



City of Yuma City Council Meeting Agenda

Wednesday, February 19, 2025

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL**PRESENTATIONS**

- Presentation by the City's Auditors, Baker Tilly, LLC, on the FY2024 Annual Financial Statements and Audit Results

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 2025-024 Regular Council Meeting Draft Minutes December 18, 2024**
Attachments: 2024 12 18 RCM Minutes.docx
- 2. MC 2025-025 Regular Council Worksession Draft Minutes January 14, 2025**
Attachments: 2025 01 14 RWS Minutes.docx

B. Executive Sessions

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

C. Approval of staff recommendations:

- 1. MC 2025-015 Liquor License: Mama Su Bar & Lounge**
Approve a Series #06: Bar Liquor License application submitted by Susan Hwang, agent for Mama Su Bar & Lounge located at 1893 E. 16th Street. (LL25-01) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: 1. MAP Liquor License: Mama Su Bar & Lounge

2. **MC 2025-016** **Liquor License: Sun of a Gun Cigars**
Approve a Series #06: Bar Liquor License application submitted by Katherine Espinal, agent for Sun of a Gun Cigars located at 1651 S. Arizona Ave. (LL25-02) (City Administration/ City Clerk) (Lynda L. Bushong)
- Attachments: 1. MAP Liquor License: Sun of a Gun
3. **MC 2025-017** **Bid Award: Traffic Management Center**
Award a construction services contract for tenant improvements at the City of Yuma Public Works building for a Traffic Management Center, to the lowest responsible bidder in the amount of \$270,382.46 to Merrill Development, Yuma, Arizona (Engineering RFB-25-192) (David Wostenberg/ Robin R. Wilson)
4. **MC 2025-018** **Bid Award: Turf Irrigation Supplies**
Award to the lowest responsive and responsible bidders for Turf Irrigation Supplies, a one-year contract with option to renew for four additional one-year periods depending on the appropriation of funds and satisfactory performance to Yuma Nursery LLC, Yuma, Arizona and SiteOne Landscape Supply, Cleveland, Ohio. (Parks & Recreation-RFB-25-124) (Eric Urfer/Robin R. Wilson)
5. **MC 2025-019** **Cooperative Purchase Agreement: Medium and Heavy Trucks and Truck Bodies**
Authorize the purchase of a Dump Truck and a Water Tank Truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an estimated expenditure of \$411,483.75 to Rush Truck Centers of Yuma, Yuma, Arizona. (Parks and Recreation-CPA-25-250) (Eric Urfer - Robin R. Wilson)
6. **MC 2025-020** **Cooperative Purchase Agreement: Tires, Tubes and Services**
Award a one-year contract to multiple vendors for the purchase and delivery of Tires, Tubes and Services under a State of Arizona cooperative purchase agreement. The contracts are renewable for four additional one-year terms, depending on the appropriation of funds and satisfactory performance at an estimated annual cost of \$270,000.00 (including tax) to: Active Tire LLC dba Ed Whiteheads Tire, Yuma, Arizona; Corcoran Tire & Recapping Company, Yuma, Arizona; East Bay Tire Company, Yuma, Arizona; Purcell Tire & Rubber Company; Yuma, Arizona; Majco LLC dba Big Brand Tire and Service; Yuma, Arizona; (CPA-25-253-Public Works/Fleet Services/Warehouse) (Joel Olea/Robin R. Wilson)

7. **MC 2025-021 Request for Proposal Award: Annual Physical Exams and Occupational Health Services**

Award a one-year contract for Physical Exams and Occupational Health Services, with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$149,316.00, depending on the appropriation of funds and satisfactory performance to Professional Health Services, Inc., Broomall, Pennsylvania. (Fire-RFP-25-084) (Dustin Fields/Robin Wilson)

8. **MC 2025-022 Transfer of Ownership: Police Canine**

Authorize the retirement and transfer of ownership of Yuma Police Department canine to the assigned handler. (Police/Patrol) (Thomas Garrity)

Attachments: 1. SUPP Transfer of K9 Simba

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. **R2025-012 Memorandum of Understanding: Marine Corps Air Station Yuma for Law Enforcement Jurisdiction and Procedures**

Approve a Memorandum of Understanding with the Marine Corps Air Station, Yuma, Arizona for Law Enforcement Jurisdiction and Procedures. (Police/Administration) (Thomas Garrity)

Attachments: 1. RES MCAS LEO Procedures
2. MOU MCAS LEO Procedures

2. **R2025-013 Intergovernmental Agreement: Crane Elementary School District No. 13.**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with Crane Elementary School District No. 13 as part of the La Quinta retention basin project. (Engineering Department) (Dave Wostenberg)

Attachments: 1. RES IGA: Crane Elementary School District No.13
2. AGMT IGA: Crane Elementary School District No. 13

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2025-004](#)

Easement - Latter-Day Saints Property Easement

Authorize the acceptance of real property from The Jacobson Companies, Inc., an Arizona corporation. (Engineering Department) (Dave Wostenberg)

Attachments:

[1. MAP Property Dedication by Gift- Oriole Dr.](#)

[2. ORD Property Dedication by gift- Oriole Dr.](#)

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. **O2025-003**

Property Dedication by Gift: South Side of City 48th Street

Authorize the acceptance of real property from Yuma Sunshine Investments, LLC, an Arizona Limited Liability Company. (Engineering Department)(Dave Wostenberg)

Attachments:

1. MAP Property Dedication: South Side of City 48th Street

2. ORD Property Dedication: South Side of City 48th Street

2. **O2025-005**

Rezoning of Property: 920 S. Avenue B

Rezone approximately 9.39 acres located at 920 S. Avenue B, Yuma, AZ. from the Agriculture (AG) District to the Limited Commercial (B-1) District (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

1. P&Z RPT: Rezoning of Property 920 S. Avenue B

2. ORD Rezoning of Property: 920 S. Avenue B

V. PUBLIC HEARING AND RELATED ITEMS

1. MC 2025-023

Public Hearing: Biennial Development Fee Audit

Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes (A.R.S.) § 9-463.05 and Yuma City Code § 157.05. (Finance/Engineering) (Doug Allen/David Wostenberg)

Attachments:

1. RPT PH: Biennial Development Fee Audit

2. R2025-014

Major General Plan Amendment: Café Main Street Properties, LLC

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Commercial, for the property located west of the W. 7th Street and S. 21st Avenue intersection. (GP-43222-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:

1. PZ RPT GP Amendment: Cafe Main Street Properties, LLC
2. RES GP Amendment: Cafe Main Street Properties, LLC

3. R2025-015

Major General Plan Amendment: Calle Ocho Properties, LLC

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Commercial, for the property located at 764 S. 21st Avenue. (GP-43223-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:

1. PZ RPT GP Amendment: Calle Ocho Properties, LLC
2. RES GP Amendment: Calle Ocho Properties, LLC

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Water and Sewer Commission
- Design and Historic Review Commission

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 February 6, 2025 through February 19, 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.

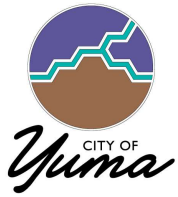
IX. EXECUTIVE SESSION

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 direction to legal counsel regarding proposed sale/exchange/leasing of City of Yuma properties. A.R.S. § 38-431.03 A3, A4 & A7

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2025-024

Agenda Date: 2/19/2025

Agenda #: 1.

Regular Council Meeting Draft Minutes December 18, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 18, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Deacon Joel Olea, Immaculate Conception Church, gave the invocation. **Eric Urfer**, Director of Parks and Recreation, 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: Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Engineering, David Wostenberg
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.5 – Contract Award: Professional Design Services for Yuma Police De-escalation and Scenario Facility (award a contract for professional design services for the Police De-escalation and Scenario Facility, to Pearlman Architects of Arizona Inc., Phoenix, Arizona, for an estimated amount of \$425,230.41) (RFQ-25-060) (Eng/Purch)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.5, due to his firm’s involvement in the project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Discussion

- The police De-escalation facility will be a brand-new building constructed in the area of the Yuma Police Department’s safety test track. (**Smith/Wostenberg**)

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

Mayor Nicholls returned to the dais.

Motion Consent Agenda Item C.11 – First Amendment to Design-Build Services Contract (Authorize the City Administrator to amend the Design-Build construction contract with Willmeng Construction and add American Ramp Company to the extended warranty and bonding requirements for Kennedy Skate Park) (Eng/Pks & Rec)

Motion (Morris/McClendon): To recess the Regular City Council Meeting to Executive Session. Voice vote: **approved** 7-0. The meeting recessed at 5:41 p.m.

The Regular City Council Meeting reconvened at 5:47 p.m.

Motion (Morris/McClendon): To continue Motion Consent Agenda Item C.11 to the next available City Council Meeting. Voice vote: **approved** 7-0.

Motion (Smith/Morales): To approve the Motion Consent Agenda as recommended, with the exception of Motion Consent Agenda Item C.5, which was adopted by a previous vote, and Motion Consent Agenda Item C.11, which was continued to the next available City Council Meeting. Voice vote: **approved** 7-0.

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

Regular Council Worksession Minutes

November 19, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by Juanita Alicia Esparza, agent for Las Delicias De Mi Abuela located at 344 W. 24th Street. (LL24-17) (Admn/Clk)
2. Approve a Class A Bingo License application submitted by Joyce Hahn on behalf of Westwind RV & Golf Resort LLC located at 9797 E. 32nd St. (BL24-01) (Admn/Clk)
3. Award a construction services contract for the Avenue 9E Sewer Line Casing Extension Project to the lowest responsive and responsible bidder in the amount of \$190,735.60 to Gutierrez Canales Engineering PC, Yuma, Arizona. (RFB-25-195) (Eng/Purch)
4. Authorize the purchase and installation of 17 HVAC Rooftop units to the lowest responsive and responsible bidder to Polar Cooling, Yuma, Arizona for a total cost of \$219,256.00. (RFB-24-307/RFB-25-160) (Fac'l Mgmt/Purch)
5. Pulled for separate consideration; see above.

6. Authorize the use of the cooperative purchase agreement initiated by the City of Tucson through Omnia Partners Network, for the purchase and delivery of MRO supplies, parts, equipment, materials, and related services with W.W. Grainger Inc. of Lake Forest, Illinois, for an estimated annual expenditure of \$195,000.00. (CPA-25-214) (Facil Mgmt/Purch)
7. Declare surplus and award the sale of 108 surplus firearms to the highest responsive and responsible offer for a total of \$21,515.00 from the following vendors: (1) Nine Lives Auction, Phoenix, Arizona, \$9,688.00; and (2) ProForce Marketing, Inc. Prescott, Arizona, \$11,827.00. (RFO-25-184) (YPD/Purch)
8. Award a one-year professional services contract with the option to renew for four additional one-year periods, one period at a time, contingent on appropriations and satisfactory performance with Meeder Public Funds, Dublin, Ohio and PFM Asset Management, Tempe, Arizona. (RFQ-24-253) (Fin/Purch)
9. Authorize the purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an estimated expenditure of \$846,232.40 to Badger Meter, Milwaukee, Wisconsin. (SS-25-216) (Utl/Purch)
10. Approve the final plat of the Mariadawnlee Subdivision, located at the southwest corner of 33rd Drive and 24th Street. (Plng & Nbhd Svcs/Cmty Plng)
11. Pulled for separate consideration, see above.

II. RESOLUTION CONSENT AGENDA

Resolution R2024-069 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) – Interstate-8 / Avenue 8½ E Traffic Interchange Design Concept Report (DCR) (authorizes the City Administrator to execute an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) for the AZ SMART funding) (Eng)

Resolution R2024-070 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) – Hacienda Estates Storm Drain Improvements (authorizes the City Administrator to execute an IGA with ADOT for the AZ SMART funding) (Eng)

Resolution R2024-071 – Grant Application: Arizona State Match Advantage for Rural Transportation (AZ SMART) fund – 40th Street Construction from Avenue 6E to Fortuna Road (authorizes the City Administrator to execute an IGA with ADOT for the AZ SMART funding) (Eng)

Mayor Nicholls declared a conflict of interest on Resolution R2024-069, Resolution R2024-070 and Resolution R2024-071 due to his firm's involvement in the projects, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Motion (Morales/Smith): To amend Resolution R2024-069 and the associated staff report to revise the total project cost from \$600,000 to \$1,500,000 and to remove all language referencing the 20% match funds from the City, as the total cost will be provided through the AZ SMART Funds Grant if the City is successful with its application. Voice vote: **approved 6-0-1**, **Mayor Nicholls** abstaining due to conflict of interest.

Motion (Smith/McClendon): To adopt Resolution R2024-069 as amended, and Resolutions R2024-070 and R2024-071 as recommended.

Bushong displayed the following title(s):

Resolution R2024-069

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for development of a Design Concept Report (DCR) for the Interstate-8 / Avenue 8½ E Traffic Interchange (to study alternatives to improve safety and traffic operations) (Eng)

Resolution R2024-070

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for Hacienda Estates storm drain improvement (creating the opportunity to alleviate flooding in Hacienda Estates) (Eng)

Resolution R2024-071

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City to apply for Arizona State Match Advantage for Rural Transportation (AZ SMART) Fund for Construction of 40th Street from Avenue 6E to Fortuna Road (to construct the 40th Street Corridor which will improve traffic safety operations on 32nd Street) (Eng)

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

Mayor Nicholls returned to the dais.

Motion (Morris/Morales): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2024-069, Resolution R2024-070, and Resolution R2024-071, which were adopted through a previous vote.

Bushong displayed the following title(s):

Resolution R2024-068

A resolution of the City Council of the City of Yuma, Arizona, approving a water delivery agreement with Yuma Cogeneration Associates (proposes a new 20-year water delivery agreement that largely preserves the existing water delivery arrangement between the City and Yuma Cogen.) (Utl)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-041 – Rezoning of Property: Southeast Corner of S. Avenue 7E and E. 40th Street (to allow the applicant to develop the property for the Desert Sky Unit 4 townhome development) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls declared a conflict of interest on Ordinance O2024-041, due to his firm's involvement in the project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Motion (Smith/Morales): To adopt Ordinance O2024-041 as recommended.

Bushong displayed the following title(s):

Ordinance O2024-041

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 Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, and amending the zoning map to conform with the rezoning (rezone approximately 28.5 acres located at the southeast corner of S. Avenue 7E and E. 40th Street) (Plng & Nbhd Svcs/Cmty Plng)

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

Mayor Nicholls returned to the dais.

Motion (Smith/McClendon): To adopt the Ordinance Consent Agenda as recommended, with the exception of Ordinance O2024-041, which was approved by a previous vote.

Bushong displayed the following title(s):

Ordinance O2024-040

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code to comply with State Statute (ensures that City regulations reflect recent modifications to state law) (Plng & Nbhd Svcs/Cmty)

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

IV. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- Christmas at the Sanguinetti House
- Toy for Tots Drive
- City of Yuma Downtown Christmas
- 5th Annual Nourish Gala
- Western Arizona Council of Government (WACOG) County Advisory Board Meeting
- Ribbon Cutting for new inclusive play pieces at the West Wetlands Park
- Dorothy Young Memorial Electric Light Parade
- Monthly Yuma Metropolitan Planning Organization (YMPO) Meeting
- Ribbon Cutting for the West Wetlands New Native Area
- Groundbreaking of the new Cocopah Event Center
- Yuma County National Heritage Area (YCNHA) Board Meeting
- Attainable Housing Committee Meeting
- Colorado River Water Users Association Annual Meeting
- Yuma Catholic High School Annual Rib Cook-Off

- Arizona Technology Council Meeting
- 4FrontEd Quarterly Meeting
- Elevate Southwest Quarterly Meeting
- Yuma Fresh Vegetables Association Annual Luncheon
- Mellon Family Holiday Fiesta
- Wreaths Across America at the Desert Lawn Memorial Cemetery
- Army – Navy football Game
- Ribbon Cutting Panera Bread
- Fourth Avenue Beautification Meeting

Shoop thanked City staff and the community for the opportunity to serve as a City Councilmember for the last five years.

Scheduling

Shelton requested the following items be addressed by City Council after his departure:

- Affordable Housing
- A marquee for the Pacific Avenue Athletic Complex
- Request for Amtrak representatives to appear before City Council and update the public on passenger rail services
- Consider a Public Safety bond to address the many needs of police and fire at one time
- Consider if a Space Port Commission would be productive
- Establish a youth group comparable to those in other cities and towns
- Come to some conclusion on Riverfront development

V. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- January 4, 2025 – Kennedy Skate Park Grand Opening
- January 4, 2025 – Yuma AgFest
- January 11-12, 2025 – Art in the Park
- December 26, 2024-January 3, 2025 – Live Christmas Tree Recycling

Simonton reminded the community that City Hall will be closed on December 24th and 25th for the Christmas holiday and January 1, 2025, for the New Year holiday. The refuse collection schedule will not be affected by the closures.

VI. CALL TO THE PUBLIC

Gary Wright, City resident, thanked City Councilmembers **Shoop** and **Shelton** for their service to the community and for focusing on economic development during their years of service. **Wright** suggested that City Council continue making economic development and tourism in Yuma a high priority and proposed starting with promoting the Colorado River.

Tommy Morgan, City resident, spoke regarding a code violation he received for a shade structure he had installed in front of his house. **Morgan** asked if he meets the criteria to keep the shade erect under Building Safety's "Grandfathered-In" policy.

Anthony Felix, City resident, spoke regarding what he believes are false reports and accusations against him by the Yuma Police Department regarding two incidents that happened at his home.

Mayor Nicholls presented a farewell video to Councilmembers Shelton and Shoop and thanked them for their many years of service to the community.

Shelton and **Shoop** thanked the community and staff for allowing them to serve the City of Yuma. They intend to continue to be involved in future projects for the City.

VII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:45 p.m. No Executive Session was held.

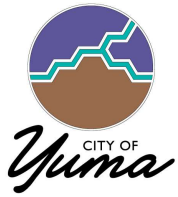
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

File #: MC 2025-025

Agenda Date: 2/19/2025

Agenda #: 2.

Regular Council Worksession Draft Minutes January 14, 2025

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
January 14, 2025
5:30 p.m.

CALL TO ORDER

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

Councilmembers Present: Morales, Smith, McClendon, Morris, Watts, Martinez, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Executive Director of the Yuma Crossing National Heritage Area,
Cathy Douglas
Director of Planning and Neighborhood Services, Alyssa Linville
Fire Chief, Dusty Fields
Director of Building Safety, Randy Crist
Director of Utilities, Jeremy McCall
Director of Engineering, Dave Wostenberg
Various department heads or their representatives
City Attorney, Richard W. Files
Deputy City Clerk, Janet L. Pierson

I. YUMA CROSSING NATIONAL HERITAGE AREA UPDATE

Douglas presented the following Yuma Crossing National Heritage Area (YCNHA) update for the federal Fiscal Year (FY) 2024, from October 1, 2023, through September 30, 2024:

- 2024 Major Goals Achieved
 - Completed Sunset View Wildlife Area – a two-acre nature park development at Yuma East Wetlands
 - Completed an eight-acre West Wetlands Park development project
 - Department of Interior investing \$8.6 million to protect and maintain Yuma East Wetlands
 - Yuma East Wetlands awarded the Environmental Excellence Award for Natural Environment Preservation from Arizona Forward
 - Selected to receive \$398,000 in Community Directed Spending funding for exterior preservation of Historic City Hall – pending final FY 2025 budget
 - Continued to successfully operate and maintain the 380-acre Yuma East Wetlands, Yuma Territorial Prison, and Colorado River State Historic Parks
 - Expanded educational programming and cultural and community events
 - Developed new Americans with Disability Act (ADA) accessible sidewalk project and new exhibits at Yuma Territorial Prison
- Financials At a Glance – FY 2024 Revenue and Expenses
 - Revenue - \$3,410,000
 - Grants and Private Donations - \$1,456,000
 - Includes 16 federal, state and foundation grants totaling \$1.4 million

- Operating and Maintenance Contracts - \$893,000
 - Comprised of 10% share of City 2% Hospitality Tax
- State Park Admissions and Gift Shop Revenue - \$715,000
- Special Event and Rental Revenue - \$170,000
- Miscellaneous Gains and Other Revenue - \$176,000
- Expenses - \$3,470,000
 - Expenses over revenues of nearly \$60,000 mainly stemming from loss of the historic Freight Depot building
- East Wetlands
 - Operations
 - YCNHA operates and maintains the 380-acre East Wetlands with a staff of five
 - Partnership with the City of Yuma, the Quechan Indian Tribe, the Arizona Game and Fish Department, and the Bureau of Reclamation (BOR)
 - Signed a new five-year funding agreement in 2024 with the BOR for site maintenance funding
 - \$208,000 funding in 2024
 - Secured additional \$96,000 in grant funding from the Arizona Department of Forestry and Fire Management for invasive vegetation removal in 2024
 - \$124,000 funding for 2025
 - Improvements
 - Sunset View Wildlife Area
 - \$500,000 grant funded two-acre development
 - Includes \$300,000 American Rescue Plan Act subgrant from the City
 - Connecting trails, shaded wildlife viewing overlook, and habitat improvements
 - Funding and Award
 - \$8.6 million Bipartisan Infrastructure Act funding for East Wetlands to improve efficiency of operations and to replace capital infrastructure
 - Awarded state Environmental Excellence Award for Natural Environmental Preservation from Arizona Forward
- West Wetlands
 - Improvements
 - YCNHA secured \$250,000 grant from Arizona Office of Tourism
 - Partnered with City Parks and Recreation Department
 - Eight-acre park development
 - Additional parking, landscaping, trails, and shade ramadas
- State Parks
 - Yuma Territorial Prison and Colorado River State Historic Parks
 - Ongoing Management
 - YCNHA has been successfully operating and maintaining Yuma's two state parks since 2009/2010 with seven full-time and three part-time/seasonal staff
 - 60,335 park visitors generated \$715,000 in admissions and gift shop revenue
 - Yuma Territorial Prison is the biggest tourist attraction in Yuma
 - Voted #4 Best Haunted Destination in the U.S. by USA Today readers in 2024

- Expanded educational and historical programming
 - 352 group and general public tours for 3,954 people
 - 38 outreach, educational and historical programs for 178 people
- 70 park and event volunteers contributed 2,458 hours of service, valued at \$78,000
- Pending Multi-Million Dollar Sally Port Historic Restoration
 - Historic Structures Report for adobe restoration and building repair at the Yuma Territorial Prison State Historic Park completed in 2024
 - State is proceeding with design work for the Sally Port restoration
 - Funding for this project is a work in progress
- New Exhibits
 - Stamped concrete sidewalks and a new cemetery exhibit have been installed, and 10 new exhibit panels are in production and will soon be displayed throughout the Colorado River State Historic Park
- Educational Programming
 - Received fourth annual grant from the National Park Foundation to support the free Yuma Live History field trip program to the East Wetlands and Yuma Territorial Prison and Colorado River State Historic Park for 3rd-5th graders
 - 80% of Yuma County schools are participating
 - Provided 60 in-person and 43 virtual educational programs for 4,847 students and 501 adults
- Historic City Hall Exterior Restoration
 - \$398,000 Community Directed Spending funding request selected by Senators Kelly and Sinema, pending final federal budget approval
 - Working with City Administration to find required non-federal matching funds
 - Project includes exterior façade restoration and new windows and front entry door
- Loss of Historic Freight Depot
 - This property was donated to YCNHA by the Union Pacific Foundation, and was destroyed in a fire in March 2024
- Cultural and Community Events
 - These events not only provide cultural enrichment and bring visitors to the parks, but they also serve as fundraisers for needed maintenance and preservation work
 - FY 2024
 - Hosted 13 cultural and community events for nearly 3,500 guests, including:
 - Haru Matsuri Festival
 - Dia de los Muertos
 - Prison to Prison Beer Run
 - Christmas at the Crossing
 - FY 2025
 - Wild West Days is a new event that will be taking place on January 25th at the Yuma Territorial Prison
- 2025 Goals
 - Work with Yuma East Wetlands partners to help facilitate capital improvement projects funded by the Department of Interior's \$86 million investment
 - Ensure successful implementation of historic City Hall renovations should \$398,000 Community Directed Spending be approved

- Continue to successfully operate and maintain the 380-acre Yuma East Wetlands and the Yuma Territorial Prison and Colorado River State Historic Parks
- Continue to expand and implement educational programming and cultural and community events to increase traffic to the State Parks and to raise funds for operational and historic preservation projects
- Complete a new historic downtown walking tour, partially funded with Union Pacific Foundation grant

Discussion

- Christmas at the Crossing is a family friendly event, with activities for children as well as food vendors and a bar for adults (**Mayor Nicholls/Douglas**)
- Autentico Sapore Italiano, an Italian restaurant, operates in the Colorado River State Historic Park under an annual lease (**Morales/Douglas**)
- The school field trips are provided at no cost to schools, funded through a National Park Foundation grant and fundraising campaigns (**Smith/Douglas**)
- Trail and walkway maintenance involves continuously cleaning up trash, removing fire hazards, and trimming trees; some areas that may appear to be overgrown have purposely been left in a more natural state to provide habitats for animals (**Morris/Douglas**)
- Christmas at the Crossing was a collaborative effort made possible by contributions from Shelley Mellon, RL Jones Insurance, the Yuma Anti-Drug Coalition, and the Yuma Mental Health Coalition, and the help of 50 volunteers each night (**Watts/Douglas**)
- Removal of invasive plants is an ongoing effort supported by the Arizona Department of Forestry and Fire Management grant; the focus has been on removal of salt cedar phragmites that use up a large amount of water (**Watts/Douglas**)

II. ATTAINABLE HOUSING COMMITTEE

Linville presented the following overview of the recommendations identified by the Attainable Housing Committee:

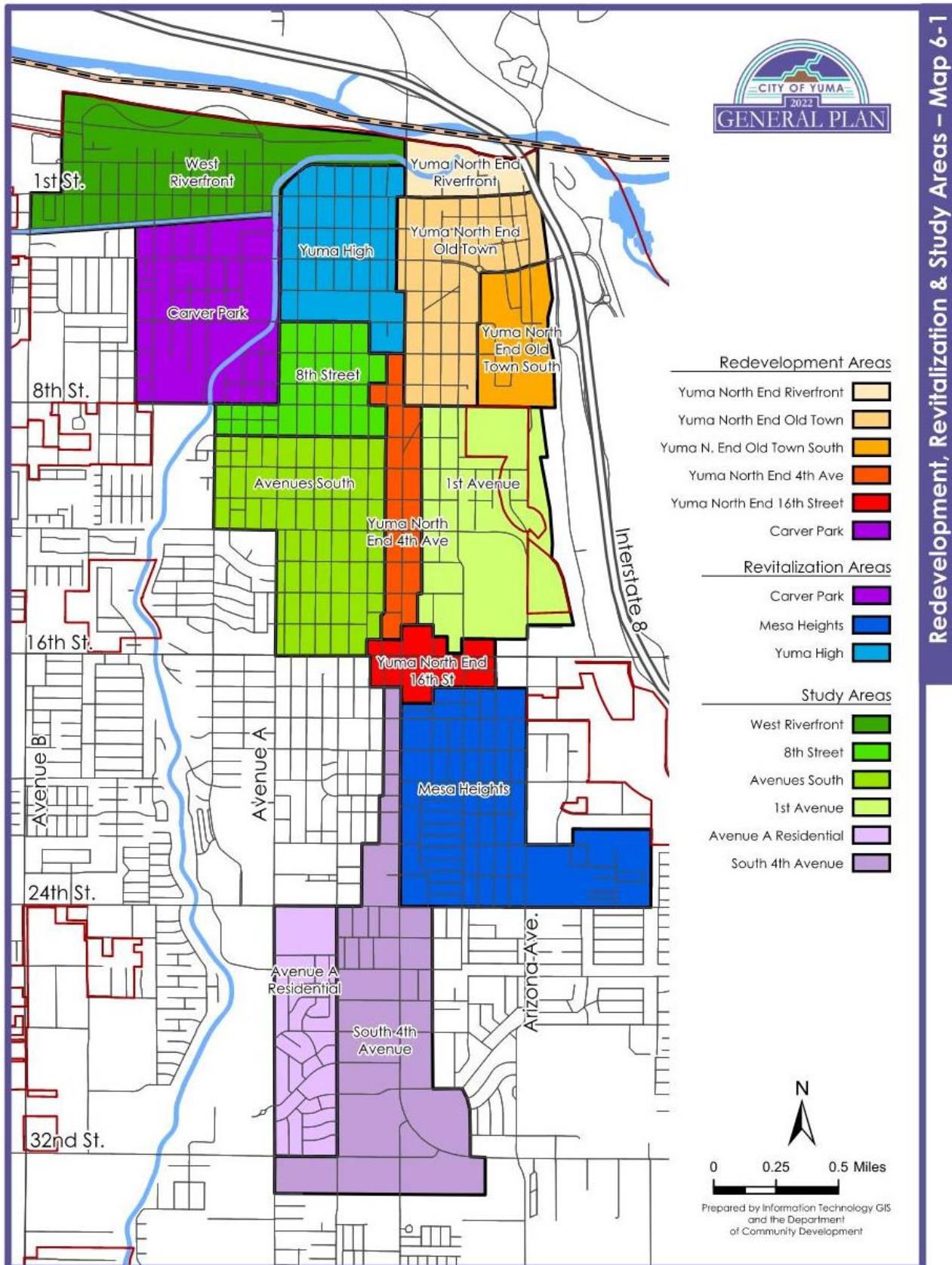
- Attainable Housing Committee
 - Committee Purpose
 - Mission
 - The Attainable Housing Committee aims to address the growing needs for access to all housing types within our community
 - Key Objectives
 - Advocate for policies that promote housing development
 - Collaborate between local government, developers, and stakeholders to identify practical solutions
 - Research housing trends, challenges, and opportunities to inform City Council
 - Vision
 - To ensure policies and regulations support the development of all types of housing

○ Committee Schedule

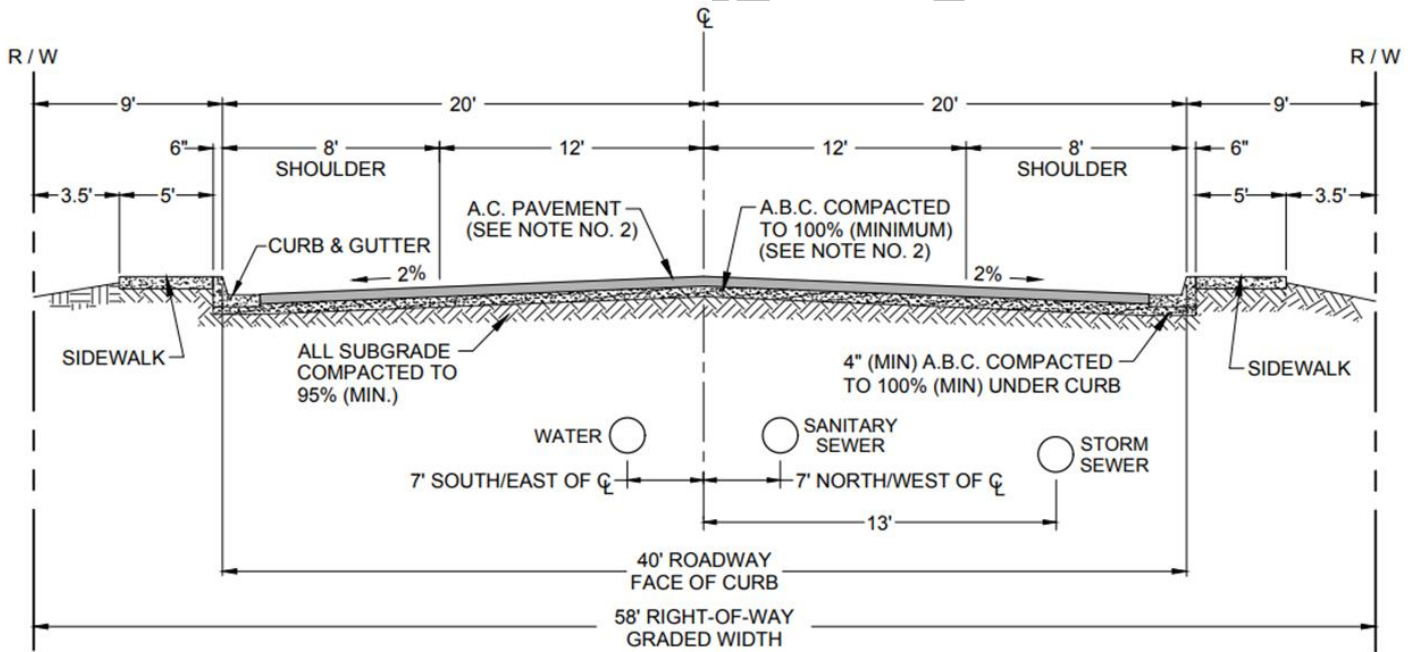
Meeting Date	Meeting Objective
May 21, 2024	Project Kick-Off
June 18	Zoning: Review options for duplexes in R-1-6 (Infill), review recent legislation (accessory dwelling units and middle housing)
July 23	Zoning: Review affordable housing, inclusionary zoning, infill incentives outside of the district
August 20	Building: Review energy efficiency, fire sprinklers, use of residential code for up to 4 units
October 1	Engineering: Review residential roadway designs and development/impact fees Utilities: Review development and connection standards for water and sewer
November 5	Review Proposed Recommendations
December 17	Finalize Proposed Recommendations
January 14, 2025	City Council Briefing (Worksession)

- Accessory Dwelling Units (ADU) have been permitted within the City since 2017, and were intended to allow property owners to gain income while allowing the community to have access to affordable housing within traditional neighborhood settings.
 - Setbacks
 - Current Setbacks
 - Follow typical side (seven-foot) and rear (10-foot) setbacks unless accessed from the alley, which allows a reduced rear yard setback of five feet
 - Located behind the midpoint of the primary residence
 - To avoid the appearance of two units on one property, which might negatively impact the character of a neighborhood
 - Proposed Setbacks
 - Allow attached units to meet typical front yard setback
 - Expand opportunities to property owners who do not have room for an ADU in their rear yard
 - Reduce the rear yard setback for single-story units to five feet
 - Density
 - Current Density Standard
 - Currently permits one ADU on a lot which features a single-family residence
 - No additional parking required
 - Proposed Density Standard
 - Allow the construction of a second ADU on lots which are 10,000 square feet or larger
 - One unit attached and one unit detached
 - Parking
 - Current Parking
 - No additional parking is required for an accessory dwelling unit so long as the parking for the primary residence still exists
 - Proposed Parking
 - One additional parking space needs to be provided for a second ADU

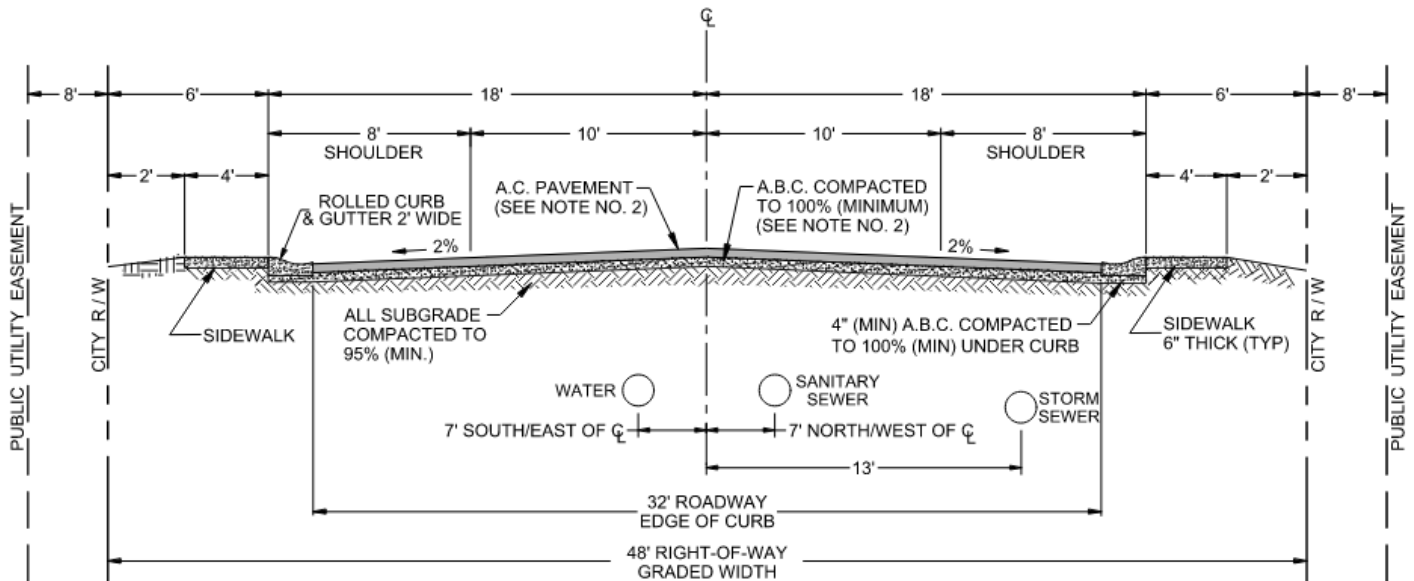
- Design
 - Current Design Standard
 - Requires ADU to incorporate design features similar to the primary residence, including exterior colors, architectural detailing, and exterior materials (such as windows and roofing)
 - Proposed Design Standard
 - Require ADU to incorporate design features similar to the primary homes within the surrounding neighborhood
- Occupancy
 - Current Occupancy Standard
 - Requires owner to reside in one of the dwelling units
 - Deed restriction required
 - Proposed Occupancy Standard
 - Remove occupancy restrictions, allowing all units to be utilized for rental purposes
 - There is some concern with removing this requirement because it can become difficult to contact owners when upkeep is needed, especially if the owner lives outside of Yuma
- Utilities
 - Current Utility Standard
 - Requires a property owner to upgrade an existing 4” sewer lateral to allow the construction of an ADU
 - Upgrade from a 4” sewer lateral to a 6” sewer lateral
 - Proposed Utility Standard
 - Utilize sewer lateral assessments to determine if an existing 4” sewer lateral has sufficient capacity to support the construction of an ADU
- Planned Unit Developments (PUDs)
 - Density
 - Current Density Standard
 - Requires the average lot size to meet the minimum of the underlying zoning district
 - Proposed Density Standard
 - Remove minimum lot size standard and allow the density limitations to determine the allowable lot sizes
- Middle Housing
 - Infill District
 - Proposed Density Standard
 - Allow two to four units to be built on properties zoned for single-family
 - New Development
 - Proposed Density Standard
 - Allow two to four units to be built on properties zoned for single-family
 - New development project of 10 acres or more
 - Maximum of 20% of the development to be utilized for middle housing
 - Identify middle housing lots during the subdivision phase



- Building Safety
 - International Residential Code (IRC)
 - Support and encourage the use of the IRC for the construction of up to four residential units on one property
 - Recommend adding language in the zoning code supporting the use of the IRC for middle housing
 - Fire Protection
 - Committee supports the need to provide fire protection in new residential construction of three or more attached units
- Inclusionary Zoning
 - Proposed Standard
 - Allow 20% of development project to be set aside for Affordable Housing units, in exchange for an increase in density up to 20%
 - Affordability period
 - For Sale: seven-year affordability period
 - For Rent: 20-year affordability period
 - Optional for all residentially zoned developments
 - Residential Streets
 - Local Street Detail
 - Current Local Street Detail



▪ Proposed Local Street Detail



Discussion

- Considering the catastrophic fires that have been taking place recently in California, it may be wise to take some time to discuss whether to reduce the rear yard setback to five feet (**Mayor Nicholls**)
- The five-foot rear yard setback is permitted by the IRC without a fire wall; combined with the rear yard setback of the adjacent property, there would be at least a 10-foot separation between structures (**Morris**)
- The Yuma Fire Department would speak up if any of the recommendations would jeopardize the safety of the community; in 2006, the IRC increased the required fire separation from three feet to five feet (**Watts/Linville/Fields/Crist**)
- Design standards for the aesthetics of attached units can be considered (**Morales/Linville**)
- Allowing attached units to meet the typical front yard setback is appreciated, but the safety of the five-foot rear yard setback should be further evaluated (**Smith**)
- There are property owners whose backyards are not large enough to accommodate an ADU under the current requirements that might benefit from the reduced rear yard setback; currently properties that are adjacent to an alley that is utilized for access to a proposed ADU can reduce the rear yard setback to five feet (**McClendon/Linville**)
- Reduced setbacks up to zero feet are allowed for accessory structures such as sheds, patios, and detached patios based on the size of the structure; in the Infill Overlay District, a five-foot side yard setback is allowed for residential development (**Morris/Linville**)
- Maximum lot coverage is increased by 5% for an accessory dwelling unit; if the zoning is Low Density Residential (R-1-6), the lot coverage could increase to 60% (**Mayor Nicholls/Linville**)
- While an additional meter can be purchased for an ADU, the meter currently at the property – typically a three-quarter inch meter – is sufficient for both structures (**Smith/McCall**)
- ADUs are a permitted use, and notification is not required to surrounding property owners; only 60 ADUs have been permitted since 2017 (**Watts/Linville**)

- If an additional required parking space is required for a second ADU, utilizing the front yard setback (driveway) for the additional parking space could be an option (**Mayor Nicholls/Morris/Linville**)
- With the proposed ADU design standards, additional units would not need to match the primary home but would be required to incorporate design elements similar to primary homes in the surrounding neighborhood; the definition of “surrounding neighborhood” is to be determined, but would likely be within the street or block where the property is located (**Mayor Nicholls/Morris/Morales/Linville**)
- Overall removal of the ADU requirement that the owner reside on the property looks to be a change that will help bring more affordable housing to Yuma (**Mayor Nicholls/Morris/Morales**)
- There are developers who have already expressed interest in offering ADUs upon construction of a new home, and the rental income that could be earned from an ADU can help potential buyers qualify for the purchase of a home (**Smith/Linville**)
- A sewer lateral assessment would determine whether the existing lateral is suitable for the intended use; a four-inch lateral will typically support up to four dwelling units without the need to upgrade to a six-inch lateral (**Mayor Nicholls/Morris/McCall/Crist**)
- PUDs encourage different design standards, such as reduced setbacks, to help developers increase densities; the proposed change would help developers hit maximum densities based on the land use designation instead of being limited by average minimum lot size requirements (**Mayor Nicholls/Linville**)
- The main differences between middle housing and ADUs is that middle housing allows up to four dwelling units per lot with no restriction on lot size, while the recommendation for ADUs is for up to three dwelling units per lot with a 10,000 square-foot minimum lot size required for a second ADU (**Mayor Nicholls/Linville**)
- It is not uncommon to find triplexes in the Infill Overlay District, so middle housing units would also fit in well in those areas (**Morris**)
- It would be helpful to see a visual representation of what middle housing might look like, to understand how it would fit in amongst single-family homes (**Smith**)
- Reduced setbacks, increased density, and multi-family housing are common themes throughout this presentation because they all lead to an increase in units per lot, which brings down the cost of housing and makes it more attainable (**Morris**)
- Outreach, including the use of visual examples, will help the community understand how the proposed changes may impact their neighborhoods and gain their support (**McClendon**)
- Attainable housing relies on increased density, but care needs to be taken with regards to location as higher densities may make sense in some areas but not others (**Watts**)
- Middle housing is typically two to four units, but the City could define it however best fits the community (**Linville**)
- Specific notification requirements for middle housing have not been recommended; while identification during the planning phase would provide potential homebuyers with information that may impact their decision making, requiring developers to identify specific lots early in the planning phase would limit their flexibility (**Mayor Nicholls/Morris/Smith/McClendon/Linville**)
- Developers have indicated that middle housing units would be designed to blend into the surrounding neighborhood (**Morales/Linville**)
- The distribution of the 20% middle housing was not specifically discussed; some communities incorporate middle housing throughout a neighborhood, while others group units together (**Mayor Nicholls/Linville**)

- In the past the IRC has been used for single family homes and duplexes, while anything larger utilized the International Building Code (IBC); however, a new state law allows the IRC to be used for triplexes and quadplexes (**Morris/Crist**)
- Housing constructed using the IRC can install a National Fire Protection Association 13D fire sprinkler system instead of the 13R system that is required under the IBC; the 13D system can use a domestic water line, as long as it is sized appropriately, and does not require a Fire Department Connection (**Morris/Crist**)
- An eight-foot shoulder with a 10-foot lane may not be wide enough for cars to comfortably park on the street; if a mountable curb is used, drivers will likely park partially on the sidewalk which will reduce accessibility (**Mayor Nicholls/Wostenberg**)
- Outreach may be needed to remind drivers to park carefully and not block sidewalks; enforcement is too late when an issue has already impacted accessibility (**Mayor Nicholls/Morales/Wostenberg**)
- An 11-foot lane could be made by reducing the area between the sidewalk and the utility easement to one foot; upgraded pavement markings at exits and speed limit signs will also be added to subdivisions (**Wostenberg**)
- The City's traffic calming policy is being reviewed, and additional measures such as speed tables, chicanes, low pop-outs, and roundabouts could potentially be added to slow traffic on residential roads; speed bumps are not a preferred traffic calming measure as they slow down emergency response, can cause problems with lower vehicles, and require additional maintenance (**Mayor Nicholls/McClendon/Wostenberg**)
- For collector and arterial roads, external to subdivisions, the City will be asking for additional right-of-way from developers to allow for the construction of multi-use paths on one side of the road, separated from traffic by a landscape buffer (**McClendon/Wostenberg**)
- Once finalized, these changes will be implemented through zoning code updates as well as revisions to Engineering Department standards and specifications (**Morris/Linville/Wostenberg**)
- The City has spent a lot of time refining Yuma's zoning codes over the last 10 years to better serve the community, and this is another great example of that effort (**Mayor Nicholls**)

III. REGULAR CITY COUNCIL MEETING AGENDA OF JANUARY 15, 2025

Motion Consent Agenda Item C.1 – First Amendment to Design-Build Services Contract (amend the design-build construction contract with Willmeng Construction and add American Ramp Company to the extended warranty and bonding requirements for the Kennedy Skate Park (Skate Park) improvements) (Parks & Rec)

Discussion

- The Skate Park will be inspected daily by Parks and Recreation Department staff, and weekly by Engineering Department staff; Willmeng Construction and American Ramp Company will be notified of any cracks that become potential hazards so those sections can be removed and replaced (**McClendon/Wostenberg**)
- The Yuma Click and Fix app can be used to report any concerns regarding the Skate Park; there have been discussions about posting QR codes at the Skate Park and other City parks and playgrounds that will direct community members to the Yuma Click and Fix app to facilitate better communication between park users and the City (**McClendon/Morales/Wostenberg**)

Introduction of Ordinance O2025-002 – Rezoning of Property: Northwest Corner of 34th Street and DeVane Drive (rezone approximately 9.74 acres of property from the General Commercial/Aesthetic Overlay (B-2/AO) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District) (ZONE-43328-2024) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- The applicant initially objected to the requirement of the Traffic Impact Statement, but agreed to provide the statement as requested at the Planning and Zoning Commission meeting (**Smith/Linville**)
- The proposed development is for 60 lots with an average lot area of 5,104 feet, which meets the minimum average lot area of 4,500 square feet per dwelling unit as required by the R-2 District (**Mayor Nicholls/Linville**)

EXECUTIVE SESSION/ADJOURNMENT

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

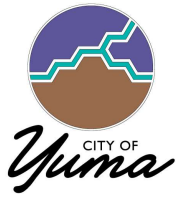
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma

City Council Report

File #: MC 2025-015

Agenda Date: 2/19/2025

Agenda #: 1.

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

SUMMARY RECOMMENDATION:
Approve a Series #06: Bar Liquor License application submitted by Susan Hwang, agent for Mama Su Bar & Lounge located at 1893 E. 16th Street. (LL25-01) (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:
Susan Hwang, agent for Mama Su Bar & Lounge located at 1893 E. 16th Street, has applied for a Series #06: Bar 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:

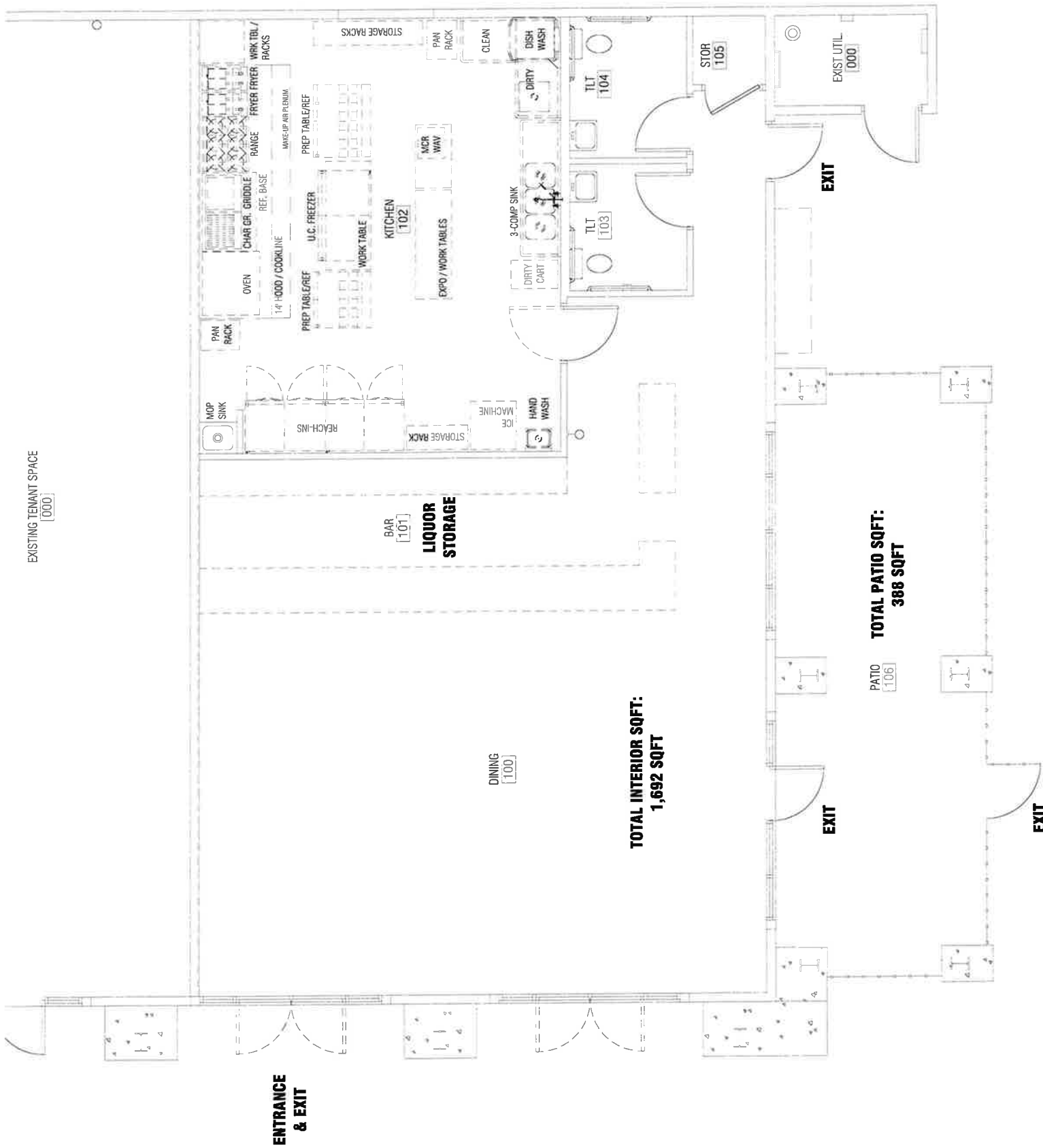
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



EXISTING TENANT SPACE
[000]

**ENTRANCE
& EXIT**

**BAR
[101]
LIQUOR
STORAGE**

**DINING
[100]**

**TOTAL INTERIOR SQFT:
1,692 SQFT**

EXIT

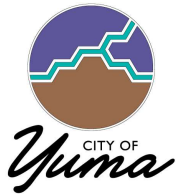
EXIT

EXIT

EXIT

**TOTAL PATIO SQFT:
388 SQFT**

**PATIO
[106]**



City of Yuma

City Council Report

File #: MC 2025-016

Agenda Date: 2/19/2025

Agenda #: 2.

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

TITLE:

Liquor License: Sun of a Gun Cigars

SUMMARY RECOMMENDATION:

Approve a Series #06: Bar Liquor License application submitted by Katherine Espinal, agent for Sun of a Gun Cigars located at 1651 S. Arizona Ave. (LL25-02) (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:

Katherine Espinal, agent for Sun of a Gun Cigars located at 1651 S. Arizona Ave., has applied for a Series #06: Bar 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:

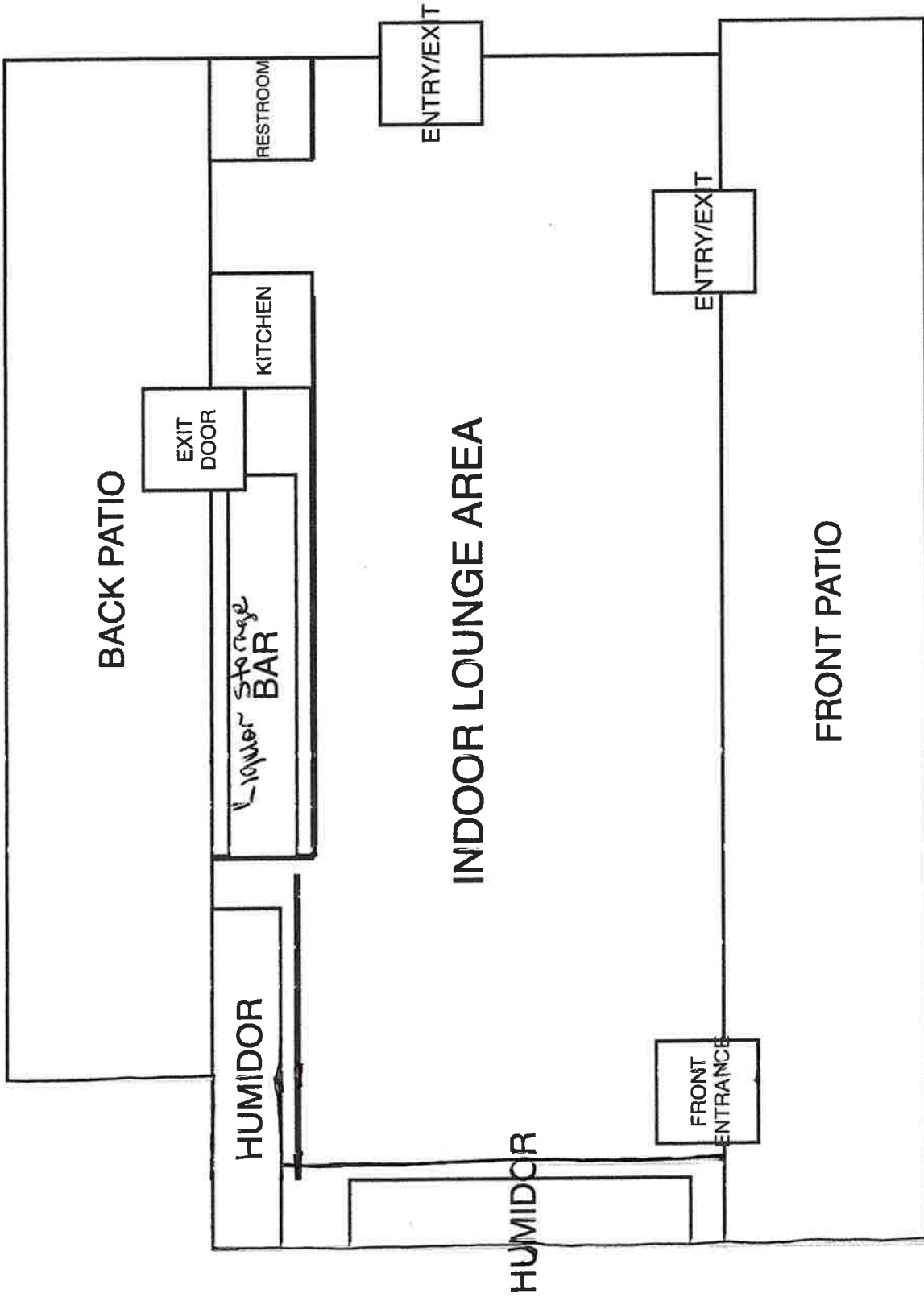
Series #06: Bar Liquor License application

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

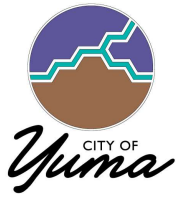
- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025

24 DEC 19 14:14 M 8:46



1,700 SQFT



City of Yuma

City Council Report

File #: MC 2025-017

Agenda Date: 2/19/2025

Agenda #: 3.

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

TITLE:

Bid Award: Traffic Management Center

SUMMARY RECOMMENDATION:

Award a construction services contract for tenant improvements at the City of Yuma Public Works building for a Traffic Management Center, to the lowest responsible bidder in the amount of \$270,382.46 to Merrill Development, Yuma, Arizona (Engineering RFB-25-192) (David Wostenberg/ Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this contract meets the desired outcome of Safe and Prosperous, and Respected and Responsible by optimizing traffic signal timing as it will lower pollution, revenue loss, and traffic accidents. This project also meets the Connected and Engaged desired outcome by evaluating real-time traffic conditions and adjusting traffic management in response to varying roadway conditions, such as construction, seasonality, and accidents.

REPORT:

Recently, the City developed an Intelligent Transportation Systems (ITS) Strategic Plan, ITS Infrastructure Plan, and Transportation Management Center (TMC) Concept of Operations. The City is proposing to perform tenant improvements to build a Traffic Management Center within the existing Public Works building that allows the traffic engineer and technicians to view live traffic, ability to upload signal timings remotely, receive data analytics (road user classifications, volumes, turning movements, speeds, and signal performance metrics), produce performance-based traffic signal timings.

The City has the largest number of traffic signals and other traffic management equipment within the Yuma region but does not have the ability to monitor or actively operate the network remotely. There could be significant safety, efficiency, and public relations benefits if the City Engineering Department staff had the ability to monitor and operate traffic signals and other ITS devices in real-time from a centralized location.

The tenant improvements include but are not limited to steel framing, drywall, finishing, flooring, painting, HVAC, electrical, low voltage, openings, and glazing. The project is expected to be completed within 90 days.

Three general contractors responded to the solicitation as follows:

Celis Development \$3,334,936.00
Merrill Development, Inc. \$ 270,382.46
 Yuma Valley Contractors Inc. \$ 343,554.86

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 270,382.46	BUDGETED:	\$ 500,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$270,382.46			
City Road Tax			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2025 City Council approved budget to award this contract.

ADDITIONAL INFORMATION:

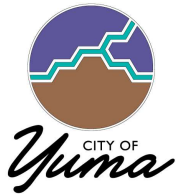
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



City of Yuma

City Council Report

File #: MC 2025-018

Agenda Date: 2/19/2025

Agenda #: 4.

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

TITLE:

Bid Award: Turf Irrigation Supplies

SUMMARY RECOMMENDATION:

Award to the lowest responsive and responsible bidders for Turf Irrigation Supplies, a one-year contract with option to renew for four additional one-year periods depending on the appropriation of funds and satisfactory performance to Yuma Nursery LLC, Yuma, Arizona and SiteOne Landscape Supply, Cleveland, Ohio. (Parks & Recreation-RFB-25-124) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Active and Appealing by ensuring public parks and various grounds are well-maintained and operational.

REPORT:

This contract provides for purchase of turf irrigation supplies utilized City-wide for many turf irrigation systems. The majority of items purchased under this contract will be purchased by the Parks and Recreation Department. Award recommended to the most responsive and responsible bidders. The estimated purchase may exceed \$100,000.00 over the five-year term of the contract. Two vendors responded to the solicitation.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 50,000.00	BUDGETED:	\$ 50,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 50,000.00			
Various Funds			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2025 City Council approved budget to award this contract.

ADDITIONAL INFORMATION:

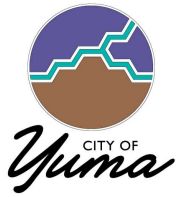
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



City of Yuma

City Council Report

File #: MC 2025-019

Agenda Date: 2/19/2025

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: Medium and Heavy Trucks and Truck Bodies

SUMMARY RECOMMENDATION:

Authorize the purchase of a Dump Truck and a Water Tank Truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an estimated expenditure of \$411,483.75 to Rush Truck Centers of Yuma, Yuma, Arizona. (Parks and Recreation-CPA-25-250) (Eric Urfer - Robin R. Wilson)

STRATEGIC OUTCOME:

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

REPORT:

The units being replaced are a 2008 F-750 Water Truck, and a 2008 Ford F-750 Dump Truck, which have both exceeded the 15-year life expectancy. Both units are critically important to support the ongoing efforts to maintain and enhance park grounds, tree inventory, turf and landscaping, and support the in-house construction work performed by the parks construction crew.

The existing units will be relinquished to surplus and sold on-line through Public Surplus or at the annual City Auction. Funds are included in the FY25 Equipment Replacement Fund for the replacement of the Water Truck and Dump Truck.

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

FISCAL REQUIREMENTS:

CITY FUNDS:	\$411,483.75	BUDGETED:	\$442,841.00
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 \$411,483.75			
Equipment Replacement Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2025 City Council approved budget and will be carried forward to FY 2026 if warranted.

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

City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



City of Yuma

City Council Report

File #: MC 2025-020

Agenda Date: 2/19/2025

Agenda #: 6.

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

TITLE:

Cooperative Purchase Agreement: Tires, Tubes and Services

SUMMARY RECOMMENDATION:

Award a one-year contract to multiple vendors for the purchase and delivery of Tires, Tubes and Services under a State of Arizona cooperative purchase agreement. The contracts are renewable for four additional one-year terms, depending on the appropriation of funds and satisfactory performance at an estimated annual cost of \$270,000.00 (including tax) to: Active Tire LLC dba Ed Whiteheads Tire, Yuma, Arizona; Corcoran Tire & Recapping Company, Yuma, Arizona; East Bay Tire Company, Yuma, Arizona; Purcell Tire & Rubber Company; Yuma, Arizona; Majco LLC dba Big Brand Tire and Service; Yuma, Arizona; (CPA-25-253-Public Works/Fleet Services/Warehouse) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council’s strategic outcome of Safe and Prosperous keeping City equipment in a safe condition.

REPORT:

These contracts are competitively bid and awarded by the State of Arizona to vendors that supply tires and tubes. The City requires that purchases be made on an as-needed basis for these items in support of daily operations of Fleet Services. Most of the purchases under these contracts will be made through local vendors participating in these contracts.

Staff’s recommendation is to utilize these contracts as feasible. The utilization of these contracts will provide lower prices, due to volume purchasing, and will save in administrative costs by not having to repetitively bid the same commodity.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$270,000.00	BUDGETED:	\$270,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$270,000.00			
Various Accounts			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2025 City Council approved budget to award this contract.

ADDITIONAL INFORMATION:

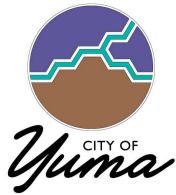
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



City of Yuma

City Council Report

File #: MC 2025-021

Agenda Date: 2/19/2025

Agenda #: 7.

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

TITLE:

Request for Proposal Award: Annual Physical Exams and Occupational Health Services

SUMMARY RECOMMENDATION:

Award a one-year contract for Physical Exams and Occupational Health Services, with the option to renew for four additional one-year periods, at an estimated annual expenditure of \$149,316.00, depending on the appropriation of funds and satisfactory performance to Professional Health Services, Inc., Broomall, Pennsylvania. (Fire-RFP-25-084) (Dustin Fields/Robin Wilson)

STRATEGIC OUTCOME:

This item supports the City Council’s strategic outcome of Respected and Responsible as it promotes a Safe and Prosperous work environment by ensuring that City firefighter’s well-being is taken care of. As an organization the City is to ensure that the firefighters are physically fit and healthy to perform safely in accordance with NFPA 1582.

REPORT:

Firefighters require preventative care because they are exposed to significant health risks like smoke inhalation, toxic chemicals, extreme heat, and physical strain, which can lead to long-term health issues such as cancer, respiratory diseases, and cardiovascular problems. It is crucial for firefighters to have extensive yearly check-ups and screenings to identify and address potential health concerns.

This service ensures the Yuma Fire Department maintains compliance with NFPA 1582 by having an occupational medical program available. The program is designed to enhance the overall health and well-being of newly hired and incumbent employees that are engaged in services to protect civilian life and property.

The medical requirements outlined by the National Fire Protection Association 1582 are the source document to ensure candidates and current members are medically capable of performing the required duties. The requirements are designed to reduce the risk of occupational injuries and illness to fire personnel.

This proposed initiative ensures that all firefighters at the Yuma Fire Department undergo an annual physical exam to monitor health and fitness levels. While the program incurs direct costs, it is expected to generate indirect financial benefits by reducing medical claims, sick absences and disability cases.

An onsite mobile unit will be utilized to provide a venue to administer the physical exams to approximately 138

fire personnel annually.

The City received three responses, through a Request for Proposal process, and City staff has chosen to move forward with the highest-ranking firm, Professional Health Services, Inc.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$149,316.00	BUDGETED:	\$149,040.00
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 \$149,316.00			
General Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Budget capacity is provided in the FY 2025 City Council approved budget to enter this contract. Actual costs were higher than anticipated and can be absorbed in the Department's budget.

ADDITIONAL INFORMATION:

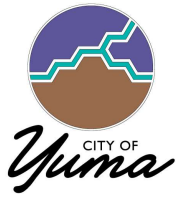
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

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

City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025



City of Yuma

City Council Report

File #: MC 2025-022

Agenda Date: 2/19/2025

Agenda #: 8.

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

TITLE:

Transfer of Ownership: Police Canine

SUMMARY RECOMMENDATION:

Authorize the retirement and transfer of ownership of Yuma Police Department canine to the assigned handler. (Police/Patrol) (Thomas Garrity)

STRATEGIC OUTCOME:

This transfer of ownership is in accordance with the City Council's Respected and Responsible Strategic Outcome. The transfer allows the handler of the police canine to assume legal ownership of the animal responsibly and safely.

REPORT:

The City of Yuma Police Department (YPD) owns a 7-year-old male Dutch Shepherd named Simba, who has served the Police Department since 2020. Simba is a certified dual-purpose Patrol Service Dog able to locate and apprehend persons and drugs. YPD recommends that Simba be retired due to his age, length of duty, as well as the rotation of his handler, Officer Thomas Linville, from the K9 Unit to another assignment. Because Simba is not a typical domestic canine, he should not be sold to or adopted to the general public.

Simba has lived with Officer Linville and his family since being acquired by the department. Simba has established strong bonds with Officer Linville and his family. Officer Linville wishes to obtain ownership of Simba and has agreed to sign a waiver of liability and assume all expenses associated with the canine. Simba has been a loyal and faithful servant to the City of Yuma and should be allowed to maintain a high quality of life in retirement.

By approving this motion, the Mayor and City Council authorize the sale and transfer of legal ownership of the City-owned canine to his respective handler, as outlined above.

FISCAL REQUIREMENTS:

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025

TRANSFER OF K-9 OWNERSHIP

This is to acknowledge that I, Officer Thomas Linville, have this ____ day of _____ 2025, received from the City of Yuma, for the sum of one dollar (\$1.00), receipt of which is hereby acknowledged, one male Dutch Shepherd police dog known as Simba, to include Simba's reward toys, leashes, collar (not including the electronic collar), food storage container, feeding and water bowl, grooming supplies, muzzle and crate kennels (plastic and wire).

Simba has been trained by me and has been under my supervision during his service with the City of Yuma Police Department.

I agree that, from this date forward, I will be responsible for all expenses related to Simba, including, but not limited to, food, maintenance, licensing, veterinary bills and any other expense related to ownership of Simba. I also agree to hold harmless and indemnify the City of Yuma, its City Council, officers and employees, agents and successors from and against all claims, injury, liability, loss, cost and expense (including all costs and reasonable attorney's fees in providing the defense to any claim or cause of action) or damage (however same may be caused or claimed to be caused) which arises from the actions of Simba after the above date.

The City warrants that it is the lawful owner of Simba, free from rightful claims of others and that it legally transfers ownership to Thomas Linville effective this date.

Dated: _____

Officer Thomas Linville

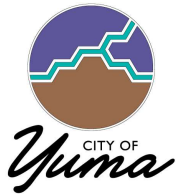
CITY OF YUMA

Dated: _____

Thomas Garrity
Chief of Police

Dated: _____

John D. Simonton
City Administrator



City of Yuma

City Council Report

File #: R2025-012

Agenda Date: 2/19/2025

Agenda #: 1.

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

TITLE:

Memorandum of Understanding: Marine Corps Air Station Yuma for Law Enforcement Jurisdiction and Procedures

SUMMARY RECOMMENDATION:

Approve a Memorandum of Understanding with the Marine Corps Air Station, Yuma, Arizona for Law Enforcement Jurisdiction and Procedures. (Police/Administration) (Thomas Garrity)

STRATEGIC OUTCOME:

This Memorandum of Understanding supports the City Council's Safe and Prosperous and Connected and Engaged strategic outcomes, as the approved agreement will define law enforcement jurisdiction and procedures for law enforcement activities aboard Marine Corps Air Station, Yuma, Arizona and involving MCAS, Yuma, Arizona personnel.

REPORT:

The Yuma Police Department and the United States Marine Corps, through Marine Corps Air Station, Yuma, Arizona (MCAS Yuma), have a cooperative working relationship to allow the Police Department to investigate criminal activity and take law enforcement action aboard MCAS Yuma. This memorandum documents the understanding and agreement of both parties relating to the investigation and prosecution of offenses pursuant to Arizona Revised Statutes, City Ordinances and regulations and County ordinances and regulations occurring on MCAS Yuma property and the reporting of offenses and injuries occurring on MCAS Yuma property or to MCAS personnel; and arrests by the Yuma Police Department on MCAS Yuma property and arrests of MCAS Yuma personnel outside of MCAS Yuma property.

By approving this resolution, City Council authorizes the Yuma Police Department and MCAS Yuma to define the jurisdiction and procedures related to law enforcement activities aboard MCAS Yuma and related to MCAS Yuma personnel outside MCAS Yuma property.

FISCAL REQUIREMENTS:

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2025

RESOLUTION NO. R2025-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF YUMA AND MARINE CORPS AIR STATION, YUMA, ARIZONA FOR LAW ENFORCEMENT JURISDICTION AND PROCEDURES

WHEREAS, the City of Yuma (“City”) is authorized, pursuant to Arizona Revised Statutes (“A.R.S.”) §11-952, and Yuma City Charter Art. III §§ 1 and 13, to contract for services and enter into agreements with other public agencies for joint or cooperative action; and,

WHEREAS, the Marine Corps Air Station, Yuma, Arizona operates within the City; and

WHEREAS, the Marine Corps Air Station, Yuma, Arizona has multiple properties located throughout the City of Yuma and County of Yuma; and,

WHEREAS, the conduct of a criminal investigation involving MCAS Yuma personnel on or outside MCAS property can present unique jurisdictional challenges which can affect the outcome of the investigation and prosecution of the case and can directly impact the City; and,

WHEREAS, the Marine Corps Air Station, Yuma, Arizona and City have a history of coordinating to create a plan to establish Law Enforcement Jurisdiction and Procedures to ensure the safety of the community and MCAS Yuma, Arizona personnel; and,

WHEREAS, the Yuma Police Department and the Marine Corps Air Station (MCAS) Yuma, along with the Yuma County Sheriff’s Office, the City Prosecutor and the Yuma County Attorney’s Office, recognize that it is beneficial to all entities and the general public to assist each other in providing certain law enforcement related services from time to time; and,

WHEREAS, the Marine Corps Air Station, Yuma, Arizona and the City wish to continue the cooperative safety efforts; and,

WHEREAS, this agreement sets forth criteria and procedures intended to make the investigation and prosecution of offenses more expeditious and efficient while giving appropriate consideration to the requirements of the Armed Forces, the policies of civil government, and other matters of mutual interest.

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

SECTION 1: The City Council finds entering into a Memorandum of Understanding with Marine Corps Air Station, Yuma, Arizona for the purpose of coordinating to establish Law Enforcement Jurisdiction and Procedures is in the public interest by promoting a safe and prosperous community.

SECTION 2: The document titled *Memorandum of Understanding between the Marine Corps Air Station Yuma and City of Yuma for Law Enforcement Jurisdiction and Procedures*, attached and incorporated into this Resolution by reference, is approved for signature on behalf of the City of Yuma.

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



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION YUMA
BOX 99100
YUMA AZ 85369-9100

MCAS
5000-68
CP&L

MEMORANDUM OF UNDERSTANDING
BETWEEN
MARINE CORPS AIR STATION YUMA, ARIZONA
AND
CITY OF YUMA, ARIZONA
AND
YUMA COUNTY, ARIZONA
FOR
LAW ENFORCEMENT JURISDICTION AND PROCEDURES

M42974-24122-0206

This is an updated Memorandum of Understanding (MOU) entered by and between the United States (U.S.) Marine Corps, through the Marine Corps Air Station (MCAS) Yuma, the City of Yuma (City), on behalf of the Yuma Police Department (YPD) and the City of Yuma Prosecutor's Office (YPO), and the County of Yuma (County), through the Yuma County Sheriff's Office (YCSO) and the Yuma County Attorney's Office (YCAO). Each organization may be referred to individually as "Party," and collectively as the "Parties." This MOU cancels and supersedes the previously signed agreement between the same Parties with the subject, Law Enforcement and Jurisdiction, Agreement #206, and effective date 30 December 2005.

1. BACKGROUND: The U.S. Marine Corps operates MCAS Yuma and off-base housing within the City of Yuma and Yuma County, Arizona. Persons and/or military personnel located on MCAS Yuma property may engage in behavior that violates the laws of the State of Arizona, the City, the County and/or the U.S. MCAS Yuma, the City, the County, YCAO, and YPO desire to set forth parameters for the investigation, arrest, charging, and prosecution of persons in or on MCAS Yuma property, or employed by MCAS Yuma.

2. PURPOSE: The purpose of this agreement is to record the understanding and agreement of the Parties relating to: the investigation and prosecution of offenses pursuant to Arizona Revised Statutes, City ordinances and regulations, and County ordinances and regulations occurring on MCAS Yuma property; and the reporting of offenses and injuries occurring on MCAS Yuma property or to MCAS Yuma personnel; and arrests by YCSO and YPD on MCAS Yuma property; and arrests of MCAS Yuma personnel outside of MCAS Yuma property.

3. UNDERSTANDINGS OF THE PARTIES: The Parties agree and understand as follows:

3.1. JURISDICTION.

3.1.1. "MCAS Yuma property" means the Air Station proper, the front gate of which is located on Avenue 3E; military housing located at 3100 West 16th Street, Yuma, Arizona 85364 (commonly referred to as 16th Street Housing"); and those portions of the Barry M. Goldwater Range (BMGR) managed by MCAS Yuma.

Subj: LAW ENFORCEMENT JURISDICTION AND PROCEDURES

3.1.2. Incidents occurring within the City of Yuma shall be referred to YPD.

3.1.3. Incident occurring within Yuma County, but outside the City of Yuma, shall be referred to YCSO.

3.1.4. The Parties acknowledge the jurisdictions set forth here may be modified by other agreements, contracts, or by Arizona law.

3.2. POLICY. MCAS Yuma, the County, the City, YCAO and YPO recognize the proper administration and discipline of the U.S. Armed Forces require that, ordinarily, offenses committed by military personnel on MCAS Yuma be investigated and prosecuted by the military. However, there may be occasions when such offenses should be investigated and prosecuted by Arizona law enforcement agencies. Inflexible rules to determine this responsibility are not feasible where there are proprietary or concurrent jurisdictions. This MOU is intended to make the investigation and prosecution of offenses more expeditious and efficient, while considering the requirements of the U.S. Armed Forces, the policies of the State of Arizona, the City, and the County, and other matters of mutual interest. This MOU does not apply to offenses cognizable only under the Uniform Code of Military Justice (UCMJ), nor does it apply to investigations for administrative or security purposes. This MOU does not limit the authority of the Naval Criminal Investigative Service (NCIS) to pursue investigations and engage in activities as pronounced by the Secretary of the Navy Instruction 5520.3B.

3.3. INVESTIGATIONS. The following factors determine which law enforcement agency or jurisdiction will conduct a particular investigation:

3.3.1. Offenses Committed on MCAS Yuma Property.

3.3.1.1. Traffic Enforcement.

3.3.1.1.1. MCAS Yuma shall be primarily responsible for traffic control related to MCAS Yuma events and activities, enforcement of Air Station and BMGR traffic regulations, and investigation of motor vehicle accidents occurring at the Air Station and BMGR. YPD agrees to share responsibility for traffic enforcement on the 16th Street military housing.

3.3.1.1.2. Problems or difficulties encountered in traffic enforcement involving civilians may be referred to YPD or YCSO by MCAS Yuma.

3.3.1.2. Misdemeanor Offenses.

3.3.1.2.1. A misdemeanor is an offense for which a sentence to a term of imprisonment, other than to the custody of the Arizona State Department of Corrections, is authorized. Arizona Revised Statute (A.R.S.) § 13-105(25). See also A.R.S. § 13-707.

3.3.1.2.2. Investigations of misdemeanor offenses initially shall be conducted by the military. If a suspect is not subject to the UCMJ, investigative jurisdiction shall be referred to YPD or YCSO after the military purpose in conducting the investigation has been satisfied.

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3.3.1.2.3. This provision shall not restrict MCAS Yuma from enforcement of applicable Federal laws and regulations on the BMGR.

3.3.1.3. Felonies.

3.3.1.3.1. A felony is an offense for which a sentence to a term of imprisonment in the custody of the Arizona State Department of Corrections is authorized. A.R.S. § 13-105(18). See also A.R.S. § 13-701.

3.3.1.3.2. NCIS is responsible for the investigation of felonies, unless:

3.3.1.3.2.1. The suspect is not subject to the UCMJ; or

3.3.1.3.2.2. The circumstances surrounding the incident or complaint support a reasonable belief that the unknown suspect is not subject to the UCMJ.

3.3.1.3.3. In cases covered by 3.3.1.2.1. or 3.3.1.2.2., investigation by NCIS shall be limited to preliminary and/or exigent matters, pending notice to YPD or YCSO of the incident.

3.3.1.3.4. NCIS shall notify YPD or YCSO of all felony investigations in which the victim is a civilian.

3.3.1.3.5. Investigations initiated by MCAS Yuma regarding criminal conduct occurring on MCAS Yuma property may be pursued off MCAS Yuma property to the extent that the military interest dictates.

3.3.1.3.6. NCIS shall provide reports to YPD or YCSO when requested in writing. Provision of copies of all reports of investigations is a matter of cooperation and mutual interest. It is further understood that any inquiries by the news media concerning incidents occurring on MCAS Yuma property shall be referred to MCAS Yuma's Communication Strategy and Operations Office.

3.3.2. Offenses Committed Outside MCAS Yuma Property.

3.3.2.1. YPD or YCSO, as appropriate, is responsible for the initial investigation of offenses committed outside MCAS Yuma. The investigating agency shall notify MCAS Yuma's Provost Marshal's Office (PMO) when a suspect is determined to be a military member. If PMO determines the suspect may be subject to prosecution under the UCMJ, MCAS Yuma may conduct a parallel investigation.

3.3.2.2. It is understood by the Parties that no State, City, or County agency has the authority to interfere with the federal government in the performance of its authorized functions. Federal supremacy dictates that, among other things, YPD or YCSO may not arrest and detain for trial any member of the U.S. Armed Forces for alleged violations of Arizona law conducted during lawful performance of their official duties or done pursuant to lawful orders.

Subj: LAW ENFORCEMENT JURISDICTION AND PROCEDURES

3.3.3. Offenses Against the U.S.

3.3.3.1. When an offense involves fraud against the U.S., damage to or misappropriation or larceny of U.S. property, or any violations of the criminal laws of the U.S., the investigation shall be referred to the proper Federal authorities.

3.4. PROSECUTION.

3.4.1. Except as otherwise set forth here (in Section 3.4), prosecutions involving a military suspect(s) are handled by YCAO or YPO, pursuant to local rules and practices. YCAO and YPO agree to promptly provide status updates to MCAS Yuma when requested, if doing so does not violate any laws of the State of Arizona. In the event YCAO or YPO declines to prosecute in any case subject to this MOU, YCAO or YPO shall promptly provide NCIS with notice of and the reason(s) for the declination. Absent exigent circumstances or unnecessary delays by YCAO or YPO, MCAS Yuma shall not institute court-martial action prior to receiving a notice of declination.

3.4.2. When the investigation is conducted by MCAS Yuma, or involves a military suspect/military victim, any resulting prosecution will normally be conducted by MCAS Yuma. MCAS Yuma shall notify YCAO or YPO in all instances, except civil traffic offenses, when disciplinary action is not taken against the military suspect, who is subject to criminal prosecution by YCAO or YPO. YCAO or YPO may opt to pursue prosecution.

3.4.2. If MCAS Yuma determines it is in the best interest of the military community to prosecute the suspect for the conduct before a military tribunal rather than a civilian court, MCAS Yuma may request YCAO or YPO to waive jurisdiction and grant MCAS Yuma the opportunity for a court-martial prosecution. Waiver of jurisdiction is discretionary, but YCAO and YPO agree to give great weight to MCAS Yuma's request.

3.4.2. The Parties agree to exchange information in all cases involving a military suspect or military victim that are potentially controversial, involve theft of or damage to military property, assaults on military superiors, disorderly conduct towards a military superior, or involve acts of violence committed off MCAS Yuma property by a military suspect.

3.5. REPORTING OFFENSES AND INJURIES.

3.5.1. When an offense falls within the investigative jurisdiction of the military, as set forth in this MOU, YCSO or YPD shall promptly notify PMO.

3.5.2. MCAS Yuma, or the Branch Medical Clinic at MCAS Yuma, shall immediately report to YCSO or YPD when the following are discovered:

3.5.2.1. Injuries to any person inflicted using a knife, firearm, deadly weapon, or dangerous instrument, as defined in A.R.S. § 13-105, in violation of any law of the State of Arizona.

3.5.2.2. All suspected cases of child abuse, child neglect, vulnerable adult abuse, or dangerous crimes against children, as defined in A.R.S. § 13-705(T)(1), committed in violation of the law of the State of Arizona.

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3.5.3. YPD or YCSO shall report to MCAS Yuma the following when discovered:

3.5.3.1. Serious physical injuries, as defined by A.R.S. § 13-105, to military personnel occurring off base.

3.5.3.2. Serious physical injuries, as defined by A.R.S. § 13-105, to dependents of military members.

3.6. ARRESTS ON MCAS YUMA PROPERTY BY YCSO OR YPD.

3.6.1. MCAS Yuma shall assist with the delivery of members of the U.S. Armed Forces and civilians located on MCAS Yuma property when YCSO or YPD has a valid arrest warrant. The Provost Marshal is the designated authority for arrests occurring on MCAS Yuma property. Requests for arrest assistance shall be made Monday through Friday, between the hours of 8:00 AM and 5:00 PM, unless the violation is a felony and immediate arrest is necessary. Arrests will normally be conducted at PMO.

3.6.2. In accordance with Navy regulations, delivery of members of the U.S. Armed Forces may be refused when the suspect is being detained for ongoing military prosecution or the Commanding Officer determines extraordinary circumstances exist that support refusal.

3.6.3. In accordance with Navy regulations, if there is a possibility a member of the U.S. Armed Forces will be transported outside Yuma County, the transporting Party agrees to reimburse MCAS Yuma for the costs of the member returning to MCAS Yuma.

3.6.4. Warrants shall comply with the requirements of A.R.S. §§ 13-3914, 13-3915, and 13-3918. MCAS Yuma acknowledges duplicate warrants, telephonic warrants, and digital warrants are valid in the State of Arizona and MCAS Yuma will honor them.

3.6.5. When able, YCSO or YPD shall contact PMO to advise of a warrant for the arrest of a military member, dependent of a military member, or civilian employee located on MCAS Yuma property. The information will contain the name of person to be arrested, his or her location on MCAS Yuma property, if known, the court charges, amount of bail, and the date the warrant was issued.

3.6.6. PMO shall ensure, when a military member is to be arrested, that the member is ready for delivery to YPD or YCSO when requested. Prior to the time of the actual delivery of the military member, YCSO or YPD shall tender the warrant of arrest to PMO for review. Once the member is delivered by PMO, the member shall be provided a copy of the warrant by YPD or YCSO.

3.6.7. Before executing an arrest warrant on MCAS Yuma property, YCSO or YPD shall check in at PMO, unless the Provost Marshal indicates another location.

3.7. RELEASE FROM CIVIL JURISDICTION AND NOTICE OF BOOKING. The military possesses universal jurisdiction over military members and can prosecute offenses occurring within the County or City when a military member is involved. YCSO shall promptly notify PMO when a military member stationed at MCAS Yuma is booked into the Yuma County Detention Center. Such notification is solely for the purpose of alerting MCAS Yuma to the location of its personnel and is not to be considered an effort to affect an individual's military employment status. YCSO shall

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promptly notify PMO when a military member is scheduled for release from the Yuma County Detention Center and shall provide PMO with a copy of the release conditions and next court date.

3.8. PATROL.

3.8.1. PMO will patrol, by marked vehicle, the military housing located on 16th Street a minimum of three times each 24-hour period.

3.8.2. YPD will endeavor to patrol the military housing located on 16th Street at least one time each 24-hour period, when staffing and calls for service permit.

3.8.3. MCAS Yuma and YPD recognize that active and regular patrols deter criminal conduct which benefits all Parties and the Yuma community. Effective cooperation between military and civilian authorities is the hallmark of this agreement and nothing herein shall prevent simultaneous patrolling or prior coordinating of patrolling between the military and civilian authorities.

3.8.4. To ensure officer safety prior to entry on the BMGR, YCSO or YPD will coordinate its entry with MCAS Yuma's Range Control (Leg Iron) at: (928) 269-7080.

3.9. SERVICE OF PROCESS. Requests for service of process on members of U.S. Armed Forces and civilians located on MCAS Yuma property will be honored and promptly arranged. MCAS Yuma's Staff Judge Advocate is the designated authority to coordinate requests for service of process. Requests shall be made Monday through Friday, between the hours of 8:00 AM and 5:00 PM, except requests may be made at any time when service involves Orders of Protection, Injunctions against Harassment, and orders of a similar nature. When YCSO or YPD contacts PMO to advise of the service of civil process upon a military member, dependent of a military member, or civilian employee located on MCAS Yuma property, YCSO or YPD shall provide the name of the person to be served and their location, if known. PMO shall ensure all steps are taken to effectuate service. Service will normally take place at MCAS Yuma's Joint Law Center at the Legal Assistance Office (i.e., Building 852).

3.10. SERVICE OF SUBPOENA. Whenever necessary to secure testimony of a witness employed by MCAS Yuma or located on MCAS Yuma property, YCAO or YPO shall issue a subpoena and cause it to be served on the witness in the manner described in Section 10. A subpoena shall include the date, time and location of the testimony and a description of the offense that is the subject of the trial. YCAO and YPO are cognizant of national security issues that may arise when testimony of a military member is necessary and will use best efforts to limit questioning to those issues relevant to the case for which the subpoena is issued. MCAS Yuma will cooperate and make every effort to enable prompt and efficient service of the subpoena and to ensure military member witness' appearance at the designated date, place, and time. In the event the subpoena is not honored by the military member witness, or YCAO or YPO is unable to effect service of the subpoena upon the military member witness by the date and time stated in the subpoena due to military procedures or policies, YCAO or YPO may decline to prosecute offenses covered by this MOU. In the event the subpoena is not honored by MCAS Yuma, MCAS Yuma shall notify YCAO or YPO, in writing, of the reasons.

4. PERSONNEL: Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Party is responsible for supervision and management of its personnel.

5. GENERAL PROVISIONS:

5.1. POINTS OF CONTACT (POC). The following POCs will be used by the Parties to communicate matters concerning this MOU. Each Party may change its POC upon reasonable notice to the other Party, and all correspondence will be sent and addressed accordingly.

5.1.1. For MCAS Yuma —

5.1.1.1. Amy Martin, Support Agreement Manager
Community Planning & Liaison Office
Box 99106
Yuma, Arizona 85369
(928) 269-2941
MCASYuma_CPLO@usmc.mil

5.1.1.2. Major Kristin Mathias, Provost Marshal
PMO
Box 99300
Yuma, Arizona 85369
(928) 269-2205
MCASYuma_PMO_Common@usmc.mil

5.1.1.3. Major Frederick Lumpkin, Staff Judge Advocate
Office of the Staff Judge Advocate
Box 99100
Yuma, Arizona 85369
(928) 269-3484/3408/6767
SJA_MCASYuma@usmc.mil

5.1.2. For YPD —

5.1.2.1. Anthony Legros, Captain
1500 S. 1st Avenue
Yuma, Arizona 85364
(928) 373-4761
Anthony.Legros@yumaAz.gov

5.1.2.2. Jay Cairns, City Prosecutor
Yuma City Prosecutor's Office
190 W. 14th Street
Yuma, Arizona 85364
(928) 373-5060

5.1.3. For YCSO —

5.1.3.1. Adriana Alvarado, Paralegal – Administration
Yuma County Sheriff's Office
141 S. 3rd Avenue
Yuma, Arizona 85364

(928) 539-7820
Adriana.Alvarado@ycsoyumacountyaz.gov

5.1.3.2. William J. Kerekes, Chief Civil Deputy County Attorney
Yuma County Attorney's Office
250 W. 2nd St., Suite G
Yuma, Arizona 85364
(928) 817-4300
Bill.Kerekes@yumacountyaz.gov

5.2. NOTICES. Any notices required or permitted hereunder shall be in writing and shall be deemed delivered if delivered in person, by electronic mail with delivery receipt, or 10 calendar days from the date of mailing by registered or certified mail and addressed to the POC for the other Party. In the event the POC information changes, the Party shall notify all other Parties, in writing, within five calendar days of the change.

5.3. NON-DISCRIMINATION. The Parties shall comply with all applicable State and Federal employment laws, rules, and regulations, which require that all persons shall have equal access to employment regardless of race, color, religion, disability, sex (including sexual preference and gender identity), age, national origin, veteran's status, genetic code, or political affiliation during the term(s) of this MOU.

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

5.5. EMPLOYEE WORKER ELIGIBILITY. By entering this MOU, the Parties warrant compliance with A.R.S. § 41-4401, A.R.S. § 23-214(A), the Federal Immigration and Nationality Act, and all other Federal immigration laws and regulations at all times when operating in the State of Arizona. Either Party may request verification of compliance from any other Party's employee, contractor or subcontractor performing work pursuant to this MOU. A breach of this warranty shall be deemed a material breach subject to penalties up to and including termination of this MOU.

5.6. GOVERNING LAW. This MOU shall be construed under the laws of the State of Arizona and shall incorporate by reference all laws governing the mandatory contract provisions of State agencies required by statute or executive order. The jurisdiction for any disputes shall be Yuma County, Arizona.

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

5.8. INDEMNITY. The Parties shall be individually responsible for the conduct of their own operations and performance of obligations pursuant to this MOU and for any accidents, injuries to or the death of persons or damage or loss of property arising out of negligent or wrongful acts or omissions by its officers, agents or employees acting in the course or scope of their employment and/or while performing the duties undertaken pursuant to this MOU.

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5.9. SEVERABILITY. The provisions of this MOU are severable to the extent that any provision or application held to be invalid by a court of competent jurisdiction shall not affect any other provision or application of the MOU, which may remain in effect without the invalid provision or application.

5.10. TRANSFERABILITY. This MOU is not transferable except with the written consent of the Parties.

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

5.12. RIGHT OF PARTIES ONLY. The terms of this MOU are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third-party beneficiary or other person, agency, or organization.

5.13. RELATIONSHIP OF THE PARTIES. It is clearly understood that each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of the one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. Each Party is responsible for all costs, supervision, and management of its personnel.

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

5.15. EFFECTIVE DATE. This MOU takes effects on the day of the last Party's signature.

5.16. EXPIRATION DATE. This MOU expires nine years after the effective date.

5.17. TERMINATION OF UNDERSTANDING. This MOU may be terminated at any time, for any reason, with or without cause, upon 30 calendar days written notice from a Party. The remaining Parties may opt to continue this MOU without the terminating Party.

5.18. FUNDS AND MANPOWER. This MOU neither documents nor provides for the exchange of funds or manpower between the Parties, nor does it make any commitment of funds or resources. No provision in this MOU will be interpreted to require obligation or payment of funds.

5.19. ENTIRE UNDERSTANDING. It is expressly understood and agreed that this MOU embodies the entire understanding between the Parties regarding the MOU's subject matter, thereby merging and superseding all prior understandings of the Parties with respect to such subject matter.

ATTEST:

Lynda Bushong

City Clerk

Date:_____

In accordance with the requirements of A.R.S. § 11-952, the undersigned attorneys acknowledge: (1) they reviewed the above Agreement on behalf of their clients; and, (2) they have determined this Agreement is in proper form and is within the powers and authority granted to their clients by the laws of the State of Arizona. Pursuant to A.R.S. § 11-952(E), Counsel for MCAS is not required to approve the form of this Agreement.

City of Yuma

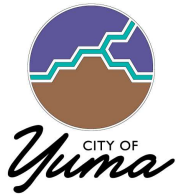
Yuma County

Richard W. Files, City Attorney

Date:_____

Karolyn Kaczorowski, Yuma County Attorney

Date:_____



City of Yuma

City Council Report

File #: R2025-013

Agenda Date: 2/19/2025

Agenda #: 2.

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

Intergovernmental Agreement: Crane Elementary School District No. 13.

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with Crane Elementary School District No. 13 as part of the La Quinta retention basin project. (Engineering Department) (Dave Wostenberg)

STRATEGIC OUTCOME:

This action supports the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by improving the existing retention basin.

REPORT:

This IGA outlines the terms and conditions of City stormwater discharge from the La Quinta retention basin located at 2900 South Barkley Ranch Avenue onto the school district’s property. Currently, the existing retention basin's size limits its ability to manage water efficiently which hinders timely percolation after heavy rainfall.

The Crane District property spans approximately 6.7 acres and has the capacity to effectively retain and percolate excess stormwater, thereby improving the City’s overall drainage system and benefiting the community.

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			
Project# 0427-STORM2			
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: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/07/2025

RESOLUTION NO. R2025-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA APPROVING AND AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CRANE ELEMENTARY SCHOOL DISTRICT NO. 13, REGARDING THE DELIVERY OF STORM WATER FROM A RETENTION BASIN TO A SOCCER FIELD AT MESQUITE ELEMENTARY SCHOOL

WHEREAS, pursuant to A.R.S. § 11-952 et. seq., Article III, Section 13, of the Yuma City Charter, and A.R.S. § 15-342.13, the City of Yuma (City) desires to enter into an Intergovernmental Agreement (IGA) with Crane Elementary School District No. 13 for the purpose of utilizing the Mesquite Elementary School soccer field as a storm water basin; and,

WHEREAS, the City owns and maintains a storm water basin (APN 693-22-912) near the intersection of Barkley Ranch Avenue and La Quinta Drive in Yuma, Arizona (the “La Quinta Basin”); and,

WHEREAS, the La Quinta Basin is just under 2 acres and from time to time is inadequate to contain and/or timely percolate storm water after a heavy rain event; and,

WHEREAS, the District maintains a 6.7 acre field as a recreation area for the Mesquite Elementary School immediately east of the La Quinta Basin (the “Soccer Field”) and has agreed to accept excess storm water from the City’s La Quinta Basin in accordance with the terms of the attached IGA.

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

SECTION 1: The attached IGA titled, *Intergovernmental Agreement between the City of Yuma and Crane Elementary School District No. 13*, is approved and incorporated by reference as part of this Resolution.

SECTION 2: The City Administrator is authorized and directed to execute the IGA on behalf of the City of Yuma in accordance with this Resolution.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTEST:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

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

This intergovernmental agreement (“Agreement”) is entered into on this 14 day of January, 2027, (“Effective Date”) by and between the Crane Elementary School District No. 13 (“District”) and the City of Yuma (“City”), an Arizona municipal corporation. The District and the City are sometimes hereafter referred to individually as the “Party” and collectively as the “Parties.”

WHEREAS, the District and the City are authorized by A.R.S. § 11-952 *et. seq.* and the City is also authorized and empowered pursuant to Article III, Section 13, of the Yuma City Charter and the District is also authorized through A.R.S. § 15-342.13, to enter into agreements for the joint exercise of any power common to the contracting Parties as to governmental functions necessary to the public health, safety and welfare, and the proprietary functions of such public agencies; and,

WHEREAS, the City owns and maintains a storm water basin (APN 693-22-912) near the intersection of Barkley Ranch Avenue and La Quinta Drive in Yuma, Arizona (the “Storm Water Basin”); and,

WHEREAS, the Storm Water Basin is just under 2 acres and from time to time is inadequate to contain and/or timely percolate storm water after a heavy rain event; and,

WHEREAS, the District maintains a large soccer field as a recreation area for the Mesquite Elementary School immediately east of the Storm Water Basin (the “Soccer Field”); and,

WHEREAS, the Soccer Field is approximately 6.7 acres and has excess capacity to contain and percolate storm water from the Storm Water Basin; and,

WHEREAS, the delivery of storm water to the Soccer Field from the Storm Water Basin requires the construction of a lift station and the installation of a pump in the Storm Water Basin and a pipeline to deliver storm water to the Soccer Field (“Delivery Infrastructure”).

NOW, THEREFORE, the Parties agree as follows:

1. **Design, Construction, and Maintenance of Delivery Infrastructure.** The City agrees to pay all costs associated with designing, constructing and maintaining the Delivery Infrastructure, provided that the District shall pay for repairs necessitated by damage to Delivery Infrastructure caused by employees or agents of the District. Any Delivery Infrastructure installed on District property shall be installed in a manner that is acceptable to the District. The District agrees to grant the City reasonable access to inspect, maintain, repair and improve Delivery Infrastructure located on District property. The City shall notify the District at least 24 hours in advance of any planned access or maintenance activities of Delivery Infrastructure on District property, except in cases of emergency.
2. **Acceptance of Storm Water.** The District agrees to accept delivery of storm water from the

Storm Water Basin to the Soccer Field. City shall notify the District at least 24 hours in advance of delivery, and all deliveries shall occur at times acceptable to the District.

3. **Term.** This Agreement shall be effective as of the Effective Date set forth above and shall remain in full force and effect for twenty (20) years (“Initial Term”) from the Effective Date, unless terminated as otherwise provided in this Agreement. After the expiration of the Initial Term, this Agreement shall automatically renew another five years (“Renewal Term”) unless either Party provides at least thirty (30) days written notice of termination to the other Party before the expiration of the Initial Term or the Agreement is terminated as otherwise provided in this Agreement.
4. **Termination.** Either Party may terminate this Agreement for any reason upon ninety (90) days advance written notice to the other Party. The District shall not to terminate this Agreement without cause without reimbursing the City’s design and construction costs for the Delivery Infrastructure.
5. **Entire Agreement.** This instrument contains the entire agreement between the Parties with respect to the subject matter contained in it and supersedes all prior and contemporaneous agreements, discussions and representations related thereto. No supplement, modification or amendment hereof shall be binding and effective unless in writing and signed by all of the Parties.
6. **Assignment.** The requirements of this Agreement are binding upon the heirs, executors, administrators, successors, and assigns of both Parties.
7. **Severability.** The Parties agree that should any part of this Agreement be held to be invalid or void, the remainder of the Agreement shall remain in full force and effect and shall be binding upon the Parties.
8. **No Partnership.** Nothing in the Agreement is intended or shall be construed to constitute a partnership or joint venture between the Parties and neither Party shall be deemed the principal, agent, officer, or member of the other.
9. **Rights/Obligations of Parties Only.** The terms of this Agreement are intended only to define the respective rights and obligations of the Parties.
10. **Choice of Law/Jurisdiction/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona. Any action to enforce any provision of this Agreement or to obtain any remedy with respect this Agreement shall be brought exclusively in the Superior Court, Yuma County, Arizona (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona, if, but only if, the Superior Court lacks jurisdiction over such action). The Parties expressly and irrevocably consent to the exclusive jurisdiction and venue of such courts and expressly waive the right to transfer or remove any such action.
11. **Attorney Fees and Costs.** In the event any action, suit or proceeding is brought for failure to observe any of the terms, covenants, or provisions of this Agreement, the prevailing Party

shall be entitled to recover as part of such action or proceeding, all litigation, arbitration, and/or collection expenses, including, but not limited to, witness fees, court costs, and reasonable attorney fees.

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

If a copy of a notice is also given to a Party's counsel or other authorized recipient, the notice is deemed to have been received on the date on which the undersigned representative received the notice, not the date its counsel or other authorized recipient received the notice.

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

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

17. **Waiver.** The failure of either Party to insist upon strict performances of any of the provisions of this Agreement, or to exercise any of the rights or remedies provided by this

Agreement, or any delay in the exercise of any rights or remedies, shall not release either Party from any of the responsibilities or obligations imposed by law or by this Agreement, and shall not be deemed a waiver of any right of either Party to insist upon strict performance of this Agreement.

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

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

City of Yuma

By: _____

John D. Simonton

Title: City Administrator

Crane Elementary School District No. 13

By:  _____

Laurie Doering

Title: Superintendent, Crane Elementary School District
No. 13

ATTEST:

Lynda L. Bushong, City Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

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

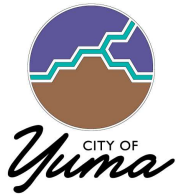
Attorney for City of Yuma

Attorney for Crane Elementary School
District No. 13

Richard W. Files

Renee Osipov

Renee Osipov



City of Yuma

City Council Report

File #: O2025-004

Agenda Date: 2/5/2025

Agenda #: 1.

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

TITLE:

Easement - Latter-Day Saints Property Easement

SUMMARY RECOMMENDATION:

Authorize the acceptance of real property from The Jacobson Companies, Inc., an Arizona corporation. (Engineering Department) (Dave Wostenberg)

STRATEGIC OUTCOME:

Accepting fee title ownership to property that will be constructed by the Developer as a public street with water and sewer utilities, streetlights, and sidewalks, aligns with the Respected and Responsible strategic outcome.

REPORT:

The Jacobson Companies recently sold 7.06 acres to The Church of Jesus Christ of Latter-day Saints for the purpose of building a Temple (LDS property). The access and utilities to the LDS property is from a new street located on the south side of the temple property, which will also serve a new subdivision yet to be developed further to the south.

The City cannot set a water meter on private property. The meter must be set in a dedicated easement in order to serve the LDS property with public utilities.

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

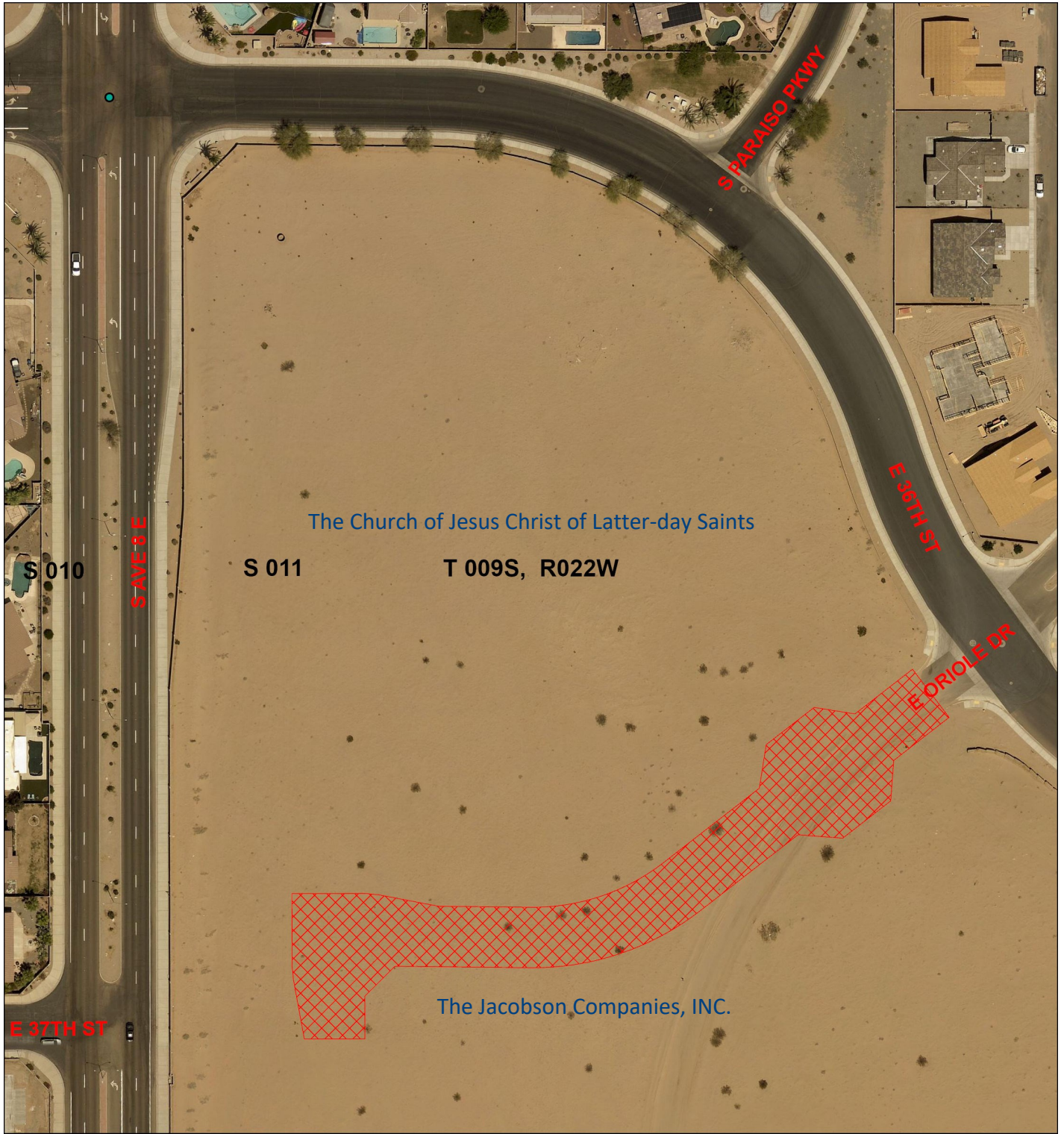
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 01/27/2025
Reviewed by City Attorney: Richard W. Files	Date: 01/27/2025



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: **12/17/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

ORDINANCE NO. O2025-004

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

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

WHEREAS, The Jacobson Companies, Inc. (Developer) has Cielo Verde property that is being developed into a public road with utilities as a continuation of Oriole Drive serving a future residential subdivision and an existing parcel recently sold to the Church of Jesus Christ of Latter-day Saints for the purpose of a temple; and,

WHEREAS, the developer desires to donate the property to the City at no cost, which will benefit Yuma Residents accessing the temple property and residents accessing the future Cielo Verde subdivision;

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

SECTION 1: On behalf of the City of Yuma, the City Administrator is authorized and directed to accept the donation of fee title to the property described in the Warranty Deed attached and incorporated as Exhibit A.

SECTION 2: Fees for recording the attached Warranty Deed with the Yuma County Recorder's Office are authorized for payment by the City.

Adopted this _____ day of _____, 2025.

APPROVED:

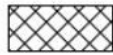
Douglas J. Nicholls
Mayor

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: **12/17/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

Warranty Deed Exhibit A

WHEN RECORDED MAIL TO:

Office of the City Clerk
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

The Jacobson Companies, INC, an Arizona corporation.
1334 S 5th Avenue
Yuma Arizona 85364
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation
One City Plaza
Yuma, Arizona 85364
(Grantee)

For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

Dated this 18 day of December, 2024.

The Jacobson Companies, INC, an Arizona corporation.

By: Gordon Jacobson
Gordon Jacobson,
President/CEO of the Jacobson Companies.

NOTARIAL ACKNOWLEDGEMENT

Signers: Gordon Jacobson, President/CEO of The Jacobson Companies, INC., an Arizona corporation.

State of Arizona)
) ss.
County of Yuma)

The foregoing instrument was acknowledged before me this 18 day of December, 2024, by Gordon Jacobson, President/CEO of The Jacobson Companies, INC, an Arizona corporation.

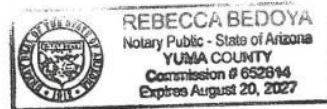
IN WITNESS WHEREOF, I have hereunto set by hand and official seal.



Notary Public

My Commission Expires:

Aug 20, 2027



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma, Arizona, as right-of-way for easements and other purposes related thereto.

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION - ORIOLE DRIVE

A portion of land being a part of Parcel 14A, according to the CIELO VERDE RETENTION BASIN LOT SPLIT/LOT TIE Plat recorded in book 27 of Plats, page 100 and Parcel B of CIELO VERDE LOT SPLIT —LDS CHURCH Recorded Plat as per Fee# 2024-17971 of Record in the office of the County Recorder of Yuma County, Arizona described as follows:

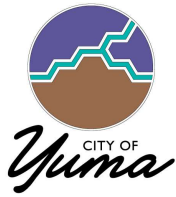
Beginning at the West quarter corner of Section 11, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, Thence along the West Section line of the Southwest Quarter of said Section 11, said line being the centerline of Avenue 8E South 00 degrees 08 minutes 06 seconds East for a distance of 85.76 feet to a point; Thence leaving said section line North 89 degrees 51 minutes 54 seconds East for a distance of 61 feet to a point on the easterly right of way of Avenue 8E. Thence, North 45 degrees 13 minutes 21 seconds East for a distance of 63.28 feet to a point; Thence, South 89 degrees 26 minutes 06 seconds East for a distance of 157.70 feet to the beginning of a tangent curve to the right with a delta angle of 69 degrees 23 minutes 30 seconds, having a radius of 360.00 feet for an arc distance of 436.00 feet to the beginning of a non-tangent curve to the left with a local tangent bearing of South 16 degrees 20 minutes 28 seconds East and a delta angle of 15 degrees 44 minutes 15 seconds, having a radius of 630.46 feet for an arc distance of 173.17 feet to a point; Thence South 09 degrees 27 minutes 47 seconds West a distance of 36.76 feet to the TRUE POINT OF BEGINNING. Thence South 37 degrees 18 minutes 00 seconds East a distance of 50.00 feet to a point; Thence South 52 degrees 08 minutes 13 seconds West for a distance of 57.94 feet to a point; Thence South 04 degrees 18 minutes 28 seconds West for a distance of 33.57 feet to a point; Thence South 52 degrees 08 minutes 13 seconds West a distance of 50.24 feet to a point; Thence North 85 degrees 41 minutes 32 seconds West for a distance of 37.06 feet to a point; Thence South 52 degrees 08 minutes 13 seconds West for a distance of 101.87 feet to the beginning of a tangent curve to the right, with a delta angle of 38 degrees 28 minutes 44 seconds, having a radius of 225.00 feet for an arc distance of 151.11 feet to a point; Thence North 89 degrees 23 minutes 03 seconds West for a distance of 111.97 feet to a point; Thence South 45 degrees 14 minutes 23 seconds West for a distance of 35.12 feet to a point; Thence South 00 degrees 08 minutes 06 seconds East for a distance of 35.27 feet to a point; Thence South 89 degrees 51 minutes 54 seconds West for a distance of 50.00 feet to a point; Thence North 10 degrees 24 minutes 10 seconds West for a distance of 50.32 feet to the beginning of a tangent curve to the right, with a delta angle of 10 degrees 16 minutes 05 seconds, having a radius of 60.00 feet for an arc distance of 10.75 feet to a point; Thence North 00 degrees 08 minutes 06 seconds West for a distance of 59.99 feet to a point; Thence North 89 degrees 51 minutes 54 seconds East

for a distance of 60.06 feet to the beginning of a non-tangent curve to the right with a local tangent bearing of North 89 degrees 55 minutes 01 seconds East and a delta angle of 10 degrees 57 minutes 56 seconds, having a radius of 60.00 feet for an arc distance of 11.48 feet to a point; Thence, South 79 degrees 07 minutes 03 seconds East for a distance of 50.31 feet to a point; Thence, South 89 degrees 23 minutes 03 seconds East for a distance of 76.71 feet to the beginning of a tangent curve to the left, with a delta angle of 38 degrees 28 minutes 44 seconds, having a radius of 175.00 feet for an arc distance of 117.53 feet to a point; Thence, North 52 degrees 08 minutes 13 seconds East for a distance of 100.31 feet; Thence, North 08 degrees 59 minutes 26 seconds East for a distance of 36.48 feet to a point; Thence, North 52 degrees 08 minutes 43 seconds East for a distance of 50.17 feet to a point; Thence, South 80 degrees 53 minutes 04 seconds East for a distance of 34.11 feet to a point; Thence, North 52 degrees 08 minutes 13 seconds East for a distance of 60.18 feet to the TRUE POINT OF BEGINNING.

Containing 0.8704 Acres more or less.



Description Verified By:	
City Engineering Department	Date



City of Yuma

City Council Report

File #: O2025-003

Agenda Date: 2/19/2025

Agenda #: 1.

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

TITLE:

Property Dedication by Gift: South Side of City 48th Street

SUMMARY RECOMMENDATION:

Authorize the acceptance of real property from Yuma Sunshine Investments, LLC, an Arizona Limited Liability Company. (Engineering Department)(Dave Wostenberg)

STRATEGIC OUTCOME:

Accepting fee title ownership to property that will be constructed as a public street with water and sewer utilities, streetlights, aligns with the Respected and Responsible strategic outcome.

REPORT:

Phase 2 of Villa Serena subdivision will abut City 48th Street, west of 6E, where the developer must construct the center median, and the two inside lanes plus streetlights. The Gwynn family and Meinhardt family, who own property south of 48th Street have agreed to gift the remaining south half (40 feet) of 48th Street right-of-way through Yuma Sunshine Investments, L.L.C. Please see attached location map.

In order for the City to accept real property, even at no cost to the City, City Council must approve acceptance of real property by ordinance.

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

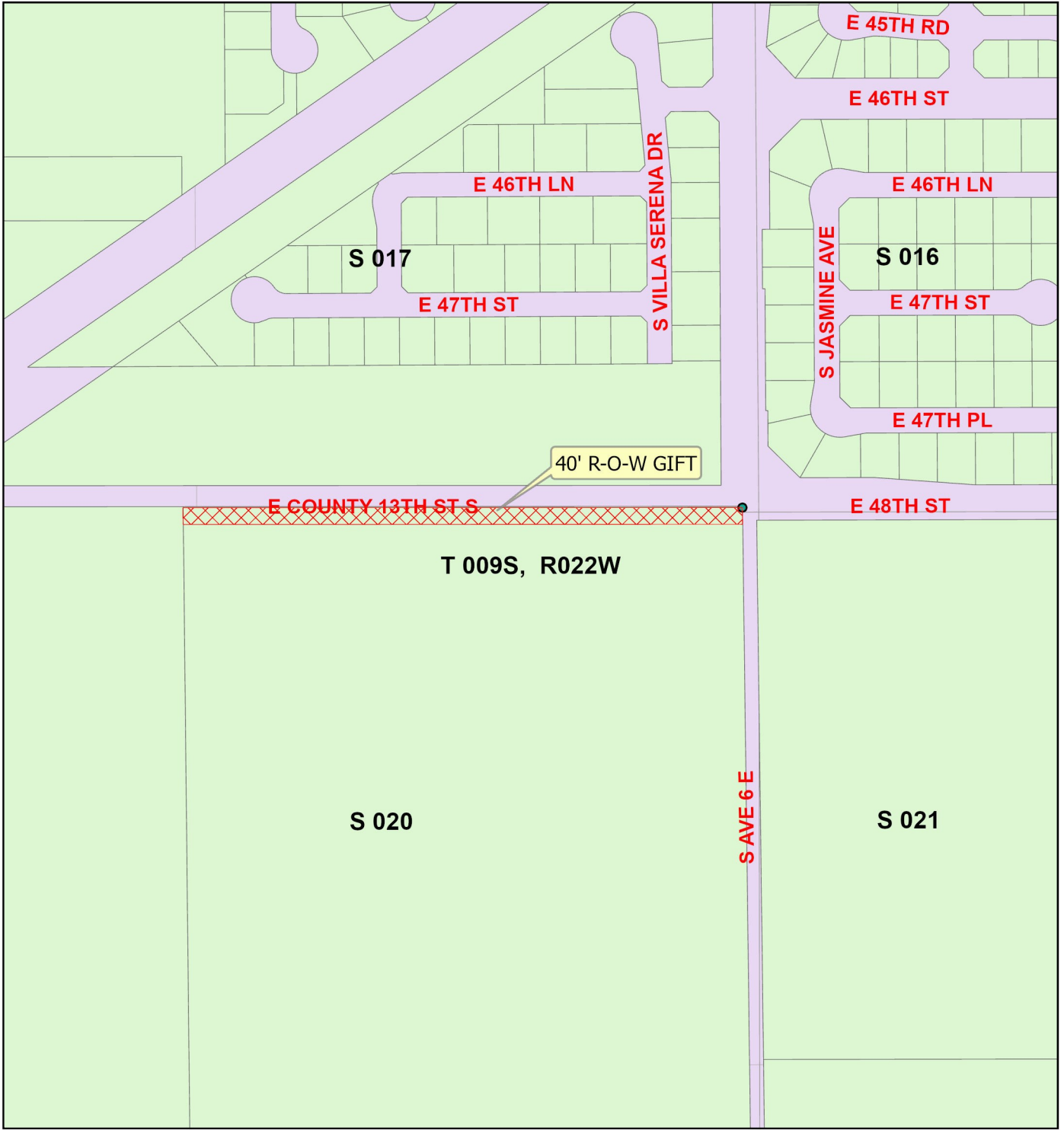
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2025



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: **12/19/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

ORDINANCE NO. O2025-003

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

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

WHEREAS, Yuma Sunshine Investments, LLC seeks to dedicate the south half of City 48th Street to the City of Yuma as a gift or donation at no cost to the City; and,

WHEREAS, the developer of the Villa Serena subdivision on the north side of 48th Street will need the right-of-way to construct the center median and two inside lanes plus street lights for phase two of the Villa Serena subdivision, the described right-of-way from Yuma Sunshine Investments LLC is necessary for the improvements that will be constructed,

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

SECTION 1: On behalf of the City of Yuma, the City Administrator is authorized and directed to accept the donation of fee title to property described in the Warranty Deed attached and incorporated as Exhibit A.

SECTION 2: Fees for recording the attached Warranty Deed with the Yuma County Recorder's Office are authorized for payment by the City.

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

Warranty Deed Exhibit A

WHEN RECORDED MAIL TO:

Office of the City Clerk
City of Yuma
One City Plaza
Yuma, Arizona 85364-1436

WARRANTY DEED

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134 A.3.)

This Warranty Deed is made by:

Yuma Sunshine Investments, L.L.C., an Arizona Limited Liability Co.
P.O. Box 5924
Yuma, Arizona 85366
(Grantor)

To the:

City of Yuma, an Arizona municipal corporation
One City Plaza
Yuma, Arizona 85364-1436
(Grantee)

For the consideration of Ten Dollars (\$10.00), and other valuable consideration, the receipt and sufficiency of which is acknowledged, the **Grantor** does hereby grant, transfer and convey to **Grantee**, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated in this Warranty Deed.

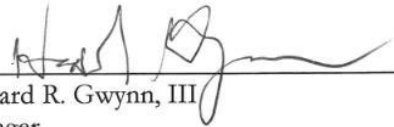
Subject to, reservations in patents, all easements, covenants, conditions, and restrictions, as may appear of record.

Grantor warrants title against all persons whomsoever, subject to the matters set forth above.

WARRANTY DEED
NORTH HALF OF 48TH STREET, WEST OF AVENUE 6E
PAGE 1 of 5

DATED this 11th day of December, 2024.

**Yuma Sunshine Investments L.L.C., an Arizona
limited liability company**

By: 
Howard R. Gwynn, III
Manager

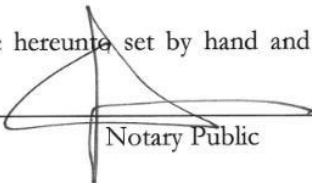
State of Arizona)
) ss.
County of Yuma)

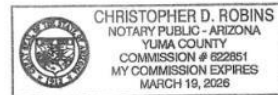
The foregoing instrument was acknowledged before me this 11th day of DECEMBER, 2024, by HOWARD R. GWYNN, III, Manager, YUMA SUNSHINE INVESTMENTS, L.L.C., an Arizona Limited Liability Co., L.L.C., on behalf of said company.

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

My Commission Expires:

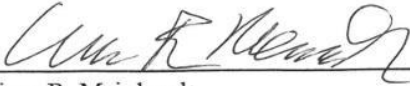
3/19/26


Notary Public



DATED this 12th day of December, 2024.

**Yuma Sunshine Investments L.L.C., an Arizona
limited liability company**

By: 
William R. Meinhardt
Manager

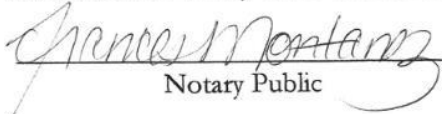
State of Arizona)
 Maricopa ss.
County of Yuma)

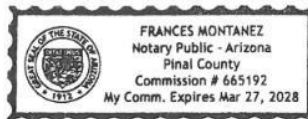
The foregoing instrument was acknowledged before me this 12th day of December, 2024, by WILLIAM R. MEINHARDT, Manager, YUMA SUNSHINE INVESTMENTS, L.L.C., an Arizona Limited Liability Co., L.L.C., on behalf of said company.

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

My Commission Expires:

March 27, 2028


Notary Public



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma, Arizona, as right-of-way for roadways and other purposes related thereto.

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

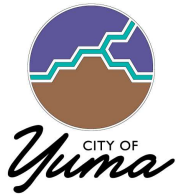
That portion of the East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 20, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

48th STREET (Co. 13th Street)

The North 40 feet of the East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of said Section 20;

Said parcel contains 1.21 acres, more or less.

Description Verified By:	
City Engineering Department	Date



City of Yuma

City Council Report

File #: O2025-005

Agenda Date: 2/19/2025

Agenda #: 2.

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

TITLE:

Rezoning of Property: 920 S. Avenue B

SUMMARY RECOMMENDATION:

Rezone approximately 9.39 acres located at 920 S. Avenue B, Yuma, AZ. from the Agriculture (AG) District to the Limited Commercial (B-1) District (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subject property is located at 920 S. Avenue B and is approximately 9.39 acres. The property was annexed into the City of Yuma on December 16, 2022, and in 2023 was the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Mixed Use.

With this rezone request the applicant seeks to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District for development of medical facilities. In the Limited Commercial (B-1) District, medical offices and clinics are permitted uses. Hospital uses must also obtain a Conditional Use Permit (CUP). All new development will be required to meet City of Yuma development standards. The request to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District conforms with the General Plan.

On January 13, 2025, the Planning and Zoning Commission voted 5-0 to recommend approval of the request to rezone approximately 9.39 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for the property located at 920 S. Avenue B, Yuma, AZ, subject to the following conditions:

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

- 3. The Owner/Developer shall provide a Traffic Impact Statement providing peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with Traffic Experience. Mitigation of the traffic impact shall be approved by the City Engineer prior to building permits being issued.
- 4. If the peak hour traffic count exceeds 100 vehicles per hour, then the Owner/Developer shall submit a full Traffic Study with onsite and offsite mitigation recommendations as required by City construction standard 2-040, sealed by an Arizona traffic Engineer. The Owner/Developer will be responsible for the needed onsite and offsite improvements, prior to the building permits being issued.
- 5. Owner/Developer shall design and construct a southbound to westbound turn lane along the Avenue B frontage including any traffic striping and signage as needed for safe ingress and egress of the site.
- 6. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to A.R.S. § 9-462.01.

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

Meredith Rojas, Associate Planner summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Lorraine Arney, second by John Mahon to APPROVE ZONE-43337-2024. Motion carried unanimously, (5-0) with two vacancies.

Planning and Zoning Staff Report - Attached

FISCAL REQUIREMENTS:

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

**FISCAL IMPACT STATEMENT:
NOT APPLICABLE**

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2025



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

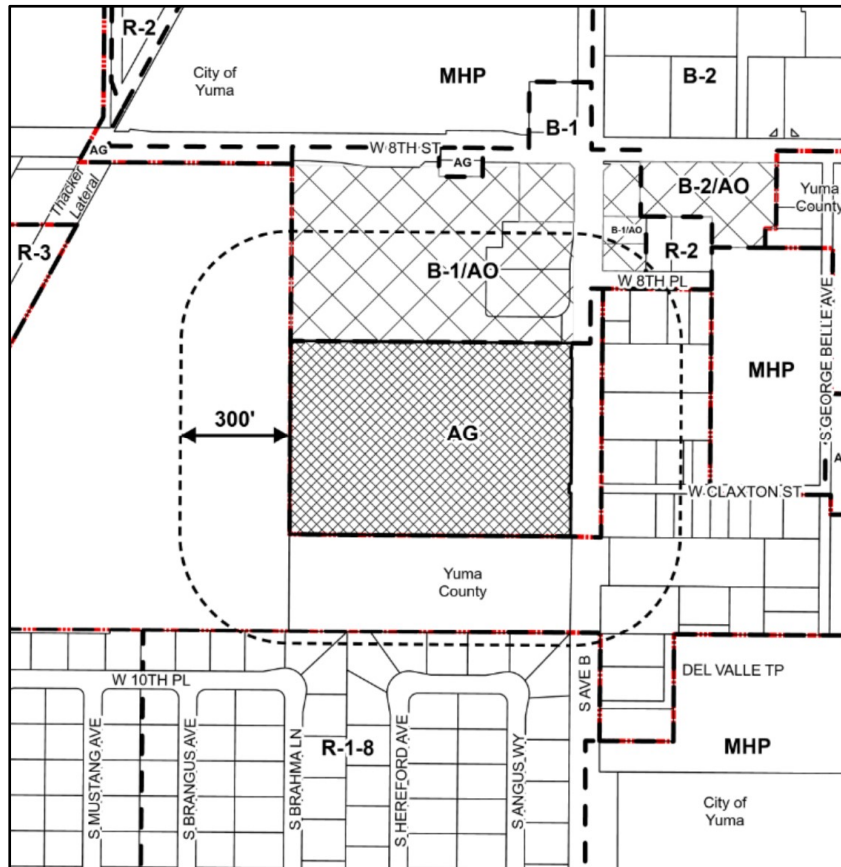
Hearing Date: January 13, 2025

Case Number: ZONE-43337-2024

Project Description/ Location: This is a request by Osman Engineering on behalf of Bio Realty Group, LLC, to rezone approximately 9.39 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for the property located at 920 S. Avenue B, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Vacant	Mixed Use
North	Limited Commercial (B-1)/ Aesthetic Overlay (AO)	Walmart Neighborhood Market	Mixed Use
South	County Limited Commercial (C-1)	Agriculture	Low Density Residential
East	County Limited Commercial (C-1)	Restaurants, offices, single-family homes	Mixed Use, Medium Density Residential
West	County Manufactured Home Park (MHP)	Friendly Acres RV Resort	Medium Density Residential

Location Map



Prior site actions: Pre-Development Meeting, March 17, 2022; Annexation Ordinance O2022-035, effective December 16, 2022; General Plan Amendment R2023-008, adopted March 1, 2023; Pre-Development Meeting, October 3, 2024; Bio Clinic Lot Tie, recorded February 14, 2024

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-43337-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 9.39 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for the property located at 920 S. Avenue B, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at 920 S. Avenue B and is approximately 9.39 acres. The property was annexed into the City of Yuma on December 16, 2022, and in 2023 was the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Mixed Use.

With this request the applicant is seeking to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District for development of medical facilities. The applicant intends to develop the property in four phases, starting with a two-story medical office building with a 18,007-square-foot footprint. Later phases involve a two-story surgery center with a 7,000-square-foot footprint, a 25,000-square-foot micro-hospital, a helipad, and an 8,000-square-foot dialysis center.

While the applicant intends to develop the property for medical facilities, the rezone to Limited Commercial (B-1) will allow for a variety of commercial activities, such as restaurants, retail stores, and offices. In the Limited Commercial (B-1) District, medical offices and clinics are permitted uses. Hospital uses are required to go through the Conditional Use Permit (CUP) process. All new development will be required to meet City of Yuma development standards, including building setbacks, height limitations, paved access, parking, lighting, and landscaping.

The request to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District conforms with the General Plan.

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

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

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

No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue B – Minor Arterial	50 FT HW	50 FT HW				X
Bicycle Facilities Master Plan	Avenue B: Proposed Bike Lanes					
YCAT Transit System	Avenue B: Green Route 4; W. 8 th Street: Purple Route 6A					
Issues:						

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

Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Kiwanis Park				Future: Kiwanis Park					
Community Park:	Existing: Joe Henry Memorial Park				Future: Joe Henry Memorial Park					
Linear Park:	Existing: East Main Canal Linear Park				Future: Thacker Lateral					
Issues:										
Housing Element:										
Special Need Household:	N/A									
Issues:										
Redevelopment Element:										
Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
Conforms:	Yes		No							
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:										
Public Services Element:										
<u>Population Impacts</u> Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type		Projected	Police	Water		Wastewater	
			<i>Non-residential</i>		Population	Impact	Consumption		Generation	
			Maximum	Per Unit		Officers	GPD	AF	GPD	
			10	0	0	0.00	0	0.0	0	
			Minimum							
			5	0	0	0.00	0	0.0	0	
Fire Facilities Plan:	Existing: Fire Station No. 4				Future: Fire Station 10					
Water Facility Plan:	Source:	City	X	Private	Connection:	24" PVC on Avenue B and 12" AC on Avenue B				
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection:	10" Avenue B			
Issues: Utility extensions required to the site, currently on septic system. Manhole located approximately 584' south of the south property line on east side of Avenue B.										
Safety Element:										
Flood Plain Designation:	500 Year Flood Zone			Liquefaction Hazard Area:		Yes	X	No		
Issues:										

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

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

Yes.

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

Yes. A General Plan Amendment was approved on March 1, 2023 that changed the land use designation from Low Density Residential to Mixed Use.

Public Comments Received: None Received

External Agency Comments: None Received

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: 12/12/24

Final staff report delivered to applicant on: 12/27/24

- Applicant agreed with all of the conditions of approval on: 12/17/24
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant

Attachments

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

Prepared By: *Meredith Burns* **Date:** 12/23/24
 Meredith Burns
 Assistant Planner (928) 373-5000, x3047
 Meredith.Burns@yumaaz.gov

Reviewed By: *Jennifer L. Albers* **Date:** 12/23/24
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 12/26/24
 Alyssa Linville
 Director, Planning and Neighborhood Services

**ATTACHMENT A
CONDITIONS OF APPROVAL**

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

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

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

Department of Engineering, Andrew McGarvie, Engineering Manager, (928) 373-5000 x 3044

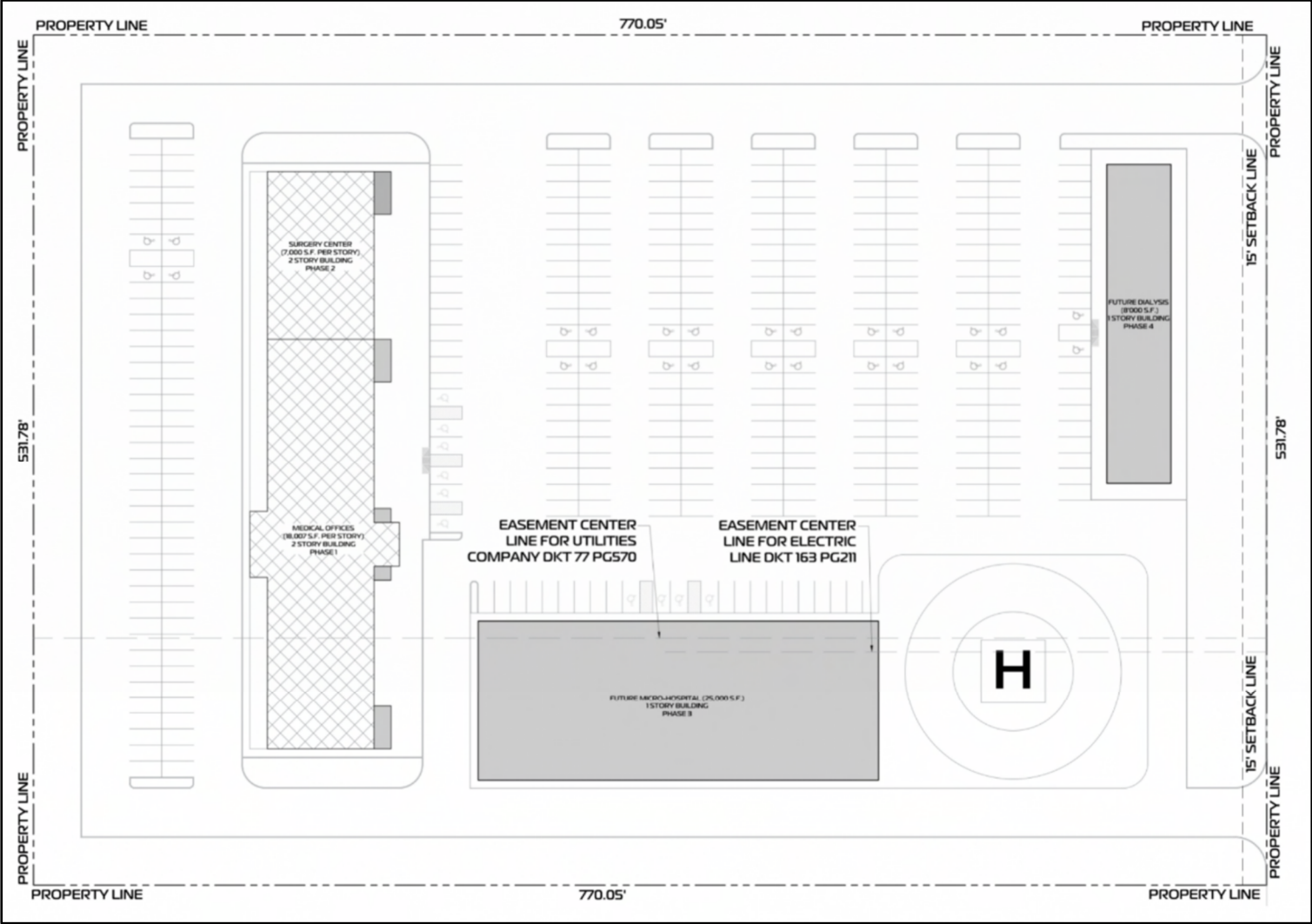
3. The Owner/Developer shall provide a Traffic Impact Statement providing peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with Traffic Experience. Mitigation of the traffic impact shall be approved by the City Engineer prior to building permits being issued.
4. If the peak hour traffic count exceeds 100 vehicles per hour, then the Owner/Developer shall submit a full Traffic Study with onsite and offsite mitigation recommendations as required by City construction standard 2-040, sealed by and Arizona traffic Engineer. The Owner/Developer will be responsible for the needed onsite and offsite improvements, prior to the building permits being issued.
5. Owner/Developer shall design and construct a southbound to westbound turn lane along the Avenue B frontage including any traffic striping and signage as needed for safe ingress and egress of the site.

Community Planning, Meredith Burns, Assistant Planner, (928) 373-5000 x 3047

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

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

ATTACHMENT B CONCEPTUAL SITE PLAN



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 12/27/24
- **300' Vicinity Mailing:** 11/25/24
- **34 Commenting/Reviewing Agencies noticed:** 11/27/24
- **Site Posted on:** 12/03/24
- **Neighborhood Meeting:** 12/10/24
- **Hearing Date:** 01/13/25
- **Comments due:** 12/09/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	11/27/24	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	12/02/24	X		
Yuma County Water Users' Assoc.	YES	12/02/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	12/02/24	X		
Ft. Yuma Quechan Tribe	YES	11/29/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	12/11/24		X	X
Fire	YES	12/03/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

DATE:	12/11/2024	NAME:	Andrew McGarvie	TITLE:	Engineering Manager
AGENCY:	City of Yuma, Development Engineering		PHONE:	928-373-5000 ext. 3044	
<i>Enter comments below:</i>					
<p>1). The Owner/Developer shall provide a Traffic Impact statement providing peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with Traffic Experience. Mitigation of the traffic impact shall be approved by the City Engineer prior to building permits being issued.</p> <p>2). If the peak hour traffic count exceeds 100 vehicles per hour, then the Owner/Developer shall submit a full traffic study with onsite and offsite mitigation recommendations as required by City construction standard 2-040, sealed by and Arizona traffic Engineer. The Owner/Developer will be responsible for the needed onsite and offsite improvements, prior to the building permits being issued.</p> <p>3). Owner/Developer shall design and construct a southbound to westbound turn lane along the Avenue B frontage including any traffic striping and signage as needed for safe ingress and egress of the site.</p>					

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 12/10/24

Location: On-site (920 S. Avenue B)

Attendees: Meredith Burns, Erika Peterson, Ibrahim Osman, Mamoun Hamid

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

- NO NEIGHBORS IN ATTENDANCE. NO COMMENTS OR QUESTIONS.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code
AGUAYO SAMANTHA M	2440 W 11TH ST	YUMA, AZ 85364
ATCHLEY MARY F UND 1/4 INT	1111 PALM AVE	YUMA, AZ 85364
BIO REALTY GROUP LLC	PO BOX 669	YUMA, AZ 85366
CJ TRUST 10-20-2022	4427 E VERBENA ST	YUMA, AZ 85365
CJ TRUST 10-20-2022	4427 E VERBENA ST	YUMA, AZ 85365
CRUZ ARMANDO S & MARIA J JT	1046 S 13TH AVE	YUMA, AZ 85364
DOUBLE R PRO INVESTMENTS LLC	919 S AVE B	YUMA, AZ 85364
FELIX MATTHEW & VERONICA CPWROS	1031 S BRAHMA LN	YUMA, AZ 85364
FLETES ISELA	108 CEDAR ST	SALINAS, CA 90905
FLORES CHRISTOPHER L & SUSAN R TRUST 3-26-2010	1050 S HEREFORD AVE	YUMA, AZ 85364
FRIENDLY ACRES MOBILE HOME & RV PARK AZ LLC	77 W CHICAGO ST #4	CHANDLER, AZ 85225
GREENE STACY	2704 W 10TH PL	YUMA, AZ 85364
HOEFT DAVID R	2660 W 10TH PL	YUMA, AZ 85364
HOWRY TRUST 3-4-2024	2520 W 10TH PL	YUMA, AZ 85364
JARAMILLO JOSE LUIS	2445 W CLAXTON ST	YUMA, AZ 85364
KHUBIR SHWAN	2241 S AVENUE A SUITE 12	YUMA, AZ 85364
LARA DAVID A & ESTELA L TRUST 1-24-01	PO BOX 3748	SAN LUIS, AZ 85349
LARA DAVID A & ESTELA L TRUST 1-24-2001	PO BOX 3748	SAN LUIS, AZ 85349
LARA DAVID A & ESTELLA L TRUST 1-24-01	1997 W 15TH PL	YUMA, AZ 85364
MCBRIDE JACKI L	1051 S ANGUS WAY	YUMA, AZ 85364
NUNEZ FRANSOANY	2508 W 10TH PL	YUMA, AZ 85364
OLIN JOHN & RUTH JT	2504 W 10TH PL	YUMA, AZ 85364
RAMOS MARTIN & LETICIA TRUST 11-3-00	2495 W 4TH PLACE	YUMA, AZ 85364
RODRIGUEZ ANGELICA I	2457 W 8TH PL	YUMA, AZ 85364
RUEDA EDGAR	2676 W 10TH PL	YUMA, AZ 85364
SAGE GLEE L TRUST	2402 W CLAXTON ST	YUMA, AZ 85364
SIEMENS BONNIE C TRUST 2-10-09	2512 W 10TH PL	YUMA, AZ 85364
VELASCO JOSE W & ANGELICA M	2452 W 18TH PL	YUMA, AZ 85364
WAL-MART STORES INC DE CORP	PO BOX 8050	BENTONVILLE, AR 72712
WAL-MART STORES INC DE CORP	PO BOX 8050	BENTONVILLE, AR 72712
WAL-MART STORES INC DE CORP	PO BOX 8050 MS 0555	BENTONVILLE, AR 72712
WARNER ANTONIA F	3800 W FRANCIS ST	YUMA, AZ 85364
YUMA MUSIC MAN LLC	949 S AVE B	YUMA, AZ 85364

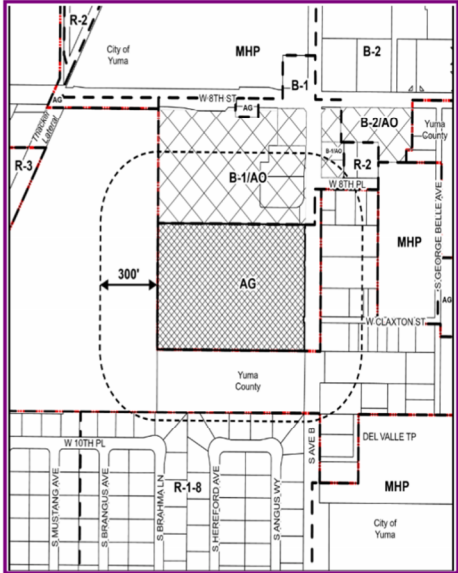
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Osman Engineering on behalf of Bio Realty Group, LLC, to rezone approximately 9.39 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for the property located at 920 S. Avenue B, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-43337-2024**

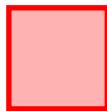
**NEIGHBORHOOD MEETING
12/10/2024 @ 5PM
On-Site**

**PUBLIC HEARING
01/13/2025 @ 4:30 PM
Public Works, Training Room,
155 W. 14th Street, Yuma, AZ.**



Because you are a neighbor within 300' of 920 S. Avenue B, Yuma, AZ., you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Meredith Burns by phone at (928) 373-5000 ext. 3047 or by email at Meredith.Burns@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



Subject Property

ORDINANCE NO. O2025-005

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 13, 2025 in Zoning Case No: ZONE-43337-2024 in the manner prescribed by law for the purpose of rezoning a parcel of real property hereafter described to the Limited Commercial (B-1) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance, and manner provided by law, including publication of notice of the hearing in the Yuma Sun on December 28, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-43337-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

That part of the Northeast Quarter of Northeast Quarter of Section 30, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

Beginning at a point on the East line of said Section 30, a distance of 530.9 feet South from the Northeast Corner of said section; thence running South, a distance of 796.35 feet to the Southeast Corner of the said Northeast Quarter of the Northeast Quarter of said section; thence West along the South Line of said Northeast Quarter of the Northeast Quarter. A distance of 820.5 feet; thence North and parallel to the East Line of said section, a distance of 796.35 feet; thence East, a distance of 820.5 feet to the point of beginning.

Containing 409,202.25 square feet or 9.39 acres, more or less.

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

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

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner/Developer shall provide a Traffic Impact Statement providing peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with Traffic Experience. Mitigation of the traffic impact shall be approved by the City Engineer prior to building permits being issued.
4. If the peak hour traffic count exceeds 100 vehicles per hour, then the Owner/Developer shall submit a full Traffic Study with onsite and offsite mitigation recommendations as required by City construction standard 2-040, sealed by and Arizona Traffic Engineer. The Owner/Developer will be responsible for the needed onsite and offsite improvements, prior to the building permits being issued.
5. Owner/Developer shall design and construct a southbound to westbound turn lane along the Avenue B frontage including any traffic striping and signage as needed for safe ingress and egress of the site.

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

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

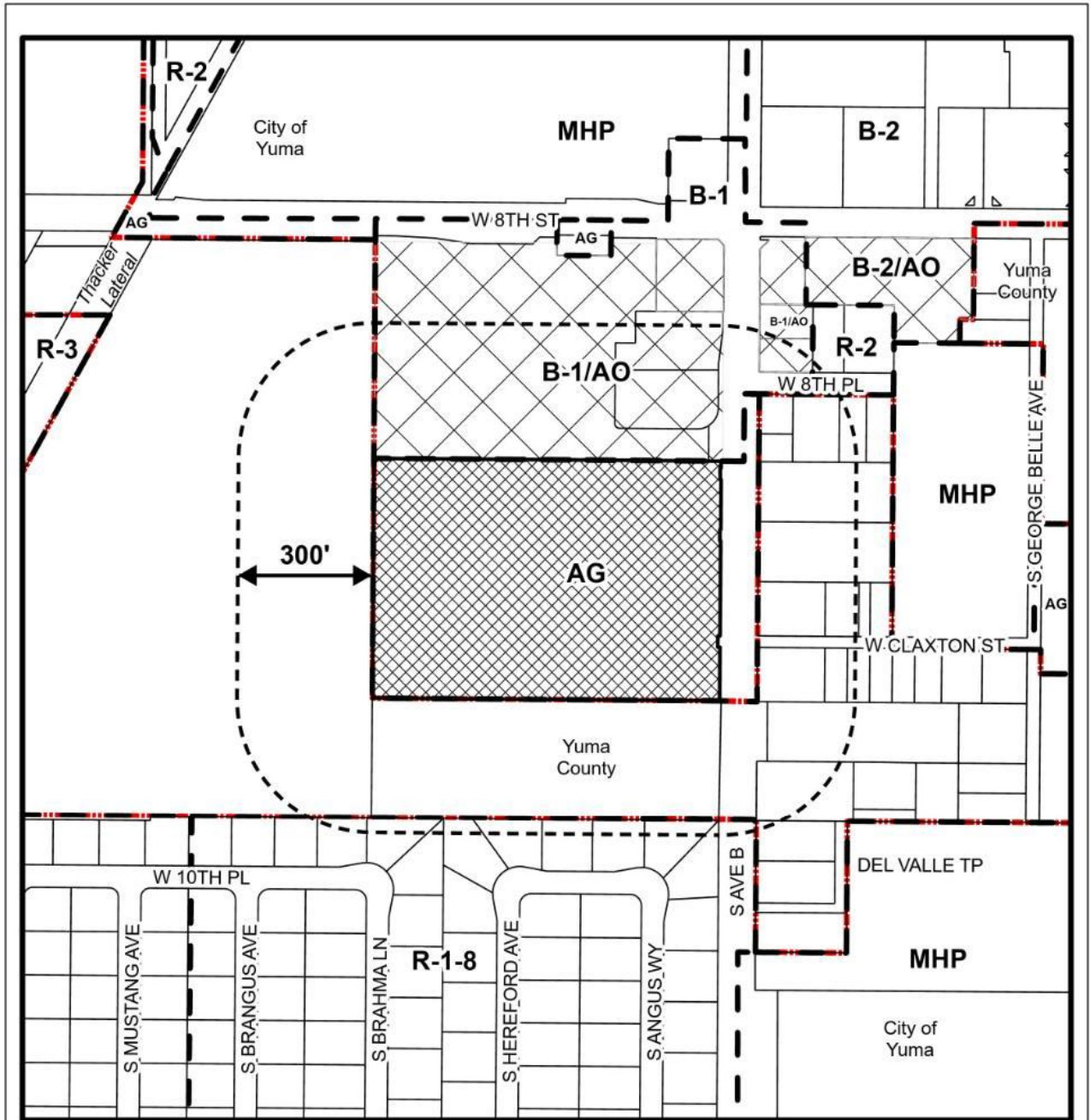
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY

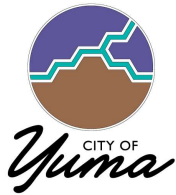


Prepared by: DG
 Checked by: MB



Date: 11/6/2024
 Revised:
 Revised:

Case #:
 ZONE-43337-2024



City of Yuma

City Council Report

File #: MC 2025-023

Agenda Date: 2/19/2025

Agenda #: 1.

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

TITLE:

Public Hearing: Biennial Development Fee Audit

SUMMARY RECOMMENDATION:

Conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes (A.R.S.) § 9-463.05 and Yuma City Code § 157.05. (Finance/Engineering) (Doug Allen/David Wostenberg)

STRATEGIC OUTCOME:

This statutory public hearing furthers the City Council's strategic outcome of Respected and Responsible through transparency, allowing for public input through means of a public hearing, and demonstrating compliance with state law.

REPORT:

The *Report on Applying Agreed-Upon Procedures Biennial Certification of Land Use Assumptions, Infrastructure Improvement Plan and Development Impact Fees*, for the Period July 1, 2022 through June 30, 2024, was conducted and prepared by Baker Tilly US, LLP, the City's independent auditors. Pursuant to statute and Yuma City Code, the report is required and consists of a biennial certified audit of the City's Land Use Assumptions, Infrastructure Improvements Plan and Development Fees.

The final report was posted on the City's Engineering webpage on February 3, 2025 (Link: [City of Yuma Impact Fee AUP Report <https://www.yumaaz.gov/home/showpublisheddocument/9887/638741914503083073>](https://www.yumaaz.gov/home/showpublisheddocument/9887/638741914503083073) for 2024). The action of a public hearing is required by the Arizona Revised Statutes, and must occur within 60 days of the release of the audit to the public.

The audit covers the fiscal years beginning July 1, 2022 and ending June 30, 2024. No findings were noted.

The *Applying Agreed-Upon Procedures Biennial Certification of Land Use Assumptions, Infrastructure Improvement Plan and Development Impact Fees* report is attached.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/10/2025

Independent Accountants' Report

Honorable Mayor and City Council
Douglas Allen, Finance Director
City of Yuma, Arizona

We have performed the procedures enumerated below for this agreed-upon procedures engagement to assist management of the City of Yuma, Arizona (City), with the requirement set forth in Arizona Revised Statutes (A.R.S. §9 463.05(G)(2)) "to provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees" as defined by Statute. As such, we have performed the procedures identified below, solely to assist users in evaluating the City's compliance with the progress reporting requirements of the infrastructure improvement plan for the period from July 1, 2023 through June 30, 2024, as specified in A.R.S. §9 463.05(G)(2). City of Yuma, Arizona's management is responsible for its compliance with those requirements defined by the statute.

The City of Yuma has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of compliance with A.R.S. §9 463.05(G)(2). Additionally, the City of Yuma has agreed to and acknowledged that the procedures performed are appropriate to meet the statutory purposes. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

- Selected a sample 40 receipts relating to the City's IIP and determine fees were charged in accordance with authorized IIP fee schedule.
 - No exceptions noted.
- Recalculated fees for a sample of 40 transactions related to the City's IIP to determine that each developer/unit is charged the same rate as another equivalent developer/unit to demonstrate "inequities" and "level of service" as interpreted by the City's management.
 - No exceptions noted.
- Selected a sample of 40 expenditures related to the City's IIP and determine that the expenditure was associated with an approved project in the IIPs.
 - No exceptions noted.

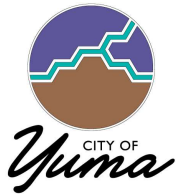
We were engaged by City of Yuma to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the receipt and use of fees relating to the City's Infrastructure Improvement Plans (IIPs), as amended in 2019. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City of Yuma and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the management of the City of Yuma, Arizona and the use of the City of Yuma and is not intended to be, and should not be, used by anyone other than these specified parties.

Baker Tilly US, LLP

Tempe, Arizona
January 28, 2025



City of Yuma

City Council Report

File #: R2025-014

Agenda Date: 2/19/2025

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

TITLE:

Major General Plan Amendment: Café Main Street Properties, LLC

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Commercial, for the property located west of the W. 7th Street and S. 21st Avenue intersection. (GP-43222-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

(This is a Major Amendment to the City of Yuma General Plan. Per A.R.S. 9-461.06 H "...a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality.")

This is a Major General Plan Amendment request by Bob Woodman, on behalf of Café Main Street Properties, to change the land use designation from Low Density Residential to Commercial for approximately 4.18 acres, for the property located west of the W. 7th Street and S. 21st Avenue intersection, Yuma, AZ.

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

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

The applicant’s intent in changing the land use designation is to pursue a rezoning of the site to General Commercial (B-2) for the development of company housing.

Within the General Commercial (B-2) district company housing (large) is a permitted use. Company housing (large) is defined by the zoning code as housing provided to employees by a commercial entity, labor contractor or employer. Occupancy for a large complex shall be determined by the Property Maintenance Code. The applicant is proposing to develop the site with 6 apartment buildings with 16 apartments per building. The number of occupants can vary depending on the size of the bedrooms and the total square footage of the living and dining areas. Company housing developments can be occupied year-round with the largest group occupying the units during the busiest season, between November through March. During the remaining months, the development is occupied at less than half capacity.

On January 13, 2025, the Planning and Zoning Commission voted to recommend APPROVAL (5-0), with two vacancies, of the General Plan amendment request to change the land use designation to Commercial.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (12/9/24):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

Bob Woodman, 13388 S. Ave 5E, Yuma, AZ was available for questions. **Hamel** asked if the property was undeveloped. **Woodman** confirmed. **Hamel** asked for intent of property. **Woodman** said he would build additional company housing.

PUBLIC COMMENT

None

Motion by Ashlie Pendleton, second by Lorraine Arney to close the public hearing GP-43222-2024. Motion carried unanimously, (5-0) with one absent and one vacancy.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (1/13/25):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by John Mahon, second by Ashlie Pendleton to APPROVE GP-43222-2024. Motion carried unanimously, (5-0) with two vacancies.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:
NOT APPLICABLE

ADDITIONAL INFORMATION:

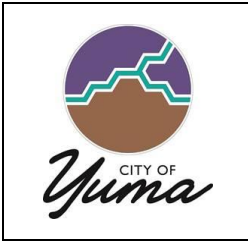
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

- Department
- City Clerk's Office
- Document to be recorded
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Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2025



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

Hearing Date: January 13, 2025

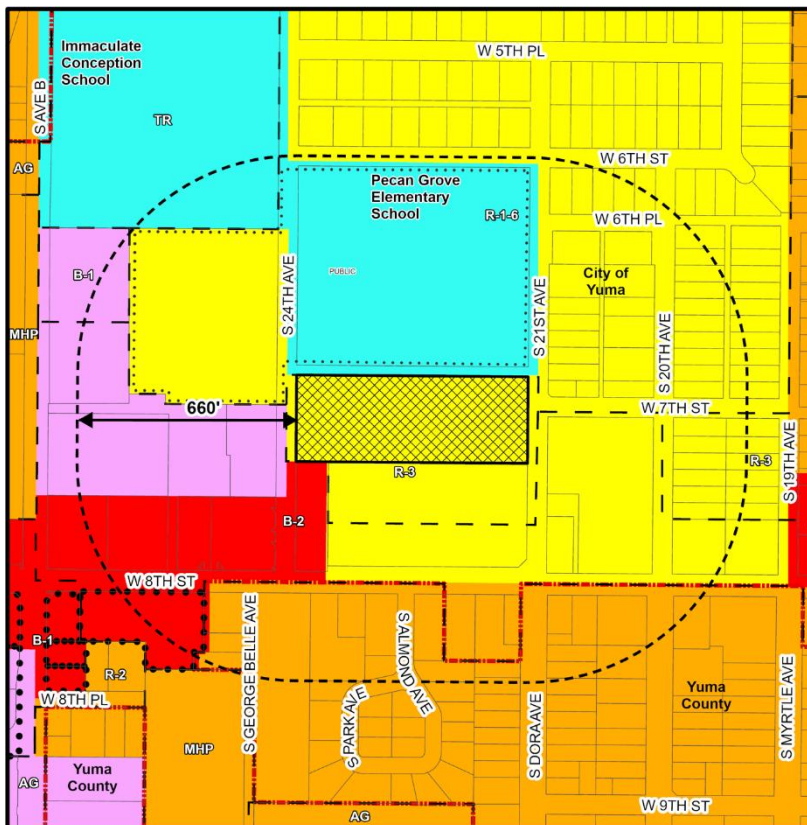
Case Number: GP-43222-2024

**Project Description/
Location:**

This is a Major General Plan Amendment request by Bob Woodman, on behalf of Café Main Street Properties, to change the land use designation from Low Density Residential to Commercial for approximately 4.18 acres, for the property located west of the W. 7th Street and S. 21st Avenue intersection, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential (R-3)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-6)	Elementary School	Public/Quasi Public
South	High Density Residential and General Commercial (R-3/B-2)	Company Housing	Low Density Residential
East	Low Density Residential and General Commercial (R-1-6/B-2)	Single-family homes Desert Palms MH & RV Park	Low Density Residential
West	Low Density Residential and General Commercial (R-1-6/B-2)	Single-family residence and COY retention basin	Low Density Residential/Mixed Use

Location Map



GENERAL PLAN - LAND USE

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

ZONING DISTRICTS

- AG - Agricultural District
- B-1 - Limited Commercial
- B-2 - General Commercial
- MHP - Manufactured Housing Park
- TR - Transitional
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-2 - Medium Density Residential
- R-3 - High Density Residential

- Public Overlay District (P)
- Aesthetic Overlay District (AO)

Prior site actions: Annexation Ord. 605, February 2, 1954; Rezone Ordinance 02015-036 (R-3/PUD to R-3); Subdivision Pecan Grove Garden Estates Subdivision Lot Tie, Fee No. 2015-21970; Pre-Development Meeting: September 26, 2024

Staff Recommendation: Staff recommends the Planning and Zoning APPROVE the request to change the land use designation for approximately 4.18 acres from Low Density Residential to Commercial.

Suggested Motion: Move to APPROVE the request to change the land use designation for approximately 4.18 acres from Low Density Residential to Commercial.

Staff Analysis: This is a Major General Plan Amendment request by Bob Woodman, on behalf of Café Main Street Properties, to change the land use designation from Low Density Residential to Commercial for approximately 4.18 acres, for the property located west of the W. 7th Street and S. 21st Avenue intersection, Yuma, AZ.

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

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

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Within the General Commercial (B-2) district company housing (large) is a permitted use. Company housing (large) is defined by the zoning code as housing provided to employees by a commercial entity, labor contractor or employer. Occupancy for a large complex shall be determined by the Property Maintenance Code. The applicant is proposing to develop the site with 6 apartment buildings with 16 apartments per building. The number of occupants can vary depending on the size of the bedrooms and the total square footage of the living and dining areas. Company housing developments can be occupied year-round with the largest group occupying the units during the busiest season, between November through March. During the remaining months, the development is occupied at less than half capacity.

Density

The current land use designation of Low Density Residential would allow from 4 to 20 dwelling units to be constructed on 4.18 acres.

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

The proposed land use designation would allow the applicant to pursue a rezoning that would support the future development of company housing.

Population

Information from the 2018-2022 American Community Survey provides data on population by housing unit type. The information results in an average household size for single-family homes of 2.9 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 4 homes – Expected population: 12
 - Maximum 20 homes – Expected population: 59
- Commercial:
 - Zero homes - Expected population: 0

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

- Low Density Residential:
 - Minimum expected population: 12 – School Age: 2
 - Maximum expected population: 59 – School Age: 12
- Commercial:
 - Zero homes – School Age: 0

Transportation

The property is located west of the W. 7th Street and S. 21st Avenue intersection. Access to the property will be from the nearest roadway, 21st Avenue, a Local Road, with a connection to 8th Street, a Minor Arterial Road. There are existing bus stops at 8th Street and Avenue B and 8th Street and Magnolia Avenue, both Purple Route- 6A and a proposed bike lane on 8th Street and a proposed bike route on 21st Avenue.

According to the City of Yuma Transportation Master Plan, 8th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2023 as 20,122 vehicles on 8th Street between 21st Avenue and 24th Avenue. 8th Street is a 4-lane roadway identified in the Transportation Master Plan as a Minor Arterial and 21st Avenue is identified as a Local roadway.

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:

FACILITY PLANS		
Transportation Master Plan	Planned	Existing
21 st Avenue-Local Road 2 Lanes	29 FT HW	30 FT HW
8 th Street- Minor Arterial 4 Lanes	50 FT HW	40 FT HW
Median Disclosure	Required	

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

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

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

Yes. The 2022 City of Yuma General Plan land use designation for this area is Low Density Residential.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: December 9, 2024
- City of Yuma Planning and Zoning Commission: January 13, 2025
- City of Yuma City Council: February 19, 2025

Public Comments Received: See Attachment A
Agency Comments: None Received
Neighborhood Meeting Comments: None received at neighborhood meeting

Final staff report delivered to applicant on:

- Applicant agreed with staff's recommendation:
- Applicant did not agree with staff's recommendation:
- Final report has been emailed to applicant on 12/16/2024 and awaiting response.

Attachments

A	B	C	D
Public Comments	Staff Worksheet	Neighbor Notification List	Aerial Photo

Prepared By: *Erika Peterson* **Date:** 12/16/2024
 Erika Peterson
 Senior Planner
Erika.Peterson@YumaAZ.gov (928) 373-5000, x3071

Reviewed By: *Jennifer L. Albers* **Date:** 12/18/24
 Jennifer L. Albers,
 Assistant Director of Planning

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

**ATTACHMENT A
PUBLIC COMMENTS**

Name:	Maria A. Cardiel			Contact Information:	(928) 459-0778						
Method of Contact:	Phone	<input type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>	In person
<p>Comment:</p> <p>Mrs. Cardiel received the first notification in the mail and wanted to know about the request and why she received the letter. Staff explained the request and the process for general plan amendments and Mrs. Cardiel did not have any additional questions.</p> <p>Address: 2004 W. 7th Street but lives at 495 W. 20th Street</p>											

**ATTACHMENT B
STAFF WORKSHEET**



STAFF RESEARCH – GENERAL PLAN AMENDMENT

CASE #: 43222-2024
CASE PLANNER: ERIKA PETERSON

I. PROJECT DATA

Project Location:		West of W. 7 th Street and S. 21 st Avenue intersection													
Parcel Number(s):		632-61-361													
Parcel Size(s):		4.18 acres													
Total Acreage:		4.18													
Proposed Dwelling Units:		Maximum:		0		Minimum:		0							
Address:															
Applicant:		Café Main Street Properties													
Applicant's Agent:		Bob Woodman													
Land Use Conformity Matrix:		Current Zoning District Conforms:						Yes		No	X				
Zoning Overlay:		Public		AO		Auto		B&B		Historic		Infill		None	X
Airport		Noise Contours		65-70		70-75		75+		APZ1		APZ2		Clear Zone	
		Existing Zoning				Current Use				General Plan Designation					
Site		High Density Residential (R-3)				Undeveloped				Low Density Residential					
North		Low Density Residential (R-1-6)				Elementary School				Public/Quasi Public					
South		High Density Residential and General Commercial (R-3/B-2)				Company Housing				Low Density Residential					
East		Low Density Residential and General Commercial (R-1-6/B-2)				Single-family homes, Desert Palms MH & RV Park				Low Density Residential					
West		Low Density Residential and General Commercial (R-1-6/B-2)				Single-family residence and COY retention basin				Low Density Residential/ Mixed Use					
Prior Cases or Related Actions:															
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>									
Pre-Annexation Agreement		Yes		No		N/A									
Annexation		Yes	X	No		Adopted: 2/2/1954, Ord. 605									
General Plan Amendment		Yes		No		N/A									
Development Agreement		Yes		No		N/A									
Rezone		Yes	X	No		Z-1979-32: O2015-036 (R-3/PUD to R-3)									
Subdivision		Yes	X	No		Pecan Garden Estates Lot Tie (Fee No. 2015-21970)									
Conditional Use Permit		Yes		No		N/A									
Pre-Development Meeting		Yes		No		Date: N/A									
Enforcement Actions		Yes		No		N/A									
Land Division Status:		Legal lot of record													
Irrigation District:		Yuma County Water Users													
Adjacent Irrigation Canals & Drains:		None													
Water Conversion: (5.83 ac ft/acre)		24.37 Acre Feet a Year													
Water Conversion Agreement Required		Yes		No	X										

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Low Density Residential

Issues:												
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
21 st Avenue-Local Road 2 Lanes		29 FT HW		30 FT HW								
8 th Street- Minor Arterial 4 Lanes		50 FT HW		40 FT HW				X				X
Bicycle Facilities Master Plan		8 th Street- Proposed bike lane; 21 st Avenue- Proposed bike route										
YCAT Transit System		8 th Street at Avenue B and 8 th Street at Magnolia- Purple Route 6A										
Issues:												
Parks, Recreation and Open Space Element:												
Parks and Recreation Facility Plan												
Neighborhood Park:		Existing: Kiwanis Park				Future: Kiwanis Park						
Community Park:		Existing: Carver Park Complex				Future: Carver Park Complex						
Linear Park:		Existing: West Main Canal Linear Park				Future: Thacker Lateral Linear Park						
Issues:												
Housing Element:												
Special Need Household:		N/A										
Issues:												
Redevelopment Element:												
Planned Redevelopment Area:		N/A										
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X				
Conforms:		Yes	No	X								
Conservation, Energy & Environmental Element:												
Impact on Air or Water Resources		Yes	No	X								
Renewable Energy Source		Yes	No	X								
Issues:												
Public Services Element:												
<u>Population Impacts</u> Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>Non-residential</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation			
Maximum		Per Unit		Officers	GPD	AF	GPD					
0		0	0	0.00	0	0.0	0		0			
Minimum												
0		0	0	0.00	0	0.0	0		0			
Fire Services Plan:		Existing: Fire Station No. 4				Future: Northwest Valley						
Water Facility Plan:		Source:	City	X	Private	Connection:		6" AC on S. 21 st Avenue				
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection:		8" line through parcel			
Issues:												
Safety Element:												
Flood Plain Designation:		500 Year Flood				Liquefaction Hazard Area:		Yes	No	X		
Issues:												
Growth Area Element:												
Growth Area:		Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.						
		North End	Pacific Ave & 8 th St		Estancia	None	X					
Issues:												

NOTIFICATION

- Legal Ad Published: The Sun 11/22/24
- Display Ad Published: 11/22/24
- 660' Vicinity Mailing: 9/24/24
- 54 Commenting/Reviewing Agencies noticed: 9/17/24
- Site Posted: 10/7/24
- Neighborhood Meeting: 10/15/2024
- Hearing Dates: 12/9/24, 1/13/25 & 2/19/2024
- Comments Due: 11/16/24

<i>External List</i>	<i>Response Received</i>	<i>Date Received</i>	<i>“No Comment”</i>	<i>Written Comments</i>
Yuma Metropolitan Planning Organization <small>(ARS)</small>	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning <small>(ARS)</small>	NR			
Yuma County Public Works	YES			
Yuma County Airport Authority	NR	9/24/2024	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 <small>(ARS)</small>	NR			
Yuma Elementary School District #1 <small>(ARS)</small>	NR			
Crane School District #13 <small>(ARS)</small>	NR			
City of San Luis <small>(ARS)</small>	NR			
City of Somerton <small>(ARS)</small>	NR			
Imperial County, California <small>(ARS)</small>	NR			
Qwest Communications <small>(ARS)</small>	NR			
Arizona Public Service <small>(ARS)</small>	NR			
Time Warner Cable <small>(ARS)</small>	NR			
Southwest Gas <small>(ARS)</small>	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce <small>(ARS)</small>	NR			
Arizona State Attorney General <small>(ARS)</small>	NR			
Arizona Dept. of Water Resources <small>(ARS)</small>	NR			
Arizona State Land Department <small>(ARS)</small>	NR			
MCAS / C P & L Office <small>(ARS)</small>	YES	9/30/2024	X	
Bureau of Land Management <small>(ARS)</small>	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	YES	10/3/2024	X	
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	9/25/2024	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	YES	9/24/2024	X	

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	9/24/2024	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
October 15, 2024	None received.
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

**ATTACHMENT C
NEIGHBOR NOTIFICATION LIST**

Owner	Address	City	State	Zip Code
AGREE CENTRAL LLC	32301 WOODWARD AVE	ROYAL OAK	MI	48073
ALCALA JOSE FIDEL & MARIA ESTHER JT	731 S 20TH AVE	YUMA	AZ	85364
ALCOSER ANTONIO & EVANGELINA JT	641 S 20TH	YUMA	AZ	85364
ARCE FRANCISCO & MARTHA E SANCHEZ	1979 W 7TH ST	YUMA	AZ	85364
BALBIN ALEJANDRINA	687 S 21ST AVE	YUMA	AZ	85364
BARAJAS GONZALEZ ALFREDO & ELVIRA	626 S 20TH AVE	YUMA	AZ	85364
BLUE MOUNTAIN ENTERPRISES LLC	1041 N 400 W	BLANDING	UT	84511
CABRERA OLGARIO PEREZ	666 S 20TH AVE	YUMA	AZ	85364
CAFE MAIN STREET PROPERTIES LLC	PO BOX 2613	SALINAS	CA	93902
CALLE OCHO PROPERTIES LLC	1582 MOFFETT ST STE G	SALINAS	CA	93905
CAMACHO MARGARITA	3690 W 13TH ST	YUMA	AZ	85364
CANIZALES ALEXANDER	3606 W 20TH PL	YUMA	AZ	85364
CARDENAS ALMA DELIA	715 S 20TH AVE	YUMA	AZ	85364
CARDENAS ROSA	1773 W 27TH DR	YUMA	AZ	85364
CARDIEL MARIA R	495 W 20TH ST	YUMA	AZ	85364
CARO JUAN M & CARMEN ISABEL JT	720 S 19TH AVE	YUMA	AZ	85364
CHAPARRO CARLOS A	652 S 19TH AVE	YUMA	AZ	85364
CHERNEK FRANCIS STEVEN & KATHLEEN JT	2554 W 16TH ST PMB 225	YUMA	AZ	85364
COVEY DONALD & JACQUELINE JT	1913 W 6TH ST	YUMA	AZ	85364
DAISY BLAIR RV PARK	534 E LAUREN ASHLEY PL	ORO VALLEY	AZ	85737
DE LA CRUZ JUAN & JESSICA BLANCO FAMILY TRUST 3-2-2023	9805 MANDALE ST	BELLFLOWER	CA	90706
DELPINO DELORES C B	1933 W 6TH ST	YUMA	AZ	85364
DRAPER JEFFERY L & LYNDA S	4166 CARNES	YUMA	AZ	85364
ESKEW ELDON E & KAREN E TRUST 7-20-00	680 S 20TH AVE	YUMA	AZ	85364
FRYE ELVA I	683 S 21ST AVE	YUMA	AZ	85364
GARRIDO ANSELMO DIAZ & GEORGINA LOPEZ CPWROS	2007 W 8TH ST	YUMA	AZ	85364
GUERRA NORMA	723 S 20TH AVE	YUMA	AZ	85364
GUTIERREZ FRANCISCO MARTIN	681 S 20TH AVE	YUMA	AZ	85364
HAROS JOSE J & LINA A TRUST 6-20-01	1140 N MEADOWS DR	CHANDLER	AZ	85224
HERNANDEZ GABRIELA	611 S 20TH AVE	YUMA	AZ	85364
HERNANDEZ JESUS &	603 S 20TH AVE	YUMA	AZ	85364
HERNANDEZ JESUS & EVELIA	621 S 20TH AVE	YUMA	AZ	85364
HERRERA CANDELARIO SOLIS	712 S 19TH AVE	YUMA	AZ	85364
HUNT KEVIN M & ELIZABETH CPROS	1902 W 6TH ST	YUMA	AZ	85364
IMMACULATE CONCEPTION ROMAN CATHOLIC	PO BOX 31	TUCSON	AZ	85702
JACOBSON DEV CO	1334 S 5TH AVE	YUMA	AZ	85364
JACOBSON DEVELOPMENT CO AZ CORP	1334 S 5TH AVE	YUMA	AZ	85364
JOO JOON H	18446 N 75TH AVE	GLENDALE	AZ	85308
JOZA PROPERTIES LLC	1744 S 36TH DR	YUMA	AZ	85364
LA FAMILIA HOLDINGS LLC	711 W 3RD ST	YUMA	AZ	85364
LEON YOANA	672 S 19TH AVE	YUMA	AZ	85364
LERMA PAUL	685 S 21ST AVE	YUMA	AZ	85364
LIVELY BEVERLY J	676 S 20TH AVE	YUMA	AZ	85364

LLOYD PATRICIA A &	1917 W 6TH ST	YUMA	AZ	85364
MARTIN DANIEL M III TRUST 11-17-2021	11760 AVENIDA ANACAPA	EL CAJON	CA	92019
MARTINEZ LUIS A	692 S 19TH AVE	YUMA	AZ	85364
MCCLELLAND MARIA R	PO BOX 280	PINE VALLEY	CA	91962
MEDINA ALBERT III	3815 COLLEGE AVE	CULVER CITY	CA	90232
MTMM LLC	1700 S 1ST AVE STE 200	YUMA	AZ	85364
MURATALLA ANA CRISTINA	739 S 20TH ST	YUMA	AZ	85364
NORIEGA DIANA OCHOA	1141 S 3RD AVE	YUMA	AZ	85364
NUNYO BIZ LLC	1358 W 18TH PLACE	YUMA	AZ	85364
OLSON WADE ALEXANDER	824 S GEORGE BELLE AVE	YUMA	AZ	85364
PIMENTAL MARTIN A & HORTENCIA JT	828 S PARK AVE	YUMA	AZ	85364
PULIDO FLORENCIO & JOVITA JT	728 S 19TH AVE	YUMA	AZ	85364
QUINTANA TRUST 8-8-2022	10320 S 17TH DR	PHOENIX	AZ	85041
QUINTERO ANDRES &	681 S 21ST AVE APT A	YUMA	AZ	85364
QUINTERO ROSIE M	661 S 20TH AVE	YUMA	AZ	85364
REALTYNET AZ LLC	PO BOX 1017	CHARLOTTE	NC	28201
REYES MANUEL & CONCEPCION G	671 S 20TH AVE	YUMA	AZ	85364
RIOS ROSA	688 S 20TH AVE	YUMA	AZ	85364
ROCHA ASSETS LLC	2718 S 4TH AVE	YUMA	AZ	85364
RODRIGUEZ JOSE MARTINEZ & MARIA MARTINEZ CPROS	829 ALMOND AVE	YUMA	AZ	85364
RODRIGUEZ RACHEL	662 S 19TH AVE	YUMA	AZ	85364
RODRIGUEZ ROBERT A & CONNIE J JT	622 S 19TH AVE	YUMA	AZ	85364
ROSKO HOLDINGS AZ LLC	13169 S AVE 4 1/2 E	YUMA	AZ	85365
ROSKO HOLDINGS LLC	13169 S AVE 4 1/2 E	YUMA	AZ	85365
RUIZ DANIEL AGUIRRE & ESTELA SANTOS DE	2256 W 22ND LN	YUMA	AZ	85364
RUIZ MARK A	807 S DORA AVE	YUMA	AZ	85364
SACO FUEL 2 LLC	2301 S 4TH AVE	YUMA	AZ	85364
SADIK FAMILY TRUST 4-18-2024	1744 S 36TH DR	YUMA	AZ	85364
SANTOS ROMERO AGRIPINO & MARIA S ACOSTA JT	806 S DORA AVE	YUMA	AZ	85364
SCARBOROUGH ROBERT T & ZUNELDA M TRUST 5-10-2011	3325 S 14TH AVE	YUMA	AZ	85365
SHADLE RICHARD MACFARLANE JR & ISABEL P JT	1929 W 6TH ST	YUMA	AZ	85364
SHARPENSTEEN AMANDA J & CLAUDE K	740 S 24TH AVE	YUMA	AZ	85364
SHAY OIL CO INC	PO BOX 1249	YUMA	AZ	85366
SIEMIENOWSKI JOSEPH V & IRINA G TRUST 11-19-2008	10561 SAND CRAB PL	SAN DIEGO	CA	92130
SILVA ROMAN O	697 S 21ST AVE	YUMA	AZ	85364
SIMALA FAMILY TRUST 6-7-2017	841 S 20TH AVE	YUMA	AZ	85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA	AZ	85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA	AZ	85364
TORRES ABELARDO L & VERONICA JT	682 S 19TH AVE	YUMA	AZ	85364
VALDIVIA JESUS J & ANGELICA M JT	1925 W 6TH ST	YUMA	AZ	85364
VALLEY CHURCH OF CHRIST	897 W 35TH PL	YUMA	AZ	85365
VELASQUEZ MARTHA ARACELI	651 S 20TH AVE	YUMA	AZ	85364
VENEGAS JORGE	805 DORA AVE	YUMA	AZ	85364
VILLALOBOS SALVADOR SOLORIO & LUCIA M	3057 W 5TH ST	YUMA	AZ	85364
VILLEGAS CANDELARIA	6224 E 41ST PLACE	YUMA	AZ	85365
YOUNG AVELINA	689 S 21ST AVENUE	YUMA	AZ	85364
YOUSIF MARIA	1888 S 39TH DR	YUMA	AZ	85364

YUMA ELEMENTARY SCHOOL DISTRICT #1	450 W 6TH ST	YUMA	AZ	85364
ZAZUETA ADRIAN MARTINEZ	806 S GEORGE BELLE AVE	YUMA	AZ	85364
ZENDEJAS MARIA	2073 E 25TH ST	YUMA	AZ	85365
ZERMENO LINDA R &	818 S ALMOND AVE	YUMA	AZ	85364

ATTACHMENT E
AERIAL PHOTO



RESOLUTION NO. R2025-014

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 4.18 ACRES WEST OF THE W. 7TH STREET AND S. 21ST AVENUE INTERSECTION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL

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 January 13, 2025 for General Plan Amendment Case No. GP-43222-2024, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on December 28, 2024; and,

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

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

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

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

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

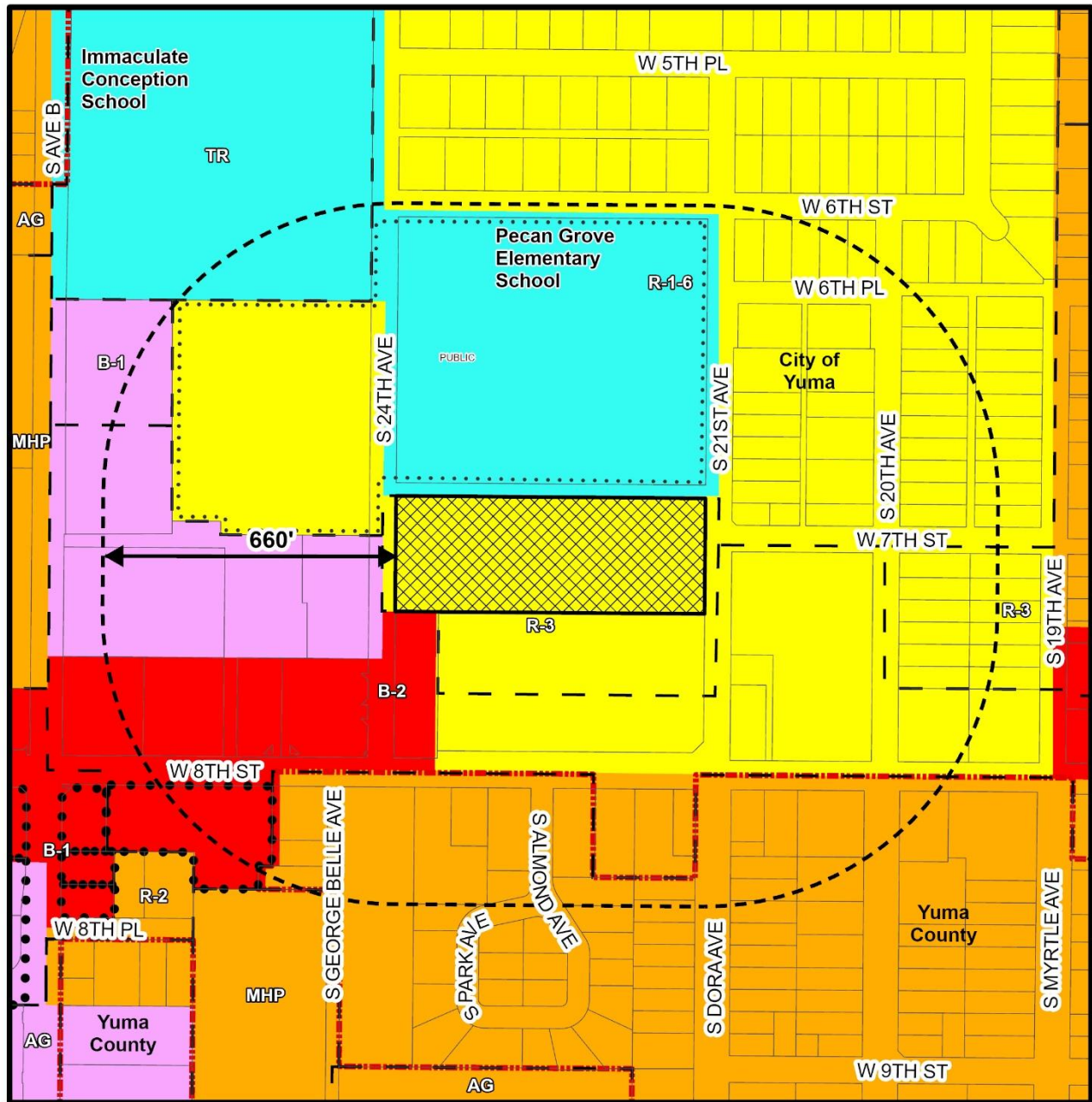
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



GENERAL PLAN - LAND USE

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

LOCATION MAP

- LOCATION OF SUBJECT PROPERTY
- NOTIFICATION AREA

ZONING DISTRICTS

- AG - Agricultural District
- B-1 - Limited Commercial
- B-2 - General Commercial
- MHP - Manufactured Housing Park
- TR - Transitional
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- Public Overlay District (P)
- Aesthetic Overlay District (AO)



Prepared by: DG

Checked by: EP



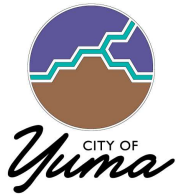
Date: 9/10/2024

Revised:

Revised:

Case #:

GP-43222-2024



City of Yuma

City Council Report

File #: R2025-015

Agenda Date: 2/19/2025

Agenda #: 3.

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

TITLE:

Major General Plan Amendment: Calle Ocho Properties, LLC

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Commercial, for the property located at 764 S. 21st Avenue. (GP-43223-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

(This is a Major Amendment to the City of Yuma General Plan. Per A.R.S. 9-461.06 H "...a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality.")

This is a Major General Plan Amendment request by Bob Woodman, on behalf of Calle Ocho Properties, LLC, to change the land use designation from Low Density Residential to Commercial for approximately 4.3 acres, for the property located at the 764 S. 21st Avenue, Yuma, AZ.

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

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

The site is currently developed with 21 buildings, these building include company housing units, a garage, and an indoor recreation facility/laundry area. There are no plans to add additional buildings. The property currently has two zoning designations: High Density Residential (R-3) and General Commercial (B-2), both of which

support company housing. The applicant intends to change the land use designation by rezoning the High Density Residential (R-3) portion to the General Commercial (B-2) district resulting in a single zoning designation for the property.

On January 13, 2025, the Planning and Zoning Commission voted to recommend APPROVAL (5-0), with two vacancies, of the General Plan amendment request to change the land use designation to Commercial.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (12/9/24):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Ashlie Pendleton, second by Loraine Arney to close the public hearing for GP-43223-2024. Motion carried unanimously, (5-0) with one absent and one vacancy.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (1/13/25):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Ashlie Pendleton, second by Lorraine Arney to APPROVE GP-43223-2024 as presented. Motion carried unanimously, (5-0) with two vacancies.

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:

NOT APPLICABLE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/10/2025
Reviewed by City Attorney: Richard W. Files	Date: 02/09/2025



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

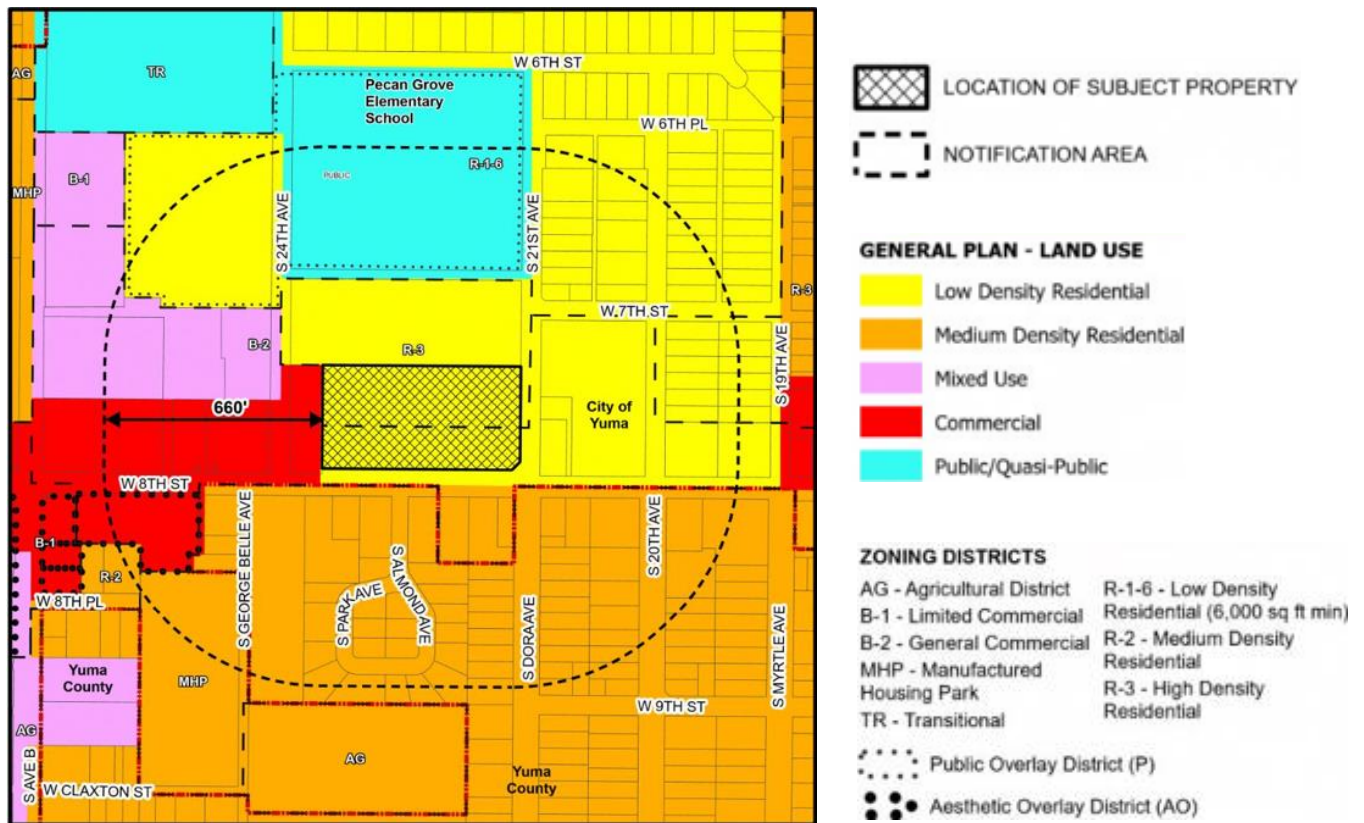
Hearing Date: January 13, 2025

Case Number: GP-43223-2024

Project Description/Location: This is a Major General Plan Amendment request by Bob Woodman, on behalf of Calle Ocho Properties, LLC, to change the land use designation from Low Density Residential to Commercial for approximately 4.3 acres, for the property located at the 764 S. 21st Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential (R-3) and General Commercial (B-2)	Company Housing	Low Density Residential
North	High Density Residential (R-3)	Undeveloped	Low Density Residential
South	General Commercial (B-2) and Yuma County Limited Commercial (C-1)	Retail, Storage, Restaurant, Barbershop	Medium Density Residential
East	General Commercial (B-2)	Desert Palms MH & RV Park	Low Density Residential
West	General Commercial (B-2)	Family Dollar	Commercial

Location Map



Prior site actions: Annexation Ord. 605, February 2, 1954; Rezone Ord. 984 (Bus. B to Bus. B/Res. A); Subdivision Lot Tie Northwest Corner of 8th Street and S. 21st Avenue, Fee No. 2020-08044; Pre-Development Meeting: September 26, 2024

Staff Recommendation: Staff recommends the Planning and Zoning APPROVE the request to change the land use designation for approximately 4.3 acres from Low Density Residential to Commercial.

Suggested Motion: Move to APPROVE the request to change the land use designation for approximately 4.3 acres from Low Density Residential to Commercial.

Staff Analysis: This is a Major General Plan Amendment request by Bob Woodman, on behalf of Calle Ocho Properties, LLC, to change the land use designation from Low Density Residential to Commercial for approximately 4.3 acres, for the property located at the 764 S. 21st Avenue, Yuma, AZ.

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

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

The site is currently developed with 21 buildings, these building include company housing units, a garage, and an indoor recreation facility/laundry area. There are no plans to add additional buildings. The property currently has two zoning designations: High Density Residential (R-3) and General Commercial (B-2), both of which support company housing. The applicant intends to change the land use designation by rezoning the High Density Residential (R-3) portion to the General Commercial (B-2) district resulting in a single zoning designation for the property.

Density

The current land use designation of Low Density Residential would allow from 4 to 21 dwelling units to be constructed on 4.3 acres.

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

The proposed land use designation would allow the applicant to pursue a rezoning that would support the existing company housing.

Population

Information from the 2018-2022 American Community Survey provides data on population by housing unit type. The information results in an average household size for single-family homes of 2.9 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 4 homes – Expected population: 12
 - Maximum 21 homes – Expected population: 61
- Commercial:
 - Zero homes - Expected population: 0

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

- Low Density Residential:
 - Minimum expected population: 12 – School Age: 2
 - Maximum expected population: 61 – School Age: 12
- Commercial:
 - Zero homes – School Age: 0

Transportation

The property is located on the northwest of 8th Street and 21st Avenue. Access to the property will be from nearest roadways, 21st Avenue, a Local Road, with a connection to 8th Street, a Minor Arterial Road. There are an existing bus stops at 8th Street and Avenue B and 8th Street and Magnolia Avenue, both Purple Route- 6A and a proposed bike lane on 8th Street and a proposed bike route on 21st Avenue.

According to the City of Yuma Transportation Master Plan, 8th Street at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2023 as 20,122 vehicles on 8th Street between 21st Avenue and 24th Avenue. 8th Street is a 4-lane roadway identified in the Transportation Master Plan as a Minor Arterial and 21st Avenue is identified as a Local roadway.

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:		
FACILITY PLANS		
Transportation Master Plan	Planned	Existing
21 st Avenue-Local Road 2 Lanes	29 FT HW	30 FT HW
8 th Street- Minor Arterial 4 Lanes	50 FT HW	40 FT HW
Median Disclosure	Required	

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

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

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

Yes. The 2022 City of Yuma General Plan land use designation for this area is Low Density Residential.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: December 9, 2024
- City of Yuma Planning and Zoning Commission: January 13, 2025
- City of Yuma City Council: February 19, 2025

Public Comments Received: See Attachment A

Agency Comments: See Attachment B

Neighborhood Meeting Comments: None Received

Final staff report delivered to applicant on:

- Applicant agreed with staff's recommendation:
- Applicant did not agree with staff's recommendation:
- Final report has been emailed to applicant on 12/16/2024 and awaiting response.

Attachments

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

Prepared By:

Erika Peterson

Date: 12/16/2024

Erika Peterson
Senior Planner
Erika.Peterson@YumaAZ.Gov

(928) 373-5000, x3071

Reviewed By:

Jennifer L. Albers

Date: 12/18/24

Jennifer L. Albers,
Assistant Director of Planning

Approved By:

Alyssa Linville,
Director, Planning and Neighborhood Services

Date:

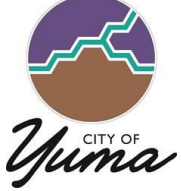
**ATTACHMENT A
PUBLIC COMMENTS**

Name:	Maria A. Cardiel			Contact Information:	(928) 459-0778						
Method of Contact:	Phone	<input type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>	In person
<p>Comment: Mrs. Cardiel received the first notification in the mail and wanted to know about the request and why she received the letter. Staff explained the request and the process for general plan amendments and Mrs. Cardiel did not have any additional questions. Address: 2004 W. 7th Street but lives at 495 W. 20th Street</p>											

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	10-01-2024	NAME:	Javier Barraza	TITLE:	Senior Planner
AGENCY:	Yuma County- DDS/PZ Division		PHONE:		
<i>Enter comments below:</i>					
<p>“A Yuma County it’s on the south of the subject parcel, the land use is Medium Density Residential. With commercial and residential zonings. The proposed land use will be in conflict with the R-MD land use but not with the commercial uses taking place on the properties fronting 8th Street.”</p>					

**ATTACHMENT C
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: 43223-2024 CASE PLANNER: ERIKA PETERSON</p>
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I. PROJECT DATA

Project Location:		764 S. 21 st Avenue								
Parcel Number(s):		632-61-363								
Parcel Size(s):		4.30 acres								
Total Acreage:		4.30								
Proposed Dwelling Units:		Maximum: 0		Minimum: 0						
Address:		764 S. 21 st Avenue								
Applicant:		Calle Ocho Properties, LLC								
Applicant's Agent:		Bob Woodman								
Land Use Conformity Matrix:		Current Zoning District Conforms:						Yes	No	X
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X		
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE			
	Existing Zoning			Current Use			General Plan Designation			
Site	High Density Residential/General Commercial (R-3/B-2)			Company Housing			Low Density Residential			
North	High Density Residential (R-3)			Undeveloped			Low Density Residential			
South	General Commercial (B-2) and Yuma County Limited Commercial (C-1)			Retail, Storage, Restaurant, Barbershop			Medium Density Residential			
East	General Commercial (B-2)			Desert Palms MH & RV Park			Low Density Residential			
West	General Commercial (B-2)			Family Dollar			Commercial			

Prior Cases or Related Actions:				
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Adopted: 2/2/1954, Ord. 605
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	C-12-65: Ord. 984 (Bus. B to Bus. B/Res. A)
Subdivision	Yes		No	Lot Tie Northwest Corner of 8 th Street and S. 21 st Avenue
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	Date: N/A
Enforcement Actions	Yes		No	N/A

Land Division Status:		Legal lot of record							
Irrigation District:		Yuma County Water Users							
Adjacent Irrigation Canals & Drains:		None							
Water Conversion: (5.83 ac ft/acre)		25.07 Acre Feet a Year							
Water Conversion Agreement Required		Yes		No	X				

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Low Density Residential

Issues:											
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					
21 st Avenue- Local road 2 Lanes	29 FT HW	30 FT HW									
8 th Street- Minor Arterial 4 Lanes	50 FT HW	40 FT HW		X		X					
Bicycle Facilities Master Plan	8 th Street- Proposed bike lane, 21 st Avenue- Proposed bike route										
YCAT Transit System	8 th Street at Avenue B and 8 th Street at Magnolia- Purple Route 6A										
Issues:											
Parks, Recreation and Open Space Element:											
Parks and Recreation Facility Plan											
Neighborhood Park:	Existing: Kiwanis Park				Future: Kiwanis Park						
Community Park:	Existing: Carver Park Complex				Future: Carver Park Complex						
Linear Park:	Existing: West Main Canal Linear Park				Future: Thacker Lateral Linear Park						
Issues:											
Housing Element:											
Special Need Household:	N/A										
Issues:											
Redevelopment Element:											
Planned Redevelopment Area:	N/A										
Adopted Redevelopment Plan:	North End:	Carver Park:			None:	X					
Conforms:	Yes	No									
Conservation, Energy & Environmental Element:											
Impact on Air or Water Resources	Yes	No			X						
Renewable Energy Source	Yes	No			X						
Issues:											
Public Services Element:											
Population Impacts			Dwellings & Type		Projected	Police	Water		Wastewater		
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			<i>Non-residential</i>		Population	Impact	Consumption		Generation		
			Maximum	Per Unit		Officers	GPD	AF	GPD		
			0	0	0	0.00	0	0.0	0		
			Minimum								
			0	0	0	0.00	0	0.0	0		
Fire Services Plan:	Existing: Fire Station No. 4				Future: Northwest Valley						
Water Facility Plan:	Source:	City	X	Private	Connection:		6" AC line on S. 21 st Avenue				
Sewer Facility Plan:	Treatment:	City	X	Septic	Private		Connection: 8" VCP line in parcel				
Issues:											
Safety Element:											
Flood Plain Designation:	500 Year Flood				Liquefaction Hazard Area:		Yes	No			X
Issues:											
Growth Area Element:											
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St			Avenue B & 32 nd St.					
	North End		Pacific Ave & 8 th St			Estancia		None	X		

NOTIFICATION

- Legal Ad Published: The Sun 11/22/24
- Display Ad Published: 11/22/24
- 660' Vicinity Mailing: 9/24/24
- 54 Commenting/Reviewing Agencies noticed: 9/17/24
- Site Posted: 10/7/24
- Neighborhood Meeting: 10/15/2024
- Hearing Dates: 12/9/24, 1/13/25 & 2/19/2025
- Comments Due: 11/16/24

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	YES	10/1/24		X
Yuma County Public Works	NR			
Yuma County Airport Authority	YES	10/21/24	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	YES	9/30/2024	X	
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	9/25/2024	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	NR			

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	9/24/2024	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
October 15, 2024	None received.
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

AGREE CENTRAL LLC	32301 WOODWARD AVE	ROYAL OAK	MI	48073
AGUILAR JOHN F JR	854 S 20TH AVE	YUMA	AZ	85364
ALCALA JOSE FIDEL & MARIA ESTHER JT	731 S 20TH AVE	YUMA	AZ	85364
ALCOSER ANTONIO & EVANGELINA JT	641 S 20TH	YUMA	AZ	85364
ARCE FRANCISCO & MARTHA E SANCHEZ	1979 W 7TH ST	YUMA	AZ	85364
ARIAS IDUVINA P	3585 S 18TH AVE	YUMA	AZ	85364
BALBIN ALEJANDRINA	687 S 21ST AVE	YUMA	AZ	85364
BARAJAS GONZALEZ ALFREDO & ELVIRA	626 S 20TH AVE	YUMA	AZ	85364
BLUE MOUNTAIN ENTERPRISES LLC	1041 N 400 W	BLANDING	UT	84511
CABRERA OLGARIO PEREZ	666 S 20TH AVE	YUMA	AZ	85364
CAFE MAIN STREET PROPERTIES LLC	PO BOX 2613	SALINAS	CA	93902
CALDERON HERMELINDA VIGIL	849 S 20TH AVE	YUMA	AZ	85364
CALDERON HERMELINDA VIGIL	849 S 20TH AVE	YUMA	AZ	85364
CALLE OCHO PROPERTIES LLC	1582 MOFFETT ST STE G	SALINAS	CA	93905
CANIZALES ALEXANDER	3606 W 20TH PL	YUMA	AZ	85364
CARDENAS ALMA DELIA	715 S 20TH AVE	YUMA	AZ	85364
CARDENAS ROSA	1773 W 27TH DR	YUMA	AZ	85364
CARDIEL MARIA R	495 W 20TH ST	YUMA	AZ	85364
CARO JUAN M & CARMEN ISABEL JT	720 S 19TH AVE	YUMA	AZ	85364
CHERNEK FRANCIS STEVEN & KATHLEEN JT	2554 W 16TH ST PMB 225	YUMA	AZ	85364
CISNEROS NESTOR & NORMA ALICIA JT	869 S DORA AVE	YUMA	AZ	85364
CORTEZ VICTORIANO	2221 W 9TH ST	YUMA	AZ	85364
DAISY BLAIR RV PARK	534 E LAUREN ASHLEY PL	ORO VALLEY	AZ	85737
DE LA CRUZ JUAN & JESSICA BLANCO FAMILY TRUST 3-2-2023	9805 MANDALE ST	BELLFLOWE R	CA	90706
DRAPER JEFFERY L & LYNDA S	4166 CARNES	YUMA	AZ	85364
ESKEW ELDON E & KAREN E TRUST 7-20-00	680 S 20TH AVE	YUMA	AZ	85364
ESPINOZA FAMILY TRUST 4-25-2024	19560 PENZANCE ST	SALINAS	CA	93906
FAZIO DORA M LLC	11188 S HAVANA AVE	YUMA	AZ	85365
FORNUFF GERALDINE	861 S DORA AVE	YUMA	AZ	85364
FOSTER SHAWN	834 S 20TH AVE	YUMA	AZ	85364
FRYE ELVA I	683 S 21ST AVE	YUMA	AZ	85364
GARCIA ERIK M	865 S DORA AVE	YUMA	AZ	85364
GARCIA GUSTAVO	2026 9TH ST	YUMA	AZ	85364
GARRIDO ANSELMO DIAZ & GEORGINA LOPEZ CPWROS	2007 W 8TH ST	YUMA	AZ	85364
GJ DOUBLE L INVESTMENTS LLC	2500 E MONROE	YUMA	AZ	85364
GUERRA NORMA	723 S 20TH AVE	YUMA	AZ	85364
GUTIERREZ FRANCISCO MARTIN	681 S 20TH AVE	YUMA	AZ	85364
HAROS JOSE J & LINA A TRUST 6-20-01	1140 N MEADOWS DR	CHANDLER	AZ	85224
HERRERA CANDELARIO SOLIS	712 S 19TH AVE	YUMA	AZ	85364
JACOBSON DEV CO	1334 S 5TH AVE	YUMA	AZ	85364
JACOBSON DEVELOPMENT CO AZ CORP	1334 S 5TH AVE	YUMA	AZ	85364

JOO JOON H	18446 N 75TH AVE	GLENDALE	AZ	85308
JOZA PROPERTIES LLC	1744 S 36TH DR	YUMA	AZ	85364
KENNEDY FRANK B III TRUST 11-14-12	2922 CONNE MARA DR	DAVIDSONVILLE	MD	21035
KNAM & D CONSTRUCTION LLC	PO BOX 2865	SAN LUIS	AZ	85349
LA FAMILIA HOLDINGS LLC	711 W 3RD ST	YUMA	AZ	85364
LA RAIN LLC	PO BOX 712158	SANTEE	CA	92072
LARA FERNANDO & NELYA JT	890 S MAY AVE SP 2	YUMA	AZ	85364
LERMA PAUL	685 S 21ST AVE	YUMA	AZ	85364
LIVELY BEVERLY J	676 S 20TH AVE	YUMA	AZ	85364
MARTIN DANIEL M III TRUST 11-17-2021	11760 AVENIDA ANACAPA	EL CAJON	CA	92019
MARTINEZ LUIS A	692 S 19TH AVE	YUMA	AZ	85364
MARTINEZ NICOLAY	808 S DORA AVE	YUMA	AZ	85364
MCCLELLAND MARIA R	PO BOX 280	PINE VALLEY	CA	91962
MEDINA ALBERT III	3815 COLLEGE AVE	CULVER CITY	CA	90232
MORALES RUBEN D & NANSE D JT	173 N 6TH AVE	YUMA	AZ	85364
MTMM LLC	1700 S 1ST AVE STE 200	YUMA	AZ	85364
MUELLER STEVE & JOY L TRUST 4-10-2018	1452 PARKMAN RD	WINTERHAVEN	CA	92283
MURATALLA ANA CRISTINA	739 S 20TH ST	YUMA	AZ	85364
NUNYO BIZ LLC	1358 W 18TH PLACE	YUMA	AZ	85364
OLSON WADE ALEXANDER	824 S GEORGE BELLE AVE	YUMA	AZ	85364
ORTA MARC ANTHONY & DANELLE LEE	841 S PARK AVE	YUMA	AZ	85364
ORTIZ ROGELIO DE LA CRUZ	812 S DORA AVE	YUMA	AZ	85364
PACE BRIAN C & SHARON G JT	863 S DORA AVE	YUMA	AZ	85364
PICKERING CIARA N	2621 S VIRGINIA DR APT 231	YUMA	AZ	85364
PIMENTAL MARTIN A & HORTENCIA JT	828 S PARK AVE	YUMA	AZ	85364
PULIDO FLORENCIO & JOVITA JT	728 S 19TH AVE	YUMA	AZ	85364
QUINTANA TRUST 8-8-2022	10320 S 17TH DRIVE	PHOENIX	AZ	85041
QUINTERO ANDRES &	681 S 21ST AVE APT A	YUMA	AZ	85364
QUINTERO ROSIE M	661 S 20TH AVE	YUMA	AZ	85364
REALTYNET AZ LLC	PO BOX 1017	CHARLOTTE	NC	28201
REYES MANUEL & CONCEPCION G	671 S 20TH AVE	YUMA	AZ	85364
RIOS ROSA	688 S 20TH AVE	YUMA	AZ	85364
ROCHA ASSETS LLC	2718 S 4TH AVE	YUMA	AZ	85364
RODRIGUEZ JOSE MARTINEZ & MARIA MARTINEZ CPROS	829 ALMOND AVE	YUMA	AZ	85364
RODRIGUEZ JOSEFINA	849 S ALMOND AVE	YUMA	AZ	85364
ROSKO HOLDINGS LLC	13169 S AVE 4 1/2 E	YUMA	AZ	85365
ROTELLA DOROTHY	840 S ALMOND AVE	YUMA	AZ	85364
RUIZ DANIEL AGUIRRE & ESTELA SANTOS DE	2256 W 22ND LN	YUMA	AZ	85364
RUIZ MARK A	807 S DORA AVE	YUMA	AZ	85364
SADIK FAMILY TRUST 4-18-2024	1744 S 36TH DR	YUMA	AZ	85364
SANTOS ROMERO AGRIPINO & MARIA S ACOSTA JT	806 S DORA AVE	YUMA	AZ	85364
SCARBOROUGH ROBERT T & ZUNELDA M TRUST 5-10-2011	3325 S 14TH AVE	YUMA	AZ	85365

SHARPENSTEEN AMANDA J & CLAUDE K	740 S 24TH AVE	YUMA	AZ	85364
SHAY OIL CO INC	PO BOX 1249	YUMA	AZ	85366
SIEMIENOWSKI JOSEPH V & IRINA G TRUST 11-19-2008	10561 SAND CRAB PL	SAN DIEGO	CA	92130
SIERRA DANIEL JUAREZ	867 S DORA AVE	YUMA	AZ	85364
SILVA JAVIER	838 S PARK AVE	YUMA	AZ	85364
SILVA ROMAN O	697 S 21ST AVE	YUMA	AZ	85364
SIMALA FAMILY TRUST 6-7-2017	841 S 20TH AVE	YUMA	AZ	85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA	AZ	85364
TORRES ABELARDO L & VERONICA JT	682 S 19TH AVE	YUMA	AZ	85364
ULLOA FRANCISCA ANGELICA	820 S DORA AVE	YUMA	AZ	85364
VALENZUELA CARLOS	888 S ALMOND AVE	YUMA	AZ	85364
VALLEY CHURCH OF CHRIST	897 W 35TH PL	YUMA	AZ	85365
VELASQUEZ MARTHA ARACELI	651 S 20TH AVE	YUMA	AZ	85364
VENEGAS JORGE	805 DORA AVE	YUMA	AZ	85364
VILLALOBOS SALVADOR SOLORIO & LUCIA M	3057 W 5TH ST	YUMA	AZ	85364
VILLAPUDUA DIEGO	818 S DORA AVE	YUMA	AZ	85364
VILLEGAS CANDELARIA	6224 E 41ST PLACE	YUMA	AZ	85365
VLN PROPERTIES LLC	945 S PALM AVE	YUMA	AZ	85364
WAPLER BART	PO BOX 5064	YUMA	AZ	85364
YOUNG AVELINA	689 S 21ST AVENUE	YUMA	AZ	85364
YOUSIF MARIA	1888 S 39TH DR	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	450 W 6TH ST	YUMA	AZ	85364
ZAMORA MAXIMO R AND LETICIA TRUST 4-1-09	513 S 16TH AVE	YUMA	AZ	85364
ZAZUETA ADRIAN MARTINEZ	806 S GEORGE BELLE AVE	YUMA	AZ	85364
ZENDEJAS MARIA	2073 E 25TH ST	YUMA	AZ	85365
ZERMENO LINDA R &	818 S ALMOND AVE	YUMA	AZ	85364

ATTACHMENT E
AERIAL PHOTO



RESOLUTION NO. R2025-015

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 4.3 ACRES LOCATED AT 764 S. 21ST AVENUE FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL

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 January 13, 2025 for General Plan Amendment Case No. GP-43223-2024, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on December 28, 2024; and,

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

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

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

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

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

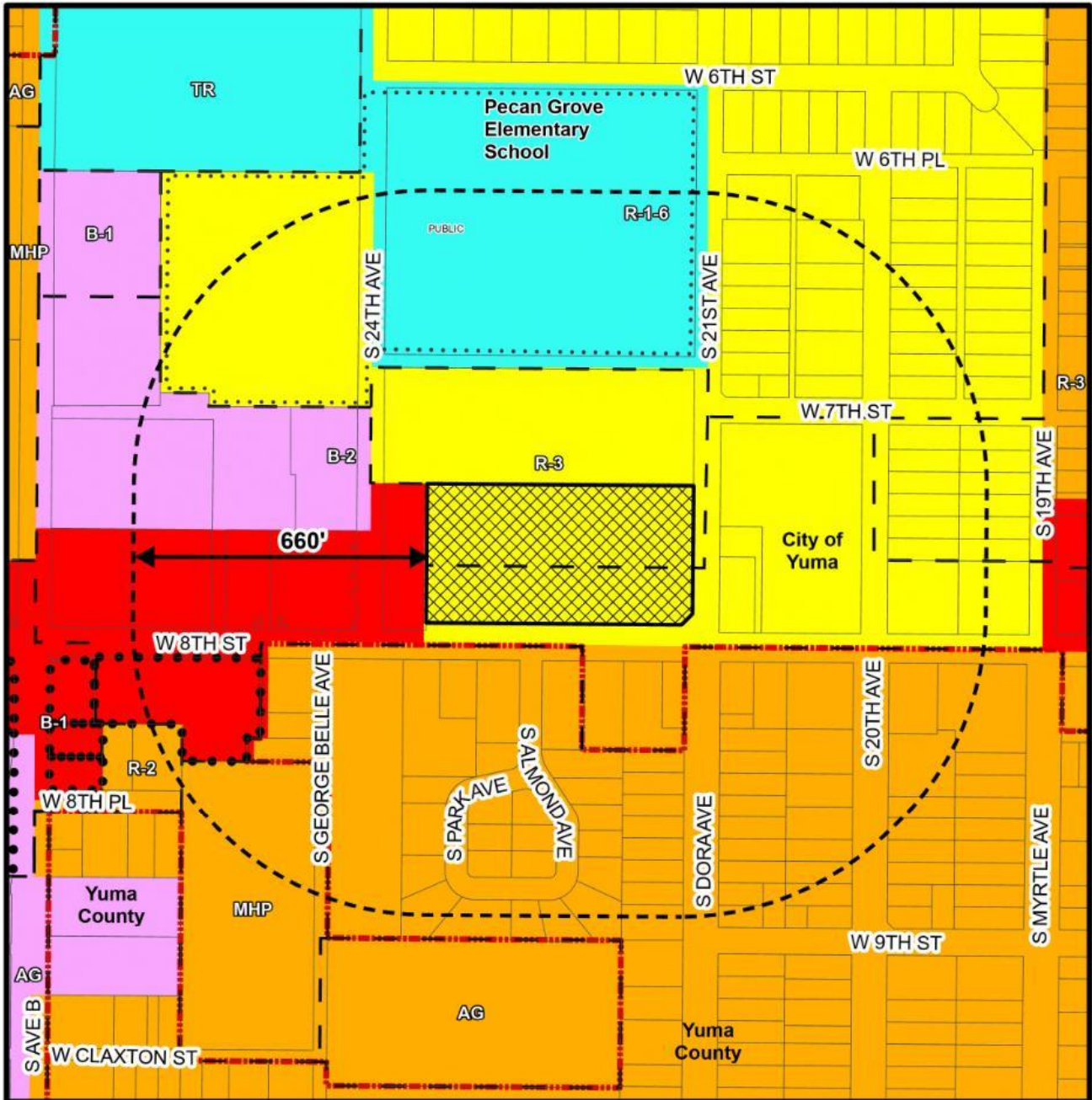
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



GENERAL PLAN - LAND USE

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

LOCATION MAP

- LOCATION OF SUBJECT PROPERTY
- NOTIFICATION AREA

ZONING DISTRICTS

- AG - Agricultural District
- B-1 - Limited Commercial
- B-2 - General Commercial
- MHP - Manufactured Housing Park
- TR - Transitional
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- Public Overlay District (P)
- Aesthetic Overlay District (AO)



Prepared by: DG

Checked by: EP



Date: 9/9/2024

Revised:

Revised:

Case #:

GP-43223-2024