court orders and decisions, Executive Orders, rules and regulations not specifically referenced herein are deemed automatically incorporated.

**XXVIII. AUTHORITY OF SIGNATORIES.** The persons executing this Agreement on behalf of the Parties represent and guarantee they are authorized to do so, on behalf of themselves and the entity they represent. Further representation is made that due diligence has occurred, and all necessary internal procedures and processes, including compliance with the open meeting law where necessary, have been satisfied in order to legally bind the entity to the terms of this Agreement.

*[Signatures on the Next Page]*

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

City of Yuma

U.S. Border Patrol, Yuma Sector  
Special Operations Detachment

\_\_\_\_\_  
Jay Simonton,  
Acting City Administrator

\_\_\_\_\_  
Jefferie Barfield  
Patrol Agent in Charge, Yuma SOD

Date: \_\_\_\_\_

Date: 6/11/24

Yuma Police Department

\_\_\_\_\_  
Thomas Garrity  
Chief of Police

Date: \_\_\_\_\_

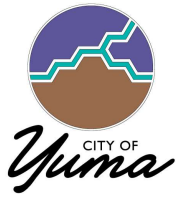
ATTEST:

\_\_\_\_\_  
Lynda Bushong  
City Clerk  
Date: \_\_\_\_\_

In accordance with the requirements of A.R.S. § 11-952, the undersigned attorney acknowledges: (1) he reviewed the above Agreement on behalf of his clients; and, (2) he has determined this Agreement is in proper form and is within the powers and authority granted to his client by the laws of the State of Arizona. Pursuant to A.R.S. § 11-952(E), Counsel for User Agency is not required to approve the form of this Agreement.

City of Yuma

\_\_\_\_\_  
Richard W. Files, City Attorney  
Date: \_\_\_\_\_



# City of Yuma

## City Council Report

File #: O2024-024

Agenda Date: 6/26/2024

Agenda #: 1.

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

### TITLE:

**Amend Yuma City Code: Regulating Parks Within the City**

### SUMMARY RECOMMENDATION:

Adopt a City ordinance to update current park operations and address ongoing issues in the parks.  
(Parks and Recreation) (Eric Urfer)

### STRATEGIC OUTCOME:

Safe and Prosperous: This update provides for easier enforcement of violations, and further provides the Director of Parks and Recreation the authority and flexibility to adopt or modify rules necessary for the daily operations and maintenance of City parks.

### REPORT:

[Clerk's note: Proposed ordinance changes since the June 5, 2024 City Council meeting concerning Unauthorized Vehicles (§ 170-06 in Section 1) are shown in red].

City ordinances pertaining to Parks and Recreation have not been modified since the 1990s and an update is warranted to reflect current park operations and address ongoing issues in the parks.

The City recently implemented a Park Patrol Program to help reduce vandalism and deter crime in City parks. The program has reinforced the need to adjust the current park ordinance and adjust park operations to assist in reaching the goals of the Park Patrol Program and better serve the community.

The City is also in the process of replacing and updating park playgrounds, restrooms, ramadas, picnic tables, benches, grills, and other amenities as called for in the 2024 Parks and Recreation Master Plan and has an interest in ensuring this equipment remains intact and safe for the public.

The proposed amendment eliminates outdated sections of the current ordinance, adds a definition section to clarify terms used throughout the ordinance, adds sections for Lakes, Ponds and Unauthorized Vehicles and amends Park Hours. For Park hours, the current City ordinance permits the use of City parks until 11:00 P.M. It is dark, or near dark, by 9:00 P.M. year-round in Yuma, Arizona. Many City parks do not have lighting appropriate or sufficient for safe nighttime use of City parks after dark. This condition provides an environment for criminal activity, resulting in damage to City property, graffiti, exposure to drugs and drug paraphernalia and potential unsafe conditions. The proposed ordinance allows flexibility for City parks frequented after 9:00 P.M. for programs and events, or due to extreme heat during daytime hours.

The proposed update to the ordinance provides for easier enforcement of violations, updates department information, and further provides the Director of Parks and Recreation the authority to adopt and/or modify rules necessary for the daily operations and maintenance of City parks.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 06/20/2024
Reviewed by City Attorney: Richard W. Files	Date: 06/18/2024

**ORDINANCE NO. O2024-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AMENDING TITLE 17, CHAPTER 170 OF THE YUMA CITY  
CODE REGULATING PARKS WITHIN THE CITY**

WHEREAS, City ordinances pertaining to Parks and Recreation have not been modified since the 1990's and an update is warranted; and,

WHEREAS, the current City ordinance permits use of City parks until 11:00 P.M; and,

WHEREAS, it is dark, or nearly dark, by 9:00 P.M. year-round in Yuma, Arizona; and,

WHEREAS, many City parks do not have lighting appropriate or sufficient for safe nighttime use; and,

WHEREAS, use of City parks after dark provides an environment for criminal activity, resulting in damage to City property, graffiti, exposure to drugs and drug paraphernalia during park clean-ups, and exposure to unsafe conditions by the public; and,

WHEREAS, there are City parks frequented after 9:00 P.M. for events, or due to extreme heat during daytime hours, and flexibility is necessary to allow for those uses while also protecting the quality and safety of the City parks; and,

WHEREAS, the City is in the process of replacing and updating playground equipment in the parks, to include the Inclusive Play Plan, and has an interest in ensuring this equipment remains intact and safe for the public; and,

WHEREAS, this update provides for easier enforcement of violations, and further provides the Director of Parks and Recreation the authority and flexibility to adopt and/or modify rules necessary for the daily operations and maintenance of City parks.

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

SECTION 1: Yuma City Code, Chapter 170: *Parks and Recreation*, is amended where strike through text indicates a deletion and bolded text indicates an addition as follows:

§ 170-01 ~~Desert Hills Golf Course hours.~~ **Definitions.**

~~—The Desert Hills Municipal Golf Course shall be open to the public as follows:~~

~~—(A) Summer (May 1 September 30): 6:00 a.m. to dark (daily) Wednesday through Monday; closed Tuesdays.~~

~~—(B) Winter (October 1 April 30): 7:00 a.m. to dark (daily) Monday through Sunday.~~

- 1. CITY PARK is defined as an area of land owned, leased, or operated by the City for recreational use by the general public.**



**2. ALCOHOL is defined as:**

- a. Any product obtained by the fermentation of grapes, other agricultural products containing natural or added sugar or cider or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four percent of alcohol by volume.
  - b. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, that produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.
  - c. Any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, rice, bran or other grain, glucose, sugar or molasses, or any combination of them, and may include, as adjuncts in fermentation, honey, fruit, fruit juice, fruit concentrate, herbs, spices and other food materials.
  - d. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, fruits preserved in ardent spirits, and any alcoholic mixture or preparation, whether patented or otherwise, that may in sufficient quantities produce intoxication.
- 3. VEHICLE is defined as a self-propelled device in or on which a person or property is transported, but does not include motorized wheelchairs, electric scooters, electric bicycles, motorized skateboards, personal delivery devices, or personal mobile carrying devices.**

**§ 170-02 Park Closing Regulations. Hours.**

~~—(A) All city parks, inclusive of all adjoining parking areas which are provided for parking for park users, are closed to the public from 11:00 p.m. to one hour prior to sunrise~~ **9:00PM to 5:00AM daily, unless otherwise posted at the individual park. Park hours may be modified by the City for the purposes of events or programs sponsored, sanctioned, or permitted by the City.**

~~—(B) All city athletic fields and recreation centers and gymnasiums which may be located adjacent to park properties are excluded from this provision when they are being provided for programs and/or activities which are co-sponsored or sponsored by the City of Yuma Special Services Department.~~

~~—(C) Special permits granted by the city for overnight camping in parks are not subject to this section.~~

~~—(D) A CITY PARK is defined as an area of land owned, leased, or operated by the city and developed for recreational use by the general public within the city limits.~~

**§ 170-03 Consumption of Alcohol in Parks; Glass Beverage Containers Prohibited.**

~~—(A) Alcoholic beverages defined. ALCOHOLIC BEVERAGES shall encompass all those items falling within the definition of BEER, SPIRITUOUS LIQUOR, and WINE, as defined in A.R.S. § 4-101.~~

~~—(B) Park classifications.~~

~~—(1) Mini park. Local and close to home space. Specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens. Service area for this type of park is less than one fourth mile. The size of the park is less than one acre. The desirable characteristics are close to neighborhoods and in close proximity to apartment complexes.~~

~~—(2) Neighborhood park. An area for intense recreational activities such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, and the like. Service area for this type of park is between one fourth to one half mile radius to serve a population up to 5,000 people in a neighborhood. The desirable size is from one to 15 acres. The desirable characteristics are suited for intense development and easily accessible to the neighborhood population geographically centered with safe walking and bike access. May be developed as a school park facility.~~

~~—(3) Community parks/specialized facilities. An area of diverse environmental quality. These parks may include areas suited for intense recreational facilities such as athletic complexes and large swimming pools. These areas may be ones of natural quality or outdoor recreation such as walking, viewing, sitting, picnicking, and other passive activities. It may be all or any of the combination of the above depending on the site suitability and community need. The service area to the community for this type of park is one to two miles and the size is from 15 to 25 acres. Community parks may also include features such as water bodies and areas suited for intense development. These parks are easily accessible to the neighborhood served.~~

~~—(4) Regional/metropolitan park. An area of natural or ornamental quality for outdoor recreation such as picnicking, play areas, boating, fishing, swimming, walking, and camping. The service area for this type of park is one hour driving time. A park of this nature will generally service several communities. The park size is from 25 to 200 acres. Regional/metropolitan parks may also include features that are contiguous to or encompassing natural resources.~~

~~(C) 1. Consumption prohibited. The consumption of alcoholic beverages alcohol is prohibited in City parks unless permitted. at all mini and neighborhood parks. The consumption of alcoholic beverages may be permitted at community and regional parks by permit.~~

~~(D) 2. Permit authorization. The Parks and Recreation Department is empowered to issue permits authorizing the consumption and possession of beer or malt liquor alcohol in community and regional City parks and to adopt rules and procedures for the issuance of such permits. Nothing herein, however, shall be deemed to authorize the consumption and possession of any alcoholic beverage in community and regional parks which is prohibited by state law.~~

~~(E) Exception. The following areas are exempt from the consumption and permitting provisions of this section:~~

- ~~—(1) Those areas specified as the premises covered by the City of Yuma liquor license.~~
- ~~—(2) The Arroyo Dunes Golf Course.~~
- ~~—(3) Caballero Park.~~
- ~~—(4) Other city facilities where special permits have been obtained pursuant to the City of Yuma Rules and Regulations for Parks and Recreational Facilities.~~

#### **§ 170-04 Glass Containers**

~~(F) Glass beverage containers prohibited. It shall be unlawful for any person to have a possess glass beverage containers in his possession in any public in any City park under the jurisdiction of the city.~~

#### ~~§ 170-04 Civic Center Rules and Regulations Adopted; Amendments.~~

~~—(A) The rules and regulations, standard operating procedures reference liquor and fee schedules of the Yuma Civic and Convention Center on file with the City Clerk and each and all of the rules and regulations, provisions, penalties, conditions and terms of said documents are hereby adopted as if set forth in full herein.~~

~~—(B) The rules and regulations, standard operating procedures and fee schedules for the Yuma Civic and Convention Center may be amended from time to time by the Council by resolution.~~

#### **§ 170-05 Lakes and Ponds**

- 1. Swimming or bathing in lakes and ponds located within City parks is prohibited.**
- 2. Fishing is permitted in lakes and ponds located within City parks, unless otherwise posted. All Arizona fishing laws shall be complied with.**

#### **§ 170-06 Unauthorized Vehicles**

- 1. Parking inoperable or unregistered vehicles in or on City parks and adjoining parking areas is prohibited.**
- 2. Only vehicles authorized by the City may be operated in areas other than those paved areas officially provided for vehicular ingress, egress and parking.**
- 3. Violations of A.R.S. § 28-3511 may also result in impoundment.**

#### **§ 170-99 Penalty**

~~—(A) Unless otherwise specifically provided for in this chapter, any Any person, entity, or corporation who shall violate found in violation of any provision of this chapter shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.~~

~~—(B) Any person who violates the provisions of § 170-02 of this chapter shall be guilty of a class 1 misdemeanor and is punishable by a fine not to exceed \$1,000 and a maximum of ten days in jail, or by both fine and imprisonment.~~

#### **SECTION 2: Penalty**

Any person, entity, or corporation found in violation of any provision of this ordinance shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.

SECTION 3: Repeal of Conflicting Ordinances

**Ordinance No. 1381 and Resolution No. 2064 are repealed. All ordinances and parts of ordinances in conflict with the provisions of this Chapter are repealed.**

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

APPROVED:

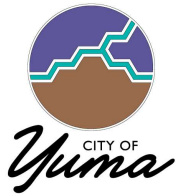
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

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



# City of Yuma

## City Council Report

File #: O2024-025

Agenda Date: 6/26/2024

Agenda #: 2.

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

**TITLE:**

**City of Yuma 2024 Special Election**

**SUMMARY RECOMMENDATION:**

Call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation. (City Administration/City Clerk's Office)

**STRATEGIC OUTCOME:**

This proposed City Charter amendment is advocated by a group of citizens on behalf of the community. Placing the proposed amendment on the 2024 Special Election ballot allows eligible voters to engage in the decision-making process and aligns with the Connected and Engaged strategic outcome, as well as Respected and Responsible.

**REPORT:**

Amendments to the Yuma City Charter are required to be approved by a majority of the votes cast by the qualified electors of the City of Yuma. The proposed ordinance calls a Special Election in conjunction with the General Election and designates the purpose, election date, voter registration deadline, and provides for publicity pamphlets.

During City Council discussion at the May 1, 2024 regular City Council meeting, a motion was approved by City Council to allow Yuma voters to decide whether the Yuma City Charter should reflect the recommendation to increase the Elected Official salaries and align them with the current cost of living rates and with other cities/towns within Arizona of a similar size. The approved motion stated that the Charter amendment would move forward on the November 5, 2024 ballot and read as follows (strikethrough text indicates proposed deletions and underlined bold text indicates proposed additions):

- Article VI, Section 14a - From and after January 1, ~~1998~~ 2025, the Mayor shall receive compensation of ~~\$12,000~~ **\$45,000** a year and each Councilmember shall receive compensation of ~~\$3,600~~ **\$25,000** a year

Adoption of this ordinance calls the Special Election on November 5, 2024 and submits ballot language to the qualified electors of the City for the purpose of amending the Yuma City Charter, as stated above.

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NON

**ADDITIONAL INFORMATION:**

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

NONE

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

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

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

## ORDINANCE NO. O2024-025

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE 2024 GENERAL ELECTION; DESIGNATING THE PURPOSE, ELECTION DATE, VOTER REGISTRATION DEADLINE AND PROVIDING FOR PUBLICITY PAMPHLETS

WHEREAS, Article III, Section 14 of the Yuma City Charter provides that the City shall have the power to make all rules and regulations governing elections not inconsistent with the Constitution and statutes of the State of Arizona; and,

WHEREAS, Article IV, Section 1 and Section 7 of the Yuma City Charter provides the City Council a mechanism, by ordinance, to call for special elections; and,

WHEREAS, Article XIII, Section 2 of the Arizona State Constitution and Arizona Revised Statutes § 9-283(C) and § 19-143(C) provide that the Yuma City Charter may be amended by amendments proposed and submitted to the qualified electors at a general or special election and that no amendment shall be effective until it is approved by a majority of the votes cast thereon; and,

WHEREAS, pursuant to Arizona Revised Statutes §16-204, November 5, 2024 is hereby designated the date for holding the Special Election in conjunction with the General Election in the City of Yuma, Arizona; and,

WHEREAS, the Call of the 2024 General Election was adopted through Resolution R2024-009 on March 6, 2024 for the purpose of electing candidates that were not declared elected through the Primary election; and,

WHEREAS, the City of Yuma desires to bring forward an amendment of Article VI, Section 14 of the City Charter, relating to Elected Officials compensation.

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

SECTION 1: Yuma County registration and voting lists will be used for Special and General Elections. To be qualified to vote in the election, voters must be registered by October 7, 2024.

SECTION 2: A Special Election shall be held on November 5, 2024, to submit to the qualified electors of the City of Yuma the question set forth below to determine whether the City Charter of the City of Yuma should be amended as shown below (strikethrough text indicates proposed deletions and underlined bold text indicates proposed additions except with regard to the proposition number):

#### **Proposition 425**

SHALL ARTICLE VI - ELECTED OFFICIALS, SECTION 14(a) – COMPENSATION, BE AMENDED TO READ AS FOLLOWS:

- (a) From and after January 1, ~~1998~~ **2025**, the Mayor shall receive compensation of ~~\$12,000~~ **\$45,000** a year and each Councilmember shall receive compensation of ~~\$3,600~~ **\$25,000** a year.

A "YES" vote shall have the effect of adopting the proposed charter amendment.  
A "NO" vote shall have the effect of not adopting the proposed charter amendment.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

SECTION 2: The Special Election shall be held-in conformity with the provisions of the Yuma City Charter and the general election laws of the State of Arizona, and no person shall be entitled to vote unless that person is a registered voter of the City of Yuma.

SECTION 4: The Special Election results shall be submitted to the City Council of the City of Yuma in the same manner and time provided for the return of the ballots for a General Election, whereupon the City Council shall canvass the votes cast in the election and immediately thereafter declare the results of the election.

SECTION 5: If a majority of the qualified electors of the City voting at the election vote in favor of the amendments proposed, it shall be the duty of the City Council, immediately upon canvassing the votes cast in the election as above provided, to transmit a certified copy of the approved amendments to the Governor of the State of Arizona for approval, as provided by the Yuma City Charter and the Constitution of the State of Arizona.

SECTION 6: Pursuant to A.R.S 19-141, the City Clerk shall cause a publicity pamphlet to be printed and mailed to every registered voter household, in accordance with law, before the earliest date that any requested early ballots can be received.

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

APPROVED:

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

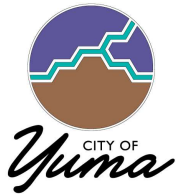
ATTESTED:

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

APPROVED AS TO FORM:

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





# City of Yuma

## City Council Report

File #: O2024-026

Agenda Date: 6/26/2024

Agenda #: 3.

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

### TITLE:

**Rezoning of Property: 1712 S. Maple Avenue**

### SUMMARY RECOMMENDATION:

Approve the rezoning of an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ (ZONE-42472-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

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

### REPORT:

The property presently has a single-family home built in 1955, with an older accessory building in the back yard. This property has no driveway on Maple Avenue with vehicular access via the alley to the west. The property owner is requesting this rezoning "for the purpose of possibly resale."

Further specified in the Yuma City Code § 154-05.04, the following are some of the development standards required of a development in the Low Density Residential (R-1-6) District:

1. The minimum lot size is 6,000 sq. ft.;
2. The maximum lot coverage shall not exceed 50% of the lot area;
3. A minimum front yard setback of 20 feet for all buildings, including accessory structures;
4. A minimum side yard setback of 5 feet\*;
5. A minimum rear yard setback of 10 feet; and
6. A maximum building height of 40 feet.

\*Infill Overlay Incentive.

The request to rezone the property from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District is in conformance with the Low Density Residential Land Use Category in the General Plan.

Three similar rezoning requests were approved in 2007 and 2023: Z2007-005, ZONE-41390-2023 and ZONE-41869-2023. These properties all have single-family homes.

On May 13, 2024, The Planning and Zoning Commission voted to recommend **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**Public Comments- Excerpt from Planning and Zoning Commission Meeting Minutes:**

Robert Blevins, Principal Planner, summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE**

None

**"Motion by Joshua Scott, Planning Commissioner, second by Gregory Counts, Planning Commissioner to APPROVE ZONE-42472-204 as presented.**

**"Motion carried (6-0)"**

**Planning Commission Staff Report- Attached**

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

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



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

**Hearing Date:** May 13, 2024

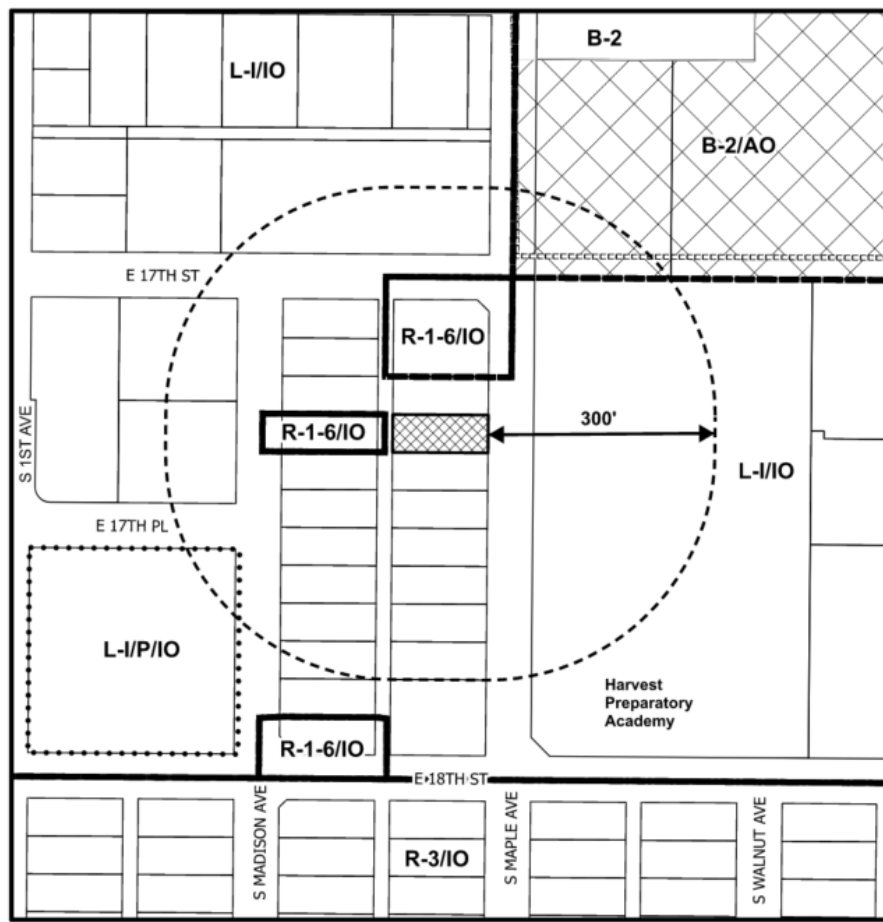
**Case Number:** ZONE-42472-2024

**Project Description/**  
**Location:**

This is a request by Cathy King and Gerald King, Jr., to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Light Industrial/Infill Overlay (L-I/IO)	Residence	Low Density Residential
<b>North</b>	Light Industrial/Infill Overlay (L-I/IO)	Residence	Low Density Residential
<b>South</b>	Light Industrial/Infill Overlay (L-I/IO)	Outdoor Storage	Low Density Residential
<b>East</b>	Light Industrial/Infill Overlay (L-I/IO)	Harvest Prep School	Commercial
<b>West</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Residence	Low Density Residential

**Location Map**



**Prior site actions:** Subdivision: Clarence Trigg Subdivision Unit 2 (05/15/51); Annexation: Ordinance #672 (07/21/56).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-42472-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The property presently has a single-family home built in 1955, with an older accessory building in the back yard. This property has no driveway on Maple Avenue with vehicular access via the alley to the west. The property owner is requesting this rezoning “for the purpose of possibly resale.”

**Zoning & General Plan:**  
Further specified in §154-05.04, the following are some of the development standards required of a development in the Low Density Residential (R-1-6) District:

- 1. The minimum lot size is 6,000 sq. ft.;
  - 2. The maximum lot coverage shall not exceed 50% of the lot area;
  - 3. A minimum front yard setback of 20 feet for all buildings, including accessory structures;
  - 4. A minimum side yard setback of 5 feet\*;
  - 5. A minimum rear yard setback of 10 feet; and
  - 6. A maximum building height of 40 feet.
- \*Infill Overlay Incentive.

The request to rezone the property from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District is in conformance with the Low Density Residential Land Use Category in the General Plan.

Three similar rezoning requests were approved in 2007 & 2023: Z2007-005, ZONE-41390-2023 & ZONE-41869-2023. These properties all have single-family homes.

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

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

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

No.

<b>FACILITY PLANS</b>						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Maple Avenue- Local Commercial/Industrial Street	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	Maple Avenue – Proposed Bike Route					
YCAT Transit System	Arizona Avenue- Green Route					
Issues:	None					

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

Yes.

<b>Parks, Recreation and Open Space Element:</b>											
Parks and Recreation Facility Plan											
Neighborhood Park:	Existing: Joe Henry Optimist Park				Future: Joe Henry Optimist Park						
Community Park:	Existing: Kennedy Memorial Complex				Future: Kennedy Memorial Complex						
Linear Park:	Existing: East Main Canal				Future: East Main Canal						
Issues:	None										
<b>Housing Element:</b>											
Special Need Household:	N/A										
Issues:	None										
<b>Redevelopment Element:</b>											
Planned Redevelopment Area:	N/A										
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X					
Conforms:	Yes	X	No								
<b>Conservation, Energy &amp; Environmental Element:</b>											
Impact on Air or Water Resources	Yes		No	X							
Renewable Energy Source	Yes		No	X							
Issues:	None										
<b>Public Services Element:</b>											
<u>Population Impacts</u> Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			<b>Dwellings &amp; Type</b>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>		
					<i>Single Family</i>						
					Maximum	Per Unit		Officers	GPD	AF	GPD
					4.9	2.7	13	0.02	2,739	3.1	926
					Minimum						
					1	2.7	3	0.01	559	0.6	189
Fire Facilities Plan:	Existing: Fire Station No. 4				Future: Fire Station No. 4						
Water Facility Plan:	Source:	City	X	Private		Connection:	4" line on Maple Avenue				
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 8" line in Alley.				
Issues:	None										
<b>Safety Element:</b>											
Flood Plain Designation:	X				Liquefaction Hazard Area:		Yes		No X		
Issues:	None										

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

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

Yes.

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

Yes.

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** See Attachment D.

**Proposed conditions delivered to applicant on:** April 10, 2024

**Final staff report delivered to applicant on:** April 29, 2024

- ☒ Applicant agreed with all of the conditions of approval on: April 11, 2024  
☐ Applicant did not agree with the following conditions of approval: (list #'s)

**Attachments**

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

**Prepared By:** *Robert M. Blevins*

**Date:** 04/11/24

Robert M. Blevins  
Principal Planner

Robert.Blevins@yumaaz.gov (928) 373-5189

**Reviewed By:** *Jennifer L. Albers*

**Date:** 4/15/24

Jennifer L. Albers  
Assistant Director of Planning

**Approved By:** *Alyssa Linville*

**Date:** 04/19/2024

Alyssa Linville  
Director, Planning and Neighborhood Services

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

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

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

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

**Community Planning, Bob Blevins, Principal Planner (928) 373-5189:**

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

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



## ATTACHMENT B AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 04/19/24
- **300' Vicinity Mailing:** 03/25/24
- **34 Commenting/Reviewing Agencies noticed:** 03/28/24
- **Site Posted on:** 03/27/24
- **Neighborhood Meeting:** 04/04/24
- **Hearing Date:** 05/13/24
- **Comments due:** 04/08/24

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	03/28/24	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/01/24	X		
Yuma County Planning & Zoning	YES	03/28/24	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03/28/24	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	03/28/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/02/24	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 04/04/24

**Location:** 1712 S. Maple Avenue

**Attendees:** Property Owners: Cathy and Jerry King; City Staff: Bob Blevins, Community Planning.

No neighbors were in attendance.

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

- **OLDER HOME NEEDS REPAIRS.**
- **MIGHT REBUILD STRUCTURE IN BACK YARD FOR BETTER ALLEY ACCESS.**

**ATTACHMENT D**  
**NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
AEA FEDERAL CREDIT UNION	1780 S 1ST AVE	YUMA	AZ	85364
BONILLA PABLO	1743 S MADISON AVE	YUMA	AZ	85364
CENICEROS VICENTE A & BEATRIZ JT	4835 W 27TH ST	YUMA	AZ	85364
CONTRERAS RICARDO	1725 S MADISON AVE	YUMA	AZ	85364
DENNIS KEITH A	PO BOX 1987	YUMA	AZ	85366
DOBOSZ DANIEL P & TARA M	3049 W 12TH LN	YUMA	AZ	85364
FUENTES VERONICA & CARLOS JR	2953 S ROYAL ABERDEEN LOOP	GREEN VALLEY	AZ	85614
GAMBOA DAVID JR	1821 S 3RD AVE	YUMA	AZ	85364
GARCIA MIKE	PO BOX 1846	YUMA	AZ	85366
HARVEST POWER COMMUNITY DEVELOPMENT	350 E 18TH ST	YUMA	AZ	85364
HAYNES PROPERTIES AZ LLC	11483 E VIA SALIDA	YUMA	AZ	85367
HERRERA EDUARDO & GONZALEZ MAYRA LIZETH				
MEDRANO CPWROS	1749 S MADISON AVE	YUMA	AZ	85364
KING GERALD JR & CATHY JT	1712 S MAPLE AVE	YUMA	AZ	85364
MAY VIOLA	2525 E BROADWAY BLVD STE 200	TUCSON	AZ	85716
MEDRANO ANDRES &	920 E 24TH PL	YUMA	AZ	85365
NEXT LEVEL HOME BUYERS LLC	2903 W 12TH PL	YUMA	AZ	85364
QUINTERO VALERIE JEAN	2160 S DEL VALLE WAY	YUMA	AZ	85364
QUINTERO VALERIE JEAN	2160 S DEL VALLE WAY	YUMA	AZ	85364
RANGEL SERGIO R &	1737 S MADISON AVE	YUMA	AZ	85364
SANCHEZ NOHEMI	1704 S MAPLE AVE	YUMA	AZ	85364
SMITH WM MICHAEL & DELLA E	1321 W 19TH ST	YUMA	AZ	85364
SPONGROSS KATHY M	1715 S MADISON AVE LOT A	YUMA	AZ	85364
STUHR ROSARIO RAMOS	15385 S AVENUE 4E	YUMA	AZ	85365
TRES ESTRELLAS HOLDINGS LLC	13484 S AVENUE 5 E	YUMA	AZ	85365
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA SAFE STORAGE LLC	4062 S NAVEL AVE	YUMA	AZ	85365

## ATTACHMENT E NEIGHBOR MAILING

This is a request by Cathy King and Gerald King, Jr., to rezone an approximately 6,690 square foot lot from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1712 S. Maple Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-42472-2024**

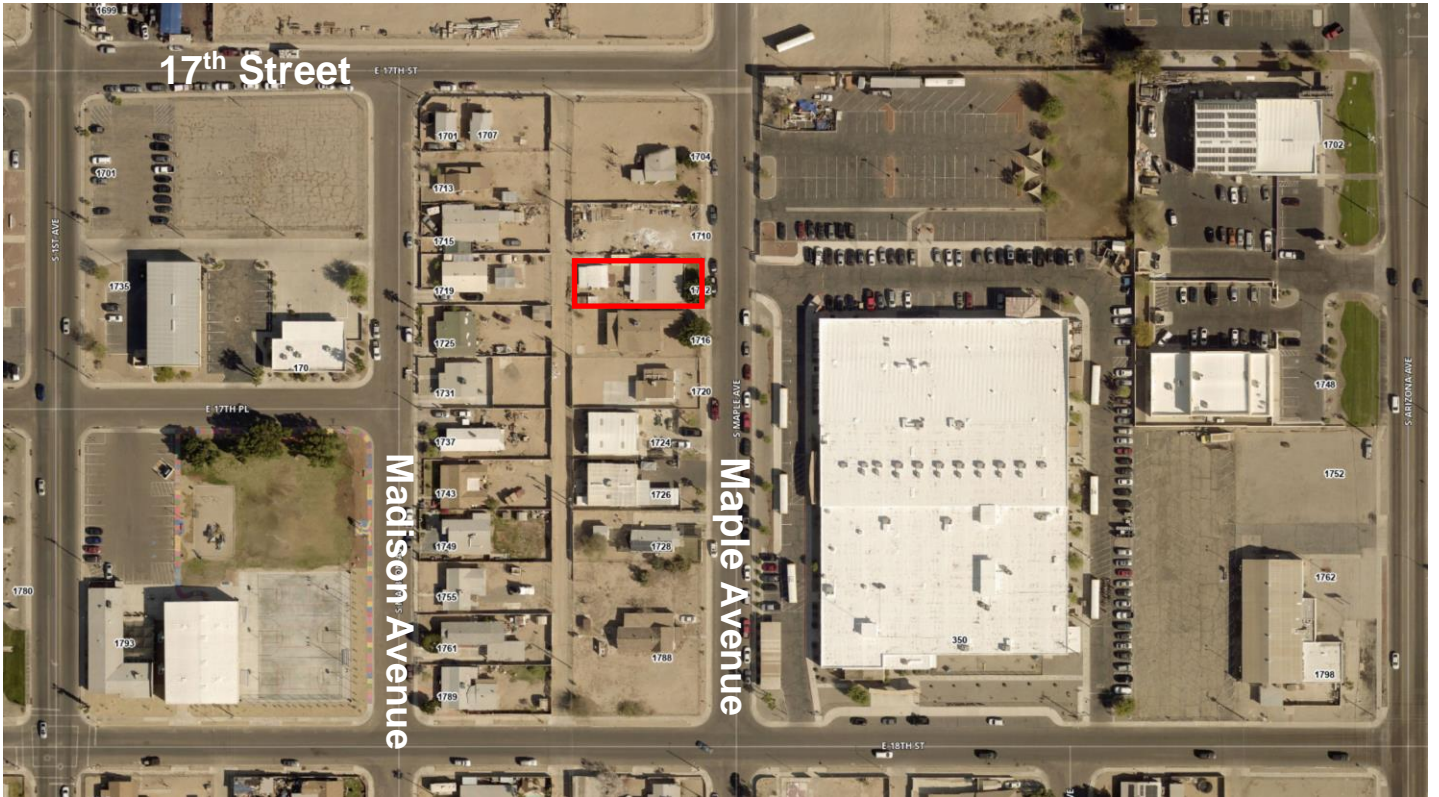
**NEIGHBORHOOD MEETING**  
04/04/2024 @ 5PM  
ON-SITE

**PUBLIC HEARING**  
05/13/2024 @ 4:30 PM  
City Hall Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1712 S. Maple Avenue, Yuma, AZ., you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at [Robert.Blevins@YumaAz.gov](mailto:Robert.Blevins@YumaAz.gov)

ATTACHMENT F  
AERIAL PHOTO



**ORDINANCE NO. O2024-026**

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on May 13, 2024 in Zoning Case No: ZONE-42472-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Low Density Residential/Infill Overlay (R-1-6/IO) District as provided in Chapter 154 of the Yuma City Code; and,

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

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42472-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

*Lot 9, Block 6, Clarence Trigg Subdivision Unit No. 2, in the City of Yuma, according to the plat of record in the office of the County Recorder of Yuma County, Arizona, in Book 3 of Plats, page 67,*

*Containing 6,690 square feet, more or less*

shall be placed in the Low Density Residential/Infill Overlay (R-1-6/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Residential/Infill Overlay (R-1-6/IO) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Low Density Residential/Infill Overlay (R-1-6/IO) District.

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

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

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

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

APPROVED:

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

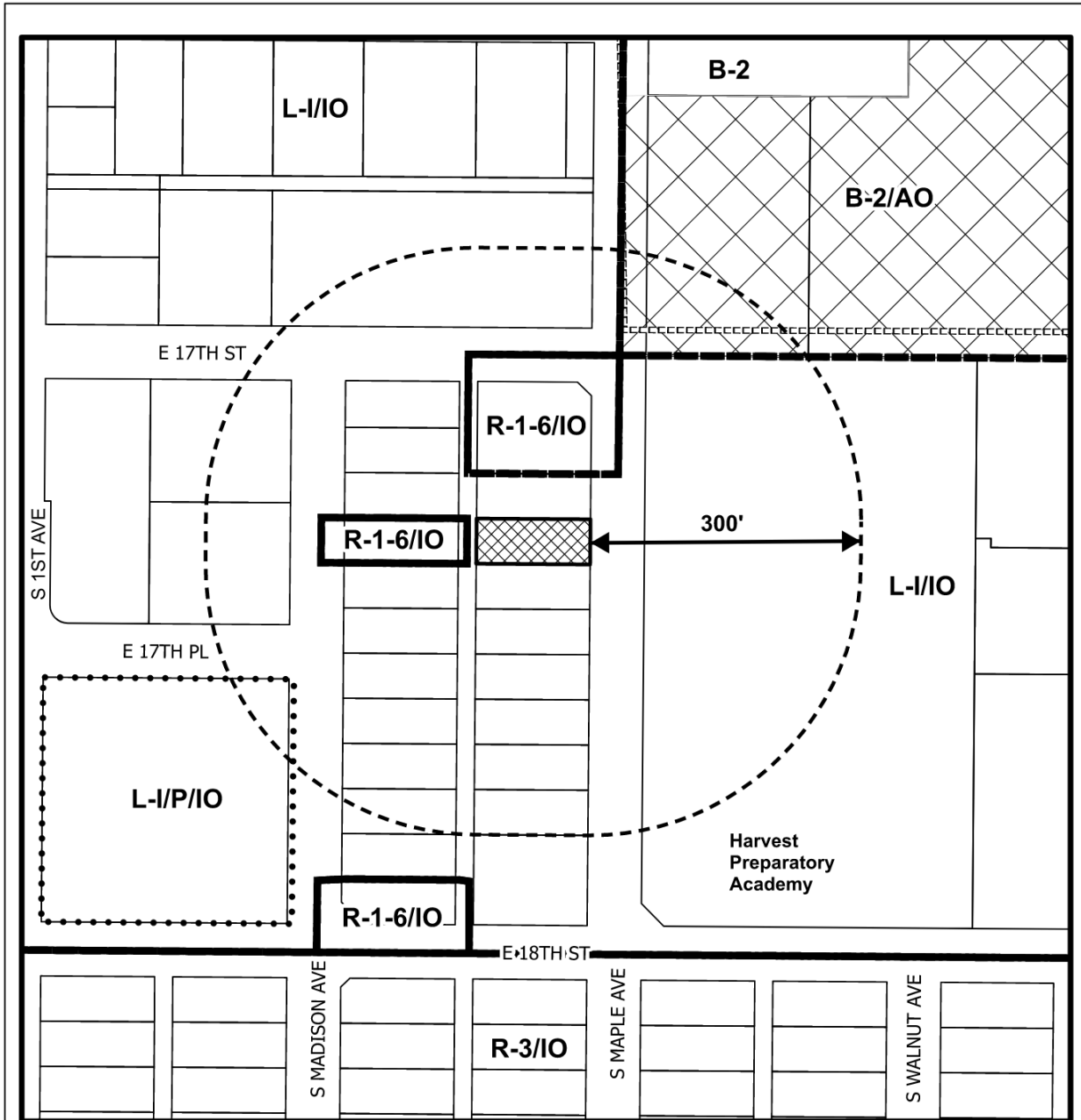
ATTESTED:

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

APPROVED AS TO FORM:

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

# Exhibit A



## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: RB



Date: 3/8/2024

Revised:

Revised:

Case #:

ZONE-42472-2024





# City of Yuma

## City Council Report

File #: O2024-021

Agenda Date: 7/17/2024

Agenda #: 1.

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

### TITLE:

**Rezoning of Property: Northwest Corner of 28<sup>th</sup> Street and Avenue B**

### SUMMARY RECOMMENDATION:

Approve the rezoning of an approximately .51 acre lot from the Agriculture (AG) District to the Limited Commercial (B-1) District, for the property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ. (ZONE-42395-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

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

### REPORT:

*[City Clerk's note: due to an undiscovered error in legal descriptions dating back to 2002, City staff has amended the version recommended by the Planning and Zoning Commission and previously continued from the June 5 scheduled introduction. All changes or additions are shown in the ordinance in red text].*

The property is located on the northwest corner of 28<sup>th</sup> Street and Avenue B, currently undeveloped and approximately .51 acres in size. The property was annexed to the City of Yuma in September of 2005.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, with the intent to lot tie the .51 acre property with the property to the west for future commercial development. To accomplish the proposed development of the property, the rezone is required.

The property is located in an area of the City of Yuma where the Land Use Element of the General Plan could allow a number of different zoning designations, ranging from Low Density Residential to General Commercial. The rezone of this property to Limited Commercial (B-1) would complement the character of the surrounding area. This request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

### Public Comments - Excerpt from Planning and Zoning Commission Meeting Minutes:

**Guillermo Moreno-nunez, Assistant Planner**, summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

“Chris Hamel - Planning and Zoning Commissioner mentioned that he is happy with the future development of the subject property.

**APPLICANT/APPLICANT'S REPRESENTATIVE**

**PUBLIC COMMENT:** None

“Motion by Joshua Scott - Planning and Zoning Commissioner, second by Ashlie Pendleton - Planning and Zoning Commissioner to APPROVE ZONE-42395-2024 as presented.

“Motion carried unanimously, (5-0) with two absent.’

**FISCAL REQUIREMENTS:**

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

TOTAL\$ 0.00


**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – REZONE**  
**CASE PLANNER: GUILLERMO MORENO-NUNEZ**

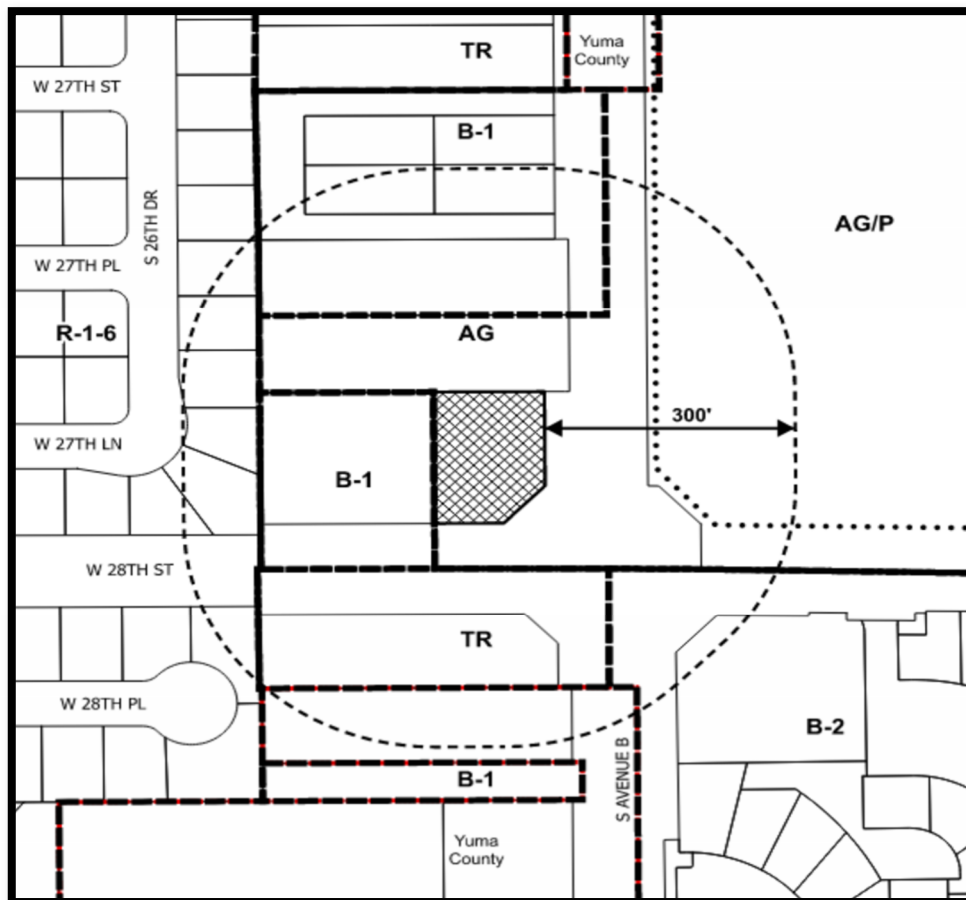
**Hearing Date:** April 22, 2024

**Case Number:** ZONE-42395-2024

**Project Description/Location:** This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Agriculture (AG)	Undeveloped Lot	Mixed Use
<b>North</b>	Agriculture (AG)	Tire Shop	Mixed Use
<b>South</b>	Transitional (TR)	Clinic	Mixed Use
<b>East</b>	Agriculture/Public Overlay (AG/P)	Court House	Public/Quasi Public
<b>West</b>	Limited Commercial (B-1)	Undeveloped Lot	Mixed Use

**Location Map**



**Prior site actions:** PDM-2295-2024 for proposed warehouse and office (February 8, 2024), Annexation ord. O2005-57 (September 3, 2005).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Limited Commercial (B-1) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-42395-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone to Limited Commercial (B-1) for the property located at the northwest corner of 28<sup>th</sup> Street and Avenue B, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is located on the northwest corner of 28<sup>th</sup> Street and Avenue B, currently undeveloped and approximately .51 acres in size. The property was annexed to the City of Yuma in September of 2005.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, with the intent to tie the subject property with the property to west to allow future commercial development. In order to accomplish proposed development of the property, the rezone is required.

The property is located in an area of the City of Yuma where the Land Use Element of the General Plan could allow a number of different zoning designations, ranging from Low Density Residential to General Commercial. The rezone of this property to Limited Commercial (B-1) would complement the character of the surrounding area. This request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

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

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

**2. Are there any dedications or property easements identified by the Transportation Element?**  
No

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
28 <sup>th</sup> Street- 2 lane Collector	50 FT H/W	61 FT H/W				
Avenue B- 4 lane Minor Arterial	40 FT H/W	75 FT H/W				X
Bicycle Facilities Master Plan	28 <sup>th</sup> Street – Existing bike lane, Avenue B – Proposed bike lane					

YCAT Transit System	Purple Route & Yellow Route – Highway 95 South (95) - 23 <sup>rd</sup> Avenue @ 28 <sup>th</sup> Street.
Issues:	None

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

<b>Parks, Recreation and Open Space Element:</b>										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Ponderosa Park				Future: Ponderosa Park					
Community Park:	Existing: Yuma Valley Park				Future: Yuma Valley Park					
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park					
Issues:	None									
<b>Housing Element:</b>										
Special Need Household:	N/A									
Issues:	None									
<b>Redevelopment Element:</b>										
Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
Conforms:	Yes		No		N/A					
<b>Conservation, Energy &amp; Environmental Element:</b>										
Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:	None									
<b>Public Services Element:</b>										
<b>Population Impacts</b> Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			<b>Dwellings &amp; Type</b>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>	
			<i>Non-residential</i>							
			Maximum	Per Unit		Officers	GPD	AF	GPD	
			0	0	0	0.00	0	0.0	0	
			Minimum							
0	0	0	0.00	0	0.0	0				
Fire Facilities Plan:	Existing: Fire Station No. 6				Future: Fire Station No. 6					
Water Facility Plan:	Source:	City	X	Private		Connection:	10" line on 28 <sup>th</sup> Street			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 8" on 28 <sup>th</sup> Street			
Issues:	None									
<b>Safety Element:</b>										
Flood Plain Designation:	500 Year Flood Zone				Liquefaction Hazard Area:		Yes	X	No	
Issues:	None									
<b>Growth Area Element:</b>										
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.		X	
	North End		Pacific Ave & 8 <sup>th</sup> St			Estancia		None		
Issues:	None									

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

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

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** See Attachment C.

**Proposed conditions delivered to applicant on:** 03/21/2024

**Final staff report delivered to applicant on:** 04/02/2024

- ☒ Applicant agreed with all of the conditions of approval on: 03/26/2024
- ☐ Applicant did not agree with the following conditions of approval:
- ☐ If the Planner is unable to make contact with the applicant .

Attachments

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

**Prepared By:** *Guillermo Moreno-nunez*  
Guillermo Moreno-nunez  
Assistant Planner  
Guillermo.moreno-nunez@yumaaz.gov

**Date:** 03/26/2024  
  
(928) 373-5000, x3038

**Reviewed By:** *Jennifer L. Albers*  
Jennifer L. Albers  
Assistant Director of Planning

**Date:** 3/27/24

**Approved By:** *Alyssa Linville*  
Alyssa Linville  
Director, Planning and Neighborhood Services

**Date:** 04/01/2024

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

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

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

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

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

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

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

## ATTACHMENT B AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 03/29/24
- **300' Vicinity Mailing:** 03/04/24
- **34 Commenting/Reviewing Agencies noticed:** 03/07/24
- **Site Posted on:** 03/05/24
- **Neighborhood Meeting:** 04/14/24
- **Hearing Date:** 04/22/24
- **Comments due:** 03/18/24

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	Yes	3/7/2024	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	3/11/2024	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	3/11/2024	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	Yes	3/20/2024			X
Fire	Yes	3/8/2024	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				



**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 03/14/24

**Location:** On site, NWC of 28<sup>th</sup> Street and Avenue B

**Attendees:** Agent: Christopher Robins,  
Staff: Guillermo Moreno-nunez,  
Neighbor: Isaac Martinez.

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

- **MARTINEZ-** ASKED WHAT WAS GOING TO BE DEVELOPED ON LAND?
- **MORENO-NUNEZ-** EXPLAINED WHAT THE INTENT OF PROPERTY OWNER IS
- **MARTINEZ-** HAD NO OTHER COMMENTS NOR CONCERNS.

**ATTACHMENT D**  
**AGENCY COMMENTS**

**Andrew McGarvie P.E., Development Engineering Manager for the City of Yuma, (928) 373-5000 x3044**

- *“The City of Yuma will not remove the existing 1’ non-access easement located along the west right-of-way line of Ave B as recorded in the Wagon Wheel Lot Tie, Fee Number 2005-05267 and recorded in Book 21 of Plats, Pages 11 and 12.”*

**ATTACHMENT E**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
ACOSTA DANIEL JUDE & GABRIELA JT	2767 S 26TH DR	YUMA	AZ	85364
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
CASTILLO JOSE L & ROSA E JT	PO BOX 5837	YUMA	AZ	85366
COTA LUIS D AVALOS	2779 S 26TH DR	YUMA	AZ	85364
DIXON REYNOLDS & MARCIANA W	2749 S 26TH DR	YUMA	AZ	85364
ESQUIVEL JOSE G	2671 W 27TH LN	YUMA	AZ	85364
KAZNAK STEVE & LUELLA JT	4349 W 17TH PL	YUMA	AZ	85364
LASTRA ALEJANDRO & CYNTHIA JT	2739 S 26TH DR	YUMA	AZ	85364
LOMELI HILARIA LIVING TRUST 6-4-99	2834 S AVENUE B	YUMA	AZ	85364
MAHA LLC	PO BOX 4145	YUMA	AZ	85366
MEDINA VICTOR ZAZUETA	2721 S 26TH DR	YUMA	AZ	85364
RYAN ARMIDA M	2683 W 27TH LN	YUMA	AZ	85364
SMITH JIM D	221 S 2ND AVE STE 1	YUMA	AZ	85364
SOMERTON FARMING COMPANY AZ CORP	221 S 2ND AVE	YUMA	AZ	85364
TCC PLAZA LLC	2525 W 28TH ST STE A	YUMA	AZ	85364
TRIDENT ASSETS LLC	871 AUTO MALL DR	AMERICAN FORK	UT	84003
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364

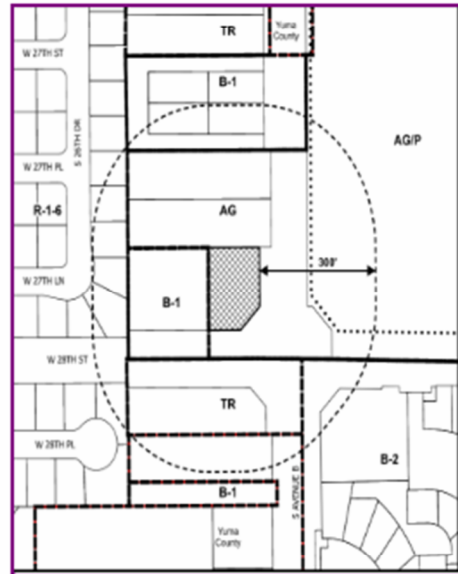
**ATTACHMENT F  
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28<sup>th</sup> Street and Avenue B, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-42395-2024**

**NEIGHBORHOOD MEETING**  
03/14/2024 @ 5:30PM  
ON-SITE

**PUBLIC HEARING**  
04/22/2024 @ 4:30pm  
City Hall Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the northwest corner of 28th Street and Avenue B, Yuma, AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at [Guillermo.Moreno-nunez@YumaAz.gov](mailto:Guillermo.Moreno-nunez@YumaAz.gov)

ATTACHMENT G  
AERIAL PHOTO



## ORDINANCE NO. O2024-021

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on April 22, 2024 in Zoning Case no: ZONE-42395-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Limited Commercial (B-1) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance, and manner provided by law, including publication of notice of the hearing in the Yuma Sun on March 29, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42395-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

*The East half (E ½) of the South half (S ½) of the North 413.85 feet of the South 443.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section Six (6), Township Nine (9) South, Range Twenty-three (23) West of the Gila and Salt River Base and Meridian, to include all adjacent right of way*

shall be placed in the Limited Commercial (B-1) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Limited Commercial (B-1) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Limited Commercial (B-1) District, and

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

1. The conditions listed below are in addition to City codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. *Owner shall dedicate to the City by recorded lot tie or quitclaim deed the approximately 357.3 square feet of right of way described in Exhibit B, and the City hereby declares surplus and shall*

dedicate by quitclaim deed or as part of the recorded lot tie, the parcels described in Exhibits C and D consisting of 1,736.995 square feet and 161.941 square feet, respectively, to the Owner of the property being rezoned.

4. Owner at Owner's cost shall design for City acceptance by the City Engineer, a southbound Avenue B to 28<sup>th</sup> Street right turn lane, including separate legal descriptions of any necessary or needed right of way across any parcels north of the property to be rezoned.
5. Owner shall cause Maha LLC to dedicate any necessary right of way for the right turn lane from Parcel Number 694-12-101 to the City prior to this rezoning becoming final.

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

SECTION 4: Upon the request of Owner, City shall reasonably cooperate with Owner in clearing any cloud on title to the north 10 feet of the Property being rezoned due to a previously undiscovered scrivener's error.

SECTION 5: All Exhibits shall remain on file at the Yuma City Clerk's Office and are incorporated by reference as part of this ordinance.

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

APPROVED:

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

ATTESTED:

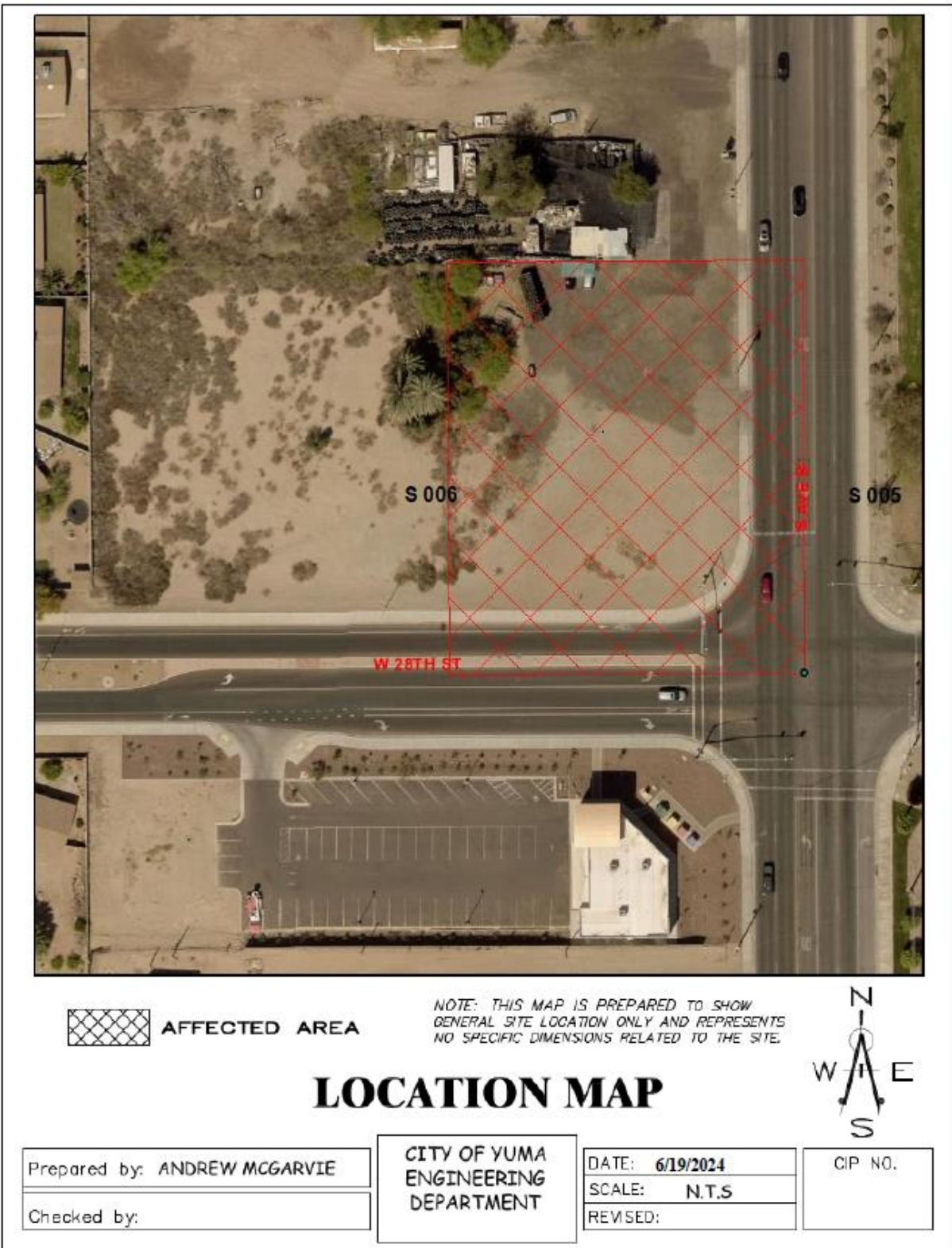
\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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



**Exhibit A**





## **Exhibit B**

A portion of the East half (E½) of the South half (S½) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:  
Commencing at the East quarter Corner of said Section 6;

Thence South 89°43'31" West (record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie, also being the True Point of Beginning;

Thence continuing North 00°24'52" West along the West line of said Parcel NO. 1 a distance of 6.07 feet to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet to a point lying on the Parcel NO. 1 corner triangle line;

Thence South 44°39'18" West, a distance of 8.57 feet along the corner triangle line to the southern southeast corner of Parcel NO. 1;

Thence South 89°43'31" West along the South line of Parcel NO. 1 a distance of 83.00 feet, to the True Point of Beginning;

Containing 357.300 square feet or 0.0082 of an acre, more or less.

### **Exhibit C**

A portion of the West half (W<sup>1</sup>/<sub>2</sub>) of the South half (S<sup>1</sup>/<sub>2</sub>) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Special Warranty Deed, dated 6/19/2006, recorded as FEE # 2006-25012, Yuma County Recorder, and more particularly described as follows: Commencing at the East quarter Corner of said Section 6 as described in the said Wagon Wheel Lot Tie;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southeast corner of real property described as APN: 105-33-047B and "NOT A PART" in the said Wagon Wheel Lot Tie, also being the southeast corner of real property described in said Special Warranty Deed, dated 6/19/2006, also being the True Point of Beginning;

Thence continuing North 00°24'52" West (record) a distance of 31.00 feet (record) to the northeast corner of real property described in said Special Warranty Deed;

Thence South 89°43'31" West (calculated) along the north line of the property described in Special Warranty Deed, a distance of 208.00 feet (calculated) to the northwest corner of real property described in the said Special Warranty Deed;

Thence South 00°24'52" East (record), along the West line of real property described in said Special Warranty Deed, a distance of 9.00 feet (calculated) to a point lying 52.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel to and 52.00 feet north of the East-West midsection line of said Section 6, a distance of 181.00 feet (calculated) to a point;

Thence North 00°24'52" West (calculated), a distance of 5.00 feet (calculated) to a point lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated), along a line parallel with and 57.00 feet north of the East-West midsection line of said Section 6, a distance of 27.00 feet (calculated) to a point lying on the east line of real property described in said Special Warranty Deed;

Thence North 00°24'52" West (record) along the east line of real property described in said Special Warranty Deed, a distance of 4.00 feet (calculated) to the True Point of Beginning;

Containing 1,736.995 square feet or 0.0399 of an acre, more or less.

## **Exhibit D**

A portion of the East half (E½) of the South half (S½) of the North 413.85 feet of the South 433.85 feet of the East 416 feet of the Southeast quarter of the Northeast quarter (SE¼NE¼) of Section 6, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, City of Yuma, Yuma County, State of Arizona, also described in Wagon Wheel Lot Tie, dated 2/7/2005, FEE # 2005-05267, recorded in Book 21 of Plats, Pages 11 and 12, and in Warranty Deed, dated 7/12/2002, recorded as FEE # 2002-20230, Yuma County Recorder, and more particularly described as follows:  
Commencing at the East Quarter Corner of said Section 6;

Thence South 89°43'31" West (Record) along the East-West midsection line of said Section 6 a distance of 208.00 feet (calculated) to a point;

Thence North 00°24'52" West (Calculated), a distance of 30.00 feet (record) to the Southwest corner of real property described in said Warranty Deed, dated 7/12/2002;

Thence continuing North 00°24'52" West (record) a distance of 20.93 feet (calculated) 31.00 feet (record) to the Southwest corner of said Parcel NO. 1, described in the said Wagon Wheel Lot Tie;

Thence continuing North 00°24'52" West (record) along the West line of said Parcel NO. 1 a distance of 6.07 feet (calculated) to a point, lying 57.00 feet north of the East-West midsection line of said Section 6;

Thence North 89°43'31" East (calculated) along a line parallel to and 57.00 feet north of the East-West midsection of said Section 6, a distance of 89.07 feet (calculated) to a point lying on the Parcel NO. 1 corner triangle line, also being the True Point of Beginning;

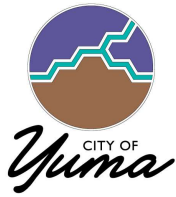
Thence North 44°39'18" East (record), a distance of 62.05 feet (calculated) along the corner triangle line to the northern southeast corner of Parcel NO. 1;

Thence South 00°24'52" East (calculated) along a southern projection of the East line of Parcel NO. 1 a distance of 3.93 feet (calculated), to a point;

Thence South 44°39'20" West (calculated), a distance of 56.50 feet (calculated) to a point;

Thence South 89°43'31" West (calculated), a distance of 3.93 feet (calculated) to the True Point of Beginning;

Containing 164.941 square feet or 0.0038 of an acre, more or less.



# City of Yuma

## City Council Report

File #: R2024-039

Agenda Date: 7/17/2024

Agenda #: 1.

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

### TITLE:

**General Plan Amendment: Yuma Development One**

### SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Commercial to Medium Density Residential, for the property located at the northwest corner of 34<sup>th</sup> Street and DeVane Drive. (GP-42445-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

This General Plan amendment furthers the City Council's strategic outcome of Safe and Prosperous by providing an adequate mixture and balance of land uses.

### REPORT:

#### Planning and Zoning Commission's Recommendation:

This is a Minor General Plan Amendment request by Dahl, Robins & Associates, LLC, on behalf of Yuma Development One, LLC, to change the land use designation of approximately 11.78 acres located at the northwest corner of 34th Street and DeVane Drive from Commercial to Medium Density Residential.

The existing Commercial land use designation supports the following types of zoning: Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The proposed Medium Density Residential land use designation supports the following types of zoning: Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Recreation Vehicle Subdivision (RVS), Manufactured Housing Subdivision (MHS), and Manufactured Housing Park (MHP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to Medium Density Residential (R-2) for the development of townhomes.

On June 10, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with three Commissioners absent) of the General Plan amendment request to change the land use designation to

Medium Density Residential.

**Public Comments - Excerpt from Planning and Zoning Commission Minutes (6/24/24):**

**QUESTIONS FOR STAFF**

“Lorraine Arney - Planning and Zoning Commissioner asked if the applicant had responded since they received the final staff report.

“Amelia Domby - Senior Planner mentioned that the applicant did respond and agreed with staff's recommendation.

**APPLICANT/APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Chelsea Malouff - Planning and Zoning Commissioner to APPROVE GP-42445-2024 as presented.

“Motion carried unanimously, (4-0, with Joshua Scott - Planning and Zoning Commissioner, John Mahon - Planning and Zoning Commissioner, and Greg Counts - Planning and Zoning Commissioner absent.’

**FISCAL REQUIREMENTS:**

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

TOTAL \$ 0.00


**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

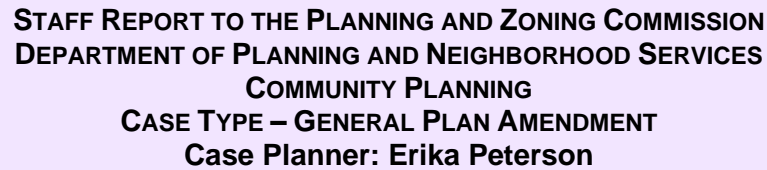
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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: 07/08/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2024



**Case Number:** GP-42445-2024

This is a Minor General Plan Amendment request by Dahl, Robins & Associates, LLC, on behalf of Yuma Development One, LLC, to change the land use designation from Commercial to Medium Density Residential for approximately 11.78 acres, for the property located at the northwest corner of 34th Street and DeVane Drive, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Commercial
South	Medium Density Residential (R-2)	Single-family homes	Medium Density Residential
East	Cielo Verde Specific Plan-Commercial (CVSP-C)	Apartments	Commercial
West	Medium Density Residential (R-2)	Undeveloped	Medium Density Residential

- AG - Agricultural District
- B-2 - General Commercial
- H-I - Heavy Industrial
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- Planned Unit Development (PUD) Overlays
- Aesthetic Overlay District (AO)

**Prior site actions:** Annexation: Ord. O99-29 (July 3, 1999); General Plan Amendment: GP-2005-014 Resolution R2005-125 (November 16, 2005) Minor Amendment to change land use designation from Medium Density Residential to Commercial; Rezone Z2006-12: Ord. O2006-59 (AG to B-2/AO) (February 27, 2008); Lot Split: LS2005-042 Yuma Development One Lot Split

**Staff Recommendation:** Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 11.78 acres from Commercial to Medium Density Residential.

**Suggested Motion:** Move to APPROVE the request to change the land use designation for 11.78 acres from Commercial to Medium Density Residential.

**Staff Analysis:** This is a Minor General Plan Amendment request by Dahl, Robins & Associates, LLC, on behalf of Yuma Development One, LLC, to change the land use designation from Commercial to Medium Density Residential for approximately 11.78 acres, for the property located at the northwest corner of 34th Street and DeVane Drive, Yuma, AZ.

The existing Commercial land use designation supports the following types of zoning: Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The proposed Medium Density Residential land use designation supports the following types of zoning: Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Recreation Vehicle Subdivision (RVS), Manufactured Housing Subdivision (MHS), Manufactured Housing Park (MHP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to Medium Density Residential (R-2) for the development of townhomes.

#### Density

The current land use designation of Commercial would allow the development of a commercial development.

The proposed Medium Density Residential land use designation would allow from 59 to 152 dwelling units. The proposed land use designation would allow the applicant to pursue a rezoning that would support a future townhome residential development.

#### Population

Information from the 2018-2022 American Community Survey provides data on population by housing unit type. The information results in an average household size for 2-4 units of 2.07 persons per dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Commercial:  
Zero homes - Expected population: 0
- Medium Density Residential:  
Minimum 59 homes – Expected population: 122  
Maximum 152 homes – Expected population: 315

The 2020 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore, the expected school-age population is estimated at:

- Commercial:



- Zero homes – School Age: 0
- Medium Density Residential:
  - Minimum expected population: 122 – School Age: 24
  - Maximum expected population: 315 – School Age: 63

### Transportation

The property is located on the northwest corner of E. 34<sup>th</sup> Street and DeVane Drive. Access to the property will be from the nearest roadway, 34<sup>th</sup> Street, a Local road, with a connection to Avenue 8E, a Collector road, and 32<sup>nd</sup> Street, a Principal Arterial. There is an existing bus stop at 32<sup>nd</sup> Street and Avenue 8E, for Gold Route – 8 and a bike path on 32<sup>nd</sup> Street and a proposed bike lane at Avenue 8E.

According to the City of Yuma Transportation Master Plan, Avenue 8E operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2023 as 4,362 vehicles on Avenue 8E between 32<sup>nd</sup> Street and 34<sup>th</sup> Street. Avenue 8E is 2-lane roadway identified in the Transportation Master Plan as a Collector roadway and 34<sup>th</sup> Street is identified as a Local roadway.

### Housing

The Housing Element of the City of Yuma 2022 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

Objective 1.3: Encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.

An Action Item of the Housing Element is to consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options.

The General Plan amendment request is to provide a housing choice other than Low Density Residential single-family homes, which is the predominant housing option in the City of Yuma.

### Public Services

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Yuma Elementary School District One and the Yuma Union High School District.

According to the Yuma Elementary School District One Boundary Map, the elementary students in the subject area are within the boundary of Desert Mesa Elementary School located at 2350 S. Avenue 7 ½ E and junior high school students are within the boundary of Gila Vista Junior High School at 2245 S. Arizona Avenue.

According to the Yuma Union High School District, the high school students are within the boundary of Gila Ridge High School located at 7150 E. 24<sup>th</sup> Street.

### Growth Areas

Araby Road - The Growth Areas chapter identifies those parts of the Planning Area ideal for a concentration of a variety of land uses, including higher densities and

intensities or uses. Equally essential is the need for growth to occur close to existing or planned public facilities and services.

The General Plan request is located within the Araby Road Growth Area. This growth area has a great deal of infrastructure, transportation, office and retail already in place. As well as a number of large undeveloped or under-developed parcels.

An increase in residents in this area would enhance and strengthen the existing commercial development and transportation network that already exists while opening up more prospects to create a walkable neighborhood. The YCAT bus system has fixed routes through this area, with bus stops at the southeast and northeast corner of 32<sup>nd</sup> Street and Avenue 8E intersections.

**1. Does the proposed amendment impact any elements of the General Plan?**

No. The elements of the General Plan will not be impacted by the proposed amendment.

**Transportation Element:**

<b>FACILITY PLANS</b>		
Transportation Master Plan	Planned	Existing
32 <sup>nd</sup> Street – Principal Arterial 4 Lanes	50 FOOT HW	100 FOOT HW
Avenue 8E- Collector 2 Lanes	40 FOOT HW	49 FOOT HW
34 <sup>th</sup> Street- Local	29 FOOT HW	29 FOOT HW
Median Disclosure	Required	

**2. Does the proposed amendment impact any of the facility plans?**

No. The change in land use will not significantly impact any of the facility plans.

**3. Is the proposed amendment in conflict with Council's prior actions?**

Yes. The 2002 City of Yuma General Plan land use designation for this area is Commercial.

**Scheduled Public Hearings:**

- ☒ City of Yuma Planning and Zoning Commission: June 10, 2024  
☐ City of Yuma City Council: July 17, 2024

**Public Comments Received:** None Received

**Agency Comments:** See Attachment A

**Neighborhood Meeting Comments:** See Attachment C

**Final staff report delivered to applicant on:** 5/30/2024

- ☐ Applicant agreed with staff's recommendation:  
☐ Applicant did not agree with staff's recommendation:  
☒ Final report was emailed to applicant and awaiting response.

**Attachments**

A	B	C	D	E
Agency Comments	Staff Worksheet	Neighborhood Meeting Comments	Neighbor Notification List	Aerial Photo

**Prepared By:** Erika Peterson

**Date:** 5/17/2024

Erika Peterson,  
Associate Planner

[Erika.Peterson@YumaAZ.Gov](mailto:Erika.Peterson@YumaAZ.Gov)

(928) 373-5000, x1234

**Reviewed By:** Jennifer L. Albers

**Date:** 5/21/24

Jennifer L. Albers,  
Assistant Director of Planning

**Approved By:** Alyssa Linville


**Date:** 05/30/2024

Alyssa Linville,  
Director, Planning and Neighborhood Services

**ATTACHMENT A**  
**AGENCY COMMENTS**

DATE:	4/22/2024	NAME:	Andrew McGarvie	TITLE:	Development Engineering Manager
AGENCY:	Engineering, City of Yuma			PHONE:	(328)373-5000, ext. 3044
<i>Enter comments below:</i>					
<p>Comment: Sent 4/22/2024 at 1:09 PM</p> <p>Erika,</p> <p>Since this is a GP, no conditions. However in the dialog, please note that there is a plat condition requiring the following:</p> <p>“The Owner/Developer shall design and construct the north half of the 34th street roadway improvements per City of Yuma construction standard 2-030 (Local two lane street) and street lights as appropriate across the frontage of Lot 1, when Lot 1 is partially or fully developed, and or when Julian Way is connected to 34th Street.”</p> <p>Thanks,</p> <p>Andrew</p>					

**ATTACHMENT B  
STAFF WORKSHEET**

	<b>STAFF RESEARCH – GENERAL PLAN AMENDMENT</b>  <b>CASE #: GP-42445-2024</b> <b>CASE PLANNER: ERIKA PETERSON</b>
---	---

**I. PROJECT DATA**

Project Location:		Northwest corner of 34 <sup>th</sup> Street and DeVane Drive							
Parcel Number(s):		698-40-021							
Parcel Size(s):		11.78 acres							
Total Acreage:		11.78							
Proposed Dwelling Units:		Maximum:		152		Minimum:		59	
Address:									
Applicant:		Yuma Development One, LLC							
Applicant's Agent:		Christopher Robins - Dahl, Robins and Associates, Inc.							
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes		No		X	
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE		

	Existing Zoning	Current Use	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Commercial
South	Medium Density Residential (R-2)	Single-family homes	Medium Density Residential
East	Cielo Verde Specific Plan-Commercial (CVSP-C)	Apartments	Commercial
West	Medium Density Residential (R-2)	Undeveloped	Medium Density Residential

Prior Cases or Related Actions:					
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>	
Pre-Annexation Agreement	Yes		No	N/A	
Annexation	Yes	X	No	Adopted 7/3/1999, Ord. O99-29	
General Plan Amendment	Yes		No	X	GP2005-014: R2005-125 (MDR to COMM)
Development Agreement	Yes		No	N/A	
Rezone	Yes		No	X	Z2006-12: Ord O2006-59 (AG to B-2/AO)
Subdivision	Yes		No	N/A	
Conditional Use Permit	Yes		No	N/A	
Pre-Development Meeting	Yes	X	No	Date: 2/29/2024	
Enforcement Actions	Yes		No	N/A	
Land Division Status:		Legal lot of record			
Irrigation District:		None			
Adjacent Irrigation Canals & Drains:		None			
Water Conversion: (5.83 ac ft/acre)		68.68 Acre Feet a Year			
Water Conversion Agreement Required		Yes		No	X

## II. CITY OF YUMA GENERAL PLAN

### Land Use Element:

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

### Transportation Element:

#### FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
32 <sup>nd</sup> St- Principal Arterial 4 Lanes	50 FT HW	100' HW				X
Avenue 8E- Collector 2 Lanes	40 FT HW	49' HW				
34 <sup>th</sup> Street- Local	29 FT HW	29' HW				
Bicycle Facilities Master Plan	32 <sup>nd</sup> Street- Bike path and Avenue 8E- Proposed bike lane					
YCAT Transit System	32 <sup>nd</sup> Street at Avenue 8E- Gold Route 8					
Issues:						

### Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan			
Neighborhood Park:	Existing: Saguaro Park	Future: Saguaro Park	
Community Park:	Existing: Kennedy Park	Future: East Mesa Park	
Linear Park:	Existing: E. Main Canal Linear Park	Future: "A" Canal Linear Park	
Issues:			

### Housing Element:

Special Need Household:	N/A
Issues:	

### Redevelopment Element:

Planned Redevelopment Area:	N/A				
Adopted Redevelopment Plan:	North End:		Carver Park:	None:	X
Conforms:	Yes	No			

### Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes	No	X	
Renewable Energy Source	Yes	No	X	
Issues:				

### Public Services Element:

<b>Population Impacts</b> Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	<b>Dwellings &amp; Type</b>		<b>Projected</b>	<b>Police</b>	<b>Water</b>		<b>Wastewater</b>
	<i>2-4 Units</i>		<b>Population</b>	<b>Impact</b>	<b>Consumption</b>		<b>Generation</b>
	Maximum	Per Unit		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>
	152	2.07	315	0.59	65,130	73.0	22,025
	Minimum						
	59	2.07	122	0.23	25,281	28.3	8,549
<b>Fire Facilities Plan:</b>	Existing: Fire Station No. 5				Future: Fire Station No. 7		
<b>Water Facility Plan:</b>	Source:	City	X	Private	Connection:	10" PVC on east side of parcel	
<b>Sewer Facility Plan:</b>	Treatment:	City	X	Septic	Private	Connection: 8" PVC east side of parcel	
<b>Issues:</b>							

### Safety Element:

Flood Plain Designation:	500 Year Flood		Liquefaction Hazard Area:	Yes	No	X
--------------------------	----------------	--	---------------------------	-----	----	---

Issues:											
<b>Growth Area Element:</b>											
Growth Area:	Araby Rd & Interstate 8	X	Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.						
	North End		Pacific Ave & 8 <sup>th</sup> St		Estancia		None				
Issues:											

## NOTIFICATION

- Legal Ad Published: The Sun 5/13/2024
- Display Ad Published: 5/13/2024
- 660' Vicinity Mailing: 3/19/2024
- 54 Commenting/Reviewing Agencies noticed:  
3/12/2024

- Site Posted: 4/1/2024
- Neighborhood Meeting: 4/4/2024
- Hearing Dates: 6/10/2024 & 7/17/2024
- Comments Due: 5/11/2024

<b>External List</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>
Yuma Metropolitan Planning Organization	NR			
(ARS)				
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	YES	3/12/2024	X	
Yuma County Airport Authority	YES	3/13/2024	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	NR			
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	3/13/2024	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			



AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	YES	3/13/2024	X	

<b><i>City of Yuma Internal List</i></b>	<b><i>Response Received</i></b>	<b><i>Date Received</i></b>	<b><i>“No Comment”</i></b>	<b><i>Written Comments</i></b>
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec	NR			
David Wostenberg, City Engineer	NR			
Jerry Anaya, Traffic Engineer	NR			
Andrew McGarvie, Engineering	YES	4/22/2024		X
Kayla Franklin, Fire – Prevention	YES	3/13/2024	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

<b><i>Neighborhood Meeting</i></b>	<b><i>Comments Available</i></b>
April 4, 2024	See Attachment C
<b><i>Prop. 207 Waiver</i></b>	
Received by Owner’s signature on the application for this land use action request.	

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Location:** NWC of 34<sup>th</sup> Street and DeVane Drive

**Date Held:** April 4, 2024

**Attendees:**

Neighbor: Bob Kammann

Applicant and Agent: Bill Evans and Kevin Dahl

Staff: Erika Peterson

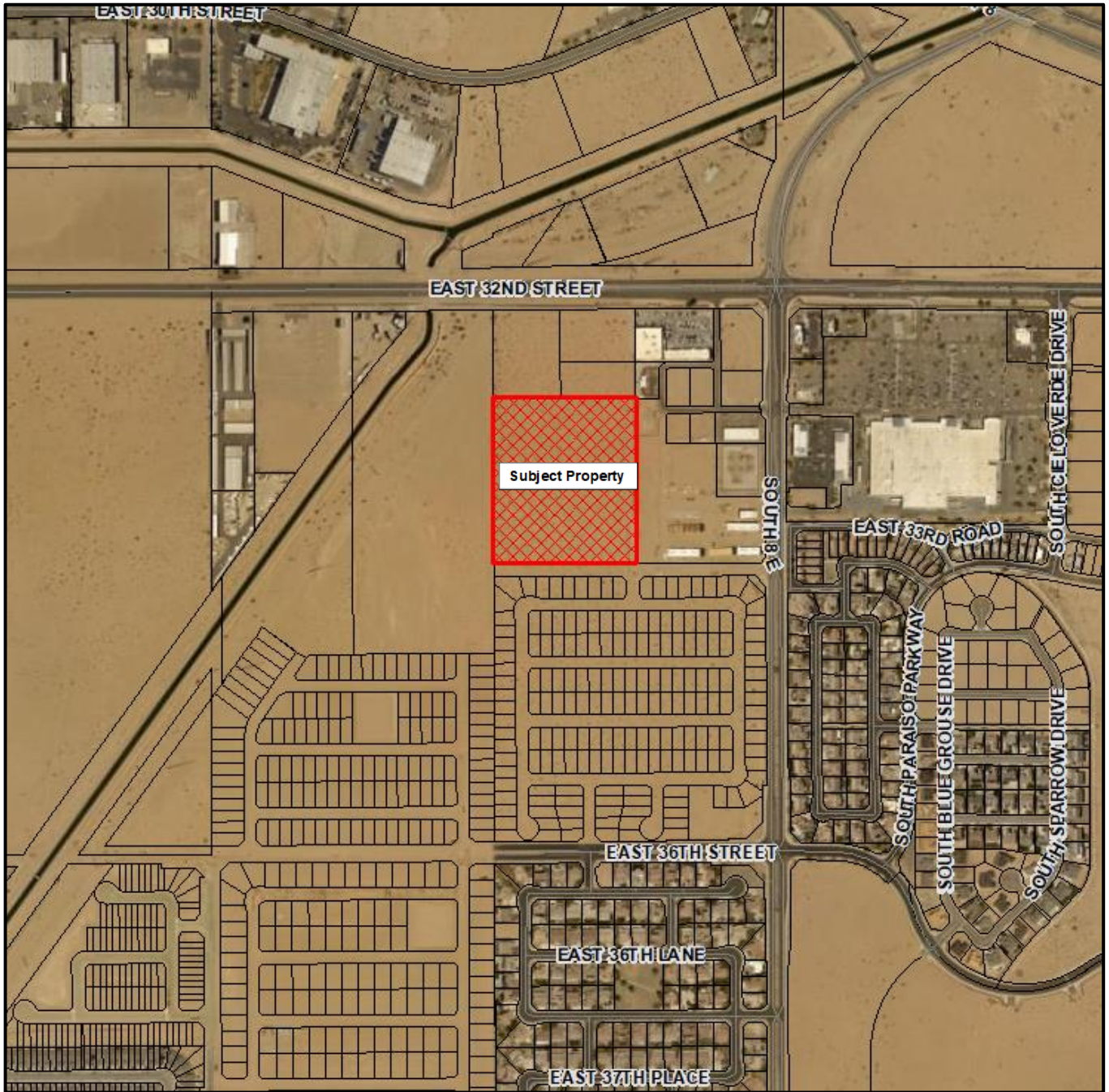
**SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:**

- The Applicant noted an approximate estimate of 75 units, providing minimum required amenities. Would like to rezone after the General Plan to Medium Density and with a PUD. Proposed development would be similar to the development in Desert Sky.
- Mr. Kammann noted that he was not opposed to the proposed project.

**ATTACHMENT D  
NEIGHBOR NOTIFICATION LIST**

<b>OWNER</b>	<b>ADDRESS</b>				
3 LUVS INVESTMENTS LLC	3377 S 16TH AVE	YUMA	AZ	85365	
ARIZONA PUBLIC SERVICE COMPANY	PO BOX 53999, MS 9505	PHOENIX	AZ	85072-3940	
CELERINO A GALLARDO LLC	2253 S 43RD DR	YUMA	AZ	85364	
CIELO VERDE APARTMENTS LLC	1334 S 5TH AVE	YUMA	AZ	85364	
DHG LLC	PO BOX 2986	SOMERTON	AZ	85350	
DHG LLC	1670 W MAIN ST	SOMERTON	AZ	85350	
DPL LLC	300 W 22ND PL	YUMA	AZ	85364	
DPL LLC	300 W 22ND ST	YUMA	AZ	85364	
ECKARD TROY & CLAIRE	3967 E 41ST PL	YUMA	AZ	85365	
ELLIOTT CONSTRUCTION INC	340 PALLADIO PARKWAY STE 521	FOLSOM	CA	95630	
FUENTES GUILLERMINA	PO BOX 3402	SAN LUIS	AZ	85349	
GLEZ BUILDERS LLC	3668 S 18TH AVE	YUMA	AZ	85365	
HAILE RODNEY B	4695 E HIGHWAY 80	YUMA	AZ	85365	
JACOBSON COMPANIES INC AZ CORP	1334 S 5TH AVE	YUMA	AZ	85364	
JDSB HOLDINGS LLC	12691 S BAILEE DR	YUMA	AZ	85365	
KNAM & D CONSTRUCTION LLC	PO BOX 2865	SAN LUIS	AZ	85349	
LA VIDA SECA LLC	4575 W COVERED WAGON WAY	YUMA	AZ	85364	
LOPEZ FAMILY TRUST 9-16-2019	2009 W COUNTRY LN	YUMA	AZ	85364	
LOS ALAMOS BUILDERS LLC	PO BOX 3780	SAN LUIS	AZ	85349	
MARTIN JEFFREY T	PO BOX 1985	YUMA	AZ	85366	
ORTA RAYMOND & ANNETTE D	3176 E 43RD ST	YUMA	AZ	85365	
PALMS VILLA CONSTRUCTION LLC	3400 S AVENUE 7E	YUMA	AZ	85365	
PAR AUTOMOTIVE LLC	380 S 13TH AVE	YUMA	AZ	85364	
PRIORITY THREE INVESTMENTS LLC	4640 E PURPLE MOUNTAIN ST	YUMA	AZ	85365	
QUICK N CLEAN AZ-01 LLC	7291 E ADOBE DR STE 115	SCOTTSDALE	AZ	85255	
RIEDEL NIEVES G	PO BOX 1649	SAN LUIS	AZ	85349	
ROBLES ADALBERTO & MARIA	1103 W 37TH ST	YUMA	AZ	85364	
SANTANA 142 RE HOLDINGS AZ LLC	340 PALLADIO PKWY STE 521	FOLSOM	CA	95630	
TRIPLE A CONSTRUCTION LLC	4600 E PURPLE MOUNTAIN ST	YUMA	AZ	85365	
TROPIC ENTERPRISES LLC	3208 S AVE 8E	YUMA	AZ	85365	
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364	
YUMA DEVELOPMENT ONE AZ LLC	PO BOX 1417	FORT GIBSON	OK	74434	
ZAMORA MARLON	7959 E 34TH LN	YUMA	AZ	85365	

ATTACHMENT E  
AERIAL PHOTO



**RESOLUTION NO. R2024-039**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,  
AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN,  
TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 11.78 ACRES  
FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL LOCATED AT THE  
NORTHWEST CORNER OF 34<sup>TH</sup> STREET AND DEVANE DRIVE**

WHEREAS, the General Plan of the City of Yuma was adopted in 2022 by Resolution R2022-011 for the orderly and balanced development of lands through efficient and systematic land use planning; and,

WHEREAS, the General Plan provides a vision of development into the future based on existing development, the needs of the community, and the desires of property owners; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 24, 2024 for General Plan Amendment Case No. GP-42445-2024, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on May 17, 2024; and,

WHEREAS, as the community grows and prospers, it may be necessary to amend the General Plan to reflect development trends and opportunities; and,

WHEREAS, the proposed General Plan Amendment meets the goals and objectives of the General Plan and retains an adequate mixture and balance of land uses.

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

SECTION 1: Resolution R2022-011, the City of Yuma 2022 General Plan, is amended to change the land use designation of the real property depicted with crosshatching in Exhibit A, attached and by this reference made a part of this Resolution, from Commercial to Medium Density Residential.

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

APPROVED:

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

ATTESTED:

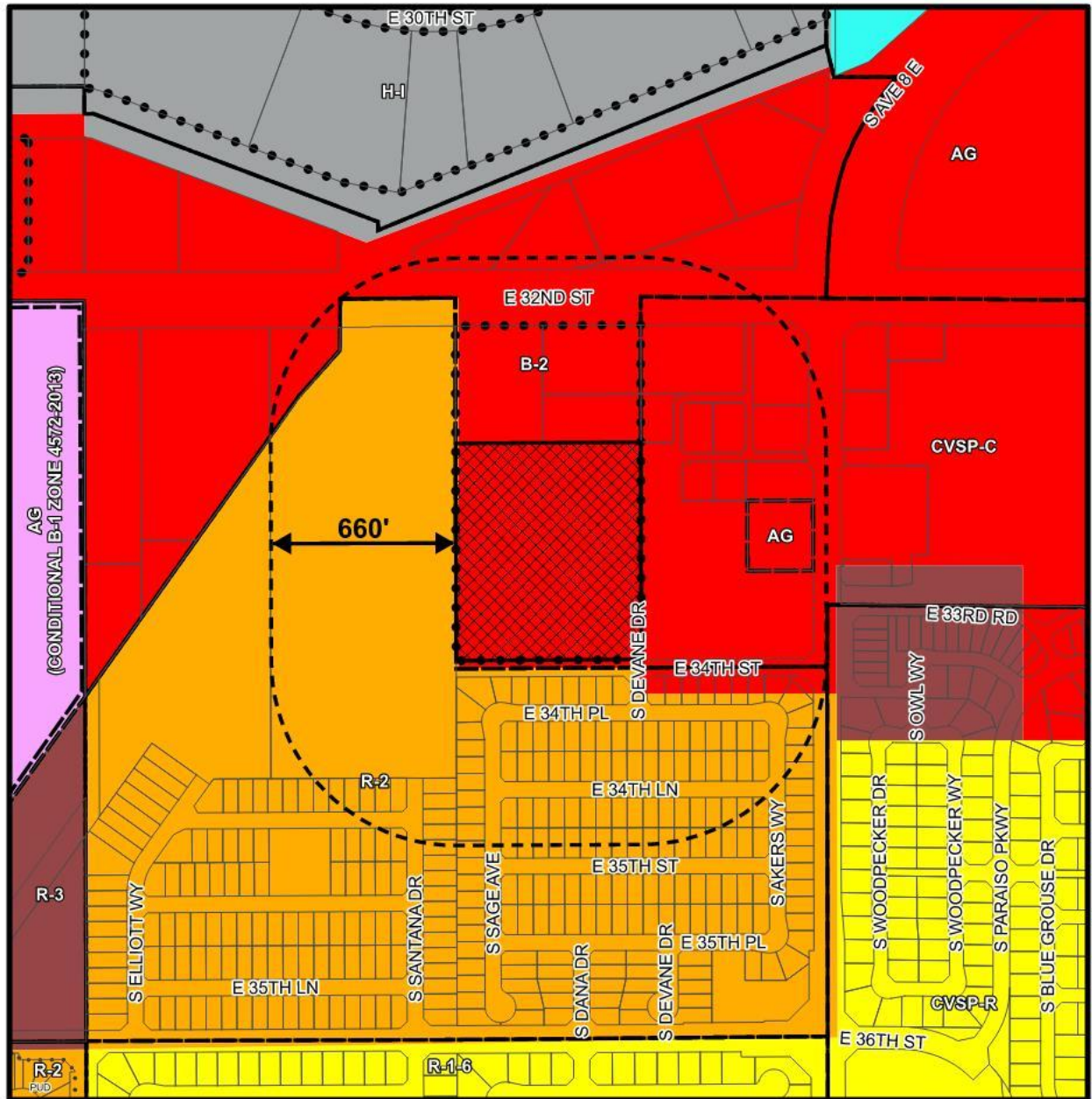
\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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



# Exhibit A



## GENERAL PLAN - LAND USE

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Public/Quasi-Public

## LOCATION MAP

- LOCATION OF SUBJECT PROPERTY
- NOTIFICATION AREA

## ZONING DISTRICTS

- AG - Agricultural District
- B-2 - General Commercial
- H-1 - Heavy Industrial
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- Planned Unit Development (PUD) Overlays
- Aesthetic Overlay District (AO)



Prepared by: DG

Checked by: EP



Date: 3/7/2024

Revised:

Revised:

Case #:

GP-42445-2024