



# City of Yuma City Council Meeting Agenda

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Wednesday, August 6, 2025

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 Call to the Public must complete a Speaker Request Form prior to the start of the meeting. Speaker Request Forms can be found on the City's website, in the Clerk's Office, as well as in the Council Chambers.**

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

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

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

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.
- Live Stream – Residents can watch meetings on their computer or mobile device at [www.yumaaz.gov/telvue](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**

## **FINAL CALL**

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

**ROLL CALL****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 2025-119](#)      **Special Budget Worksession Draft Minutes April 23, 2025**  
Attachments:      [2025 04 23 SWS Minutes](#)
2. [MC 2025-120](#)      **Regular Council Meeting Draft Minutes June 18, 2025**  
Attachments:      [2025 06 18 RCM Minutes](#)
3. [MC 2025-121](#)      **Regular Council Meeting Draft Minutes July 2, 2025**  
Attachments:      [2025 07 02 RCM 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 2025-111](#)      **Liquor License: 4 Lokos by Sonora Grilling**  
Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for 4 Lokos by Sonora Grilling located at 712 S. 4th Avenue. (LL25-11) (City Administration/City Clerk) (Lynda L. Bushong)  
Attachments:      [1. MAP Liquor License: 4 Lokos by Sonora Grilling](#)
2. [MC 2025-112](#)      **Liquor License: The Chile Pepper**  
Approve a Series #12: Restaurant Liquor License application submitted by Andrea Huff, agent for The Chile Pepper located at 2401 S. 4th Avenue. (LL25-12) (City Administration/City Clerk) (Lynda L. Bushong)  
Attachments:      [1. MAP Liquor License: The Chile Pepper](#)

3. [MC 2025-113](#)      **Cooperative Purchase Agreement: Fire Service Apparatus**  
Authorize the purchase of a 2026 Ford 350, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at an expenditure of \$230,284.70 to Republic EVS, Huntington Beach, California (Fire Department-CPA-26-009) (Dustin Fields/Robin R. Wilson)
4. [MC 2025-114](#)      **Cooperative Purchase Agreement: Dump Truck**  
Authorize the purchase of a Dump Truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an estimated expenditure of \$216,564.90 to Rush Truck Centers of Yuma, Yuma, Arizona. (Parks and Recreation-CPA-26-014) (Eric Urfer/Robin R. Wilson)
5. [MC 2025-115](#)      **Cooperative Purchase Agreement: Elgin Sweeper**  
Authorize the purchase of a Elgin Broom Bear Street Sweeper utilizing a cooperative agreement originated by Sourcewell, at a cost of \$466,174.75 to Norwood Equipment LLC., Phoenix, Arizona. (Public Works-CPA-26-011) (Joel Olea/Robin R. Wilson)
6. [MC 2025-116](#)      **Cooperative Purchase Agreement: Side Loaders**  
Authorize the purchase of three 2026 Peterbilt Model 520/McNeilus 25 Yard Side Loaders utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,491,065.00 to Rush Truck Centers of Yuma; Yuma, Arizona. (Public Works-CPA-26-012) (Joel Olea/ Robin R. Wilson)
7. [MC 2025-117](#)      **Cooperative Purchase Agreement: Rear Loader**  
Authorize the purchase of a 2026 Peterbilt Model 520/McNeilus 25 Yard truck, utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$411,508.61 to Rush Truck Centers of Yuma; Yuma, Arizona. (Public Works-CPA-26-013) (Joel Olea/Robin R. Wilson)
8. [MC 2025-118](#)      **Cooperative Purchase Agreement: Asphalt Patcher**  
Authorize the purchase of a 2026 Peterbilt Model 567/Model B-5 Asphalt Patcher (5 cubic yard capacity) utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council for an estimated expenditure of \$370,228.49 to Rush Truck Center of Yuma; Yuma, Arizona. (Public Works-CPA-26-015) (Joel Olea/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. [R2025-079](#)

**Intent to Create Municipal Improvement District No. 130: La Vida Townhomes**

Approve the creation of Municipal Improvement District (MID) No. 130 to serve La Vida Townhomes located at the northwest corner of 34th Street and DeVane Drive. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. RES MID 130 Intent to Create La Vida Townhomes](#)

[2. EXH A MID 130 Intent to Create: La Vida Townhomes](#)

2. [R2025-080](#)

**Preannexation Development Agreement: JD & B Yuma RP, LLC**

Authorize a Preannexation Development Agreement for Assessor Parcel Number 724-09-002 located at the southwest corner of 42nd Street and Avenue 4¼ E. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. RES PDA: JD and B Yuma RP, LLC](#)

[2. AGR PDA: JD and B Yuma RP, LLC](#)

## 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. [O2025-028](#)

**Yuma City Code Text Amendment: Public Nuisances**

Amend Title 13, Chapter 134, Article 5 (Yuma City Code § 134-05) to include a defined procedure and standard for obtaining an Administrative Warrant allowing the City to inspect or remedy violations of the Property Maintenance Code on private property that pose a danger to life or property. (Building Safety) (Alyssa Linville/Randall Crist)

**Attachments:**

[1. ORD Text Amendment: Public Nuisances](#)



#### 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. [O2025-029](#)

**Right-of-Way Vacation - 48th Street**

Authorize the vacation of 48th Street (County 13th Street) right-of-way to Kerley Investments of Yuma, LLC, an Arizona limited liability company. (Engineering/ Development) (David Wostenberg)

**Attachments:**

[1. ORD Right-of-Way Vacation: 48th Street](#)

[2. MAP Right-of-Way Vacation: 48th Street](#)

[3. QCD Right-of-Way Vacation: 48th Street](#)

#### V. PUBLIC HEARING AND RELATED ITEMS

*Following the public hearing, City Council may vote to adopt Resolution R2025-081*

1. [R2025-081](#)

**Minor General Plan Amendment: Northwest and North of the Intersection of Colorado Street and 20th Avenue**

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to High Density Residential. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**Attachments:**

[1. P&Z RPT GP Amendment: Northwest and North of the Intersection of Colorado Street and 20th Avenue](#)

[2. RES GP Amendment: Northwest and North of the Intersection of Colorado Street and 20th Avenue](#)

#### VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

1. Appointments:

- Building Advisory Board

## 2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of July 17, 2025 through August 6, 2025. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

## 3. Scheduling:

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

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

## 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 with and/or instruction to legal counsel regarding a potential Development Agreement with Juniper Tree Academy. (A.R.S. §38-431.03 A3, A4 & A7)

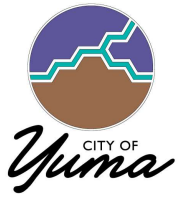
B. Discussion, consultation with and/or instruction to legal counsel regarding the potential sale of real property. (A.R.S. §38-431.03 A3, A4 & A7)

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

D. Discussion, consultation with and/or instruction to legal counsel regarding various provisions in the Yuma City Charter. (A.R.S. §38-431.03 A3 and A4)

## **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 2025-119

**Agenda Date:** 8/6/2025

**Agenda #:** 1.

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**Special Budget Worksession Draft Minutes April 23, 2025**

**MINUTES**  
**SPECIAL BUDGET WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL CONFERENCE ROOM #190  
ONE CITY PLAZA, YUMA, ARIZONA  
**April 23, 2025**  
**4:00 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the Special Worksession/Budget meeting to order at 4:03 p.m.

Councilmembers Present: Martinez, Morris, McClendon (4:12 p.m.), Smith, Morales, Watts and Mayor Nicholls

Councilmembers Absent: none

Staffmembers Present: City Administrator, Jay Simonton  
Douglas Allen, Finance Director  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong  
Deputy City Clerk, Janet L. Pierson

**I. QUARTERLY FINANCIAL BRIEFING**

**Allen** stated that tonight's discussion would focus on the FY 2025 budget and FY 2026 financial outlook and beyond.

**FY 2025 QUARTER 3.0**

Up-front takeaways include the highlighted areas below:

BLUF (Bottom Line Up Front)	
<b>REVENUE – Governmental Funds</b> <ul style="list-style-type: none"><li>➤ Remains steady with signs of slowing and continues to be outpaced by budget requests and service demands</li><li>➤ <b>Sustainability: balancing ongoing operations to recurring revenues = structurally sound budget</b></li><li>➤ Low diversity, combined City Sales Tax + Property Tax + State Shared Sales Tax + State Shared Income Tax = 78% GF recurring revenues (Susceptible to downturns)</li></ul>	<b>CASH AND FUND BALANCES – All Funds</b> <ul style="list-style-type: none"><li>➤ Adequate for past/current economic environment</li><li>➤ <b>No less than 20% policy is not sufficient to sustain a significant downturn; future is always uncertain</b></li><li>➤ Safety nets to maintain proper cash flows and navigate through downturns minimizing service reductions</li><li>➤ These are finite resources by nature; use should be purposeful and remain flexible, adaptable</li></ul>
<b>ANNUAL EXPENDITURE LIMITATION (AEL) – All Funds</b> <ul style="list-style-type: none"><li>➤ City is one few in AZ to not have adjusted AEL by voters</li><li>➤ <b>Growth in population, service demands, and total customers of city services is faster then AEL formula</b></li><li>➤ Population formula reset in 2023 from the 2020 census</li><li>➤ Supply delays, bottled necked purchases strain future AEL</li><li>➤ Bring to City of Yuma voters November 2026</li><li>➤ Maximize exclusions to the AEL, use most restrictive first<ul style="list-style-type: none"><li>▪ Blue Money Green Money</li></ul></li></ul>	<b>OTHER – All Funds</b> <ul style="list-style-type: none"><li>➤ Capital Improvement Plan is too large for City's Revenues or Cash Balances or AEL<ul style="list-style-type: none"><li>• <b>CIP Bonds is an option: spread costs over useful life (Mortgage)</b></li></ul></li><li>➤ PSPRS Unfunded Liability Policy for considerations</li><li>➤ Interest earnings historical highs; and is AEL exclusion</li><li>➤ Departments made cutbacks in requests to balance budget</li><li>➤ Easing in approach for programs, new staff</li></ul>

The major operating revenue noted below accounts for nearly 80% of the total General Fund revenue and needs to be monitored closely; action needs to be taken if a problem occurs.

MAJOR OPERATING REVENUE	
(A) Governmental Operating Source	(B) Fund
(1) City Sales Tax (1.0%)	General
(2) Property Tax	"
(3) State Sales Tax	"
(4) State Income Tax	"
(5) Vehicle License Tax	"
(6) SUBTOTAL - GENERAL FUND (1-5)	
(7) Gasoline Tax (0.5%)	HURF
(8) Road Tax (0.5%)	Road Tax
(9) Public Safety Tax (0.2%)	Public Safety
(10) Two Percent Tax	Two Percent
(11) TOTAL GOVERNMENTAL FUNDS (6-10)	
(12) Water Sales	Water
(13) Wastewater Sales	Wastewater
(14) Solid Waste Fees	Solid Waste
(15) TOTAL ENTERPRISE FUNDS (12-14)	

### Major Operating Revenues: Budget and Year-over-Year

Volatility of the revenues are shown as follows: Q1-down 2%; Q2-up 2%; Q3-flat

MAJOR OPERATING REVENUE						BUDGET AND ACTUAL YEAR OVER YEAR			
(A) Governmental Operating Source	(B) Fund	(C) FY 2025 Total Budget	(D) FY 2025 July-March % of Budget	(E) FY 2025 July-March Actual	(F) FY 2024 July-March Actual	(G) Year-to-Year Amount Change	(H) Q3 % Change	(I)1 Prior Q2 % Change	(I)2 Prior Q1 % Change
(1) City Sales Tax (1.0%)	General	\$ 34,880,000	80%	\$ 27,800,568	\$ 25,572,924	\$ 2,227,644	9%	14%	9%
(2) Property Tax	"	16,841,513	62%	10,480,759	9,918,765	561,994	6%	7%	20%
(3) State Sales Tax	"	14,800,000	77%	11,459,704	11,058,335	401,369	4%	3%	-5%
(4) State Income Tax	"	21,000,000	77%	16,091,485	19,581,615	(3,490,130)	-18%	-18%	-18%
(5) Vehicle License Tax	"	5,700,000	77%	4,381,037	4,034,496	346,541	9%	9%	14%
(6) SUBTOTAL - GENERAL FUND (1-5)		\$ 93,221,513	75.3%	\$ 70,213,553	\$ 70,166,135	\$ 47,418	0%	2%	-2%

Year-over-Year revenues are only up by \$47,000 driven by two factors:

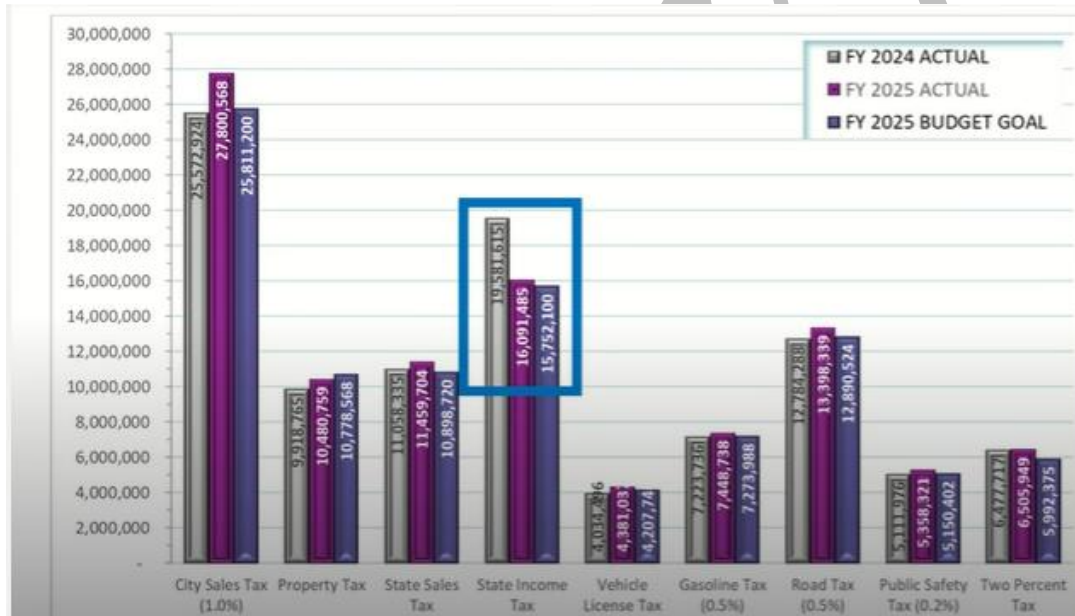
- City Sales tax
- State Income Tax
  - Had a sharp decrease this year compared to last year

## Major Operating Revenues: Benchmark and Actual

MAJOR OPERATING REVENUE						BENCHMARK (BM) AND ACTUAL			
(A) Governmental Operating Source	(B) Fund	(C) FY 2025 Total Budget	(J) FY 2025 July-March Benchmark %	(K) FY 2025 July-March Benchmark \$	(E) FY 2025 July-March Actual	(L) Amount Over/(Under) Benchmark	(M) Q3 % of BM	(N)1 Prior Q2 % of BM	(N)2 Prior Q1 % of BM
(1) City Sales Tax (1.0%)	General	\$ 34,880,000	74%	\$ 25,811,200	\$ 27,800,568	\$ 1,989,368	108%	113%	107%
(2) Property Tax	"	16,841,513	64%	10,778,568	10,480,759	(297,809)	97%	100%	68%
(3) State Sales Tax	"	14,800,000	74%	10,898,720	11,459,704	560,984	105%	106%	98%
(4) State Income Tax	"	21,000,000	75%	15,752,100	16,091,485	339,385	102%	104%	102%
(5) Vehicle License Tax	"	5,700,000	74%	4,207,740	4,381,037	173,297	104%	103%	103%
(6) SUBTOTAL - GENERAL FUND (1-5)		\$ 93,221,513	72.4%	\$ 67,448,328	\$ 70,213,553	\$ 2,765,225	104%	107%	103%

Benchmark revenues are the City's budget goals. Currently we are at 104% and there are no changes needed on the expenditure side.

## Major Operating Revenues: Actuals and Budget Goal



Overall, finances are steady on the revenue side. FY 2025 Q3 major revenues are 1% higher than last fiscal year FY 2024 or 101% of last year FY 2024 Q3.



## City Sales Tax

CITY'S 1.7% SALES TAX (1.0% General; 0.5% Road; 0.2% Public Safety)					
Category as Reported by ADOR	July-March FY 2025	July-March FY 2024	July-March FY 2023	Change in FY25/FY24	
				\$	%
Retail	\$23,000,576	\$22,535,790	\$21,837,824	\$ 464,786	2.1%
Grocery	5,613,700	5,283,075	5,055,383	330,625	6.3%
Restaurants and bars	4,694,004	4,611,368	4,579,741	82,636	1.8%
Internet sales	2,106,394	1,817,957	1,527,310	288,437	15.9%
Hotels	854,715	907,612	992,653	(52,897)	-5.8%
Utilities	2,550,138	2,205,879	2,080,311	344,259	15.6%
All 14 other categories	2,522,570	2,520,754	2,235,162	1,816	0.1%
<b>Total Recurring</b>	<b>\$41,342,097</b>	<b>\$39,882,435</b>	<b>\$38,308,384</b>	<b>\$1,459,662</b>	<b>3.7%</b>
Residential rental leasing *	335,005	415,092	431,363	(80,087)	-19.3%
Construction	3,846,277	3,171,663	2,455,130	674,614	21.3%
<b>Total City's 1.7% Tax</b>	<b>\$45,523,379</b>	<b>\$43,469,190</b>	<b>\$41,194,877</b>	<b>\$2,054,189</b>	<b>4.7%</b>
* Residential rental leasing ended January 2025					

TWO PERCENT TAX (2.0%)					
Category as Reported by ADOR	July-March FY 2025	July-March FY 2024	July-March FY 2023	Change in FY25/FY24	
				\$	%
Restaurants and bars	\$ 5,516,369	\$ 5,438,974	\$ 5,388,975	\$ 77,395	1.4%
Hotels	980,375	1,038,744	1,132,749	(58,369)	-5.6%
<b>Total Two Percent Tax</b>	<b>\$ 6,496,744</b>	<b>\$ 6,477,718</b>	<b>\$ 6,521,724</b>	<b>\$ 19,026</b>	<b>0.3%</b>

Total 2% Tax for Parks is **0.3% more** in FY 2025 as compared to FY 2024.  
After hyper growth in FY 2021 and FY 2022; estimates for FY 2024 and FY

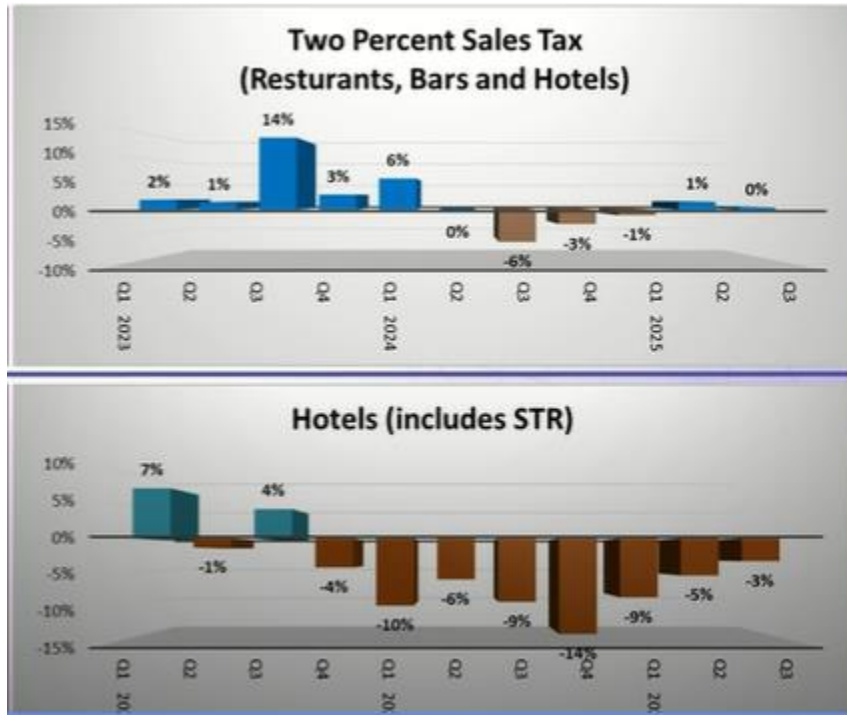
- Retail is by far the highest category at \$23 million with grocery right behind it, which is why the grocery tax debate was so important to the City.

## Spotlight: City Sales Tax – Categories of the Quarter





- In the 4<sup>th</sup> Quarter of FY 2024, the Retail and Internet category had two consecutive months of 3% lower than the previous year (FY 2023).
- The 3<sup>rd</sup> Quarter of FY 2025 closed with two consecutive months showing lower collections than the prior year 3<sup>rd</sup> Quarter and resembled the closing of FY 2024.
- Construction is still showing an increase year-over-year



- The Two Percent is flat with hotels pulling it down below the growth line

## FY 2026: OUTLOOK

### Budget Preview: General Fund Revenues

GENERAL FUND REVENUES						
(A) Revenues By Source	(B) FY 2022 Actual	(C) FY 2023 Actual	(D) FY 2024 Actual	(E) FY 2025 Estimated	(F) FY 2026 Projected	(G) FY 2027 Projected
(1) City Sales Tax (1.0%)	\$ 31,368,329	\$ 32,890,150	\$ 34,390,132	\$ 35,930,000	\$ 36,770,000	\$ 37,873,100
(2) Property Tax	14,896,945	15,213,991	15,612,274	16,291,513	17,277,928	17,969,045
(3) State Sales Tax	13,525,597	14,352,376	14,913,219	15,315,861	15,400,000	15,785,000
(4) State Income Tax	12,638,305	18,418,692	26,108,820	21,455,314	19,500,000	19,987,500
(5) Vehicle License Tax	5,111,639	5,408,721	5,488,540	5,843,523	5,888,000	6,035,200
(6) Total Major Revenues	\$ 77,540,815	\$ 86,283,930	\$ 96,512,985	\$ 94,836,211	\$ 94,835,928	\$ 97,649,845
(7) Investment Earnings	(522,221)	2,375,227	4,159,229	4,921,973	3,433,513	2,918,486
(8) All Other Revenues	19,725,902	22,097,217	25,061,781	23,335,701	26,748,976	26,864,151
(9) TOTAL GENERAL FUND	\$ 96,744,496	\$110,756,374	\$125,733,995	\$123,093,885	\$125,018,417	\$127,432,482

- Total Major Revenues
  - \$77,540,815 (FY 2022)
  - \$86,283,930 (FY 2023)

- \$96,512,985 (FY 2024)
- \$94,836,211 (FY 2025/Estimated)
  - Due to income tax decreases
- \$94,835,928 (FY 2026 Projected)
  - Rebounds a little bit but still flat due to a two year decrease in State Income Tax
- \$97,649,845 (FY 2027 Projected)
  - Revenues are starting to go back up

The top 5 Major Revenues: City Sales Tax, Property Tax, State Sales Tax, State Income Tax and Vehicle License Tax account for 70% of the recurring revenues of the General Fund

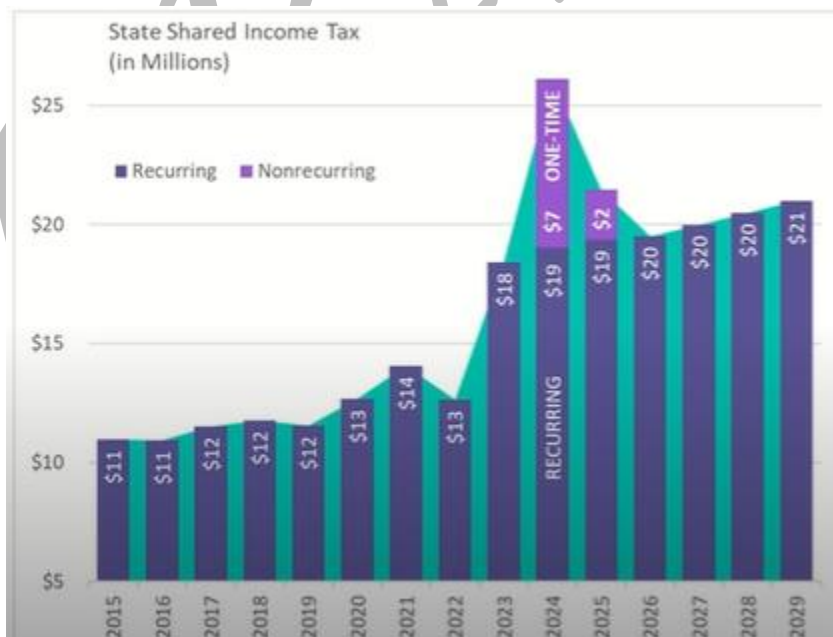
#### Discussion

- Internet sales is captured in City Sales Tax. (**Morales/Allen**)

#### State Revenue Sharing

- State Shared Revenues are distributed based on population base:
  - Sales Tax: \$918,000,000 statewide
    - Yuma FY 2025 Estimate = \$15.4 million (12.3% of General Fund budget)
  - Income Tax: \$1,186,300,000 statewide
    - Yuma FY 2025 Estimate = \$19.5 million (15.6% of General Fund budget)
  - Yuma's portion usually gets smaller as Yuma does not grow as much as Maricopa County, but Yuma is growing larger than other rural communities. In the last two years Yuma has had a larger percentage of that pie.

#### State Shared Income Tax – Recurring Revenue vs. One-Time



- In FY 2024 the State income tax allocation to cities and towns increased from 15% to 18%.

- In FY 2025 the State moved from incremental income tax to a flat 2.5% to take effect halfway through the fiscal year.
- The City knew FY 2024 and FY 2025 increases were one-time revenue and in 2024 set up an account called the *Capital Reserve and Contingency Fund* to isolate that approximate \$10 million in one-time revenue.
  - This is the fund the City would go to first if something like the grocery tax bill did not go away.
  - The City's budget document states that after two years, the funds can be used for grant matches or other CIP one-time expenses.

**Allen** expressed how detrimental losing the City's 1.7% grocery tax would have been to the City's budget as it is projected to make up 13% of the FY 2026 City Sales Tax revenue. City Sales Tax, retail in particular, should be monitored carefully due to their low diversity.

### Property Taxes

Components to property taxes and levies include:

- Levy Limit
  - The maximum levy limit goes up 2% each year and is very consistent
- Assessed Valuation
  - Typically goes up and will only go down in rare cases
    - As the assessed value goes up; the rate goes down



- Last year's tax base was \$2.1321 and generated \$16.4 million
  - If the City keeps the same \$16.4 million, the tax base would be \$2.0812 plus new construction would increase it to \$16.7 million generated which is 4% under the max of \$17,277,927
- The recommendation later in the budget will be to go to the max levy limit
  - Keeping the same rate of \$2.1321 would cause a tax increase for the truth and taxation and generate a total of \$17.1 million
  - The max of \$2.1433, along with new construction, would net \$17.2 million; a difference of around \$90,000.

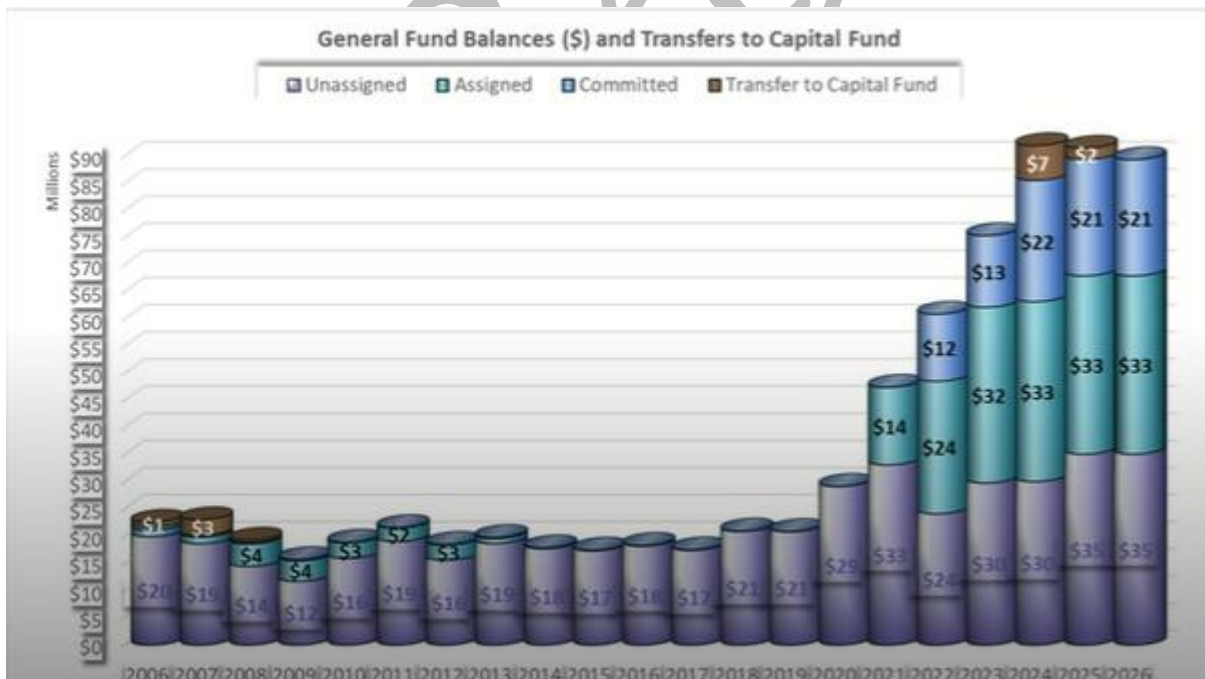
### Discussion

- The difference between the lowest tax base (\$2.0812) and the highest tax base (\$2.1433) is around \$500,000. (**Watts/Allen**)

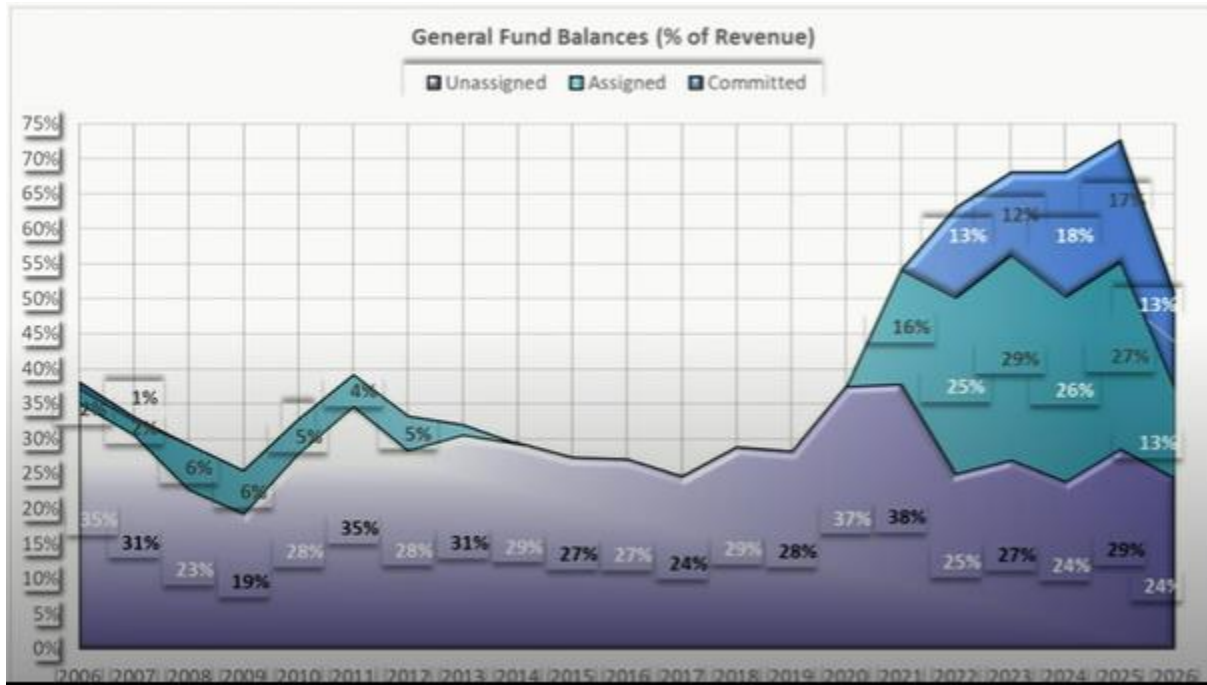
### General Fund: Fund Balances

- The City of Yuma's unassigned fund balance policy historically has had a benchmark of no less than 20% of revenues or the subsequent years expenditures, as all expenditures are balanced to not exceed those revenues for the purpose of maintaining cash flows due to the timing of taxes and different seasons.
- The Government Finance Officer Association (GFOA) considerations for assigned balances are as follows:
  - Diversity of revenues; volatility
    - The City of Yuma is not that diverse and has four revenues that drive the budget.
  - Exposure to subsidizing programs more than the General Fund
    - The City has not had to subsidize, but with the outlook of the Two Percent fund and other funds such as HURF, the General Fund might be asked to subsidize some of these in future years.
    - Bond ratings and government ratios
    - Rainy/snowy day funds
    - Replenishment plan if certain assigned balances are used.

### General Fund Balance – Amount by Category



## General Fund Balance – Percentage of Revenue



- Designated (Unassigned) balances are set for specific purposes and audited at year-end; Budget Authority, like a contingency, is budgeted as an expenditure.
- Assigned balances are set to pay for previous liabilities such as supply chain delays, at a later date, bonded debt payments due July 1, or multi-year capital projects; Unlike a contingency, fund balances are set to honor previous obligations, carried forward until payment is made.
- Committed balances require City Council action, such as pension systems unfunded liability and pre-funding
  - The best example is the Public Safety Personnel Retirement System (PSPRS) unfunded liability reserve
- Transfer to Capital Fund moves fund balance out from the General Fund
  - Example: CIP transfers for future projects

## General Fund Balance – By Purpose

FUND BALANCES BY PURPOSE	ACTUAL AUDITED FY 2024	ACTUAL ESTIMATED FY 2025	BUDGET AMENDED FY 2025	BUDGET PROPOSED FY 2026
<b>PSPRS UAAL RESERVE (AELR EXEMPT)</b>				
Beginning balance, July 1	\$ 13,136,272	\$ 14,175,782	\$ 14,175,782	\$ 14,884,571
Addition	1,039,510	708,789	689,654	744,229
Reduction	-	-	(7,000,000)	(7,000,000)
Ending balance June 30	\$ 14,175,782	\$ 14,884,571	\$ 7,865,436	\$ 8,628,800
<b>ASRS CPPP RESERVE</b>				
Beginning balance, July 1	\$ 3,168,860	\$ 7,944,153	\$ 3,168,781	\$ 6,300,000
Addition	4,775,293	-	3,088,855	1,260,000
Reduction	-	(1,644,153)	-	-
Ending balance June 30	\$ 7,944,153	\$ 6,300,000	\$ 6,257,636	\$ 7,560,000
<b>PS PROPOSITION PENSION (AELR EXEMPT)</b>				
Beginning balance, July 1	\$ 1,497,917	\$ 2,220,450	\$ 2,957,502	\$ 2,957,502
Addition	722,533	737,052	-	740,000
Reduction	-	-	-	(3,000,000)
Ending balance June 30	\$ 2,220,450	\$ 2,957,502	\$ 2,957,502	\$ 697,502



- **Public Safety Personnel Retirement System (PSPRS)**-Established under Resolution R2020-059 and used to pay unfunded pension liability if it resurfaces; Annual Expenditure Limitation Report (AELR) exempt
- **Arizona State Retirement System (ASRS)**-Deposited in ASRS “Contributions Prepayment Program” bucket until the City moves it to the “Payroll Contributions” bucket in lieu of standard ASRS payroll contributions.
  - Public Safety Proposition Pension through the dispensary tax and disbursed by the number of PSPRS employees; AELR Exempt and perfect for paying the PSPRS unfunded liability

FUND BALANCES BY PURPOSE	ACTUAL AUDITED FY 2024	ACTUAL ESTIMATED FY 2025	BUDGET AMENDED FY 2025	BUDGET PROPOSED FY 2026
<b>CAPITAL IMPROVEMENT PLAN</b>				
Beginning balance, July 1	\$ 6,312,075	\$ 8,354,691	\$ 12,354,691	\$ 12,354,691
Addition	2,042,616	4,000,000	2,561,551	-
Reduction	-	-	(7,292,668)	(9,458,815)
Ending balance June 30	\$ 8,354,691	\$ 12,354,691	\$ 7,623,574	\$ 2,895,876
<b>LONG-TERM DEBT - BONDS</b>				
Beginning balance, July 1	\$ 15,037,302	\$ 15,099,670	\$ 15,099,670	\$ 12,500,246
Addition	15,099,670	12,500,246	12,500,246	12,510,781
Reduction	(15,037,302)	(15,099,670)	(15,099,670)	(12,500,246)
Ending balance June 30	\$ 15,099,670	\$ 12,500,246	\$ 12,500,246	\$ 12,510,781
<b>SUPPLY CHAIN DELAYS / CASH FLOWS</b>				
Beginning balance, July 1	\$ 5,615,542	\$ 7,460,034	\$ 7,460,034	\$ 5,036,258
Addition	2,745,659	-	-	-
Reduction	(901,167)	(2,423,776)	(7,315,994)	(5,036,258)
Ending balance June 30	\$ 7,460,034	\$ 5,036,258	\$ 144,040	\$ -
<b>UNASSIGNED FUND BALANCE</b>				
Beginning balance, July 1	\$ 29,849,742	\$ 30,116,224	\$ 30,116,224	\$ 35,155,236
Addition	266,482	5,039,012	-	-
Reduction	-	-	(5,433,733)	(4,663,397)
Ending balance June 30	\$ 30,116,224	\$ 35,155,236	\$ 24,682,491	\$ 30,491,839

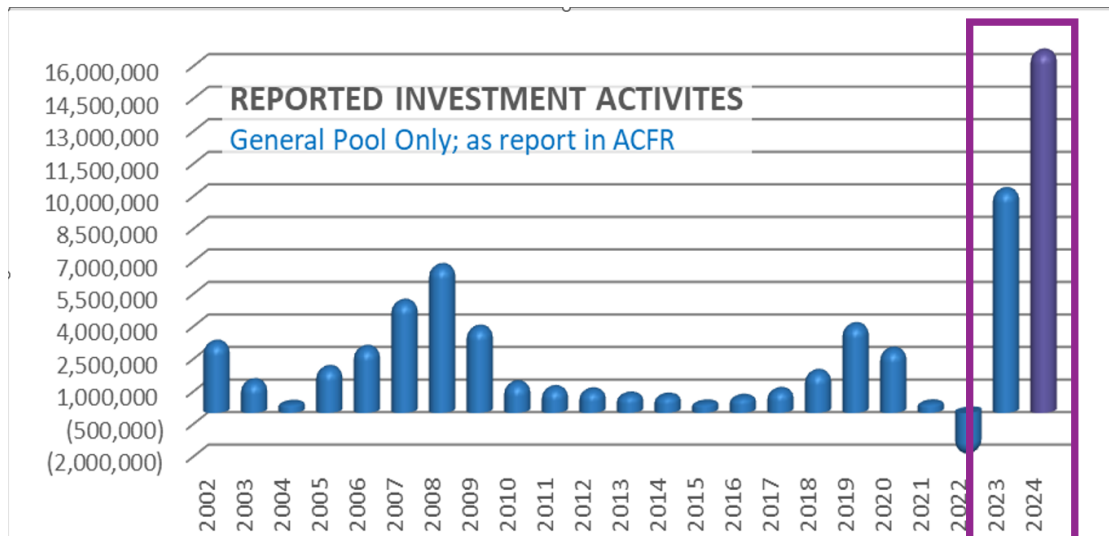
- **Capital Improvement Plan (CIP)** = carried forward for future CIP (Capital or Bond Payments)
- **Long-Term Debt** = 1 year of bond payments – due July 1<sup>st</sup>.
- **Supply Chain Delays** = the estimated cost of equipment ordered in prior years, but not received; balance is carried forward until settled; all budgeted in FY 2026
  - Up to \$7.4 million in 2024
  - Down \$2 million – budgeted for all to be spent but if not spent will carry forward
- **Unassigned** = no less than 20% and is currently approximately 24% at \$30.4 million

#### Discussion

- The unassigned fund balance is currently at \$30.4 million (approximately 24% of benchmark) and is what will carry forward into the 2026 Budget. (McClendon/Allen)

## ANNUAL EXPENDITURE LIMITATION

Look Back: FY 2024 Investment Earnings (Unrestricted)



- The last two fiscal years, and this year as well, the City has had historic investment earnings; investment earnings are excluded from the Expenditure Limitation and one of the exclusions available to the City.
  - The plan is to use these sparingly to get through 2026 and 2028

**Allen** provided the following:

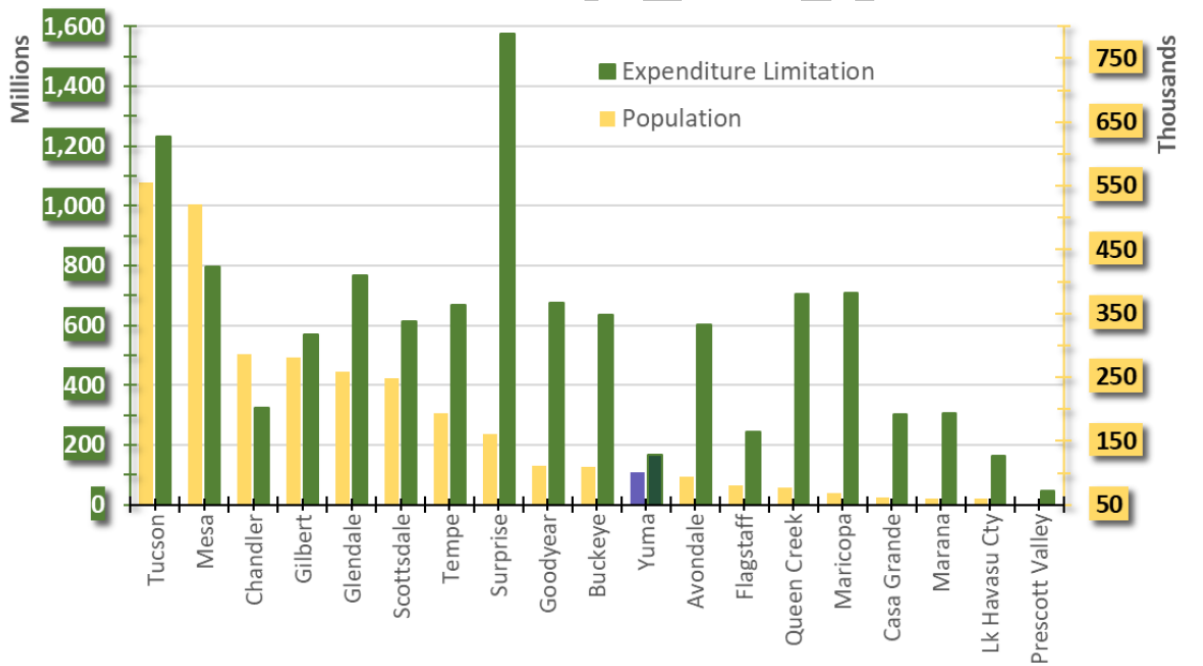
- The Annual Expenditure Limitation (AEL) can be found in the Arizona Constitution, Article IX, §20 and is applicable to all cities and counties throughout the State:
  - It sets the base limit for actual expenses of local revenues.
  - It has a restrictive ceiling even if the municipality has more local revenue/cash than the AEL
- Formula components– goes back to 1980:
  - Population Factor
    - Takes the population of 1978 to today
  - Inflation Factor
    - Takes the Gross Domestic Product deflator from 1978 to today
  - Compares to what the budget was in 1980
    - Yuma had a rather significant budget at the time, per capita
- Why Comply
  - Penalty up to 33% of State income tax withheld based on amount exceeding the AEL
  - Public Trust: Exceeding violates state law
- How to Increase – Must go to the voters (3 different ways it can be done):
  - Permanent base adjustment; Adjusts all future years (the recommended method)
  - Home rule applied to next 4 years only; Voter may adopt additional adjustments
  - One-time override; Good for one specific year for a specific amount
- How to Comply
  - Maximize exclusions available:

- Debt proceeds
- Debt repayment
- Grants and donations
- HURF in excess of 1980
- Voter approved tax for CIP
- Investment earnings
- Revenues subject to AEL:
  - Property taxes
  - Sales taxes
  - Licensing, permits and fees
  - State shared revenues
- When to Vote
  - Recommend taking to the voters at the general election in November 2026

#### Discussion

- State Law requires this type of election to be held in an even-numbered year and at the General election. November 2026 is the next opportunity to bring this to the voters. (Simonton)

**Allen** presented the following graph showing Arizona cities (excluding Phoenix) with populations over 50,000 and their corresponding AEL as well as their AEL per capita:



- The Expenditure Limitation for many of the smaller cities as well as the larger cities is significantly higher than that of Yuma.
- The proposed amount is half a billion dollars for the following reasons:
  - Corresponds with our budget amount
  - It fits in with communities of similar size to Yuma

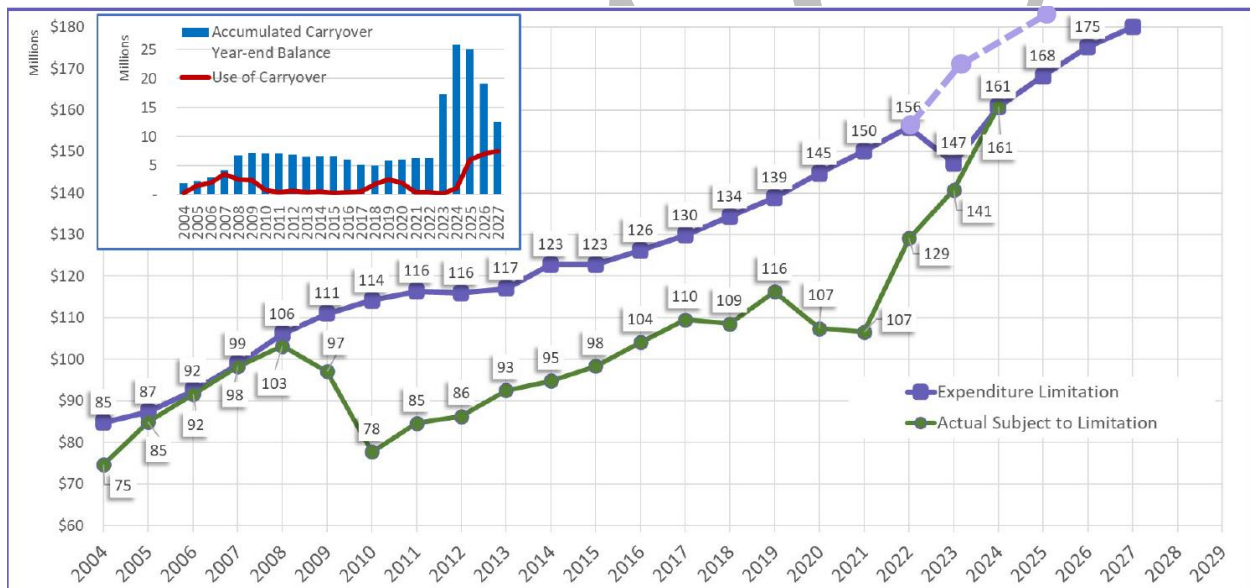


- The City of Yuma has never changed its Expenditure Limitation which is why it is so low
  - There are a handful of other communities that have not had this increase; this includes the County of Yuma

#### Discussion

- School Districts also have an expenditure limit with a different, but similar formula. **(Mayor Nicholls/Simonton)**
- The language that goes on the ballot is very specific. The City can provide education on the importance of the AEL by getting in front of civic groups and organizations, but cannot advocate for the AEL. The City's Elected Officials would be leaned on to educate the voters that this is not a tax. Running it at the same time as the County will be beneficial for both. **(Smith/Simonton)**
  - The restriction regarding advocating for the AEL does not begin until City Council approves putting it on the ballot. **(Files)**
- There are independent agencies potentially willing to help take that information packet and do the advocacy. **(Mayor Nicholls)**

#### ANNUAL EXPENDITURE LIMITATION AND INTEREST CARRYOVER

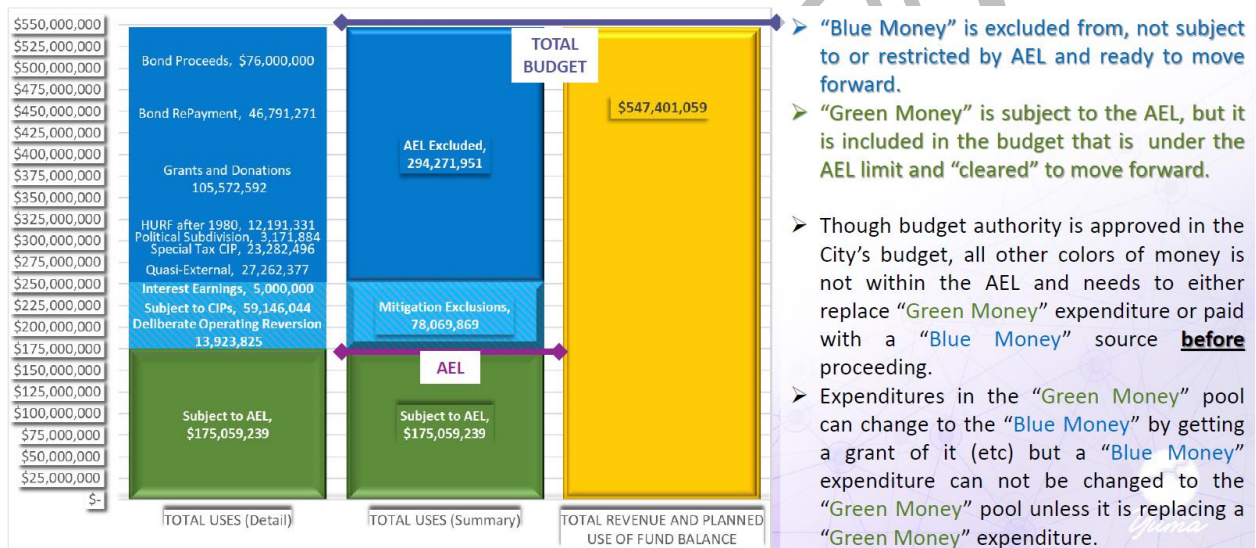


- The chart above shows how the City's Expenditure Limitation/Expenditures has trended over time.
  - Prior to 2008 the City was right at the Expenditure Limitation
  - The 2008 recession started 2-3 years of 5% negative revenue
  - Expenditures started to creep up again in 2011 through 2019, with a dip in 2020 to 2021 due to supply chain issues. At that time, the City knew there could be a problem forthcoming if there was a bottleneck in the supply chain and all purchases coming in one year.
  - That spike is what we are seeing in 2021-2023.
  - Any amount under that Expenditure Limitation does not carry over; it is annual.

- The expectation was that the Expenditure Limitation would continue to go up due to population and inflation.
  - The 2020 Census lowered the population; in 2023 the City came very close to the limit
- The City is estimated to be at an Expenditure Limitation of \$175 million in 2026
- Expenditure-wise we were right at the limit last year and had to use approximately \$700,000.00 of carryover to balance.
  - Carryovers include interest earnings
  - Carryover is projected to be used in 2025-2027

## AEL MITIGATION PLAN: EXECUTIVE SUMMARY

**Allen** used the below graph to explain what he calls Blue Money and Green Money.



## Discussion

- Deliberate Operating Reversion (\$13,923,825) is budget savings – money captured within the departments budgets but not spent and is historically 12% to 18%. This year it is closer to 3%. (**Morales/Allen/Morris**)
- Deliberate Operating Reversion is not exempt from the Expenditure Limitation it is just anticipated to not be spent and is monitored carefully. (**Morris/Allen**)
- The criteria for the Expenditure Limitation is not based on the actual budget but rather on the expenditures (**Nicholls/Allen**)

## PUBLIC SAFETY PERSONNEL RETIREMENT

Below is a snapshot from the most recent PSPRS report dated June 30, 2024, showing Yuma in the 95% ratio of unfunded liability:

032	Yuma Fire Dept.	136,086,731	123,924,997	119,181,465	120,421,942	4,743,532	3,503,055	96.2%	97.2%
033	Yuma Police Dept.	164,220,974	152,883,613	144,718,258	146,224,530	8,165,355	6,659,083	94.7%	95.6%

- Last quarter it was recommended to not pay anything at that time due to the reserve that was set up. When the reserve is taken the City will be 100% funded.
- In 2023 PSPRS did an audit on some of their assertions and found they were overvaluing Yuma's portfolio resulting in Yuma's unfunded liability increasing
  - Top two reasons for this overvaluing: interest rates were *nearly* met and salary increases were higher than expected
    - As of June 30, 2024, the PSPRS Board decreased the growth rate of public safety salary assumptions from 2% to 1.5% resulting in increased unfunded liability which then increases the contribution rates.
    - Prior to issuance of the bonds a few years ago, the contribution rate was 70% contribution rate for the City. The City does not want to get in that situation again.
- It is in the budget to make some payments to Tier One and Tier Two only
  - Taking the unfunded liability minus the LGIP account with the reserve fully funds PSPRS at 100%
- It was recommended that each time public safety receives a pay increases we pay the unfunded liability in that same year. It does not hit our books, it is not recorded with PSPRS, and it keeps our contribution down.
- It is important this year because paying the unfunded liability with those funding sources is also exempt from the Expenditure Limitation

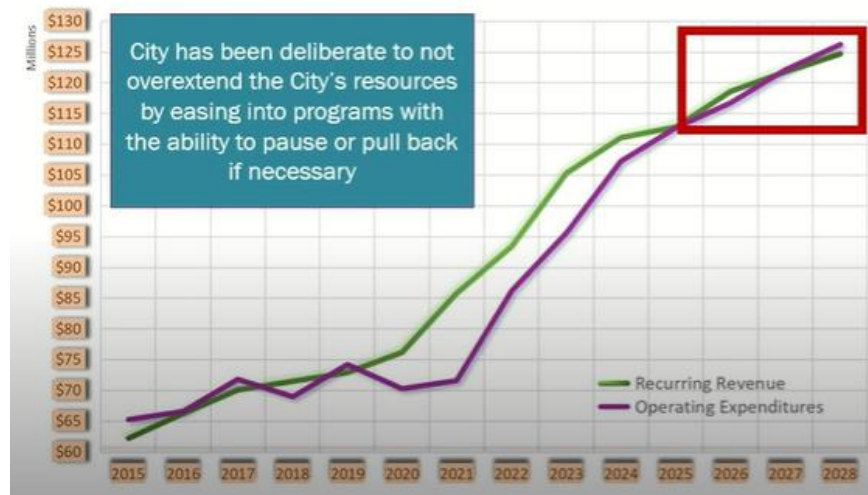
#### Discussion

- The bond obtained to pay for Tier One and Tier Two unfunded liability did its job but for several reasons including PSPRS's underperforming investments, incorrect assertions (mortalities) and the reduction in the pay structure, the City finds itself owing some unfunded liabilities. (McClendon/Allen/Nicholls)

#### FINANCIAL FORECASTS (STRESS TEST)

**Allen** stated that management continually monitors revenues and economic factors when putting together a two-year plan so-as-to not go over the "fiscal cliff".

The below chart shows what years 2026, 2027 and 2028 look like. Although revenues are estimated very conservatively, the operating expenses could be a little higher than recurring revenue in 2028. Growth of personnel plays a key role in this bump with 15 new positions.



There are reserves available if revenues go flat; however, the key is in the duration. If there is another multiple year event like COVID, the City does not have the reserves for that.

### BLAB (BOTTOM LINE AT BACK)

#### Key points

- Revenue
  - Sustainability: balancing ongoing operations to recurring revenues = structurally sound budget
- Cash and Fund Balances – All Funds
  - The no less than 20% policy is not sufficient to sustain a significant downturn; the future is always uncertain
- Annual Expenditure Limitation (AEL) – All Funds
  - Growth in population, service demands, and total customers of city services is faster than AEL formula
- Other – All Funds
  - The Capital Improvement Plan is too large for City's Revenues or Cash Balances or AEL
    - CIP Bonds is an option: spreading costs over useful life (Mortgage)

#### Discussion

- State Shared Revenues include income tax, sales tax, auto licensing tax and Highway User Revenue Funds (HURF). HURF is considered a State Shared Revenue but is kept in a separate fund and not part of the General Fund. (**Mayor Nicholls/Allen**)
- The City would take a \$20 million hit if the income tax portion of the state shared revenues were eliminated by the State Legislature (**Mayor Nicholls/Allen**)
- The number being considered for the Expenditure Limitation increase is \$500,000,000. (**Morales/Allen**)

**BREAK (4:56 PM – 5:11 PM)**

## II. PROPOSED BUDGET OVERVIEW

**Simonton** thanked the budget team for their hard work and many hours spent putting this budget together and presented the following:

### General Fund Revenues

- The theme of this years' budget is *Progress with Purpose*
- Progress is being made on the Council's strategic initiatives as well as providing for the core functions for our community
- The proposed FY26 budget is structurally balanced
- Challenges:
  - Expenditure Limitation
    - Challenges are expected in 2026, 2027 and possibly into 2028
    - Strategies to deal with these challenges will be presented to City Council
  - Unknowns such as tariff impacts, winter visitor population changes, inflationary impacts (had started to ease), interest rate changes (lower rates mean less investment income)
  - Sales tax
    - The City's economy is driven primarily by sales tax; decreased spending could influence revenue quickly
- Total Budget (All Funds) approximately \$547.4 million
- Capital Improvement Program (CIP) \$222 million which is approximately 2% less than last year (flat)
  - CIP books will be delivered to City Council prior to May 1<sup>st</sup>
- Forecasting a modest 5% growth in recurring revenues
- Forecasting a \$3.8 million decline in non-reoccurring revenues (income tax; construction sales tax)
  - The City is conservative when calculating these numbers
- Overall anticipating a \$1.9 million decrease (2%) in general fund revenues in FY2026 due to the decline in the State Shared Revenues
- Proposing the maximum allowable property tax levy
  - A policy decision and from a budgeting standpoint the City will always propose the maximum property tax levy to maximize our revenues
- Unassigned Fund Balance of \$30.5 million

### General Fund Expenditures

- Proposing a \$3.5 million (3%) increase in operating expenditures
  - Personnel (what is driving a lot of our increases)
    - 9% increase in Health Insurance Premiums
    - 15 new full-time employees (only 6 were added in FY25)
      - Attempts are made to manage this, but the addition of employees addresses the needs in the community
    - Second half of Labor Market Study (LMS) implementation in January 2026
      - The first half was implemented in January 2025

- Allows for delays if revenues continue to drop
- Operating
  - Inflationary pressures
  - Technology cost increases
    - Software subscription costs
      - Looking into AI based Microsoft products
  - Liability insurance cost increases

### Personnel Expenditures

- A \$3 million increase in personnel expenditure in the General Fund
  - Proposing 15 new full-time employees
    - 1 Code Enforcement Manager
      - Due to restructuring in Community Development
    - 3 Parks and Recreation positions
      - 2 of the positions are for the East Mesa Park and will be added when the park is complete
    - 9 Firefighters and 2 Administrative positions added mid-year
      - A Safer Grant is being sought for the nine new firefighters, but if that is not successful there is contingency in the budget to add the nine positions
      - Chief Fields and Simonton agreed to hire the two administrative positions at the same time as the nine firefighters to aid the Fire Department without having to make other cuts to the budget
    - Leave Buy-Back Program in December
      - One of the first things trimmed out of the budget if the revenues stay flat or don't increase
    - Tuition Reimbursement Program
      - Popular program for the employees
- Capital Expenditures
  - Removed all new vehicle additions to the fleet
  - Includes several large pieces of maintenance equipment (Parks)
  - Replacement vehicles \$9.7 million
    - Funded through the Equipment Replacement Fund
    - YPD take-home vehicle has been paused for a year due to the expenditure limitation issues
  - Carry Forward of approximately \$5.0 million
    - Due to supply chain delays
- Capital Improvement Program (CIP)
  - Several highly anticipated project under construction in FY26
    - Desert Dunes Expansion – Completion expected in Spring 2027
    - East Mesa Park – Completion expected in Spring 2026
    - Police Evidence Storage – Completion expected in Fall 2025
    - Hotel Del Sol Project – Expected start of construction in Fall 2025
      - A good P3 Partner has been located

- Desert Hills New Irrigation System – currently underway with completion expected in September 2025
  - The Par 3 will be done in a few months then will move on to Desert Hills
- Progress With A Purpose
  - Budget reflects changes faced due to our Annual Expenditure Limitation
  - Continues to meet the community's needs
    - Addressing needs on the East side of town
      - Additional Fire Fighters
      - Setup Medic 7
  - Includes the possible use of more than \$80 million in grant funding
    - Heavily reliant on grants for operations and equipment
    - Grants are exempt from the Expenditure Limitation
  - The 2% Fund is not sustainable given the current demands within our Parks and Recreation system
    - The General Fund is going to have to supplement more of the Parks operations – currently a 50/50 split
    - Maintaining or increasing our level of service in our parks will require a shift to the General Fund

#### Discussion

- An increase in the AEL would allow the City to spend more money and add additional full-time employees, revenue permitting. (**Martinez/Simonton**)
- The AEL would take effect in FY2028 if it passes in 2026. (**Mayor Nicholls/Simonton**)
- City matches to grant funds are exempt from the AEL. (**Smith/Simonton**)

#### FY2026 REVENUES

##### General Fund

**Simonton** reviewed the General Fund Revenues for FY 2026 highlighting the following:

- Recurring revenues increased by 5% which equates to \$5.6 million
- Nonrecurring revenues include construction, sales tax, permits and investment income.
- Total Revenues for FY2026 (Recurring and Nonrecurring) is \$125,018,417
- Operating Expenditures (Personnel, Operating and Capacity Outlay) is \$114,503,759
- Personnel increased by \$3 million and includes raises and the new employee positions
- Departments were asked to shave expenses off their budget; however, Operating expenditures still increased by 4% - compensating for increased costs.
- The CIP is \$9.5 million
- Total expenditures, including contingency and PSPRS Unfunded Liability is \$138,572,574

#### Discussion

- Construction permitting is projected as flat and is historically calculated conservatively even though the number of building permits/meters sold are up. (**Mayor Nicholls/Simonton**)

- The Community Development Department is being reconstituted to include Building Safety, Planning, Neighborhood Services and Economic Development. The Facilities Management Division will be separated from Community Development to become a stand-alone department. **(Morales/Simonton)**

### Special Revenue Funds

- Highway User Revenue Fund (HURF)
  - Revenue in this account is flat
  - Tax is on gallons purchased not a percentage of the sale.
  - Electric vehicle owners pay nothing into this fund
  - The legislature has not adjusted the .18 cents per gallon since the 90s
  - The operating expenditure jump accounts for pavement preservation that normally has come out of the Road Tax Fund; The reason it was moved here was because HURF are exempt from the expenditure limitation; A corresponding decrease in the Road Tax Fund will be seen.
  - The slight increase in personnel accounts for the health insurance increase and pay increases.
  - The slurry seal program will shift back to the Road Tax Fund next year to allow the HURF to build back up
- City Road Tax Fund
  - Is a sales tax
  - Project the same level of increase
  - Is a driver of all our road CIP projects to upgrade our road system
  - Debt service of \$4.3 million will sunset (be paid off) after FY2027
    - Will allow some capacity to bond a future road project
- Public Safety Tax Fund
  - Cannot be used for personnel; can only be used for equipment and CIP projects such as buildings
  - May want to consider asking the voters to expand and/or increase the use of this tax to include/add additional personnel as public safety uses all our general sales tax collections to operate both departments.
    - This would offset the needs in the General Fund for other areas
    - Must go to the voters any time we want to change these taxes
  - CIP Projects include a portion of the Evidence Storage Facility and backup dispatch center
- Two Percent Tax Fund
  - The fund most concerning
  - Revenues are flat
  - The charges for services, fees and sales is for ramada rentals, money collected at the golf course and Civic Center etc. and is not subject to sharing with Visit Yuma
  - Some of the personnel costs have had to shift to the General Fund
  - Capital Outlay costs include much needed equipment to maintain some of the large fields
  - Two percent CIP projects are subject to the AEL



- Maintenance Improvement Districts
  - Shows construction of homes is still increasing
- Mall Maintenance Fund
  - Used to offset the cost of maintaining the downtown area – parking lots and grounds
  - Subsidized by the general fund
  - Properties acquired by the County in this area reduces the valuation because the County does not pay property taxes.

#### Discussion

- It would be valuable to quantify the offset should those properties be in private ownership so a conversation could be had with the County (**Mayor Nicholls/Simonton/Allen**)
- Grant Funds
  - Revenues of \$80 million are programmed to be spent
    - Does not guaranty we will spend this fiscal year. An example includes the Del Sol Project
- ARPA Funds
  - Many hours were spent making sure of compliance with Federal Law
  - The East Mesa Park project is the final project to come out of this account
  - The City was able to accomplish a lot with those funds
- Debt Service Funds
  - Shows the City's debt and where the funds come from to pay it
  - \$34 million is what we pay annually and includes the PSPRS and Desert Dunes bonds
  - A contingency is included this year in the event we want to pay them off early
- Development Fees - Capital Projects
  - Fees collected to pay for projects in what we call the Infrastructure Improvement Plan collected beforehand such as anticipated or actual bond proceeds, developer deposits and development fees.
  - Once a project is in this fund, the City has to expend the collected amount within 10 years.
  - Fees collected are too low and need to be looked into; staff will begin researching the issue this year
    - A political subject – growth needs to pay for growth

#### Discussion

- Look into whether the subsidy by the General Fund can be offset if grant funding is obtained for an Infrastructure Improvement Project. (**Mayor Nicholls/Simonton**)

#### Enterprise Funds

- Water Fund
  - Enterprise Funds are not exempt from the AEL
  - Revenues are staying consistent
  - Water and Wastewater operations are heavily CIP driven and capital intensive
  - Operating increases include costs of chemicals and electricity which are out of the City's control

- The Water Fund has a healthy fund balance
- Bonding capacity is available for future projects such as wells
- Bonded funds do not fall under the AEL
- Water Capacity Fund
  - Water Capacity fees work just like development fees; a fee is collected every time there is a new connection to the system and those fees pay for capacity increases to the system
  - The Agua Viva bond will be paid off soon
- Wastewater Fund
  - Revenues are not as high in this fund as there are many customers that we provide water for, but not sewer
  - Many CIP projects were done in FY 2025
  - It's necessary to let the fund build up again
- Wastewater Capacity Fund
  - Intended to help offset the cost of building new facilities in future years
- Yuma Regional Communication System (YRCS) Fund
  - All member agencies pay into this fund based off of the number of radios they have
  - The fund is managed by the City of Yuma including payment of all invoices
  - The account is solvent and is a self-funded operation

#### Discussion

- There are small increases built into the YRCS account each year (**Mayor Nicholls/Simonton**)
- Solid Waste Fund
  - 3% rate increase as approved several years ago for inflation
  - Self-funded operation
  - FY 2027 a new route will be added – new routes are needed every 2-3 years due to growth
  - Healthy fund balance
- Internal Service Funds – Equipment Replacement Fund
  - Includes trucks, police cars and other vehicles we already have that have reached their useful life
    - Budgeted \$9.7 million in capital outlay which is money already accumulated by rents paid into this fund by each department

#### Discussion

- The proceeds from vehicles that are auctioned go back into the account they were originally taken from and not back into the Equipment Replacement Fund. For example, if the road tax fund was used the money would go back into the road tax account. (**Mayor Nicholls/Simonton/Allen**)
- Internal Service Funds - Equipment Maintenance Funds
  - Every department that has vehicles maintained pays a fee into this fund, regardless of if the vehicle goes into the shop or not.

Discussion

- Discussions with Yuma Proving Grounds (YPG) to maintain some of their large vehicles has gone quiet. **(Mayor Nicholls/Simonton)**
- YPGs contract would include paying for the number of mechanics needed to service their vehicles. **(Mayor Nicholls/Simonton)**
- Internal Service Funds – Insurance Reserve Fund
  - Projecting a hefty increase this year of \$400,000 to insurance premiums
  - The City may have to research going into the State pool sometime in the future, but at this time it still makes sense to stay where put

Discussion

- The insurance deductible requirements are not set by state statute; staff is looking into costs savings by going from a \$300,000 to a \$500,000 deductible; once researched, the information will be brought back to City Council. **(Mayor Nicholls/Simonton)**
- Internal Service Funds – Workers Compensation Fund
  - A healthy fund balance in a requirement since we are self-funded.
  - Minimizing accidents and injuries is at the forefront but as a large organization we do have cases come up.

Discussion

- The CIP and tentative budget are scheduled to be on the May 21<sup>st</sup> agenda with the final budget adoption scheduled for June 18<sup>th</sup>. The tax levy item will be on the July 2<sup>nd</sup> agenda. **(Mayor Nicholls/Simonton/Allen)**
- The May 1<sup>st</sup> agenda is when the ceiling is set on the budget. **(Morris/Allen)**

**ADJOURNMENT**

The meeting adjourned at 6:05 p.m.

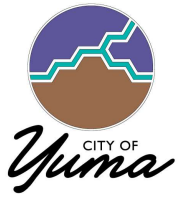
\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED:

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

Approved at the City Council Meeting of:

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



# City of Yuma

## City Council Report

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**File #:** MC 2025-120

**Agenda Date:** 8/6/2025

**Agenda #:** 2.

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**Regular Council Meeting Draft Minutes June 18, 2025**

**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 18, 2025**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Pastor Michael Black**, Morningside Southern Baptist Church, gave the invocation. **Angel Padilla**, Career and Technical Education (C.T.E.) Student, led the City Council in the Pledge of Allegiance.

**FINAL CALL**

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

**ROLL CALL**

Councilmembers Present:	Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Director of Finance, Douglas Allen Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

**I. MOTION CONSENT AGENDA**

Motion Consent Item C.2 – Bid Award: 40<sup>th</sup> Street and Avenue 7 E Intersection (Award a contract for the 40<sup>th</sup> Street and Avenue 7 E project, to the lowest responsible bidder in the amount of \$2,156,700 for the base bid and \$232,050.00 for the alternate bid, for a total of \$2,388,750.00 to DPE Construction, Inc., Yuma, Arizona) (Eng/Purch)

**Mayor Nicholls** declared a conflict of interest on Motion Consent Agenda Item C.2 due to his firm's involvement in the project, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

**Motion** (Morales/Watts): To approve Motion Consent Item C.2 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** (Morris/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Item C.2 which was approved through a previous vote. Voice vote: **approved** 7-0.

## A. Approval of minutes of the following City Council meeting:

Regular Council Worksession      May 20, 2025

## 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 Lauren Merrett, agent for Bubba's 33 located at 1632 S. 4th Avenue. (LL25-09) (Admn/Clk)
2. Pulled for separate consideration; see above
3. Authorize the City Administrator to execute the required documents with Arizona Department of Administration 9-1-1 Program Office (ADOA) to accept and disperse awarded grant funds from the Emergency Telecommunication Services Revolving Fund to pay for authorized contractual costs of equipment and services used in the operation of 9-1-1 services in the Yuma County region. (IT/YRCS)

## II. RESOLUTION CONSENT AGENDA

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

**Bushong** displayed the following titles:

**Resolution R2025-068**

**A resolution of the City Council of the City of Yuma, Arizona designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2026 Annual Expenditure Limitation Report to the Arizona Auditor General** (pursuant to Arizona Revised Statutes § 41-1279.07(E)) (Fin)

**Resolution R2025-069**

**A resolution of the City Council of the City of Yuma, Arizona, supporting and authorizing the submission of an application to the Arizona State Parks State Lake Improvement Fund** (for an emergency response equipment package to enhance firefighting, emergency medical, hazardous materials, and search and rescue activities along the lower Colorado River in furtherance of safe, water-based recreation) (YFD)

**Resolution R2025-070**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of pass-through state grant funding for the purchase of dispatch radio consoles** (for joint procurement/lease, maintenance, operation, and use of a Regional Multi-Jurisdictional Public Safety System to replace radio consoles) (YRCS)

**Resolution R2025-071**

**A resolution of the City Council of the City of Yuma, Arizona, adopting the annual Public Safety Personnel Retirement System Funding Policy for the Fiscal Year 2026 (as required under Arizona Revised Statutes § 38-863.01) (Fin)**

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

**III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

**Bushong** displayed the following title:

**Ordinance O2025-021**

**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 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 (rezone approximately 6,300 square feet of property located at 1720 S. Maple Avenue) (Plng & Nbhd Svcs/Cmty Plng)**

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

**IV. INTRODUCTION OF ORDINANCES**

Ordinance O2025-023 – Rezoning of Property: Southeast Corner of State Route SR-195 and 40<sup>th</sup> Street (Rezone approximately 50.55 acres from the Agriculture (AG) District to the High Density Residential (R-3) District, for the property located at the southeast corner of State Route SR-195 and 40<sup>th</sup> Street, Yuma, AZ.) (Plng & Nbhd Svcs)

**Motion** (Morris/Morales): To amend Ordinance O2025-023, Section 2, Subsection 5, to read: “Unless an alternative method of sound attenuation is approved by both City staff and the Arizona Department of Transportation, the owner/developer shall construct sound attenuation walls along the ASH Highway frontage as done similarly in the Ocotillo subdivisions, along the ASH Highway, within five years of the effective date of the rezoning or issuance of a Certificate of Occupancy for the property whichever occurs first.”, and introduce as amended. Voice vote: **approved** 7-0.

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

**Ordinance O2025-022**

**An ordinance of the City Council of the City of Yuma, Arizona, establishing City departments pursuant to the Yuma City Charter Article VI, Section 15, and Article VII, Section 6(g)(6), and repealing or amending any portion of an ordinance, resolution or City Code in conflict therewith (the department restructuring will accommodate customer needs with more efficient and effective services delivered to the community, while continuing to meet goals and objectives of the City Council) (Admn/Fin)**

**Ordinance O2025-023**

**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 High Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (approximately 50.55 acres of property located at the southeast corner of State Route 195 and 40<sup>th</sup> Street) (Plng & Nbhd Svcs)**

**V. PUBLIC HEARING – BUDGET RELATED ITEM**

**Mayor Nicholls** opened the public hearing at 5:44 p.m.

Being there were no speakers on the item, **Mayor Nicholls** entertained a motion to close the public hearing.

**Motion** (Morales/Watts): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:45 p.m.

**VI. SPECIAL MEETING: DISCUSSION AND POSSIBLE ACTION RELATING TO THE FY2026 FINAL BUDGET**

**Mayor Nicholls** convened the Special Meeting at 5:46 p.m.

Resolution R2025-072 – Fiscal Year 2026 – Fiscal Year 2030 Capital Improvement Program (Adopt a resolution approving the FY 2026 – FY 2030 Capital Improvement Program (CIP), pursuant to the Yuma City Charter, Article XII, Section 11) (Eng)

**Mayor Nicholls** declared a conflict of interest on Resolution R2025-072 as his firm is engaged in CIP projects with the City, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

**Motion** (Morris/McClendon): To approve Resolution R2025-072 approving the Capital Improvement Program, for Fiscal Years 2026 through 2030 as presented.

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

**Resolution R2025-072**

**A resolution of the City Council of the City of Yuma, Arizona, adopting the Fiscal Year 2026 through Fiscal Year 2030 Capital Improvement Program** (pursuant to the Yuma City Charter, Article XII, Section 11) (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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Resolution R2025-073 – Final Budget Adoption for Fiscal Year 2026 (Adopt the City of Yuma’s final budget for Fiscal Year 2026 in the amount of \$547,121,059 which is comprised of a Capital Improvement Program Budget of \$221,254,573; 13 Maintenance Improvement Districts combined for \$636,884 and an Operating Expenditure Budget of \$325,229,602; 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 is engaged in CIP projects with the City, turned the meeting over to **Deputy Mayor Smith**, and left the dais.

**Motion** (Morris/Morales): To adopt the Fiscal Year 2026 Annual Budget for the Capital Improvement Program in the amount of \$221,254,573.

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

**Mayor Nicholls** returned to the dais.

\_\_\_\_\_

**McClendon** declared a conflict of interest on the Visit Yuma Budget Adoption, due to her current employment with Visit Yuma, and left the dais.

**Motion** (Smith/Watts): To adopt the Fiscal Year 2026 Annual Budget for Visit Yuma in an amount not to exceed \$890,000.

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

**McClendon** returned to the dais.

\_\_\_\_\_

**Motion** (Morales/Smith): To adjust Schedule G of the annual Budget reducing Equipment Maintenance Fund and Total All Funds by 2.0 Full Time employees to reconcile shifts in staffing levels.

Voice vote: **approved** 7-0.

\_\_\_\_\_

**Motion** (Watts/McClendon): To amend the Araby North Subdivision Municipal Improvement District Number 112 levy rate to \$1.800 and to amend Schedule B to reflect this rate.

Voice vote: **approved** 7-0.

\_\_\_\_\_

**Motion** (Smith/Watts): To adopt Resolution R2025-073 approving the Fiscal Year 2025 Annual Budget in the amount of \$324,976,486, which excludes funding for Visit Yuma and the Capital Improvement Program, that were approved through the 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 R2025-073**

**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 2026 beginning July 1, 2025 and ending June 30, 2026 (Tentative Annual Budget Fiscal Year 2026), which incorporates the budgets for each of the thirteen Improvement Districts; and declaring that such shall constitute the adopted budget of the City of Yuma for Fiscal Year 2026; adopting a three percent increase in both the Residential Solid Waste Fee and the Environmental Solid Waste Fee; declaring the necessity of Boards and Commissions; and authorizing employment of outside legal counsel (total budget of \$547,121,059 is comprised of a Capital Improvement Program Budget of \$221,254,573, 13 Maintenance Improvement Districts combined for \$636,884, and an Operating Expenditure Budget of \$325,229,602) (Admn/Fin)**

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

The Special Meeting adjourned at 5:56 p.m.

**VII. ADDITIONAL BUDGET RELATED ITEMS**

The Regular Meeting reconvened at 5:56 p.m.

**Motion:** (Morales/McClendon): That Ordinance O2025-024 be amended to reflect the primary levy rate or \$2.1321 and Araby North Subdivision Municipal Improvement District Number 112 levy rate of \$1.800 be introduced as amended.

Voice vote: **approved** 7-0

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

**Ordinance O2025-024**

**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 2026 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, 124 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, 2025 and ending June 30, 2026 (the estimated primary property tax levy is anticipated to raise \$17,291,632 in tax revenue, which reflects an increase of the tax levy by \$358,189 attributable to new construction) (Admn/Fin)**

**VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**Appointments

**Motion** (Smith/McClendon): To appoint Priscilla Ibarra to the Parks, Arts, and Recreation Commission, with a term expiration of December 31, 2027. Voice vote: **approved** 7-0.

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Announcements

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

- Annual Water Safety Day at the Valley Aquatic Center
  - Yuma County Anti-Drug Coalition Meeting
  - Sunrise Optimists Meeting
  - Marine Corp. Air Station (MCAS) Yuma Meeting
  - Good Morning Yuma
  - United States Army 250<sup>th</sup> Birthday Celebration
  - Meeting with Keller Williams to discuss the Click and Fix and Adopt a Street Programs
  - Juneteenth Celebration at Carver Park
  - Yuma County Victim Rights Committee Meeting
  - Western Arizona Council of Governments (WACOG) Meeting
  - Yuma County Chamber of Commerce Meeting
  - Virtual Meeting with Secretary of Science, Humanities, Technology and Innovation, Dr. Juan Luis Diaz de Leon
  - Yuma Crossing National Heritage Area Board Meeting
  - Cornerstone Leadership Training
  - Yuma Colorado republican Women's Meeting
  - Rural Development Subcommittee Virtual Meeting
  - Citizens Curating Safe Spaces (CCSS) Pride Month Celebration
- 

Scheduling - No meetings were scheduled at this time.

**IX. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- June 21<sup>st</sup> – Dive in Movie Night – Moana 2

**Simonton** announced the Ocean-to-Ocean Bridge lighting project has been completed and invited the community to visit the bridge. He also reminded residents that City Hall will be closed June 19, 2025, in observance of the Juneteenth holiday. The trash schedule will not be affected by the holiday.

**X. CALL TO THE PUBLIC**

**Henry Mak**, City resident, thanked Councilmember **Watts** for attending a recent social gathering for the Lesbian, Gay, Bisexual, Transgender (LGBT) community at Cafecito, and encouraged more City Council participation in these community events.

**Sophia Ramirez**, City resident, expressed her concerns regarding the City Council's lack of support for Palestinian human rights, and urged City Council to pull investments from companies that are making money from Israel violations.

**Gene Dalbey**, City resident, expressed gratitude to the City Council for the approval of the Capital Improvement Plan (CIP). The decision significantly enhanced the bicycling infrastructure and highlights the importance of community involvement in the master transportation plan.

**XI. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:18 p.m. No Executive Session was held.

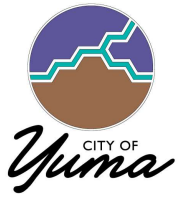
\_\_\_\_\_  
Lynda L. Bushong, City Clerk

APPROVED:

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

Approved at the City Council Meeting of:

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



# City of Yuma

## City Council Report

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**File #:** MC 2025-121

**Agenda Date:** 8/6/2025

**Agenda #:** 3.

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**Regular Council Meeting Draft Minutes July 2, 2025**

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JULY 2, 2025**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nicholls** called the City Council meeting to order at 5:36 p.m.

**INVOCATION/PLEDGE**

**Pastor Phillip Hayman**, Valley Baptist Church, gave the invocation. **Gregory Stack**, Assistant Utilities Director, led the City Council in the Pledge of Allegiance.

**FINAL CALL**

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

**ROLL CALL**

Councilmembers Present: Martinez, Morris, McClendon, Smith (attended telephonically), Morales, Watts, and Mayor Nicholls  
Councilmembers Absent: None  
Staffmembers Present: Acting City Administrator, John D. Simonton  
Various Department Heads or their representative  
City Attorney, Richard W. Files  
City Clerk, Lynda L. Bushong

**I. MOTION CONSENT AGENDA**

**Motion** (Morris/Morales): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

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

Regular Council Worksession Minutes	June 3, 2025
Regular Council Meeting Minutes	June 4, 2025

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 #10: Beer and Wine Store Liquor License application submitted by Andres Salcido, agent for Del Sol #4 located at 280 S. 4<sup>th</sup> Avenue. (LL25-10) (Admn/Clk)

2. Authorize the award and purchase of patrol motorcycles, for a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for an estimated amount of \$105,275.49 to Bobby's Territorial Harley-Davidson, Yuma, Arizona (RFB-25-174) (YPD/Purch)
3. Authorize the purchase of Information Technology Products and Services utilizing vendors awarded from the 15 cooperative purchasing agencies noted below, at an estimated amount of \$8,251,630.00. (CPA-26-001) (IT/Purch)
4. Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$340,000.00. (CPA-26-002) (IT/Purch)
5. Authorize the purchase of laptops, monitors, and docks utilizing a Cooperative Purchase Agreement with Dell Technologies in the estimated amount of \$575,000.00. (CPA-26-003) (IT/Purch)
6. Authorize the renewal of a Software Subscription form Governmentjobs.com, dba NeoGov, El Segundo, California, at a one-year estimated expenditure of \$305,000.00 (IT/HR-SS-26-004) (IT/HR/Purch)
7. Authorize the sole source purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an expenditure of \$1,596,126.78 to Badger Meter, Milwaukee, Wisconsin. (SS-26-005) (Utl/Purch)
8. Approve the City of Yuma 2025 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Plng & Nbhd Svcs/Nbhd Svcs)
9. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-43789-2025, identified as the Vision Assets, LLC Annexation, located at the northeast corner of W. 27<sup>th</sup> Street and S. 21<sup>st</sup> Drive. (Plng & Nbhd Svcs/Cmtty Plng)
10. Authorize binding of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, Automobile Damage, Drone, and Deadly Weapon coverage for Fiscal Year (FY) 2026 for the total amount of \$2,283,039.02 to: Alliant Insurance Services, Inc., of Phoenix, AZ. (RFB-23-110) (Atty/Purch)

## II. RESOLUTION CONSENT AGENDA

Resolution R2025-074 – Intergovernmental Agreement: Arizona Department of Transportation (Authorize the City Administrator to execute and Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) to utilize Highway User Revenue Fund (HURF) Exchange funding to assist in paying for the roadway infrastructure located on 40<sup>th</sup> Street from Avenue 6  $\frac{3}{4}$  E to Avenue 7  $\frac{1}{2}$  E) (Eng)

JULY 2, 2025

**Mayor Nicholls** declared a conflict of interest on Resolution R2025-074 due to his firm's involvement in the project, turned the meeting over to **Morris**, and left the dais.

**Motion** (Morales/Watts): To approve Resolution R2025-074 as recommended.

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

**Resolution R2025-074**

**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 7 E and 40<sup>th</sup> Street intersection and roadway segments (alternative route to access 32<sup>nd</sup> Street) (Eng)**

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

**Mayor Nicholls** returned to the dais.

**Motion** (Morales/Watts): To adopt Resolution R2025-075 as recommended.

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

**Resolution R2025-075**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving Amendment No. One to the Intergovernmental Agreement with Arizona Department of Transportation dated March 3, 2023, for the design and construction of the upgrade pavement markings at four citywide locations (pavement markings at Giss Parkway, 16<sup>th</sup> Street, 32<sup>nd</sup> Street and Avenue B) (Eng)**

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

### **III. ADOPTION OF ORDINANCES CONSENT AGENDA**

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

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

**Ordinance O2025-022**

**An ordinance of the City Council of the City of Yuma, Arizona, establishing City departments pursuant to the Yuma City Charter Article VI, Section 15, and Article VII, Section 6(g)(6), and repealing or amending any portion of an ordinance, resolution or City Code in conflict therewith (the department restructuring will accommodate customer needs with more efficient and effective services delivered to the community, while continuing to meet goals and objectives of the City Council) (Admn/Fin)**

**Ordinance O2025-023**

**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 High Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (approximately 50.55 acres of property located at the southeast corner of State Route 195 and 40<sup>th</sup> Street) (Plng & Nbhd Svcs)**



**Ordinance O2025-024**

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 2026 less the amounts 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, 124 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, 2025 and ending June 30, 2026 (the Fiscal Year 2026 Adopted Annual Budget is based in part upon an estimated primary property tax levy that is anticipated to raise \$17,291,632 in tax revenue) (Admn/Fin)

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

**IV. INTRODUCTION OF ORDINANCES**

Bushong displayed the following title(s):

**Ordinance O2025-025**

An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 5, Township 9 South, Range 23 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City code, as amendment, designating the zoning of certain property to the Residence-Manufactured Housing (R-MH-20) Zoning District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes as amended (approximately 4.46 acres consisting of 4 parcels) (Plng & Nbhd Svcs/Cmtty Plng)

**Ordinance O2025-026**

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of title to certain real property and improvements, the execution of a government property land and improvements lease for a term of eight years with Spencrazi, L.L.C. as the prime lessee, the reconveyance of title to the real property and improvements at the conclusion of the described lease, and approving the abatement of the government property lease excise tax during the term of the eight year lease (parcel B of Center Pointe Commons Lot at the southeast corner of 16<sup>th</sup> Street and 4<sup>th</sup> Avenue) (Atty)

**Ordinance O2025-027**

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acquisition of approximately 14.32 acres of real property by purchase and authorizing payment, together with costs necessary for the acquisition (located between Madison Avenue and Gila Street) (Admn)

**V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**Appointments

**Motion** (Morris/McClendon): To appoint Nora Morris to the Parks, Arts, and Recreation Commission, with a term expiration of December 31, 2025. Voice vote: **approved** 7-0.

Announcements

**Watts, McClendon, and Mayor Nicholls** reported on the following meetings attended and upcoming events:

- Western Arizona Council of Governments Community Action Board Meeting
- Yuma Metropolitan Planning Organization Executive Board Meeting
- National Association for the Advancement of Colored People (NAACP) Youth Juneteenth Day Celebration
- City of Yuma Boards and Commissions Training
- Chamber of Commerce Mixer
- Western Arizona Council of Governments Executive Board Meeting
- Tour of the Boys and Girls Club
- Arizona-Mexico Commission Summit

Scheduling

**Motion** (Watts/Morales): That the City Council Worksession and City Council meeting, respectively scheduled for August 19<sup>th</sup> and 20<sup>th</sup>, 2025, be cancelled due to City Council's attendance at the League of Arizona Cities and Towns Annual Conference.

Voice vote: **approved** 7-0.

**VI. SUMMARY OF CURRENT EVENTS**

**Simonton** reported the following events:

- July 4 – 4<sup>th</sup> of July Fireworks Spectacular
- July 4 – The Caballeros de Yuma 37<sup>th</sup> Annual Independence Day Flag Raising Ceremony
- July 12 – Dive-in Movie Night – Luca
- July 12 – Back to School Rodeo

**Simonton** informed the community the Yuma Police Department will have a DUI task force out over the Holiday weekend, along with additional officers on patrol to ensure illegal fireworks are not being used.

**VII. CALL TO THE PUBLIC** - There were no speakers at this time

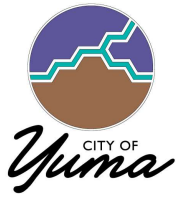
**VIII. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Morales/McClendon): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 5:56 p.m.

APPROVED:

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

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



# City of Yuma

## City Council Report

File #: MC 2025-111

Agenda Date: 8/6/2025

Agenda #: 1.

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

**TITLE:**

**Liquor License: 4 Lokos by Sonora Grilling**

**SUMMARY RECOMMENDATION:**

Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for 4 Lokos by Sonora Grilling located at 712 S. 4th Avenue. (LL25-11) (City Administration/City Clerk) (Lynda L. Bushong)

**STRATEGIC OUTCOME:**

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

**REPORT:**

Juanita Esparza, agent for 4 Lokos by Sonora Grilling, a newly established restaurant located at 712 S. 4th Avenue, has applied for a Series #12: Restaurant Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of the license have been received.

The application has been reviewed by Planning & Neighborhood Services, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control 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:**

Application Fee: \$250.00

**ADDITIONAL INFORMATION:**

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

Series #12: Restaurant Liquor License application

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025

**RESTAURANT:**

**4 LOKOS by SONORA GRILLING**  
 712 South 4th Avenue  
 Yuma, AZ 85364  
 1,500 Sq.Ft.

**KITCHEN APPLIANCES**

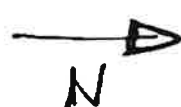
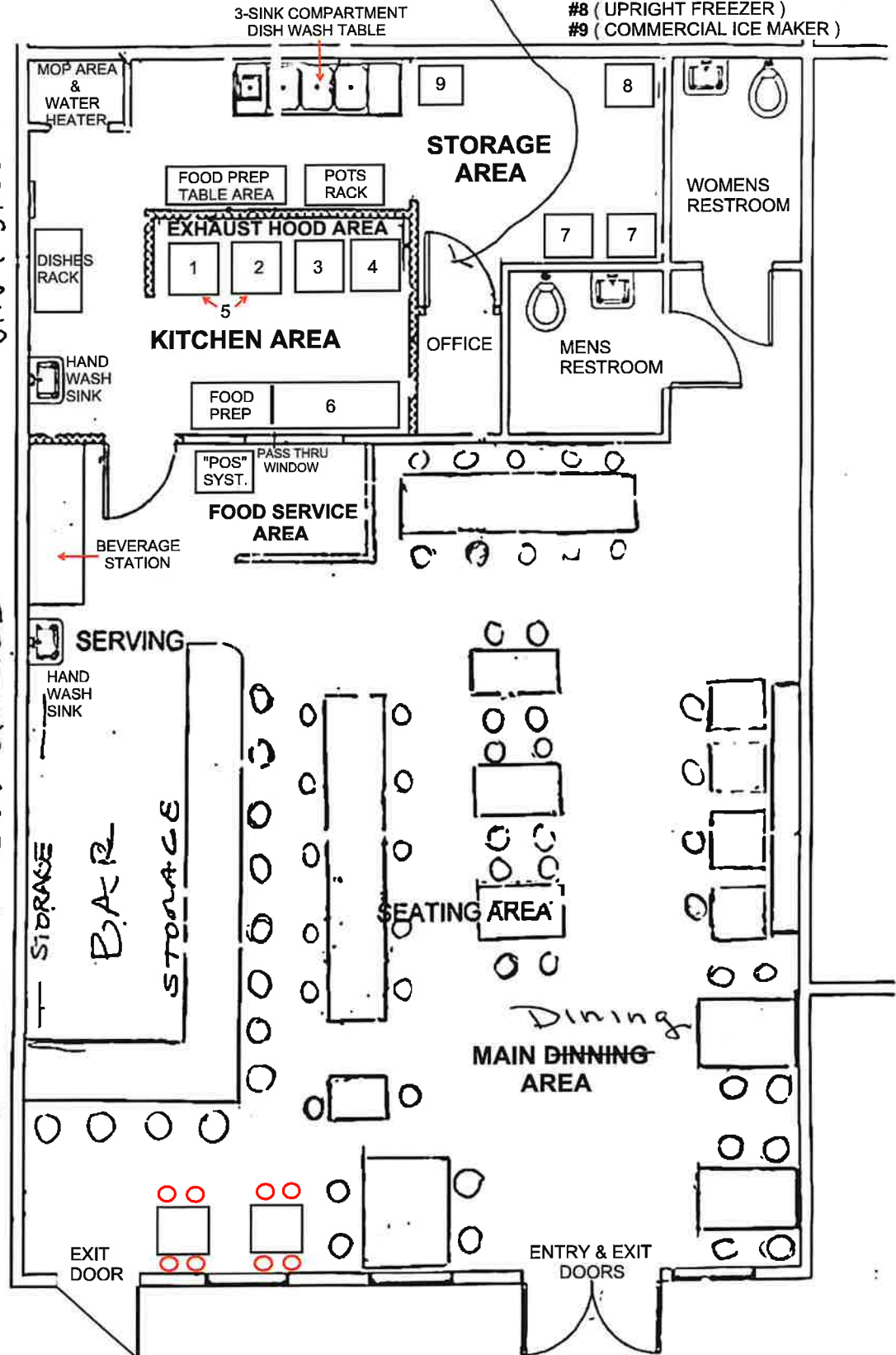
- #1 ( 6-STOVE TOP BURNER )
- #2 ( SMALL STOVE TOP GRIDDLE )
- #3 ( LARGE STOVE TOP GRIDDLE )
- #4 ( 2 BASKET DEEP FRYER )
- #5 ( 2 SIDE BY SIDE OVENS )
- #6 ( 2 DOOR REFRIDGE. SANDWICH PREP TABLE AREA )
- #7 ( UPRIGHT REFRIGERATOR )
- #8 ( UPRIGHT FREEZER )
- #9 ( COMMERCIAL ICE MAKER )

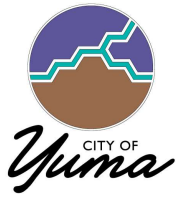
*Storage*

*KITCHEN AND STORAGE  
Approx 500 sq ft*

*SEATING AREA AND BAR  
Approx 1,000 sq ft.*

**PARKING LOT AREA**





# City of Yuma

## City Council Report

File #: MC 2025-112

Agenda Date: 8/6/2025

Agenda #: 2.

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:

Liquor License: The Chile Pepper

### SUMMARY RECOMMENDATION:

Approve a Series #12: Restaurant Liquor License application submitted by Andrea Huff, agent for The Chile Pepper located at 2401 S. 4th Avenue. (LL25-12) (City Administration/City Clerk) (Lynda L. Bushong)

### STRATEGIC OUTCOME:

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

### REPORT:

Andrea Huff, agent for The Chile Pepper, has applied for a Series #12: Restaurant Liquor License for their new location at 2401 S. 4th Avenue.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of the license have been received.

The application has been reviewed by Planning & Neighborhood Services, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control 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:**

Application Fee: \$250.00

**ADDITIONAL INFORMATION:**

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

Series #12: Restaurant Liquor License application

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025







# City of Yuma

## City Council Report

File #: MC 2025-113

Agenda Date: 8/6/2025

Agenda #: 3.

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

### TITLE:

**Cooperative Purchase Agreement: Fire Service Apparatus**

### SUMMARY RECOMMENDATION:

Authorize the purchase of a 2026 Ford 350, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at an expenditure of \$230,284.70 to Republic EVS, Huntington Beach, California (Fire Department-CPA-26-009) (Dustin Fields/Robin R. Wilson)

### STRATEGIC OUTCOME:

This action supports the City Council's strategic outcome of Safe and Prosperous by providing the needed resources for first responders to best serve the community.

### REPORT:

This apparatus will be designed to safely seat up to four fire personnel and will serve as the frontline Battalion Chief truck. This Battalion Chief serves as the daily Shift Commander, who provides emergency response throughout the City and utilizes the vehicle as the Incident Command post. The new unit will replace a 2016 F-250 that will be used as a reserve Command vehicle.

This unit is expected to take approximately 12 months to build.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$230,284.70	BUDGETED:	\$327,787.00
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 \$230,284.70			
Equipment Replacement Fund			
To total; right click number & choose "Update Field"			

### FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2026 City Council approved budget and the Equipment

Replacement Program.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the apparatus.

**ADDITIONAL INFORMATION:**

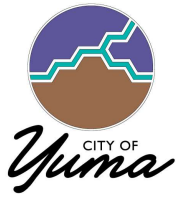
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



# City of Yuma

## City Council Report

File #: MC 2025-114

Agenda Date: 8/6/2025

Agenda #: 4.

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

### TITLE:

**Cooperative Purchase Agreement: Dump Truck**

### SUMMARY RECOMMENDATION:

Authorize the purchase of a Dump Truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an estimated expenditure of \$216,564.90 to Rush Truck Centers of Yuma, Yuma, Arizona. (Parks and Recreation-CPA-26-014) (Eric Urfer/Robin R. Wilson)

### STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of a Safe and Prosperous community, enabling City staff to perform necessary maintenance.

### REPORT:

The unit being replaced is a 2008 Dump Truck 5-yard F-750, which has exceeded the 15-year life expectancy. The unit is critically important in supporting the ongoing efforts to maintain and enhance park grounds, tree inventory, turf, and landscaping, as well as in-house construction work performed by the park's construction crew.

The 2008 truck will be relinquished to surplus and sold online through the Public Surplus or the City Auction. Funds are included for the replacement truck in the Fiscal Year 2026 Equipment Replacement Fund.

The expected lead time for delivery of the unit will be 10 months.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$216,564.90	BUDGETED:	\$247,369.00
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 \$216,564.90

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

**FISCAL IMPACT STATEMENT:**

Sufficient budget capacity is provided in the FY 2026 City Council approved Budget and Equipment Replacement Program to purchase this dump truck.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the truck.

**ADDITIONAL INFORMATION:**

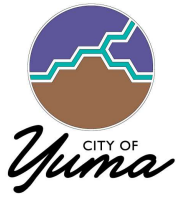
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



# City of Yuma

## City Council Report

File #: MC 2025-115

Agenda Date: 8/6/2025

Agenda #: 5.

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

### TITLE:

**Cooperative Purchase Agreement: Elgin Sweeper**

### SUMMARY RECOMMENDATION:

Authorize the purchase of a Elgin Broom Bear Street Sweeper utilizing a cooperative agreement originated by Sourcewell, at a cost of \$466,174.75 to Norwood Equipment LLC., Phoenix, Arizona. (Public Works-CPA-26-011) (Joel Olea/Robin R. Wilson)

### STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of Safe and Prosperous as the equipment purchase is necessary to perform street sweeping throughout the City.

### REPORT:

The City will utilize a cooperative purchase agreement for the purchase of the street sweeper. The unit being replaced is a 2015 model year, which has exceeded its eight-year life expectancy, and will be relinquished to surplus and sold online through the Public Surplus or the City Auction. The budgeted funds for the new sweeper are included in the FY26 Equipment Replacement Fund.

The expected lead time for the delivery of the unit will be 10 months.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$466,174.75	BUDGETED:	\$493,004.00
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 \$466,174.75

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

### FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved Budget and Equipment Replacement Program to purchase this Sweeper.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the Sweeper.

**ADDITIONAL INFORMATION:**

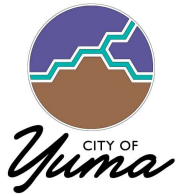
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



# City of Yuma

## City Council Report

File #: MC 2025-116

Agenda Date: 8/6/2025

Agenda #: 6.

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:

**Cooperative Purchase Agreement: Side Loaders**

### SUMMARY RECOMMENDATION:

Authorize the purchase of three 2026 Peterbilt Model 520/McNeilus 25 Yard Side Loaders utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,491,065.00 to Rush Truck Centers of Yuma; Yuma, Arizona. (Public Works-CPA-26-012) (Joel Olea/ Robin R. Wilson)

### STRATEGIC OUTCOME:

The purchase of the three trash trucks will allow Public Works, Residential Solid Waste to continue to provide trash and recycle collection and a core service for our community, aligning with the strategic outcome of Respected and Responsible.

### REPORT:

The City will utilize a cooperative purchase agreement for the purchase of the side loaders for the trash and recycle route. The three side loaders being replaced are seven years old and will be relinquished to surplus and sold online through the Public Surplus or the City Auction. Funds for the new trucks are included in the Fiscal Year 2026 Equipment Replacement Fund.

The expected lead time for delivery of the units will be 18 months.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$1,491,065.00	BUDGETED:	\$1,660,923.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$1,491,065.00			
Equipment Replacement Fund			
To total; right click number & choose "Update Field"			

### FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved Budget and Equipment Replacement Program to purchase this side loader.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the side loader.

**ADDITIONAL INFORMATION:**

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

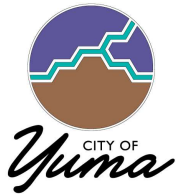
None

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025





# City of Yuma

## City Council Report

File #: MC 2025-117

Agenda Date: 8/6/2025

Agenda #: 7.

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:

**Cooperative Purchase Agreement: Rear Loader**

### SUMMARY RECOMMENDATION:

Authorize the purchase of a 2026 Peterbilt Model 520/McNeilus 25 Yard truck, utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$411,508.61 to Rush Truck Centers of Yuma; Yuma, Arizona. (Public Works-CPA-26-013) (Joel Olea/Robin R. Wilson)

### STRATEGIC OUTCOME:

This vehicle purchase will allow Public Works, Street Division to replace one of the Rear Loader units providing trash removal from roadside and trails, aligning with the strategic outcome of Respected and Responsible.

### REPORT:

The City will utilize a cooperative purchase agreement for the purchase of the rear loader for providing trash removal from roadside and trails. The 2014 rear loader is eleven years old and will be relinquished to surplus and sold online through the Public Surplus or the City Auction. Funds are included in the Fiscal Year 2026 Equipment Replacement Fund. The expected lead time for delivery of the unit will be 18 months.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$411,508.61	BUDGETED:	\$494,052.00
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 \$411,508.61

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

### FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved Budget and Equipment Replacement Program to purchasing the rear loader.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the rear loader.

**ADDITIONAL INFORMATION:**

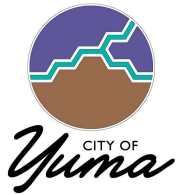
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



# City of Yuma

## City Council Report

File #: MC 2025-118

Agenda Date: 8/6/2025

Agenda #: 8.

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

### TITLE:

**Cooperative Purchase Agreement: Asphalt Patcher**

### SUMMARY RECOMMENDATION:

Authorize the purchase of a 2026 Peterbilt Model 567/Model B-5 Asphalt Patcher (5 cubic yard capacity) utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council for an estimated expenditure of \$370,228.49 to Rush Truck Center of Yuma; Yuma, Arizona. (Public Works-CPA-26-015) (Joel Olea/Robin R. Wilson)

### STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of Safe and Prosperous for necessary pothole repair on City streets throughout Yuma.

### REPORT:

The City will utilize a cooperative purchase agreement for the purchase of the asphalt patcher. The 11-year-old asphalt patcher truck will be relinquished to surplus and sold online through the Public Surplus or the City Auction. Funds are included in the Fiscal Year 2026 Equipment Replacement Fund.

The expected lead time for delivery of the unit will be 12 months.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$370,228.49	BUDGETED:	\$372,656.00
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 \$370,228.49

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

### FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved Budget and Equipment Replacement Program to purchase this truck.

Due to the length of time to build the apparatus, the City encumbers and holds cash in the City's investment pool to be carried forward to future budget years until the City receives the truck.

**ADDITIONAL INFORMATION:**

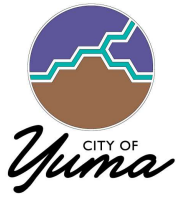
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



# City of Yuma

## City Council Report

File #: R2025-079

Agenda Date: 8/6/2025

Agenda #: 1.

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

### TITLE:

**Intent to Create Municipal Improvement District No. 130: La Vida Townhomes**

### SUMMARY RECOMMENDATION:

Approve the creation of Municipal Improvement District (MID) No. 130 to serve La Vida Townhomes located at the northwest corner of 34<sup>th</sup> Street and DeVane Drive. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

This MID assists in furthering the City Council's strategic outcomes as it relates to Respected and Responsible and Active and Appealing. The establishment of a MID is a fiscally responsible measure intended to provide long-term maintenance for subdivision landscaping resulting in an appealing environment for neighborhood residents.

### REPORT:

Under provisions of the City Code, all developers are responsible to completely landscape their development projects according to the approved plans prior to issuance of the Final Acceptance of the Subdivision. In particular, subdivisions are required to provide landscaping along certain arterial and collector streets, in retention basins, and in other locations as provided in the zoning requirements, approval stipulations, engineering requests or subdivision requirements. In addition, developers may provide paths, trails, and other amenities in the common open space areas adjacent to arterial and collector streets. Neighborhood landscape amenities add value to properties, enhance walkability, and improve community aesthetics.

In the past, once the landscaping was installed by the developer and accepted by the City, the developer would provide a cash deposit to the City for several years of landscaping maintenance and the responsibility of ongoing maintenance for the landscaping in the community was shifted to the City of Yuma Public Works Department. Ideally, the new tax base for that newly developed neighborhood would offset the costs of ongoing maintenance to serve that neighborhood. It is now known that the current revenue streams from property and sales taxes generated from the neighborhoods benefiting from the landscape amenities do not cover the costs of this maintenance and Public Works must utilize other portions of its budget to subsidize the maintenance costs to adequately meet the maintenance needs of these new developments. Additionally, many of the residents in these developments would like extra services or specialized services that Public Works is unable to provide, leaving the residents feeling as if they have little control over the maintenance and beautification of their neighborhood.

As an alternative to this existing situation, a statutory Municipal Improvement District (MID) can now be created. The state legislature permits the creation of MIDs for cities and towns to provide a dedicated funding stream for improvements and neighborhood decisions on improvements. In the City of Yuma context, MIDs are utilized for landscape maintenance and provide local control over landscape maintenance. Residents within the MID pay a special assessment on their property tax bill and they gain a direct decision-making role in the level of maintenance within their community. The City will outsource maintenance to a local landscape maintenance contracting company and the amount of the assessment will directly reflect the cost of maintenance. Resident input on the level of maintenance and proposed improvements will be reviewed and approved on an annual basis.

The body of law for MIDs in cities and towns is found at A.R.S. § 48-501 *et seq.* MIDs are widely used in other Arizona cities and towns. Often, the cities and towns in the metro Phoenix area use MIDs in lieu of homeowners' associations or as back-ups to existing homeowners' associations so those residents can enjoy the same or similar landscape amenities without the need to be part of a homeowners' association.

Pursuant to the provisions of A.R.S. § 48-574, the Mayor and City Council are empowered to form a MID for the following purposes: operations, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention basins, parkings, and parkways. Per statute, the Mayor and City Council can initiate the formation of a MID or property owners can petition to form a MID. In this case, a MID was contemplated in a development agreement and the developer has submitted an executed Petition, Waiver, and Consent form requesting the formation of the MID.

Attached to this Request for City Council Action is the petition to form a MID for the La Vida Townhomes development. In this situation, in which all the property owners have presented a Petition for Formation, the ordinary publication and posting periods are not required by law. Also attached is the formal Resolution of Intention for Creation of City of Yuma Municipal Improvement District No. 130 La Vida Townhomes, which is located at the northwest corner of 34<sup>th</sup> Street and DeVane Drive.

Following the passage of a Resolution of Intention to Create MID, certain impacted property owners, in accordance with A.R.S. § 48-579, are given fifteen days to express written protest against the proposed MID. If no protests are submitted, the Mayor and City Council are authorized to adopt a second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID process. It is anticipated that the Resolution Ordering the Improvements will be heard at the September 3<sup>rd</sup> regular City Council meeting after the creation of this MID.

Adopting this Resolution authorizes the creation of Municipal Improvement District No. 130 to serve La Vida Townhomes.

#### 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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025

## **RESOLUTION NO. R2025-079**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING ITS INTENTION TO CREATE MUNICIPAL IMPROVEMENT DISTRICT NO. 130, SERVING LA VIDA TOWNHOMES, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF LA VIDA TOWNHOMES**

WHEREAS, pursuant to Title 48, Chapter 4, Article 2, Arizona Revised Statutes, a Municipal Improvement District (MID) may be formed for the sole purpose of the operation maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detention basins, and parkings and parkways; and,

WHEREAS, a petition has been received by Mayor and City Council of the City of Yuma to form a MID to provide operation, maintenance and repair of the landscape improvements within, near and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the La Vida Townhomes housing development; and,

WHEREAS, the formation of a MID for the operation, maintenance and repair of the landscape improvements within, near, and adjacent to retention and detention basins and the parkings and parkways and related improvements serving La Vida Townhomes will provide a dedicated stream of funding for the maintenance of those improvements and will provide neighborhood decisions on those improvements, and will privatize the maintenance of those improvements; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the formation of the MID to provide the operation, maintenance and repair of the landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements in the La Vida Townhomes housing development to be of more than local or ordinary public benefit, and not a general public benefit, and further that the expenses of said operation, maintenance, and repair shall be La Vida Townhomes; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the operation, maintenance, and repair of landscaping improvements in the retention and detention basins and the parkings and parkways and related improvements in the District is incidental to the maintenance and preservation of the retention and detention basins and the parkings and parkways and related improvements, has aesthetic value, and maintains and increases the value of property within the District; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, find and declare that the operation, maintenance, and repair of landscaping improvements within, near or adjacent to the retention and detention basins and the parkings and parkways and related improvements in the MID preserves and promotes the health, safety, and welfare of those citizens living within the District as well as preservation of the streets and parkways in the District which may be adversely impacted by drainage; and,



WHEREAS, the Mayor and City Council of the City of Yuma, Arizona find and declare that the operation, maintenance, and repair of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air, and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens living within the District.

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

SECTION 1: The petition to form a MID for La Vida Townhomes purporting to be signed by all of the real property owners within the proposed District attached as Exhibit “A” is hereby accepted as provided in A.R.S. § 48-574(C).

SECTION 2: MID No. 130, serving La Vida Townhomes to operate, maintain and repair landscaping improvements included within, near, and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of La Vida Townhomes, is hereby created.

SECTION 3: The expenses of MID No. 130 shall be assessed to the several properties within the MID as provided for in A.R.S. § 48-574(D)(2), in which City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of the total sum upon the several lots, each respectively in proportion to the benefits to be received by each lot.

SECTION 4: No sooner than fifteen (15) calendar days after this Resolution is adopted, City staff shall present a map of the boundary for MID No. 130 and a diagram for MID No. 130 to Mayor and City Council for consideration to declare an intention to order improvements to MID No. 130 as provided in A.R.S. § 48-576.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

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

ATTESTED:

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

APPROVED AS TO FORM:

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

**PETITION, WAIVER AND CONSENT TO FORMATION  
OF A MUNICIPAL IMPROVEMENT DISTRICT  
BY THE CITY OF YUMA**

**130**

**MID#**

**La Vida Townhomes**

**Subdivision Name**

To: Honorable Mayor and  
Honorable Councilmembers  
City of Yuma, Arizona

Pursuant to Arizona Revised Statutes ("A.R.S.") §48-574, the undersigned property owner respectfully petitions the Mayor and City Council of the City of Yuma, Arizona (the "City Council") to order the formation of a Municipal Improvement District (the "District") under A.R.S., Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under Arizona Law and to consent to the formation and completion of the District.

1. Area of District. The proposed District is described by a diagram and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed District (the "Petitioner(s)") including any required public dedications of property.
3. Purpose. The District is proposed to be formed for the purpose of the operation, maintenance, repair and improvements of landscape, irrigation, and hardscape in retention basins, parkways and parkings within the proposed District.
4. Public Convenience and Necessity. The necessity for the proposed District is for the operation, maintenance, repair and improvements of landscape, irrigation, and hardscape in retention basins, parkways and parkings within the proposed District by the levying of special assessments in the proposed District.
5. Waiver and Consent. The Petitioners, with full knowledge of their rights being waived hereunder, hereby expressly waive all of the following:
  - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work relating to the District.
  - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578.
  - (c) All rights to petition to dissolve the district pursuant to A.R.S. §48-574(N).
  - (d) All protest rights whatsoever under A.R.S. §48-579(A) and (B), as amended.

(e) All objections to the filing of and legislative adoption by the City Council of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

(f) It is the intent of the undersigned Petitioners that items (a) through (e) above shall be binding on all successors and assigns and shall run with the land.

Further, the improvements described above are of more than local or ordinary public benefit, and not a general public benefit.

IN WITNESS WHEREOF, the parties have executed this Petition and Waiver Agreement as of \_\_\_\_\_, 20\_\_\_\_\_.

[SIGNATURES ON FOLLOWING PAGES]

**"Property Owner"**

Property Tax Parcel Numbers: 698.40.001

By: R. Carlile Roberts

Name: R. CARLILE ROBERTS

Title: MANAGER

Address: Box 1861

MUSKOGEE, OK, 74402

Date: 6-11-25

(ACKNOWLEDGMENT)

STATE OF Oklahoma )

COUNTY OF Tulsa ) ss.

This instrument was acknowledged before me on 11 June, 2025,  
by R. Carlile Roberts Trust, as member of Yuma Development One, LLC, an Arizona Limited Liability Company, on behalf of the LLC.

[Signature]

Notary Public in and for the State of OK

(affix notary seal here)



[SIGNATURES CONTINUE ON FOLLOWING PAGES]

**ACCEPTED AND APPROVED BY:**

**“City”**

CITY OF YUMA,  
an Arizona municipal corporation

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

ATTEST:

\_\_\_\_\_  
Lynda Bushong, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA        )  
                                  ) ss.  
COUNTY OF YUMA    )

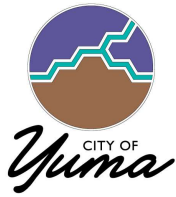
This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_,  
by Douglas J. Nicholls, the Mayor of the CITY OF YUMA, an Arizona municipal corporation, on  
behalf of the City of Yuma.

\_\_\_\_\_  
Notary Public in and for the State of Arizona

(affix notary seal here)

**LA VIDA TOWNHOMES  
LEGAL DESCRIPTION**

Lot 1A, 24/7 GET FIT LOT TIE/LOT SPLIT No. 3, as recorded in Book 36 of Plats, Page 62, records of Yuma County, Arizona, being located in the West half of the Northeast quarter of the Northeast quarter of Section 10, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.



# City of Yuma

## City Council Report

File #: R2025-080

Agenda Date: 8/6/2025

Agenda #: 2.

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 checked="" type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
Community Planning	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

### TITLE:

**Preannexation Development Agreement: JD & B Yuma RP, LLC**

### SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement for Assessor Parcel Number 724-09-002 located at the southwest corner of 42<sup>nd</sup> Street and Avenue 4¼ E. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

This furthers City Council's strategic outcomes of Safe and Prosperous and Connected and Engaged, as the approval of the Preannexation Development Agreement will facilitate the connection of City services for the developed site.

### REPORT:

JD & B Yuma RP, LLC (Owner) owns the parcel located at the southwest corner of 42<sup>nd</sup> Street and Avenue 4¼ E (APN 724-09-002) (Property). The Owner is interested in annexing the Property into the City of Yuma; however, annexation is not currently feasible. The Property is presently used as a citrus grove, and while there is no specific development plan at this time, the Owner would like to preserve the option to connect to City of Yuma services should suitable development opportunities arise in the future. As a result, the Owner has requested a Preannexation Development Agreement to allow for connection to the City of Yuma's services in the future.

In accordance with City policy, to receive City of Yuma services annexation or a preannexation development agreement are required. Since annexation of the Property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with JD & B Yuma RP, LLC for the Property shown on the location map attached to the agreement.

### FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00

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**File #:** R2025-080**Agenda Date:** 8/6/2025**Agenda #:** 2.

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OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP
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TOTAL\$ 0.00

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

**FISCAL IMPACT STATEMENT:**

Not applicable

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 07/24/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/20/2025



**RESOLUTION NO. R2025-080**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH JD & B YUMA RP, LLC FOR ASSESSOR PARCEL NUMBER 724-09-002 LOCATED AT THE SOUTHWEST CORNER OF 42<sup>ND</sup> STREET AND AVENUE 4¼E**

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the owners of certain real property identified as APN 724-09-002 (the Property) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Property is located in unincorporated land that is territory desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the Property owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City.

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

SECTION 1: The Preannexation Development Agreement between JD & B Yuma RP, LLC and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma and to record the Preannexation Development Agreement in the Official Records of the Yuma County Recorder.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

APPROVED:

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

ATTESTED:

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

APPROVED AS TO FORM:

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

**EXHIBIT A  
RESOLUTION NO. R2025-080**

**PREANNEXATION DEVELOPMENT AGREEMENT**

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between JD & B Yuma RP, LLC (“Owner”), as the owner of the real property identified as APN 724-09-002, more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owner and City shall be referred to collectively as the “Parties” and individually as a “Party.”

**RECITALS**

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with and conforms to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Owner desires to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and City of Yuma water service upon the terms and conditions described in this Agreement.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC. v City of Yuma*, 227 Ariz. 28 (2011).
2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.
3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1. Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owner’s successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma

municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2. Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to a zoning district in the City's Zoning Code that is consistent with A.R.S. § 9-471 (L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation.

4. Development Standards. The development and use of the Property shall be subject to all City, county, state and federal laws, regulations, rules, policies, and fees in effect at the time of development ("Applicable Laws").

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. Payment of all capacity, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a City building permit. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner's execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

6.1 Aviation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Corps Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This

disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

6.3 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the “Permitting Agency”) through the Permitting Agency’s normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City’s normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner’s construction and installation of public improvements shall occur within the timeframes specified under Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for a Notice of Intent, the City will issue the appropriate “Authorization to Connect to Public Water Service” letter for water service provided that Subsection 8.3 is complied with.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer, or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating Owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Septic System. If Owner has obtained permitting and installed a septic system pursuant to County of Yuma regulations the requirements of this Agreement shall not be interpreted to require the Property to connect to City sanitary sewer service until such time as Sanitary Sewer Service is available (at the City’s absolute and discretionary schedule) and the existing septic tank system is declared unserviceable as defined in City of Yuma Utility Regulations, as amended, or the Parties agree that such a connection shall be made. Any such connection to a future City of Yuma Sanitary Sewer Service line shall be at Owner’s sole cost for design, permitting, capacity charges and construction, and shall require City approval prior to permitting.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property. If developed in Yuma County, written City approval of all such permits, plans, specifications, plats or other development approvals shall be required.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given under this Agreement shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:  
City Administrator  
One City Plaza  
Yuma, Arizona 85364-1436

To Owners:  
JD & B Yuma RP, LLC  
10718 E. 38<sup>th</sup> Street  
Yuma, AZ 85365

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either Party defaults (the "Defaulting Party") with respect to any of such Party's obligations, then the other Party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above, the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual

damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Owner Representations. Owner represents and warrants that:

- a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.
- e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.
- g. Owner has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.
- h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City Representations. City represents and warrants to Owner that:

- a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.
- e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.
- g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D and will run with the land during the Term of the Agreement as defined in Section 2.

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

17.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona at the John M. Roll United States Courthouse, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 17.1.

17.2 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

17.3 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either Party, or its agents not contained or specifically referred to in this Agreement is valid or binding.

17.4 Recordation. Upon receipt of the recording fee from Owner, the City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

17.5 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

17.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

17.7 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning of construction of any of the provisions hereof.

17.8 Exhibits and Recitals. Any exhibit attached to this Agreement shall be deemed to have been incorporated into this Agreement by this reference with the same force and effect as if fully set forth in the body of the Agreement. The Recitals set forth at the beginning of this Agreement are acknowledged and incorporated and the Parties confirm the accuracy each Recital.

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

17.10 Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained



in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

17.12 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

17.13 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

17.14 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

17.15 Individual Nonliability/Damages. No City Council member, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach by City or for any amount which may become due to a Party or its successor, or with respect to any obligation of City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Owner shall be limited to the Property and any improvements thereon, and shall not extend to or be enforceable against the individual assets of any member, officer, or trustee of Owner.

17.16 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval of the zoning designation. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY:**  
CITY OF YUMA

**OWNER:**  
JD & B Yuma RP, LLC

By \_\_\_\_\_  
John D. Simonton  
Acting City Administrator

By \_\_\_\_\_  
Barbara L. Woodman  
Member

By \_\_\_\_\_  
James D. Woodman Jr.  
Member

ATTEST:

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

APPROVED AS TO FORM:

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

**ACKNOWLEDGMENTS**

State of Arizona       )  
                                  ) ss  
County of Yuma       )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025 by Barbara L. Woodman, Trustee of Woodman Loving Trust, on behalf of JD & B Yuma RP, LLC.

\_\_\_\_\_  
COMMISSION EXPIRATION: NOTARY PUBLIC

State of Arizona       )  
                                  ) ss  
County of Yuma       )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025 by James D. Woodman Jr., member, on behalf of JD & B Yuma RP, LLC.

\_\_\_\_\_  
COMMISSION EXPIRATION: NOTARY PUBLIC

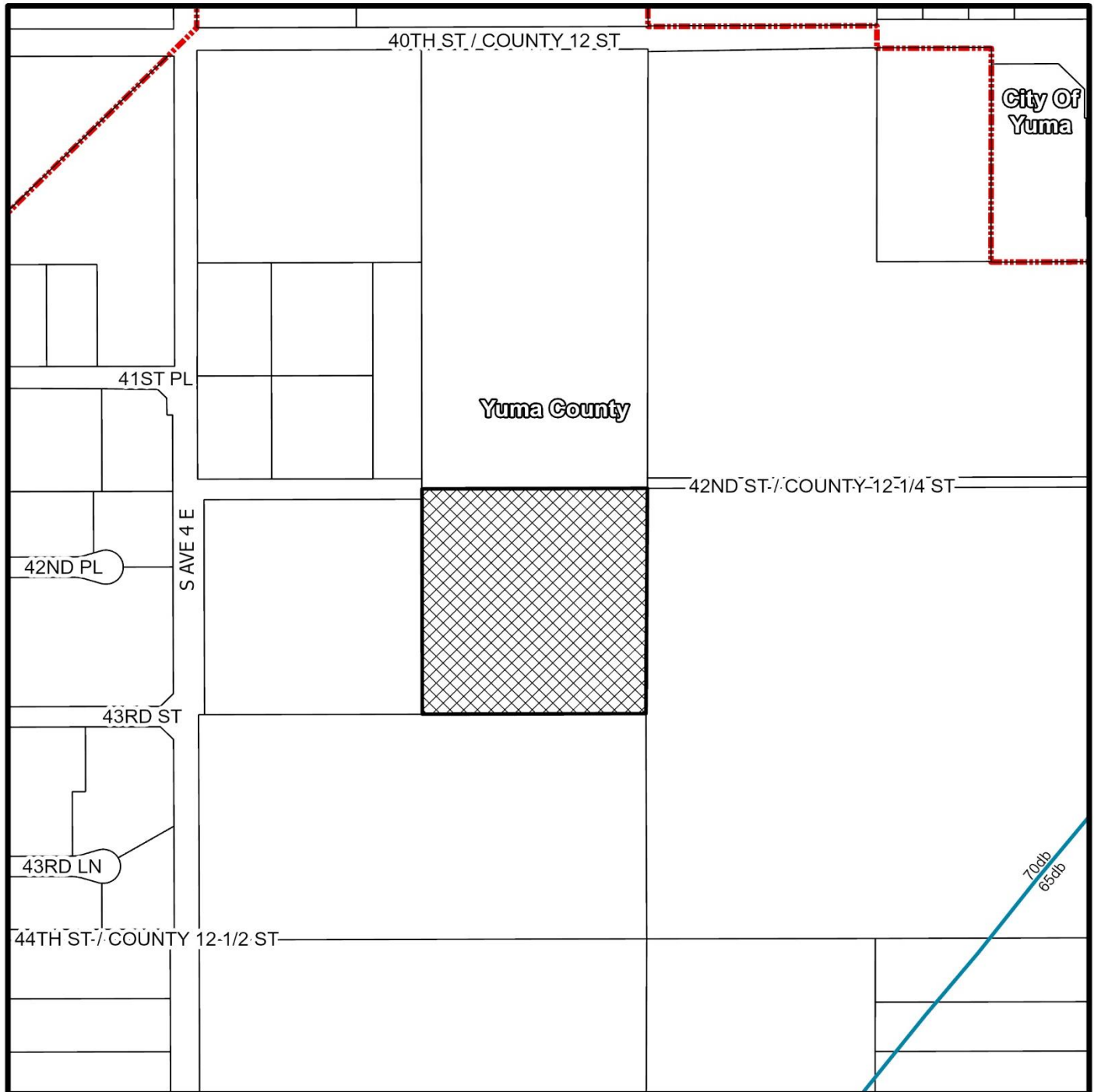
## **EXHIBIT 1**

### **Legal Description of APN 724-09-00**

*A portion of land located in the Southwest Quarter of the Northwest Quarter of Section 18, Township 9 South, Range 22 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;*

*The East Half of the North Half of Lot 2 of said Section 18.*

*Containing 435,600.0 Sq. Ft. or 10.0 acres more or less.*



## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



Community Planning and  
Neighborhood Services GIS

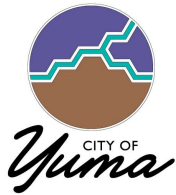
Date: 7/7/2025

Revised:

Revised:

Case #:

AGR-44266-2025



# City of Yuma

## City Council Report

File #: O2025-028

Agenda Date: 7/16/2025

Agenda #: 1.

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

### TITLE:

**Yuma City Code Text Amendment: Public Nuisances**

### SUMMARY RECOMMENDATION:

Amend Title 13, Chapter 134, Article 5 (Yuma City Code § 134-05) to include a defined procedure and standard for obtaining an Administrative Warrant allowing the City to inspect or remedy violations of the Property Maintenance Code on private property that pose a danger to life or property. (Building Safety) (Alyssa Linville/Randall Crist)

### STRATEGIC OUTCOME:

This text amendment ensures the City is Safe and Prosperous by providing a mechanism to enter private property to inspect or remedy conditions that pose a danger to citizens' life or property. This text amendment furthers the City Council's strategic outcome of Respected and Responsible by utilizing a mechanism that provides judicial oversight to balance the interests of the City and involved property owners.

### REPORT:

In July 2021, Mayor and Council approved an update to Yuma City Code § 134-05 that set forth the process and standards for obtaining an Administrative Warrant in situations in which a public nuisance was occurring on a property and the City could not contact the property owner. The adopted process and standards incorporated state and federal constitutional requirements and provide the ability to protect the public from public nuisances, while respecting the rights of property owners by requiring judicial oversight.

Since the 2021 update, Code Enforcement investigations have revealed the need to expand the ability to obtain Administrative Warrants. As currently written, the Code allows the City to obtain Administrative Warrants only in situations involving a public nuisance, as defined in Yuma City Code § 134.01 when contact with the property owner has been unsuccessful. However, the Code does not provide the ability to obtain an Administrative Warrant to access a property that poses a danger to human life or property when the property owner or tenant denies access or declines to remedy the danger, or is unable to be contacted, but no public nuisance is present such as violations of the Property Maintenance Code.

The following example illustrates the need for an expansion of this Code: A tenant complains to the City regarding the conditions of his or her dwelling. The City conducts an inspection and determines the property is not zoned for this rental space, the dwelling has electrical wiring out of compliance with the Property Maintenance Code, and there are insufficient exit points. In the event of a fire, there is a significant risk of the loss of life. After initial contact with the property owner, who disputes the violations, the tenant is no longer in

the dwelling and the property owner claims the issues have been remedied, but access is denied to the City. The City is unable to verify if the fire risks have been remedied, but, more importantly, the City is unable to verify if new tenants are residing in a known dangerous dwelling. Absent the ability to obtain an Administrative Warrant, the City is not able to re-enter the property unless there is an active emergency situation, such as a fire.

This text amendment also allows the City to enter private property, with judicial oversight, to prevent the loss of life or damage to property when a property owner is unavailable, uncooperative, or asserting privacy rights and there is probable cause to believe the property is in violation of the Property Maintenance Code. Failure to comply with an administrative warrant is most often a civil finding of contempt of court, though in an egregious circumstance, a judge could find criminal contempt.

**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: 07/07/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/03/2025

## ORDINANCE NO. O2025-028

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 13, CHAPTER 134, OF THE YUMA CITY CODE REGULATING NUISANCES WITHIN THE CITY

WHEREAS, violations of the Property Maintenance Code can create conditions that pose danger to life and property; and,

WHEREAS, citizens have the constitutional right to exclude the government from private property, unless the government obtains a court authorized warrant or there is an exigency; and,

WHEREAS, situations arise in which unsafe conditions raise concerns about the dangers to life or property, but the City is prohibited from accessing or inspecting the property by the owner or tenant; and,

WHEREAS, from time-to-time situations arise in which an inspection identifies unsafe conditions, but the property owner or tenant does not have the ability to, or refuses to remedy the danger; and,

WHEREAS, the current City Code lacks a process for entering private property when violations of the Property Maintenance Code pose a danger to life or property and the owner or tenant denies access or declines to remedy known dangers; and,

WHEREAS, an updated administrative warrant provision will provide the City with a pathway in exceptional circumstances where property conditions pose a danger to life or property, while also protecting citizens by requiring judicial oversight.

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

SECTION 1: Yuma City Code, Title 13, Chapter 134, “Nuisances” is amended as shown where strikethrough text represents deletions and bolded text represents additions:

#### § 134-05 Administrative warrants

- (A) Any judge, upon proper oath or affirmation showing probable cause, may issue warrants for the purposes of conducting administrative inspections and the seizure, removal, destruction, or alteration of property ~~in order~~ to remedy a public nuisance. For purposes of the issuance of administrative warrants **pursuant to this section**, probable cause exists upon showing the existence of a public nuisance as defined in this chapter, in conjunction with evidence of reasonable attempts to notify and contact the ~~property~~ **property** owner regarding the public nuisance, sufficient to justify administrative inspection of the area, premises, building, structure, property, or conveyance and/or the seizure, removal, destruction, or alteration of property in order to remedy a public nuisance.
- (B) **Any judge, upon proper oath or affirmation showing probable cause that a property or structure or components, poses a danger to human life or health, or to other structures and property, may issue warrants for the purposes of**



**conducting administrative inspections and/or the seizure, removal, destruction, repair or alteration of the property or structure or components. For purposes of the issuance of administrative warrants pursuant to this section, probable cause exists upon showing the existence of a condition in violation of the Property Maintenance Code, as adopted by Yuma City Code § 150-090, in conjunction with evidence of reasonable attempts to notify and contact the property owner regarding the danger, or reasonable attempts to gain compliance from the property owner, sufficient to justify administrative inspection of the area, premises, building, structure, property, or conveyance and/or the seizure, removal, destruction, repair, or alteration of the property or structure or components to remedy dangerous condition(s).**

~~(B)~~(C) An administrative warrant shall issue only upon presentation of a written affidavit of a peace officer, code enforcement officer, or other city employee having personal knowledge of the facts alleged, sworn to a judge and establishing the grounds for issuing the warrant. If the judge is satisfied probable cause exists, such judge shall issue a written warrant identifying the area, premises, building, structure, property, or conveyance to be inspected, identify the property that may be seized, removed, destroyed, **repaired** or altered, and the purpose of the authorized actions.

~~(C)~~(D) Administrative warrants shall be served and executed during daylight hours, unless otherwise authorized in the warrant. A copy shall be provided to the property owner. In the event the property owner is not physically present, a copy shall be left at the property in a visible and safe location. In the event no location exists that is visible and will sufficiently protect the documentation from harm or destruction, a copy may be mailed to the owner's last known address. If property is seized, removed, destroyed, **repaired** or altered, a receipt or detail of the action taken shall be provided along with the copy of the warrant.

~~(D)~~(E) An administrative warrant issued pursuant to this section shall be executed within five days of issuance and returned within three days of its execution to the court unless, upon a showing of a need for additional time, the court orders otherwise. The return of the warrant shall be made promptly, accompanied by a written inventory of any property seized, removed, destroyed, **repaired** or altered.

~~(E)~~(F) Individuals executing an administrative warrant may damage property if necessary and reasonable to gain access to the area, premises, building, structure, property, or conveyance that is the subject of the warrant, if either of the following are true:

(1) After notice of the city employee's presence, purpose and authority, there is no response within a reasonable period of time.

(2) After notice of the city employee's presence, purpose and authority, entry is refused.

~~(F)~~(G) The affiant shall maintain a fully executed copy of the affidavit, warrant, return, and any receipts or inventory lists in compliance with state and court retention schedules.

**(H) Failure to abide by an administrative warrant may result in a finding of civil contempt, or a criminal conviction for contempt or interfering with judicial proceedings, pursuant to Arizona Revised Statutes.**

SECTION 2: Penalty.

- (A) A responsible party cited for a violation of any provision of this ordinance shall be subject to a civil sanction and shall be fined an amount not more than \$500 per day.
- (B) Each day a violation continues shall constitute a separate offense.
- (C) The City shall provide for payment by mail of fines imposed under this section.
- (D) The imposition of a penalty under the provisions of this section shall not waive any and all other legal remedies available to the city.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

APPROVED:

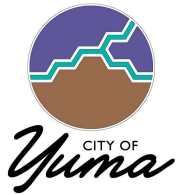
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

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

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



# City of Yuma

## City Council Report

File #: O2025-029

Agenda Date: 8/6/2025

Agenda #: 1.

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

### TITLE:

**Right-of-Way Vacation - 48<sup>th</sup> Street**

### SUMMARY RECOMMENDATION:

Authorize the vacation of 48<sup>th</sup> Street (County 13<sup>th</sup> Street) right-of-way to Kerley Investments of Yuma, LLC, an Arizona limited liability company. (Engineering/ Development) (David Wostenberg)

### STRATEGIC OUTCOME:

Vacating unused right-of-way and returning it to private development aligns with City Council's Respected and Responsible strategic outcomes.

### REPORT:

48th Street between the "A" Canal & Avenue 6E was called out in the 2005/2007 Major Roadways Plan as a minor arterial street with 50 feet half-width right-of-way. The 48th Street north half right-of-way along the north property frontage of Assessor's Parcel Number (APN) 197-17-014 was requested in 2006/2007 pre-development meetings. The property owner then dedicated the 48th Street right-of-way to Yuma County in a quitclaim deed a few months later. The City of Yuma annexed the right-of-way the following year.

The 2014 City of Yuma Transportation Master Plan then reduced 48th Street from a minor arterial street to a collector street with 40 feet half-width right-of-way.

Sean Kerley from Kerley Homes of Yuma, LLC an Arizona limited liability company (Developer), and Kerley Investments of Yuma, LLC an Arizona limited liability company (adjacent property owner), is requesting the City return the unused portion of the 48th Street right-of-way.

The City has determined that there is no public use to the property as the need for the additional street right-of-way was eliminated with the updated 2014 City of Yuma Transportation Master Plan and should be vacated under Arizona Revised Statute (A.R.S.) § 28-7215(B), which allows a municipality to vacate a right-of-way without compensation if the right-of-way is no longer needed for public use or has no market value.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 100.00	BUDGETED:	\$ 100.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

FY25 City Engineering Budget		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

NONE

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 07/24/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/21/2025

## **ORDINANCE NO. O2025-029**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, VACATING THE DESCRIBED RIGHT-OF-WAY, DECLARING THE RIGHT-OF-WAY SURPLUS AND OF GREATER VALUE TO THE CITY WHEN DEVELOPED AS PART OF A SUBDIVISION, AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR TRANSFER OF THE VACATED PROPERTY TO THE ABUTTING LANDOWNER**

WHEREAS, the City of Yuma 2005/2007 Major Roadways Plan (MRP) included 48<sup>th</sup> Street as a designated minor arterial street at this location with a 50-foot half width; and,

WHEREAS, on September 6, 2007, Jakolin, LLC recorded a quitclaim deed to Yuma County dedicating the North 50 feet of 48<sup>th</sup> Street right-of-way as Fee #2007-31250 in the Office of the Yuma County Recorder; and,

WHEREAS, on November 19, 2008, the City of Yuma annexed the right-of-way into the City of Yuma municipal boundaries; and,

WHEREAS, the 2014 City of Yuma Master Transportation Plan downgraded 48<sup>th</sup> Street from a minor arterial to a collector street requiring only a 40-foot half width south of the proposed Villa Serena Phase Two subdivision, resulting in 15,133.866 square feet of surplus right-of-way the City would have to maintain; and,

WHEREAS, Sean Kerley, of Kerley Homes of Yuma, LLC (developer) and Kerley Investments of Yuma, LLC, the abutting property owner, have requested the City of Yuma return portions of the 10 feet of right-of-way on the north side of 48<sup>th</sup> Street thereby reducing the existing north half right-of-way from 50 feet to 40 feet in order to develop the abutting vacant property with a proposed subdivision (Villa Serena Phase II); and,

WHEREAS, the property being vacated was originally dedicated from the abutting property to the north where Kerley Homes of Yuma intends to develop Villa Serena Phase II; and,

WHEREAS, Arizona Revised Statutes A.R.S. 28-7215(B) allows a municipality to vacate right-of-way without compensation if the right-of-way is no longer needed for public use or has no market value; and,

WHEREAS, the City Council may take into consideration fragmentation, marketability, and any other public benefit received by the governing body in return for the abandoned roadway; and,

WHEREAS, the surplus 48<sup>th</sup> Street right-of-way is currently undeveloped along the abutting property, and will not be utilized in the final construction of a collector standard street as called for in the 2014 City of Yuma Transportation Master Plan; and,

WHEREAS, City of Yuma staff has determined that there is no public use or market value for the subject right-of-way which would otherwise incur maintenance and liability, and a better use of the surplus property will be to quitclaim the property for development as part of the proposed new subdivision.

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

SECTION 1: The right-of-way described in the attached and incorporated Exhibit 1 (quitclaim deed) is declared surplus for City use and upon recordation of the quitclaim deed in substantially the same form, the described right-of-way shall be deemed vacated with title vesting in the abutting property owner.

SECTION 2: At the owner's expense, the abutting property owner shall prepare a lot-tie or subdivision plat that will combine the vacated right-of-way with the abutting lot of record to create contiguous parcels, and upon review and approval by City of Yuma in accordance with all Yuma Codes, shall be recorded with the Yuma County Recorder at the abutting property owner's expense.

SECTION 3: The following conditions must be completed in order for the right-of-way abandonment 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 shall prepare a Lot Tie or Subdivision plat that will combine the vacated 48<sup>th</sup> Street right-of-way with the adjacent lot of record to create contiguous parcels. The Lot Tie or Subdivision plat shall be reviewed and approved by the City of Yuma prior to recording.
3. The quitclaim deed from City of Yuma granting the vacated right-of-way to the adjacent Property Owner shall be recorded immediately prior to the Lot Tie or Subdivision plat combining the vacated 48<sup>th</sup> Street right-of-way with the lots of record in the appropriate sequence.
4. The Owner/Developer shall pay such additional utility and development fees as may be appropriate, as a result of the requested action.

SECTION 4: The conditions listed above shall be completed within one hundred and eighty (180) days of the effective date of this ordinance. In the event the conditions are not completed within this time frame, the applicable vacation shall be null and void.

SECTION 5: On behalf of the City of Yuma, the City Administrator is authorized and directed to perform all acts necessary to give effect to this ordinance.

SECTION 6: Attached exhibits on file at the Yuma City Clerks Office pursuant to A.R.S. § 9-802.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

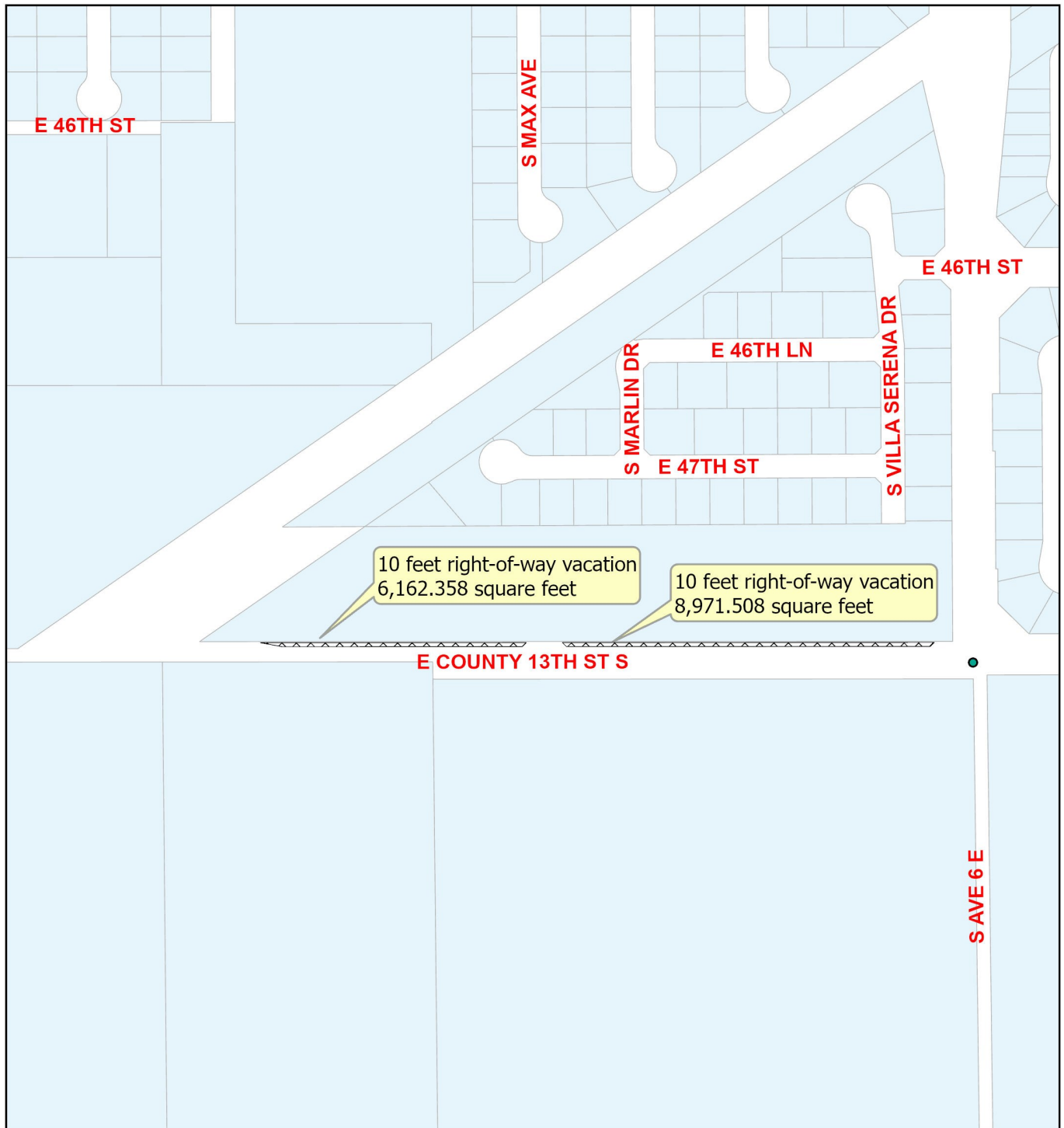
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

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

APPROVED AS TO FORM:

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



**AFFECTED AREA**

NOTE: THIS MAP IS PREPARED TO SHOW  
GENERAL SITE LOCATION ONLY AND REPRESENTS  
NO SPECIFIC DIMENSIONS RELATED TO THE SITE.

## LOCATION MAP



Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA  
ENGINEERING  
DEPARTMENT**

DATE: **7/7/2025**

SCALE: **N.T.S**

REVISED:

CIP NO.



When Recorded, return to:

Kerley Investments, LLC  
3815 S Kerley Drive  
Yuma, AZ 85365

City of Yuma, Quitclaim Deed/Revised 5/27/2025

**QUITCLAIM DEED**

<b>GRANTOR</b> (Name, Address, Zip Code)	<b>GRANTEE</b> (Name, Address, Zip Code)
City of Yuma, a Municipal Corporation One City Plaza Yuma, AZ 85364	Kerley Investments, L.L.C., an Arizona limited liability company 3815 S Kerley Drive Yuma, AZ 85365

**Subject Real Property (Legal Description)**

See EXHIBIT "A" attached hereto and by this reference incorporated herein.

EXEMPT from affidavit and filing fees (A.R.S. 11-1134 A.3.)

For valuable consideration, Grantor quitclaims to Grantee all right, title and interest  
of Grantor in Subject Real Property together with all rights and privileges

Quitclaim Deed  
Adjacent APN: 197-17-014  
Ordinance O2025-\_\_\_\_  
Page 1 of 4

appurtenant or to become appurtenant to Subject Real Property on the effective date, being the date and time of recordation of this instrument.

City of Yuma, a Municipal Corporation

By:

\_\_\_\_\_  
John D. Simonton  
City Administrator

Attested By:

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

Approved as to Form:

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

#### NOTARIAL ACKNOWLEDGEMENT

State of Arizona     )  
                                  ) ss.  
County of Yuma     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
2025, by John D. Simonton, City Administrator.

IN WITNESS WHEREOF, I have hereunto set by hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Quitclaim Deed  
Adjacent APN: 197-17-014  
Ordinance O2025-\_\_\_\_  
Page 2 of 4

# EXHIBIT A

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A portion of the South half of the South half of the Southeast quarter ( $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$ ) of Section 17, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, also being a portion of Quit-Claim Deed, dated 9/6/2007, recorded in FEE #: 2007-31250, Yuma County Records, and more particularly described as follows:

Commencing at the Southeast Corner of Section 17 monumented by Brass Cap in Concrete with "LS 22767", also being the intersection of Avenue 6E and 48<sup>th</sup> Street;

Thence South  $89^{\circ}58'16''$  West along the South line of Southeast quarter ( $SE\frac{1}{4}$ ) of said Section 17, also being the Centerline projection of 48<sup>th</sup> Street, a distance of 50.00 feet;

Thence North  $00^{\circ}18'57''$  West along a line parallel to and 50.00 West of the East line of said  $SE\frac{1}{4}$ , a distance of 50.00 feet to a point;

Thence South  $89^{\circ}58'16''$  West along a line parallel to and 50.00 feet North of the South line of the said  $SE\frac{1}{4}$ , a distance of 48.00 feet to the True Point of Beginning;

Thence South  $44^{\circ}49'40''$  West, a distance of 14.11 feet to a point laying 40.00 feet north of the South line of said  $SE\frac{1}{4}$ ;

Thence South  $89^{\circ}58'16''$  West along a line parallel to and 40.00 feet north of the South line of said  $SE\frac{1}{4}$ , a distance of 887.01 feet to a point;

Thence North  $45^{\circ}10'20''$  West, a distance of 14.18 feet to a point laying 50.00 feet North of the South line of said  $SE\frac{1}{4}$ ;

Thence North  $89^{\circ}58'16''$  East along a line that is parallel to and 50.00 feet North of the South line of said  $SE\frac{1}{4}$ , a distance of 907.01 feet to the True Point of Beginning;

**AND**

Commencing at the Southeast Corner of Section 17 monumented by Brass Cap in Concrete with "LS 22767", also being the intersection of Avenue 6E and 48th Street;

Thence South 89°58'16" West along the South line of Southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of said Section 17, also being the Centerline projection of 48th Street, a distance of 1,049.01 feet to a point;

Thence North 00°18'57" West along a line parallel to and 1,049.01 West of the East line of said SE<sup>1</sup>/<sub>4</sub>, a distance of 50.00 feet to a point;

Thence South 89°58'16" West along a line parallel to and 50.00 feet North of the South line of the said SE<sup>1</sup>/<sub>4</sub>, a distance of 44.00 feet to the True Point of Beginning;

Thence South 44°49'40" West, a distance of 14.11 feet to a point laying 40.00 feet north of the South line of said SE<sup>1</sup>/<sub>4</sub>;

Thence South 89°58'16" West along a line parallel to and 40.00 feet north of the South line of said SE<sup>1</sup>/<sub>4</sub>, a distance of 584.00 feet to a point;

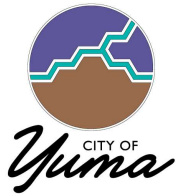
Thence North 79°38'21" West, a distance of 55.45 feet to a point laying 50.00 feet North of the South line of said SE<sup>1</sup>/<sub>4</sub>;

Thence North 89°58'16" East along a line that is parallel to and 50.00 feet North of the South line of said SE<sup>1</sup>/<sub>4</sub>, a distance of 648.49 feet to the True Point of Beginning;

Containing 15,132.6 square feet or 0.348 acres, more or less.

Description Verified By:	
City Engineering Department	Date:

Quitclaim Deed  
Adjacent APN: 197-17-014  
Ordinance O2025-\_\_\_\_  
Page 4 of 4



# City of Yuma

## City Council Report

File #: R2025-081

Agenda Date: 8/6/2025

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:

**Minor General Plan Amendment: Northwest and North of the Intersection of Colorado Street and 20<sup>th</sup> Avenue**

### SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to High Density Residential. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

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

### REPORT:

This is a Minor General Plan Amendment request by Edais Engineering Inc, on behalf of Loneram LLC, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.62 acres for the properties located northwest and north of the intersection of Colorado Street and 20<sup>th</sup> Avenue, Yuma, AZ.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estates (RE-12, RE-18, RE-35), Low Density Residential (R-1-5, R-1-6, R-1-8, R-1-12, R-1-20, and R-1-40) and Residence-Manufactured Housing (R-MH) districts.

The proposed High Density Residential land use designation supports the following types of zoning: High Density Residential (R-3), Residence-Manufactured Housing (R-MH), Recreational Vehicle Subdivision (RVS) and Manufactured Housing Park (MHP) districts.

The properties are currently in the Manufactured Housing Park (MHP) zoning district, which is not in conformance with the Low Density Residential land use designation. The applicant's intent in changing the land use designation is to pursue a rezoning of the site to the High Density Residential (R-3) zoning district to allow the development of multi-family units.

On July 14, 2025, the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the General Plan amendment request to change the land use designation from Low Density Residential to High Density Residential.

**Public Comments - Excerpt from Planning and Zoning Commission Minutes (07/14/25):****QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE****"Ron Martin - Applicant,** made himself available for questions.**"Lorraine Arney - Planning and Zoning Commissioner,** asked if the multi-family project would be a market rate project.**"Arney** then asked if the project would be single-story in height?**"Martin** confirmed that the project would be limited to single-story units.**"John Mahon - Planning and Zoning Commissioner,** stated that this project would be good addition to the neighborhood.**"Chris Hamel - Planning and Zoning Commissioner,** stated that he was in support of the project, and believes that the single-story project will match the existing character of the surrounding area.**PUBLIC COMMENT**

None

**"Motion by Ashley Pendleton - Planning and Zoning Commissioner - Planning and Zoning Commissioner, second by Arney to APPROVE GP-43807-2025 as presented.****"Motion carried unanimously, (4-0)."****FISCAL REQUIREMENTS:**

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

TOTAL \$ 0.00

.		
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:

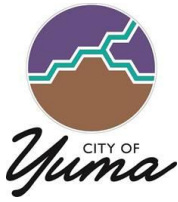
NONE

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: 07/18/2025
Reviewed by City Attorney: Richard W. Files	Date: 07/17/2025



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION  
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES  
COMMUNITY PLANNING  
CASE TYPE – GENERAL PLAN AMENDMENT  
Case Planner: Meredith Rojas**

**Hearing Date:** July 14, 2025

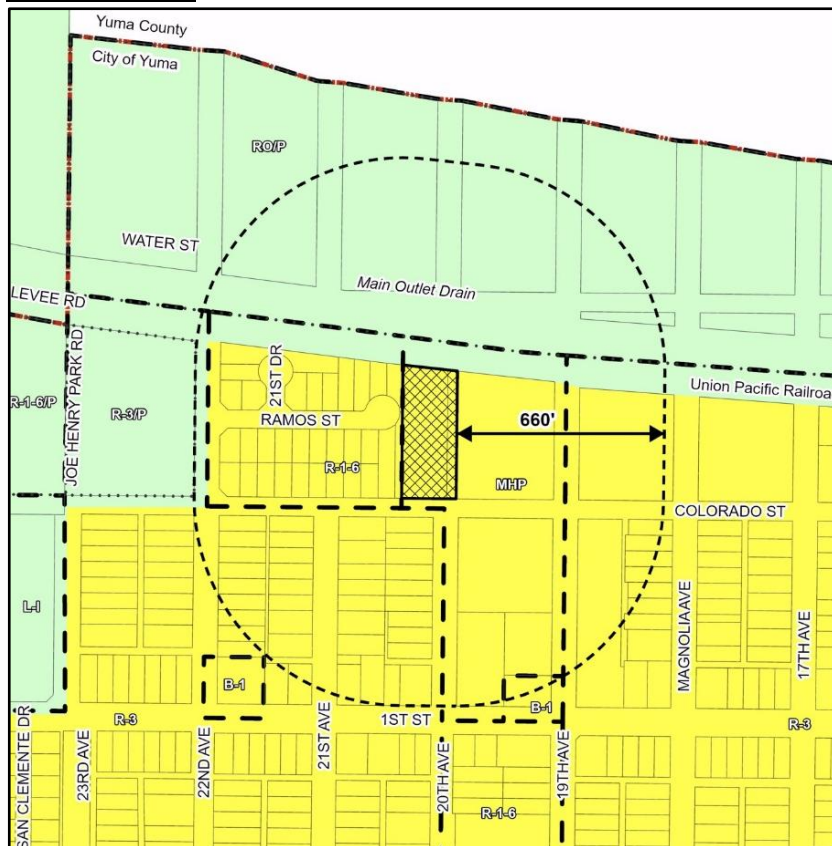
**Case Number:** GP-43807-2025

**Project Description/Location:**

This is a Minor General Plan Amendment request by Edais Engineering Inc, on behalf of Loneram LLC, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.62 acres for the properties located northwest and north of the intersection of Colorado Street and 20<sup>th</sup> Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Manufactured Housing Park (MHP)	Vacant	Low Density Residential
<b>North</b>	Recreation and Open Space (RO)	Colorado River Levee Linear Park, West Wetlands Park	Resort/Recreation/ Open Space
<b>South</b>	High Density Residential (R-3)	Single-family homes	Low Density Residential
<b>East</b>	Manufactured Housing Park (MHP)	Colorado Street Trailer Park	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	Single-family homes	Low Density Residential

**Location Map**



LOCATION OF SUBJECT PROPERTY



NOTIFICATION AREA

**GENERAL PLAN - LAND USE**

Resort, Recreation & Open Space

Low Density Residential

**ZONING DISTRICTS**

B-1 - Limited Commercial

L-1 - Light Industrial

MHP - Manufactured Housing Park

R-1-6 - Low Density Residential (6,000 sq ft min)

R-3 - High Density Residential

RO - Recreational & Open Space

Public (P) Overlays



**Prior site actions:** Incorporation, City Charter, effective January 12, 1915; Rezoning, C-10-63 (Res A to Res C), 1963; Rezoning, Z83-32 (Res C to MH), Ordinance 2179, effective February 18, 1984; Conditional Use Permit, CU84-1 (expansion of RV park), approved January 24, 1984; Conditional Use Permit, CU85-16 (time extension), approved January 28, 1986; Loneram Lot Tie / Lot Split (Fee # 2025-14531)

**Staff Recommendation:** Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 1.62 acres from Low Density Residential to High Density Residential.

**Suggested Motion:** Move to APPROVE the request to change the land use designation for approximately 1.62 acres from Low Density Residential to High Density Residential.

**Staff Analysis:** This is a Minor General Plan Amendment request by Edais Engineering Inc, on behalf of Loneram LLC, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.62 acres for the properties located northwest and north of the intersection of Colorado Street and 20<sup>th</sup> Avenue, Yuma, AZ.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estates (RE-12, RE-18, RE-35), Low Density Residential (R-1-5, R-1-6, R-1-8, R-1-12, R-1-20, and R-1-40) and Residence-Manufactured Housing (R-MH) districts.

The proposed High Density Residential land use designation supports the following types of zoning: High Density Residential (R-3), Residence-Manufactured Housing (R-MH), Recreational Vehicle Subdivision (RVS) and Manufactured Housing Park (MHP) districts.

The properties are currently in the Manufactured Housing Park (MHP) zoning district, which is not in conformance with the Low Density Residential land use designation. The MHP District permits manufactured home and recreational vehicle parks. The applicant's intent in changing the land use designation is to pursue a rezoning of the site to the High Density Residential (R-3) zoning district to allow the development of multi-family units.

#### Density

The current land use designation of Low Density Residential would allow 2 to 8 dwelling units to be constructed on the subject 1.62 acres.

The proposed land use designation of High Density Residential would allow 21 to 49 dwelling units.

#### 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 of 1.9 persons per dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

Low Density Residential:

Minimum 2 homes – Expected population: 4

Maximum 8 homes – Expected population: 15

High Density Residential:

Minimum 21 homes – Expected population: 40

Maximum 49 homes – Expected population: 93

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 is estimated at:

Low Density Residential:

Minimum expected population: 4 – School age: 1

Maximum expected population: 15 – School age: 3

High Density Residential:

Minimum expected population: 40 – School age: 8

Maximum expected population: 93 – School age: 19

### Transportation

The subject properties are located northwest and north of the intersection of Colorado Street and 20<sup>th</sup> Avenue. Vehicle access to the properties will be from Colorado Street.

There is an existing bike path along the Colorado River Levee and a proposed bike lane along 1<sup>st</sup> Street. There is an existing bus stop on 3<sup>rd</sup> Street at 20<sup>th</sup> Avenue that serves Green Route 4/4A.

The City of Yuma Transportation Master Plan identifies Colorado Street and 20<sup>th</sup> Avenue as Local streets and 1<sup>st</sup> Street as a Collector. According to the City of Yuma Transportation Master Plan, 1<sup>st</sup> Street operates at a Level of Service (LOS) of C or above, meaning there are stable conditions with movements somewhat restricted due to higher volumes but not objectional to motorists. The Yuma Metropolitan Planning Organization identified average annual daily traffic counts at 1<sup>st</sup> Street and Magnolia Avenue as 10,140 in 2023.

### 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. Objective 1.3 encourages 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 subject properties' current zoning designation of Manufactured Housing Park (MHP) permits a high density of manufactured homes or recreational vehicles. However, the MHP zoning district is not in conformance with the current Low Density Residential land use designation and the types of dwelling units that may be constructed in this zoning district are limited. The requested land use designation change will bring the current MHP zoning district into conformance and allow the applicant to pursue a rezoning to the High Density Residential (R-3) zoning district, which permits construction of single-family, two-family, and multi-family dwellings.

### Public Services - Education

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 three school districts in the General Plan area.

The subject properties are within the 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 Pecan Grove Elementary School at 600 S. 21<sup>st</sup> Avenue. Junior high school students are within the boundary of Fourth Avenue Junior High School located at 450 4<sup>th</sup> Avenue. According to the Yuma Union High School District, the high school students are within the boundary of Yuma High School located at 400 S. 6<sup>th</sup> Avenue.

West Riverfront Study Area

The Redevelopment Element of the City of Yuma 2022 General Plan identifies study areas in need of additional efforts to encourage redevelopment.

The subject properties are located within the West Riverfront Study Area, which the General Plan identifies as having potential for redevelopment and infill housing.

“Examples of redevelopment opportunities include canal-oriented apartments, townhomes, retail shops, or offices. The pedestrian-oriented environment with access to public amenities such as the West Wetlands Park, Colorado River Levee Linear Park, and the West Main Canal Linear Park make this area particularly attractive for residential, both single family and multi-family.”

**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
Colorado St – Local	29 FT HW	30 FT HW
20 <sup>th</sup> Ave - Local	29 FT HW	40 FT HW
1 <sup>st</sup> St - Collector 2 Lanes	40 FT HW	45 FT HW
Median Disclosure	N/A	

**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?**

No. The proposed amendment is not in conflict with the Council's prior actions.

**Scheduled Public Hearings:**

- ☒ City of Yuma Planning and Zoning Commission: July 14, 2025  
☐ City of Yuma City Council: August 6, 2025

**Public Comments Received:** See Attachment C

**Agency Comments:** None Received

**Neighborhood Meeting Comments:** See Attachment B

**Final staff report delivered to applicant on:** 05/28/25

- ☒ Applicant agreed with staff's recommendation: 05/28/25  
☐ Applicant did not agree with staff's recommendation:  
☐ Final report was emailed to applicant and awaiting response.

**Attachments**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Staff Worksheet	Neighborhood Meeting Comments	Public Comments	Neighbor Notification List	Aerial Photo	Applicant Narrative

**Prepared By:** Meredith Rojas**Date:** 06/25/2025

Meredith Rojas  
Associate Planner  
[Meredith.Rojas@yumaaz.gov](mailto:Meredith.Rojas@yumaaz.gov)

(928) 373-5000, x3047


**Reviewed By:** Jennifer L. Albers**Date:** 6/25/25

Jennifer L. Albers,  
Assistant Director of Planning

**Approved By:** Alyssa Linville**Date:** 06/27/25

Alyssa Linville,  
Director, Planning and Neighborhood Services

**Attachment A  
Staff Worksheet**

	<p><b>Staff Research – General Plan Amendment</b></p> <p><b>CASE #: GP-43807-2025</b>  <b>CASE PLANNER: MEREDITH ROJAS</b></p>
---	--

**I. PROJECT DATA**

Project Location:	Northwest and north of the intersection of Colorado Street and 20 <sup>th</sup> Avenue				
Parcel Number(s):	632-30-080, 632-30-089 (part)				
Parcel Size(s):	1.31 acres and 0.31 acres				
Total Acreage:	1.62				
Proposed Dwelling Units:	Maximum:	49	Minimum:	21	
Address:	Northwest corner of Colorado Street and 20 <sup>th</sup> Avenue and a portion of 1980 W Colorado Street				
Applicant:	Loneram LLC				
Applicant's Agent:	Najeh Edais – Edais Engineering, Inc.				
Land Use Conformity Matrix:	Current Zoning District Conforms: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Zoning Overlay:	Public <input type="checkbox"/>	AO <input type="checkbox"/>	Auto <input type="checkbox"/>	B&B <input type="checkbox"/>	Historic <input type="checkbox"/>
	Airport <input type="checkbox"/>	Noise Contours <input type="checkbox"/>	65-70 <input type="checkbox"/>	70-75 <input type="checkbox"/>	75+ <input type="checkbox"/>
	APZ1 <input type="checkbox"/>	APZ2 <input type="checkbox"/>	CLEAR ZONE <input type="checkbox"/>		

	Existing Zoning	Current Use	General Plan Designation
<b>Site</b>	Manufactured Housing Park (MHP)	Vacant	Low Density Residential
<b>North</b>	Recreation and Open Space (RO)	Colorado River Levee Linear Park, West Wetlands Park	Resort/Recreation/ Open Space
<b>South</b>	High Density Residential (R-3)	Single-family homes	Low Density Residential
<b>East</b>	Manufactured Housing Park (MHP)	Colorado Street Trailer Park	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	Single-family homes	Low Density Residential

Prior Cases or Related Actions:				
<u>Type</u>	<u>Conforms</u>		<u>Cases, Actions or Agreements</u>	
Pre-Annexation Agreement	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A	
Annexation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	City Charter, effective 01/12/1915	
General Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A	
Development Agreement	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A	
Rezone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	C-10-63, (Res A to Res C); Z83-32, (Res C to MH), Ord. No. 2179, effective 02/18/1984	
Subdivision	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yuma Townsite, filed 04/04/1894; Loneram Lot Tie / Lot Split (in process)	
Conditional Use Permit	Yes <input type="checkbox"/>	No <input type="checkbox"/>	CU84-1, expansion of RV park, approved 01/24/1984; CU85-16, time extension, approved 01/28/1986	
Pre-Development Meeting	Yes <input type="checkbox"/>	No <input type="checkbox"/>	PDM-42471-2024	
Enforcement Actions	Yes <input type="checkbox"/>	No <input type="checkbox"/>	CODE-BS006659-2021	

Land Division Status:	Legal lot of record				
Irrigation District:	Yuma County Water Users'				
Adjacent Irrigation Canals & Drains:	Main Outlet Drain				
Water Conversion: (5.83 ac ft/acre)	9.44 Acre Feet a Year				
Water Conversion Agreement Required	Yes <input type="checkbox"/>	X <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

## II. CITY OF YUMA GENERAL PLAN

### 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			

### Transportation Element:

#### FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Colorado St - Local	29 FT HW	30 FT HW				
20 <sup>th</sup> Ave - Local	29 FT HW	40 FT HW				
1 <sup>st</sup> St - Collector 2 Lanes	40 FT HW	45 FT HW				
Bicycle Facilities Master Plan	Colorado River Levee - Existing bike path; 1 <sup>st</sup> St - Proposed bike lane					
YCAT Transit System	3 <sup>rd</sup> Street at 20 <sup>th</sup> Avenue - Green Route 4/4A					
Issues:						

### Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan			
Neighborhood Park:	Existing: Kiwanis Park	Future: Kiwanis Park	
Community Park:	Existing: Joe Henry Park Complex	Future: Joe Henry Park Complex	
Linear Park:	Existing: Colorado River Levee Linear Park	Future: Colorado River Levee Linear Park	
Issues:			

### Housing Element:

Special Need Household:	N/A
Issues:	

### Redevelopment Element:

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

### Conservation, Energy & Environmental Element:

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

### 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>Multi-Family</i>		<b>Population</b>	<b>Impact</b>	<b>Consumption</b>		<b>Generation</b>
	<b>Maximum</b>	<b>Per Unit</b>		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>
	49	1.9	93	0.18	19,272	21.6	6,517
	<b>Minimum</b>						
	21	1.9	40	0.08	8,259	9.3	2,793

<b>Fire Facilities Plan:</b>	Existing: Fire Station No. 1					Future: Fire Station No. 1	
<b>Water Facility Plan:</b>	<b>Source:</b>	<b>City</b>	<b>X</b>	<b>Private</b>		<b>Connection:</b>	6" PVC line on Colorado Street and Bonita Estates
<b>Sewer Facility Plan:</b>	<b>Treatment:</b>	<b>City</b>	<b>X</b>	<b>Septic</b>		<b>Private</b>	8" line on Colorado Street and Bonita Estates
<b>Issues:</b>							

### Safety Element:

Flood Plain Designation:	X Protected by Levee	Liquefaction Hazard Area:	Yes	X	No		
Issues:							
<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.		
	North End		Pacific Ave & 8 <sup>th</sup> St		Estancia	None	X
Issues:							

### **NOTIFICATION**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>○ <b>Legal Ad Published: The Sun</b> 05/17/2025</li> <li>○ <b>Display Ad Published:</b> 05/17/2025</li> <li>○ <b>660' Vicinity Mailing:</b> 03/18/2025</li> <li>○ <b>54 Commenting/Reviewing Agencies noticed:</b> 03/11/2025</li> </ul> | <ul style="list-style-type: none"> <li>○ <b>Site Posted:</b> 03/31/2025</li> <li>○ <b>Neighborhood Meeting:</b> 04/07/2025</li> <li>○ <b>Hearing Dates:</b> 07/14/2025 &amp; 08/06/2025</li> <li>○ <b>Comments Due:</b> 05/10/2025</li> </ul> |
|---|---|

<i><b>External List</b></i>	<i><b>Response Received</b></i>	<i><b>Date Received</b></i>	<i><b>"No Comment"</b></i>	<i><b>Written Comments</b></i>
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	YES	03/12/25	X	
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (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)	YES	03/14/25	X	
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	YES	04/30/25	X	
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	03/12/25	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	03/12/25	X	

<b>City of Yuma Internal List</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</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	NR			
Kayla Franklin, Fire – Prevention	YES	03/13/25	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
5 p.m. April 7, 2025 on site	See Attachment B
<b>Prop. 207 Waiver</b>	
Received by Owner's signature on the application for this land use action request.	



**ATTACHMENT B**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 04/07/25

**Location:** On-site

**Attendees:** Staff: Meredith Rojas; Applicants: Alaa El Anba, Jose Salazar

15 neighbors in attendance: Laine Adair, Mario de La Hoya, Jennie Montague, Martin Ramos, Leticia Ramos, Willie Wilson, Ray Gill, Lupe Gill, Jacqueline Ramos, Jewlia Ramos, Kimberly Lugo, Gloria Lugo, Tony Conde, Sara Guerra, Marilyn Ramos

**Summary of Attendees' Comments Related to the Project:**

- Staff explained the applicant's request to change the land use designation to pursue a future rezoning to the High Density Residential (R-3) district.
- Applicants said their intent is to develop 24 one-story apartments.
- Most neighbors in attendance said they want to see single family homes rather than apartments. They expressed concern that apartments and the transient nature of renters will lead to lower property values and will work against their efforts to beautify the neighborhood.
- Many neighbors said there are already issues with vehicular congestion and speeding on Colorado Street. They expressed concern that additional traffic and on-street parking associated with a new apartment complex will make the street more dangerous.
- One neighbor said he would rather see apartments on the lot than a manufactured home park allowed by the current zoning.
- One neighbor said he is concerned about higher property taxes once the site is developed.
- Other concerns and questions:
  - A neighbor said he does not want the subject property accessed from Ramos Street in Bonita Estates. The applicant said the apartments will not be accessed from Ramos Street and that the block wall separating the subject property and Bonita Estates subdivision will be painted.
  - A neighbor asked if a sidewalk will be provided and stated he would like to see the developer pave part of Colorado Street. The applicant said a sidewalk will be provided.
  - A neighbor asked if there will be a stormwater retention basin on the property and stated the basin in Bonita Estates is a breeding ground for mosquitos. The applicant said stormwater will be retained on-site.

**ATTACHMENT C  
PUBLIC COMMENTS**

Name:	Jennie Montague	Contact Information: jennielaveen@yahoo.com									
Method of Contact:	Phone		FAX		Email	X	Letter		Other		
<p>Hello Meredith,</p> <p>I attended the meeting on March 7th regarding the property owner's request to change this property from low density residential to high density residential. It is my understanding that the owner of the property plans to develop apartments on this land. I am pleased that he does not want to have manufactured homes and/or trailers on this lot but am concerned with building an apartment complex. My concerns include the following:</p> <ul style="list-style-type: none"> <li>* Impact on property values for the Bonita Estates homes (where I live). Current homes at Bonita Estates are "custom" homes and it is unclear how these apartments can add to the beauty of this community.</li> <li>* Increased street traffic on Colorado Street</li> <li>* Potential problems with residents at the apartment complex as these are not permanent residents and while there is a planned property manager for the site potential conflicts among residents or the residents themselves cannot be avoided.</li> </ul> <p>Thank you for the opportunity to attend this meeting and to hear out my concerns, I do plan to attend the Planning and Zoning Commission meeting on June 9, 2025.</p> <p>Sincerely,</p> <p>Jennie Montague 280 N. 21st Drive, Yuma, AZ 85364</p>											

Name:	Janette Magallanes	Contact Information: 661-733-2893									
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
<p>Staff spoke with Ms. Magallanes by phone on April 8, 2025. Ms. Magallanes asked about the request and attendance at the neighborhood meeting. Staff explained the request and summarized comments from the neighborhood meeting. Ms. Magallanes expressed concern about additional traffic volume and speeding on 20<sup>th</sup> Avenue. Ms. Magallanes said she would also prefer to see owner-occupied units, such as condos.</p>											

Name:	Martin & Leticia Ramos			Contact Information: marletdeyuma@yahoo.com						
Method of Contact:	Phone	<input type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input checked="" type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input type="checkbox"/>

April 28, 2025

Hello Meredith

My husband and I were present at the meeting on April 7, 2025, pertaining to the property owners request to change the property in question from low density residential to high density residential. I understand that the owner of this property hopes to develop apartments on this this land in question. We are happy that he does not want to have manufactured homes and or trailers on this property but it still worries us that an apartment complex is wanting to be built. Our concerns are as such;

- Impact on property values for the Bonita Estates homes. The homes in the Bonita Estates are custom homes and it is unclear as to how these apartments can add to the beauty of this community.
- Increased street traffic on the Colorado Street
- Potential problems with residents at the apartment complex as these are not permanent residents and while there is a planned property manager for the site potential conflicts among residents or the residents themselves cannot be avoided.
- Bonita Estates was planned out for the benefit of the community on the North side of Yuma. Keeping in mind of the beautification of the North end with family housing. We hope that instead of apartments that the owner would consider building new homes in keeping the sequence of beautiful homes being built.
- If owner is granted the change he request if he could please build the apartments with covered parking and lighting that would be appealing to the neighborhood.

Thank you for the opportunity to attend this meeting and to hear out our concerns. We do plan to attend the planning and zoning commission meeting on June 9, 2025.

Sincerely  
Martin & Leticia Ramos  
2495 W. 4<sup>th</sup> Place  
Yuma, AZ 85364

Name:	Alan Pitcairn			Contact Information: 858-204-5988						
Method of Contact:	Phone	<input checked="" type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input type="checkbox"/>

Staff spoke with Mr. Pitcairn by phone on May 6, 2025. Mr. Pitcairn asked how many units and parking spaces are planned for the property. Staff provided details from the applicant's narrative and noted the applicant would be required to follow the City's development standards. Mr. Pitcairn expressed concern about additional on-street parking on Colorado Street.

Name:	Jewlia Ramos			Contact Information: jewlsr9@gmail.com						
Method of Contact:	Phone		FAX		Email	X	Letter		Other	

**Jewlia Ramos**  
2053 W Ramos St.  
Yuma, AZ 85364  
[jewlsr9@gmail.com](mailto:jewlsr9@gmail.com)  
928-655-3655

**Yuma City Council**  
City of Yuma  
One City Plaza  
Yuma, AZ 85364

Dear Esteemed Members of the Yuma City Council,

I am writing to express my strong opposition to the proposed development of apartments, duplexes or condominiums adjacent to my home in the North End. I urge you to consider the long-term implications this high-density housing would have on our community and instead support the construction of single-family homes that would contribute to safety, aesthetic improvement, and overall community well-being.

**Impact on Property Values and Crime**  
High-density housing developments like apartment complexes often correlate with increased crime and decreased property values. Multiple studies—including one from Los Angeles County—show that street segments with large apartment buildings generally experience higher crime rates than those with smaller complexes or single-family homes. (ojp.gov)

Additionally, crime data from other cities like Dallas and Boise show apartment complexes contributing disproportionately to criminal incidents such as theft, assaults, and drug activity. This is deeply concerning for those of us already dealing with elevated crime in the neighborhood.

**Harming a Gateway to Yuma's Natural Beauty**  
Perhaps more importantly, this development would directly impact one of our community's most valuable public amenities: the city park and nearby nature walk. This area serves as a quiet, scenic escape for residents and is one of the first places tourists see when they arrive in Yuma—conveniently located just off the freeway. Turning the surrounding area into a dense cluster of apartments and trailers would detract from the natural beauty and peacefulness that draws people to this part of the city.

Instead of welcoming visitors with views of well-kept homes and green space, we risk giving the impression of overcrowding and urban decay. This could discourage tourism and reduce the appeal of one of the most unique and calming outdoor experiences our city has to offer.

**A Better Path Forward for the North End**  
Our neighborhood deserves development that lifts it up, not one that places further strain on already stressed resources. Building single-family homes would enhance the appearance of the area, promote long-term community investment, and align with crime-prevention principles such as Crime Prevention Through Environmental Design (CPTED), which encourages features like natural surveillance and defined property boundaries—something apartments simply do not provide.

Additionally, research from Philadelphia shows that improving housing conditions through city-funded repairs in low-income areas led to substantial reductions in violent crime, reinforcing the

idea that the built environment plays a critical role in community safety and perception.  
(penntoday.upenn.edu)

### Conclusion

I respectfully ask that the Yuma City Council consider the broader and long-term impacts this proposed development would have on our neighborhood, our visitors, and our city's image. Let's prioritize thoughtful, sustainable development that enhances the character and safety of the North End by investing in single-family homes—not more stacked apartments, duplexes, condos, or trailers.

Thank you for your time and consideration.

Sincerely,  
Jewlia Ramos

Name:	Jacqueline Ramos	Contact Information:	ramostrucking@gmail.com							
Method of Contact:	Phone		FAX		Email	X	Letter		Other	
Jacqueline Ramos 2197 W. Ramos St. Yuma, AZ. 85364 <a href="mailto:ramostrucking@gmail.com">ramostrucking@gmail.com</a> (928) 550-1487										
Yuma City Council City of Yuma One City Plaza Yuma, AZ 85364										
Dear Members of the Yuma City Council,										
<p>This letter is to express my concerns and opposition with the letter I received from the Department of Planning and Neighborhood Services. I oppose the request by Edais Engineering Inc on behalf of Loneram LLC, to change the land use designation from Low Density Residential to High Density Residential. I oppose the applicant's intent in changing the land use designation to pursue a rezoning of the site High Density Residential to allow the development of multi-family units. The following reasons is why this would impact our neighborhood and my property value:</p> <ul style="list-style-type: none"><li>• <b>Impact property value-</b> will <b>increase crime rates</b> and or vandalism than single- family homes.</li><li>• Neighborhoods with apartment complexes have <b>high crime incidents</b>, theft, assault, vandalism, and drug activity.</li><li>• <b>Increase street traffic</b> where children like to go bike riding and play outside with friends. The ongoing busy traffic flow will cause the <b>liability of accidents to increase</b>.</li></ul> <p>We want to increase the property value and beautify the scenery of Colorado Street and the parks surrounding Colorado Street not decrease the value and beauty that natural landfill has to offer. I attended the meeting on March 7, 2025 and would like to add that I do not agree with the city if they decide to make the change. I have to many concerns. I ask that the Yuma City Council take all my concerns into consideration. I value the City of Yuma and only want to see it get better by creating structures and buildings that enhance the beauty of the City of Yuma. Thank you for your time.</p> <p>Respectfully, Jacqueline Ramos</p>										

Name:		Kimberly Lugo		Contact Information: kimberlyg5846@gmail.com							
Method of Contact:		Phone		FAX		Email	X	Letter		Other	

May 8, 2025

Re: CASE NUMBER GP-43807-2025  
NWC COLORADO STREET AND 20TH AVE  
Minor General Plan Amendment- Low Density Residential To High Density Residential for The  
Future Development of Multi -Family Residences

Members of Yuma City Council,

My name is Kimberly Lugo. I reside in Bonita Estates on Ramos Street. I was provided a flyer in my mailbox that looked like a coupon add/ junk mail which reading through stated a meeting would be held at 5:00pm and if no one showed by 5:15pm ( 15 minutes mind you after rush hour traffic on 1st) that at 5:15pm they would leave. The flyer already set our neighborhood up for failure. 5:00pm to discuss just to let us know what may be happening ; yet how can everyone within our neighborhood and community be informed when everyone is usually clocking out or leaving from work at 5 pm. The next meeting is even earlier, setting this discussion for the community at 4:30pm and on a Monday ; even more inconsiderate than the first meeting regarding the R-3 zoning hearing.

I oppose the request by Edais Engineering Inc to change the land use designation from Low Density Residential to High Density Residential Approximately 1.6 acres for the properties located northwest and north of intersection of Colorado Street and 20th Avenue Yuma Az for several reasons.

I strongly oppose the applicant's intent in changing the land use designation to rezone to R3 to allow the development of multi-family units.

There currently exists Hazy Plaza Apartments off of **Colorado Street between 13th and 14th** street for Low Income families near West Wetlands entrance Park. Colorado Street Apartments for Low Income Housing off of **Colorado and 15th** with many vehicles parking off the sides of the road and across along North Caballeros Park Jennifer Wilson Park. A couple of streets down another Duplex 1 story complex off **Colorado Street in between N. Magnolia and 17th s** housing for Low Income. Yuma AZ Mobile Home Park off of **Colorado Street between Magnolia and 19th Avenue** Low income. Colorado Street Mobile Home RV Park between **20th and 19th off of Colorado**. The block below **Colorado Street off of 1st and in between 20th and 19th avenue** Cottonwood Trailer Park that is extremely congested, looks unkempt, stray animals that are unhealthy and or abandoned.

There is in progress"coming soon" a large 28 unit apartment complex off of **1st avenue and Colorado Street** near the freeway. That makes 7 Low Income family areas that do not have not helped Yuma off of 1st off of Colorado look any better ( from 4th street to 20th street ). Seven low income residential complexes that are far too many just on Colorado street. These low income apartments, trailer parks are appalling , we do not need an additional apartment complex for low income families. We need to build with purpose, build with quality not quantity. Build with meaning not selfishness. Build with character not selflessness ,and instead build the community with beauty with pride, with reason for the community in mind.

Bonita Estates on Colorado Street , Ramos Street and the homes all around Colorado Street and near Joe Henry Park have pride and take value in upkeep for each of ourhomes. There is no trash in the alleys, no graffiti, no soliciting of drugs and most importantly no congestion. I cannot say the same for the apartments/ trailer parks though.

There are already a large number of homes selling and flipping to bring attraction to our area across from West Wetlands. Many homes are vastly getting upgraded with solar panels, garages, nice greenery of grass and trees and plants. This is what our community prefers especially being in a community so close to Joe Henry Park where many families gather and enjoy. The park has several ramadas but not enough to entertain 20 plus apartment families for the multi housing low income on 20th and Colorado.

We were told that the low income upcoming duplexes or apartment complexes will be provided "2 spaces on the side or maybe in front of their 2 bedroom home so long as its a one story" condo. What type of parking will occur if Edais Engineering Inc pursues (R-3 multi family units)? What will the congestion I mean parking look like if the one story increases to multi stories? Where will their additional family members or their visitors park? How will multi family units help our current community? What will these multi units help with greenery, air , community? What will this muli unit motivate or encourage within our neighborhood? What else will or could be constructed with this change and how far will zone R-3 be?

We the community, do not want more traffic. We do not want more congestion. This is a serious matter not only to myself but to my neighbors and the many children and seniors that reside in the area. More cars means more traffic, means more congestion, means more accidents, which means more crime. There are no stop lights , there are no No parking zone areas which means our neighbors will have vehicles blocking their residence.

Will these Low Income family units have applications, good credit? Will they be good citizens with no crime rate? How about sexual offenders; please state that they will be denied residency as the area is near several school bus stops and the park where many children play little league and soccer as well as other Yuma Events at wetlands park.

I would however approve of one story 2 bedroom homes for purchase not as rentals and that each home have a garage to place 2 vehicles. The low income family residents such as senior citizens, veterans, no crime but hard working residents should have the opportunity to add to our neighborhood. The area has many homes along 1st street. Colorado Street should increase beautifully in development with permanent resident homeowners. Homes for families that take pride in their home, to bring joy to the area because we do not want and do not need another apartment complex along this area. There are already 7 large apartment /trailer communities and 1 small I think 4 apartment on a corner on Colorado street.

I encourage you all to please take in mind how Yuma should attract permanent residents. We have the bike / walk path behind Colorado street that holds many attendees from runs, charities, community groups, families using it for exercise and to enjoy the scenery. There's a beautiful park, lake, the river that not only Yumans go to but many snowbirds and or visitors attend. We want Yuma to grow the right way with homes, forever homes.

Having a multilevel apartment complex will distract the beauty of west wetlands, current homeowners that have to look at another apartment complex and visitors will refrain from visiting this area that we want to beautify. With multi housing low income apartments in the area there will be more crime, there will be unkempt apartments and it will make the area that so many visitors visit and homeowners will have to look at look unpleasant and will regret. Our home value will decrease yet our taxes will increase , road construction will increase as more accidents will increase. Please work with our community , please work with in mind your neighbors to make Colorado Street a beautiful , welcoming, community to uplift this neighborhood and city.

Respectfully

Kimberly Lugo /S/

I have included images of concern ( below)

## Hacy Plaza

1350 Colorado St Apt 28, Yuma, AZ 85364, United States

[Write a review](#)

3.0 ★★☆☆ 8 reviews ⓘ



**Maria Ragin**

Local Guide · 62 reviews



★★★☆☆ 3 years ago

Went to visit my daughter, not the best place in the world, it could be a lot better if parents so care of their children and cleaned up after themselves



**Terri Zermeno**

Local Guide · 13 reviews



★★★☆☆ 6 years ago

Thin walls, police always visiting neighbors, car vandalized... Don't like area at all

## Coming Soon

### 1350 W Colorado St

[Fees and Policies](#) [About](#) [Amenities](#) [Location](#) [Education](#) [Transportation](#) [Points of Interest](#) [Reviews](#)

## Details

### Property Information

- Built in 1981
- 28 units/2 stories

## About 1350 W Colorado St Yuma, AZ 85364

Find your home at 1350 W Colorado St in Yuma. This community can be found on W. Colorado St. in Yuma. The professional leasing staff is waiting to show you all that this community has in store. Be sure to come for a visit to see the current floorplan options. Start living the good life at 1350 W Colorado St. Contact or drop by the leasing office to talk about leasing your new apartment.

1350 W Colorado St is an apartment community located in [Yuma County](#) and the [85364](#) ZIP Code. This area is served by the [Yuma Elementary District](#) attendance zone.

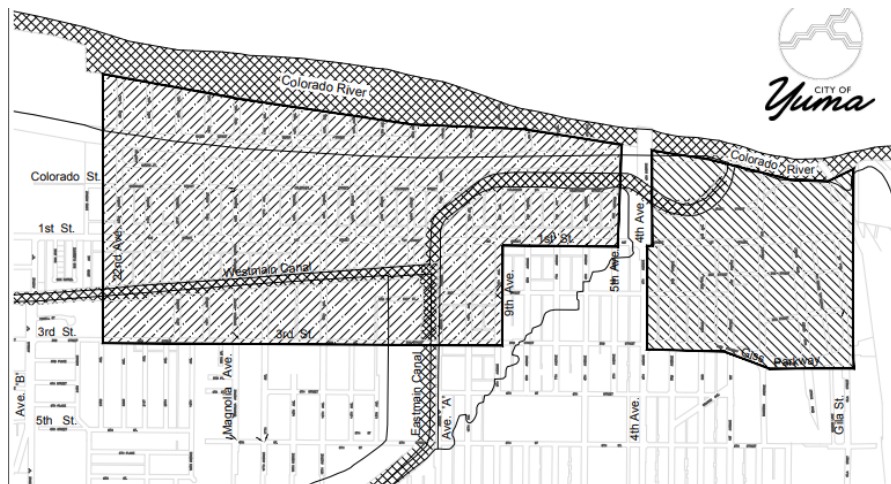
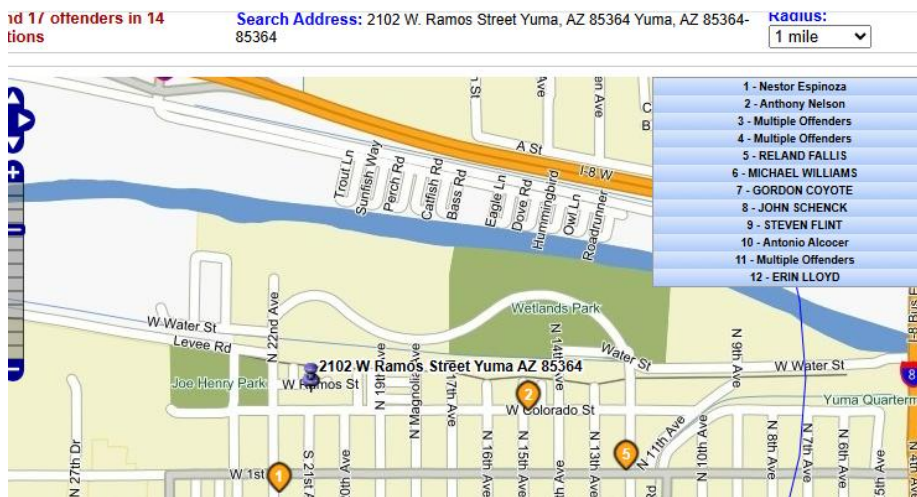


## Below are rent ranges for similar nearby apartments

Beds	Average Size	Lowest	Typical	Premium
Studio	357 Sq Ft	\$600	\$1,481	\$3,000
1 Bed	495 Sq Ft	\$800	\$1,047	\$1,372
2 Beds	880 Sq Ft	\$578	\$1,313	\$1,773
3 Beds	1117 Sq Ft	\$671	\$1,351	\$1,975

## SEX OFFENDERS IN THE AREA

[https://www.icrimewatch.net/results.php?AgencyID=55662&whichaddr=home\\_addr%7Ctemp\\_addr&SubmitAddrSearch=1&AddrStreet=2102+W.+Ramos+Street+Yuma%2C+AZ+85364&AddrCity=Yuma&AddrState=3&AddrZip=85364&AddrZipPlus=85364&excludeIncarcerated=&radius=1](https://www.icrimewatch.net/results.php?AgencyID=55662&whichaddr=home_addr%7Ctemp_addr&SubmitAddrSearch=1&AddrStreet=2102+W.+Ramos+Street+Yuma%2C+AZ+85364&AddrCity=Yuma&AddrState=3&AddrZip=85364&AddrZipPlus=85364&excludeIncarcerated=&radius=1)



### LEGEND:

- PRIORITY AREA
- WATER OF UNITED STATES
- NORTH WEST AREA
- NORTH EAST AREA

## CITY OF YUMA PRIORITY AREAS JULY 2018

THESE AREAS ARE SUBJECT TO ANNUAL REVISIONS WITH STORMWATER ATLAS UPDATING.



Prepared by: City of Yuma  
City Engineering Department  
7/1/2018

<https://crimegrade.org/safest-places-in-yuma-az/>



Respectfully  
Kimberly Lugo

Name:	Leticia Rodriguez			Contact Information: lettysangel@yahoo.com						
Method of Contact:	Phone		FAX		Email	X	Letter		Other	

Leticia Rodriguez  
 292 N. 21st Drive  
 Yuma, AZ 85364  
 (915)449-2451  
 Email: lettysangel@yahoo.com

Yuma City Council  
 City of Yuma  
 One City Plaza  
 Yuma, AZ. 85364

Dear members of the Yuma City Council,

I have concerns with the proposed development proposition for apartments in the North end area of my home and subdivision Bonita Estates. I urge you to consider the long-term implications, this is high-density housing would cause crime increase. Please consider the long-term implications that high-density housing would have for our community.

My concern is that the apartments built may increase rising crime rates and vandalism in the neighborhood. Please consider building single family homes that would contribute to beautifying, aesthetic improvement, safety and improvement for the Yuma community at the North End part of the West Wetlands area.

Impact on property value and crime can impact our neighborhood. High-density housing developments like apartment complexes often correlate with increased crime and decrease property values for homes established in the North End, Wetlands area. More importantly development would directly impact on the West Wetlands conservation lands, city parks and preservation of nature. Our neighborhood in the North End of Yuma between Colorado street and Joe Henry Park deserves to be preserved and kept beautiful. Building single-family homes would enhance the appearance of the area long-term.

I respectfully ask that the City of Yuma Council consider the broader and long-term impact for our area. The development in our neighborhood should be considerably thought out with beautifying the community, safety and preserving the Wetlands area North End development. Please consider many factors that would impact on our community.

Thank you for your time,

Respectfully,  
 Leticia Rodriguez

Name:	Marilyn Ramos			Contact Information: marilyngarcia14@icloud.com				
Method of Contact:	Phone		FAX		Email	X	Letter	Other

Marilyn Ramos  
 2074 W Ramos St.  
 Yuma AZ 85364  
[marilyngarcia14@icloud.com](mailto:marilyngarcia14@icloud.com)  
 928-446-5644

Yuma City Council  
 City of Yuma  
 One City Plaza  
 Yuma, AZ 85364

Dear Members of the Yuma City Council,

I am writing to express my concerns and opposition to the request made by Edais Engineering Inc. on behalf of Loneram LLC to change the land use designation from Low Density Residential to High Density Residential. I am concerned that this proposed change could have an adverse effect on the character of our neighborhood and may diminish the value of our property.

I have concerns regarding the proposed development of multi-family housing units in our neighborhood. While I understand the need for diverse housing options, I am particularly concerned about the potential increase in crime and vandalism that has been historically associated with high-density residential areas. Incidents such as theft, assault, property damage, and drug-related activity tend to be more prevalent in neighborhoods with poorly managed apartment complexes.

Additionally, the anticipated increase in street traffic may pose a safety risk—particularly in areas where children regularly play and ride their bikes. Higher vehicle volume without appropriate traffic-calming measures could lead to a greater likelihood of accidents and injuries.

I respectfully urge planners and developers to consider these factors carefully. Implementing thoughtful design strategies, enhancing community oversight, and ensuring proper infrastructure can help mitigate these risks and maintain the quality and safety of our neighborhood.

Our goal is to enhance the property value and beautify the scenery of Colorado Street and the surrounding parks, not to diminish the natural beauty of the area. I attended the meeting on March 7, 2025, and I have many concerns about the potential impact of this change. I urge the Yuma City Council to carefully consider all of my concerns before making a decision.

I value the City of Yuma and I want to see it continue to thrive by creating structures and buildings that enhance its beauty. Thank you for your time and consideration.

Respectfully,  
 Marilyn Ramos

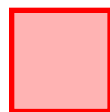
**ATTACHMENT D**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>
ADAIR LAINE W & RENA F	2030 W RAMOS ST	YUMA, AZ 85364
ALVARADO FAMILY TRUST 2-4-2021	8606 MENKAR RD	SAN DIEGO, CA 92126
AVILA ABELARDO M	150 N MAGNOLIA AVE	YUMA, AZ 85364
BEAN MICHAEL B	4784 E COUNTY 13 3/4 ST	YUMA, AZ 85365
CANIZALES ALEXANDER	2110 S 48TH WY	YUMA, AZ 85364
CARBALLO ERNESTO JR	2075 W RAMOS ST	YUMA, AZ 85364
CARVAJAL JORGE	2098 W COLORADO ST	YUMA, AZ 85364
CASTANEDA JUAN	179 N 21ST AVE SP C	YUMA, AZ 85364
CATHOLIC COMMUNITY SERV OF SOUTHERN AZ	111 N 22ND AVE	YUMA, AZ 85364
CONDE MANUEL	2111 W RAMOS ST	YUMA, AZ 85364
CONTRERAS CARMEN L	147 N 21ST AVE	YUMA, AZ 85364
DE LA HOYA MARIO & RAMONA	196 N 20TH AVE	YUMA, AZ 85364
ESCALERA ANDRES R & JUANA AYALA	2054 W COLORADO ST	YUMA, AZ 85364
FCR PROPERTIES LLC	1996 W 13TH LN	YUMA, AZ 85364
FEDERICO ERNESTINA E	2060 W 1ST ST	YUMA, AZ 85364
GAMEZ GARCIA MIGUEL ANGEL & NORMA ALICIA	2122 W RAMOS ST	YUMA, AZ 85364
GHT INVESTMENT LLC	8697-C LA MESA BLVD PMB 108	LA MESA, CA 91942
GILL RAYMOND S & LUPE ELOISE HURTADO JT	291 N 21ST DR	YUMA, AZ 85364
GOMEZ JOSE G GOMEZ & EDUWIGES	104 N 20TH AVE	YUMA, AZ 85364
GUERRA SARA T AND JOSE JR JT	2096 W RAMOS ST	YUMA, AZ 85364
GUERRERO TRUST 3-05-2019	27771 E COUNTY 12TH ST	WELLTON, AZ 85356
HERNANDEZ RAUL C & CRISTINA JT	193 N 22ND AVE	YUMA, AZ 85364
HERRERA GILBERTO JR	2146 W COLORADO ST	YUMA, AZ 85364
INFINITI PROPERTIES AZ LLC	PO BOX 4077	YUMA, AZ 85366
LEMUS CHRISTIAN ANTONIO	2168 W COLORADO ST	YUMA, AZ 85364
LONERAM LLC	PO BOX 1985	YUMA, AZ 85366
LUGO GLORIA A	2102 W RAMOS ST	YUMA, AZ 85364
LUNA HEREIDA	143 N 21ST AVE	YUMA, AZ 85364
LUNA JOSE E & CRISTINA JT	180 N 20TH AVE	YUMA, AZ 85364
MAGALLANES STEVEN G & JANETTE	134 N 20TH AVE	YUMA, AZ 85364
MC CLENDON WADELL & MATTIE JT	2100 W 1ST ST	YUMA, AZ 85364
MCGHEE FILOMENA	162 N MAGNOLIA AVE	YUMA, AZ 85364
MEDINA ROLANDO MEDRANO & AYALA GLORIA TELLEZ CPWROS	152 N MAGNOLIA AVE	YUMA, AZ 85364
MEJIA ALBERT L JR & ELISA G JT	154 N 21ST AVE	YUMA, AZ 85364
MEJIA JR ALBERT L & ELISA JT	154 N 21ST AVE	YUMA, AZ 85364
MENDOZA VICTOR GARCIA	2120 W 21ST ST	YUMA, AZ 85364
MONTAGUE JENNIE LOUISE	2495 W 4TH ST	YUMA, AZ 85364
MORALES OLIVIA ELIZARRARAZ	6834 HOLLENBECK ST	HUNTINGTON PARK, CA 90255

MORGAN RUTH	3538 ISLA VISTA DR	SAN DIEGO, CA 92105
MOSQUEDA VALERIA SANCHEZ	154 N MAGNOLIA AVE	YUMA, AZ 85364
MURO MANUEL A	3498 W 12TH PL	YUMA, AZ 85364
NAVARRO BROTHERS TRUST 11-8-2024	11643 E 34TH ST	YUMA, AZ 85367
PACHECO RUBEN B & MARIA M URIAS JT	170 N 20TH AVE	YUMA, AZ 85364
PERALTA PRISCILLA M	136 N 20TH AVE	YUMA, AZ 85364
PITCAIRN ALAN TRUST 5-16-1990	5744 LA JOLLA CORONA DR	LA JOLLA, CA, 92037
QUN PALACIOS OSCAR R & CAROLYN MARIE	2145 W RAMOS ST	YUMA, AZ 85364
RAMOS JEWLIAN	2053 W RAMOS ST	YUMA, AZ 85364
RAMOS JUAN & JACQUELINE TRUST 1-10-2023	2197 W RAMOS ST	YUMA, AZ 85365
RAMOS MARTIN JACOB & MARILYN	2074 W RAMOS ST	YUMA, AZ 85364
RAMOS MARTIN R & LETICIA H JT	327 E 10TH ST	YUMA, AZ 85364
REYNA RUBEN ENRIQUEZ & MARIA ELENA CPWROS	2124 W COLORADO ST	YUMA, AZ 85364
RODRIGUEZ FRANCISCO & LETICIA JT	292 N 21ST DR	YUMA, AZ 85364
RODRIGUEZ GERONIMO	158 N 21ST AVE	YUMA, AZ 85364
RODRIGUEZ HERMINIO & ROSALVA CPWROS	PO BOX 2998	YUMA, AZ 85366
ROMERO CAMILO DURAN	2112 W COLORADO ST	YUMA, AZ 85364
RUBIO SILVERIO & MARIA L JT	110 N 20TH AVE	YUMA, AZ 85364
SACO & SADIK PROPERTIES LLC	2301 S 4TH AVE	YUMA, AZ 85364
SANDOVAL ANTONIO S & LILIA JT	159 N 22ND AVE	YUMA, AZ 85364
SANDOVAL MIREYA	160 N MAGNOLIA AVE	YUMA, AZ 85364
SANTA CRUZ ANTHONY	2034 W 1ST ST	YUMA, AZ 85364
SANTILLAN IVAN ERNESTO PENA	2167 W RAMOS ST	YUMA, AZ 85364
SEPULVEDA DOLORES S	179 N 22ND AVE	YUMA, AZ 85364
SOTELO RAUL M & MARIA DE LOS ANGELES V CPWROS	2097 W RAMOS ST	YUMA, AZ 85364
STEPHENS KARMA	156 N MAGNOLIA AVE	YUMA, AZ 85364
STEVENS MARTHA F	1890 10TH AVENUE	YUMA, AZ 85364
SWERV1 LLC	1403 W 14TH ST	YUMA, AZ 85364
T3AZ LLC	5840 E 27TH PL	YUMA, AZ 85365
TELLEZ DANIEL V	2123 W RAMOS ST	YUMA, AZ 85364
TOLEDO JOSE O MOSQUEDA &	138 N 20TH AVE	YUMA, AZ 85364
TOMLIN CLARENCE	120 N 21ST AVE	YUMA, AZ 85364
USA	7341 E 30TH ST STE A	YUMA, AZ 85365
VALENZUELA OSCAR L & ANGELICA JT	174 N 21ST AVE	YUMA, AZ 85364
VEL PROPERTIES LLC	PO BOX 387	YUMA, AZ 85366
WILLBOYD INC AZ CORP	1850 W 1ST ST SP 1-A	YUMA, AZ 85364
WILSON WILLIE	162 N 21ST AVE	YUMA, AZ 85364
WONG LAURETTE	2539 S 7TH AVE	YUMA, AZ 85364
YUMA CITY OF	ONE CITY PLAZA	YUMA, AZ 85364



ATTACHMENT E  
AERIAL PHOTO



Subject Properties

## **ATTACHMENT F APPLICANT NARRATIVE**

Parcel 1 with an area of 1.62 acres, which will be used for a new apartments Complex, the property is presently zoned for a Manufactured Home Park (MHP), our intent is to rezone it to High Density Residential (R-3) which has a density of 13-30 dwelling units per acre.

Under the general plan the parcel is located in a Low-Density Residential area.

Near to the Parcel we can find a property with R-3 Zoning just east and south of the parcel, and R-1-6 west of the parcel as well.

The new apartments complex will consist of:

24 apartments units (dwellings). Split into 2 – 12 apartments block, one on the east side of the lot and one on the west side.

As per ADA regulations: 2 apartments would be ADA accessible.

Each unit is 872 square feet, with 2 bedrooms and 2 bathrooms, and a full kitchen.

Each unit has its own backyard that is 436 square feet.

In terms of amenities, you will find 2 pergolas, with 2 BBQ stations each.

The complex has one entrance, with 50 parking spaces (only 36 spaces are required), 2 of these spaces are ADA accessible (Per Code).

As for fire truck maneuvering, the complex has a hammer head on the north side to ensure the adequate space for free movement of the fire truck in case of emergency.

All the units and pergola are connected by a sidewalk to ensure the safety of the pedestrians inside the complex.

1. The property is presently zoned for a Manufactured Home Park (MHP), our intent is to rezone it to High Density Residential (R-3) which has a density of 13-30 dwelling units per acre, to accommodate our proposed residential project.

2. The general plan does not limit our ability to use the property, but the current zoning is the one limiting us to do a residential project, due to the manufactured home park (MHP) zoning.

3. The new amendment will make the property more compatibility with its surroundings, due to the existence of multiple R-3 zoning around the parcel, as well as R-1-6.

4. By having 24 new residential units, the City of Yuma will collect more sales tax, as well as property tax from the owner, since these units will be rentals. The residents of the rental project will also contribute to increased sales tax revenue through their spending in surrounding businesses.

5. The amendment will enforce the intended land use of this area of the City of Yuma.

6. A significant impact of the existing infrastructure like water, wastewater and traffic will happen due to the density of R-3 which will bring more resident to the area.

7. The amendment will complement the General Plan as it will provide more opportunities for rentals, which will lead to a better living situation (by offering green spaces...) and will also lead to more spending in the community, which translate to more tax revenue to the city.



**RESOLUTION NO. R2025-081**

**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 1.62 ACRES NORTHWEST AND NORTH OF THE INTERSECTION OF COLORADO STREET AND 20<sup>TH</sup> AVENUE FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL**

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 July 14, 2025 for General Plan Amendment Case No. GP-43807-2025, 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 June 21, 2025 and July 12, 2025; and,

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

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

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

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

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

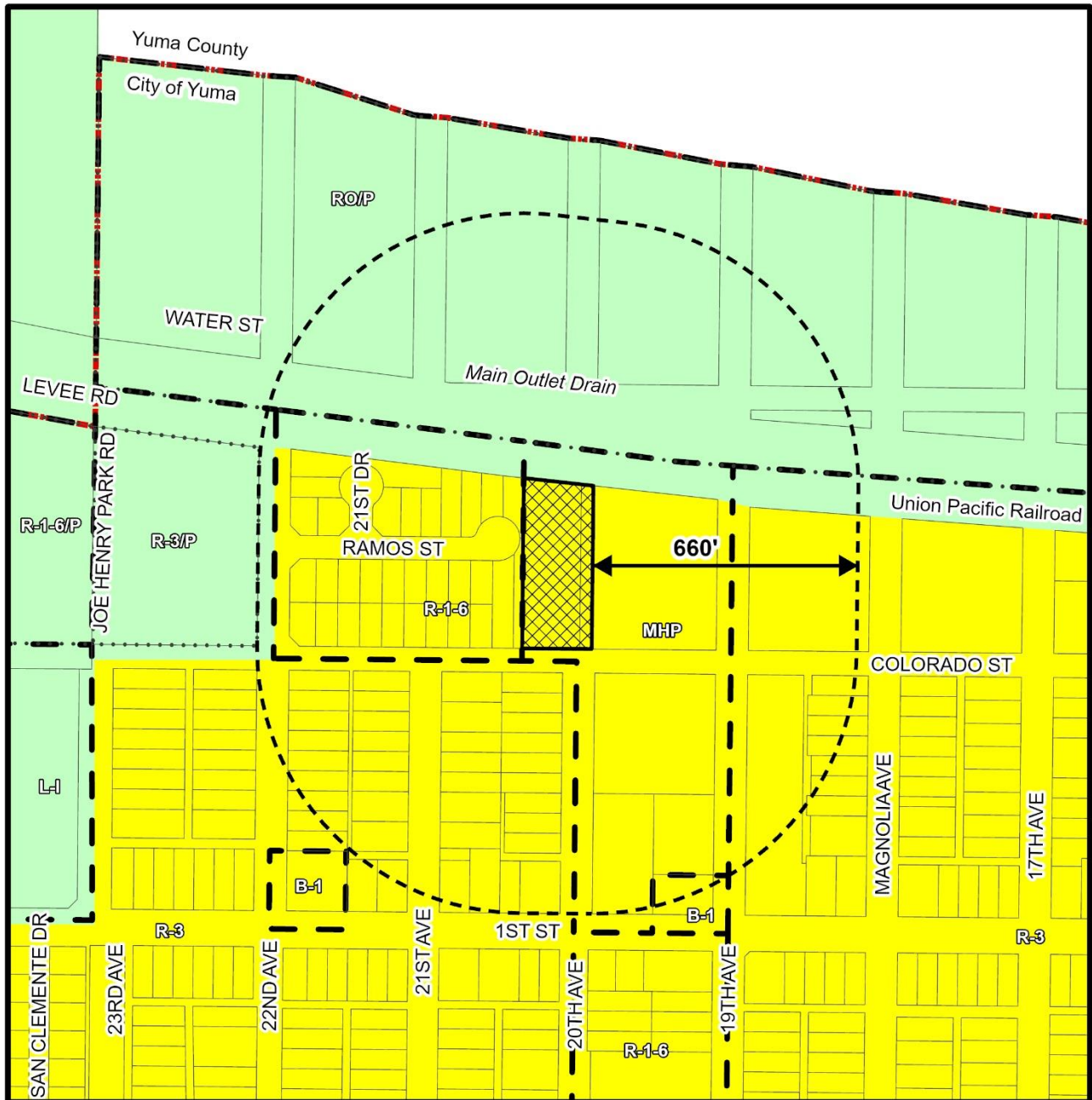
ATTESTED:

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

APPROVED AS TO FORM:

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

# Exhibit A



## GENERAL PLAN - LAND USE

- Resort, Recreation & Open Space
- Low Density Residential

## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



NOTIFICATION AREA

## ZONING DISTRICTS

- B-1 - Limited Commercial
- L-I - Light Industrial
- MHP - Manufactured Housing Park
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-3 - High Density Residential
- RO - Recreational & Open Space
- Public (P) Overlays



Prepared by: DG

Checked by: MB



Date: 3/10/2025

Revised:

Revised:

Case #:

GP-43807-2025