



City of Yuma City Council Meeting Agenda

Wednesday, December 4, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL

PRESENTATIONS

- *Parks and Recreation Department Update*

I. MOTION CONSENT AGENDA

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

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

1. [MC 2024-197](#) **Regular Council Meeting Draft Minutes November 6, 2024**
Attachments: [2024 11 06 RCM Minutes.docx](#)
2. [MC 2024-198](#) **Special Council Meeting Draft Minutes November 21, 2024**
Attachments: [2024 11 21 SCM Minutes.docx](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2024-194](#) **Liquor License: Residence Inn Yuma**
Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Andrea Lewkowitz, agent for Residence Inn Yuma located at 1688 S. Sunridge Drive. (LL24-16) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Residence Inn Yuma](#)

2. [MC 2024-195](#) **Contract Award: Signal Equipment for Transportation Management Center**
Approve a contract for traffic signal electrical services needed for a functioning Intelligent Transportation System on four corridors: 16th Street Corridor (from Pacific Ave to Avenue C); 4th Ave Corridor (from 1st Street to 32nd Street); Avenue B Corridor (from 8th Street to 32nd Street); and, 24th Street Corridor (from Arizona Avenue to Avenue B) to Westmoor Electric, Inc., Yuma, Arizona, for an expenditure of \$114,160.00 (Engineering RFQ-22-181) (David Wostenberg/Robin R. Wilson)
3. [MC 2024-196](#) **Cooperative Purchase Agreement: School Safety Interoperability System**
Authorize the use of a Strategic Alliance for Volume Expenditures (SAVE) Cooperative Purchase Agreement for software and services supporting the regional school safety interoperability system for an estimated total amount of \$1,265,956.55. (YRCS-GNT-25-202) (Jeremy W. Jeffcoat/Robin R. Wilson)

II. RESOLUTION CONSENT AGENDA

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

1. [R2024-067](#) **Memorandum of Understanding: Yuma Brownfields Assessment Coalition**
Authorize the City Administrator to execute a Memorandum of Understanding (MOU) with the Yuma Brownfields Assessment Coalition to support the Environmental Protection Agency (EPA) FY2025 Brownfield Coalition Assessment Grant application and oversee project implementation. (Dave Wostenberg/Jay Simonton)

Attachments:

- [1. RES Yuma Brownfields Assessment Coalition](#)
- [2. MOU Yuma Brownfields Assessment Coalition](#)

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2024-039](#)

Gift Acceptance: Utility Easement Property

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

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

IV. INTRODUCTION OF ORDINANCES

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

1. [O2024-040](#)

Text Amendment: Zoning Amendments

Amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1 P&Z RPT Zoning Amendments.pdf](#)
[2 ORD Zoning Amendments.docx](#)

2. [O2024-041](#)

Rezoning of Property: Southeast Corner of S. Avenue 7E and E. 40th Street

Rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezone: Southeast corner of S. Avenue A and E. 40th Street](#)
[2. ORD Rezone: Southeast corner of S. Avenue A and E. 40th Street](#)

VI. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of November 21, 2024, through December 4, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

2. Scheduling:

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

VII. SUMMARY OF CURRENT EVENTS

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

VIII. CALL TO THE PUBLIC

Members of the public may address the City Council on matters 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.

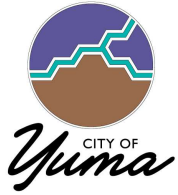
IX. EXECUTIVE SESSION

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:

There are no additional Executive Session items scheduled at this time.

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2024-197

Agenda Date: 12/4/2024

Agenda #: 1.

Regular Council Meeting Draft Minutes November 6, 2024

REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 6, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Katie Thorson, Stake Relief Society President for the Church of Jesus Christ of Latter-Day Saints, gave the invocation. **Jeremy Jeffcoat**, Assistant IT Director (YRCS), 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 Human Resources, Monica Welch
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

Lung Cancer Awareness Month Proclamation

Mayor Nicholls read a proclamation declaring November 2024 as Lung Cancer Awareness Month and encouraged all residents of the City to support the education, prevention, and treatment efforts of those who fight against this disease.

Caballeros de Yuma Annual Update

Frank Saldana, El Presidente of the Caballeros de Yuma, presented the following:

- About the Caballeros de Yuma
 - Formed in 1962 by a group of 20 businessmen to serve as ambassadors of Yuma and to sponsor special events to publicize and attract attention to the Yuma area
 - All activities are nonpartisan, nonpolitical, and nonsectarian
- Annual Events
 - Midnight at the Oasis
 - Colorado River Crossing Balloon Festival
 - Yuma Territorial Marathon and Half Marathon
 - Bull of the Desert Strongman Competition
 - Ken and Betty Borland Holiday Pageant and Tower Lighting Ceremony
 - Independence Day Flag Raising Ceremony

- Fiscal Year 2023-2024 Total of All Donations and Scholarships Distributed - \$138,659
 - Midnight at the Oasis - \$59,659
 - Colorado River Crossing Balloon Festival - \$1,400
 - Scholarships - \$38,500
 - Yuma Territorial Marathon and Half Marathon - \$3,850
 - Miscellaneous Cash Donations - \$35,250
- Since 1962, the grand total of Community Donations on behalf of the Caballeros de Yuma is over 4.1 million.

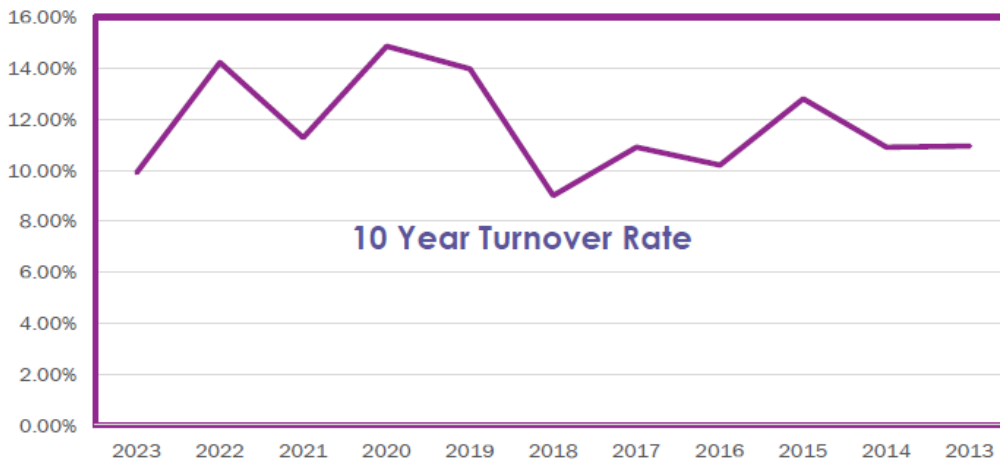
Human Resources Department Update

Welch presented the following:

- Recruitment
 - Steady increase in number of applications received
 - Less positions open for recruitment
 - Meeting the time to hire performance metric
 - 60 days or less when feasible
 - Partnering with our hiring managers throughout the process

YEAR	REQUISITIONS	APPLICATIONS	HIRES	DAYS TO HIRE
2020	263	6231	189	49
2021	344	7118	473	63
2022	362	7903	456	67
2023	330	8072	262	52
2024	204	6228	140	54

- Employee Retention & Turnover
 - Turnover for calendar year 2023 was 9.9%
 - Primary reason listed for leaving was family circumstances and moving
 - Turnover year to date is 7.6%, equivalent to last year



YEAR	TURNOVER
2023	9.90%
2022	14.23%
2021	11.28%
2020	14.86%
2019	13.97%
2018	9.00%
2017	10.90%
2016	10.20%
2015	12.80%
2014	10.90%
2013	10.95%

- An Employer of Choice
 - Competitive pay plans
 - Full implementation of labor market study 2023
 - Decrease dependent health insurance premiums
 - Competitive High Deductible Health Plan (HDHP)
 - Approximately 70% of our employees are on the HDHP
 - Increased Tuition Reimbursement
 - Since 2022 has increased from \$1,500 to \$3,500 annually
 - 19 employees participated in 2023
 - 15 employees currently participating
 - Parental Leave
 - City provides 160 hours of paid leave for the birth of a baby
 - First employer in the community to provide this type of leave
 - 24 employees utilized in 2023
 - 34 employees utilized in 2024 to date
 - Increased stand-by pay hourly rate
 - Moved from \$2.00/hour to \$2.50/hour in 2024
 - Leave Buy-Back Program
 - Program launched in October 2024 with 260 requests
 - 10,258 hours of leave to be paid out
 - Short-Term Disability
 - Tri-Care Supplemental Insurance
 - New deferred compensation provider, Nationwide
 - Employee Appreciation Events
 - Spring BBQ
 - Fall Pancake Breakfast
 - This is the fourth year of this annual event; 685 plates were served
 - End of the Year Employee Appreciation Luncheon
 - Employee Awards & Recognition Program
 - Leadership Training Program/Supervisor Training Program
 - 49 employees completed the program since 2023
 - Launching a new mentoring program in July 2025

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.2 – Bid Award: East Mesa Community Park, Phase 1 (Authorize the City Administrator to execute a construction services contract for East Mesa Community Park, Phase 1, to the lowest responsive and responsible bidder in the amount of \$17,213,372.57 to Gutierrez Canales Engineering, Yuma, Arizona) (RFB-23-258) (Eng/Pks & Rec/Purch)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.2, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Motion (Smith/Morales): To approve Motion Consent Agenda Item C.2 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

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

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

Regular City Council Meeting	September 18, 2024
Variance Appeal Minutes	September 18, 2024
Regular City Council Meeting	October 2, 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. Authorize the City Administrator to execute a construction services contract for the Sierra Sunset Sewer Repairs project to the lowest responsive and responsible bidder in the amount of \$109,651.30 to Taylor Engineering, Yuma, Arizona. (RFB-25-095) (Eng/Purch)
2. Pulled for separate consideration; see above.
3. Award to the lowest responsive and responsible bidders a one-year contract for Commercial and limited Residential Solid Waste Collection and Roll Off Service with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at a total estimated annual expenditure of \$324,152.00 to: South Yuma County Landfill dba C & D Disposal of Yuma, Arizona for Roll Off Service and Residential Commercial Solid Waste Collection to Allied Waste Transportation, Inc. dba Republic Services of Yuma, Yuma, Arizona. (RFB-25-062) (Pub Wrks/Pks & Rec/Purch)
4. Authorize the City Administrator to execute a contract for Desert Hills Irrigation Upgrades & Water Conservation Program construction services to, Diamond Golf International, Oro Valley, Arizona in the amount of \$4,037,767.87. (RFQ-25-008) (Eng/Pks & Rec/Purch)
5. Authorize the City Administrator to execute a one-year fence repair and installation services contract with the option to renew for four additional one-year periods, one year at a time, at an estimated annual expenditure of \$247,125.00, depending on the appropriation of funds and satisfactory performance, with the following qualified vendors: Maya's Construction, LLC, Yuma, Arizona; New Generation Metal Works, LLC, Yuma, Arizona; Westerner General Contracting, Yuma, Arizona and Brown and White, Inc., Tucson, Arizona. (RFQ-25-090) (Pks & Rec/Purch)
6. Authorize the purchase, delivery, and installation of various playground equipment to GameTime, Fort Payne, Alabama, utilizing a Cooperative Purchase Agreement for an expenditure of \$441,930.05. (CPA-25-171) (Pks & Rec/Purch)

7. Authorize a contract amendment with Tyler Technologies (formerly New World Systems) to purchase and provide implementation services for a regional public safety software system at an estimated total cost of \$1,574,595.40. (YRCS-2010000001) (IT/Purch)
8. Authorize the purchase of software, equipment, and services supporting the regional public safety software system utilizing Cooperative Purchase Agreements to SHI International Corporation, Dallas, Texas in the amount of \$289,655.62 and AHEAD, Inc., Chicago, Illinois in the amount of \$198,309.74 for a combined total of \$487,965.36. (YRCS-GNT-25-170) (IT/Purch)
9. Authorize the purchase and renewal of Microsoft Subscription Licensing through a Cooperative Purchase Agreement through a three-year Enterprise Agreement (EA) for an estimated annual expenditure of \$580,000 from SHI, Somerset, New Jersey. (CPA-25-172) (IT/Purch)
10. Authorize the purchase of two Radiograph Imaging Systems which include software, equipment, and training from Cuattro Medical, LLC, Golden, Colorado in the amount of \$111,899.56. (SS-25-162) (YPD/Purch)
11. Ratify settlement of the Lagunas Notice of Claim. (Atty)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2024-060

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Raul Rocha for Assessor Parcel Numbers 663-07-069 and 663-07-070 located on Verde Street, West of Echo Avenue (to connect two properties to City of Yuma services) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-061

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Memorandum of Agreement with the Arizona Army National Guard for the upgrade of the existing HVAC system and electrical systems at the Yuma Readiness Center (project is equally funded using City of Yuma American Rescue Plan Act (ARPA) funds and Arizona Army National Guard funds) (Eng)

Resolution R2024-062

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an Intergovernmental Agreement with the Yuma County Sheriff's Office (for Yuma County Sheriff's Office to use the City of Yuma Public Safety Training Facility) (YPD/Supt Svcs)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-036 – Acceptance of Shaw Field (Accept Shaw Diversified Services, Inc.'s ("Shaw") donation of Shaw Field to the City of Yuma) (Admn)

Mayor Nicholls declared a conflict of interest on Ordinance O2024-036, turned the meeting over to **Deputy Mayor Morris** and left the dais.

Motion (Morales/Smith): To adopt Ordinance O2024-036 as recommended.

Bushong displayed the following title(s):

Ordinance O2024-036

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

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 Ordinances Consent Agenda as recommended, with the exception of Ordinance O2024-036, which was adopted through a previous vote.

Bushong displayed the following title(s):

Ordinance O2024-035

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

Ordinance O2024-037

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

Ordinance O2024-038

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

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

IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Shoop/Shelton): To appoint Robin Stallworth Pouquette to the Library District Board of Trustees, with a term expiration of July 30, 2027. Voice vote: **approved** 7-0.

Announcements

Smith, Morales, Morris, McClendon, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Scheduling – No meetings were scheduled at this time.

V. SUMMARY OF CURRENT EVENTS

Simonton reported on events taking place this month around the City.

VI. CALL TO THE PUBLIC – There were no speakers at this time.

VII. EXECUTIVE SESSION/ADJOURNMENT

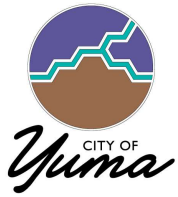
Motion (Morales/Morris): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:26 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

File #: MC 2024-198

Agenda Date: 12/4/2024

Agenda #: 2.

Special Council Meeting Draft Minutes November 21, 2024

MINUTES
SPECIAL CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 21, 2024
5:00 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:03 p.m.

ROLL CALL

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

I. 2024 GENERAL ELECTION CANVASS

R2024-063 – 2024 City of Yuma General Election Canvass (adopt the results of the November 5, 2024, City of Yuma General Election through the official canvass) (Admin/Clk)

Motion (Morris/Smith): To amend Exhibit A of Resolution R2024-063, to include a total of 983 rejected ballots for the City of Yuma’s 2024 General Election, as required by statute. Voice vote: **approved** 7-0.

There were no speakers or Council discussion so the Mayor entertained a motion for adoption of Resolution R2024-063.

Motion (Smith/Morales): to adopt Resolution R2024-063, City of Yuma General Election Canvass.

Bushong displayed the following title(s):

Resolution R2024-063

A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the Official Canvass of the results of the General Election held on November 5, 2024 (electing one candidate to fill an at-large seat for the office of councilmember; one at-large seat for Municipal Judge; and referring the following question to the qualified electors: Proposition 425 relating to the compensation of City Officials) (Adm/Clk)

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

II. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 5:05 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

City Council Report

File #: MC 2024-194

Agenda Date: 12/4/2024

Agenda #: 1.

	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: Residence Inn Yuma

SUMMARY RECOMMENDATION:

Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Andrea Lewkowitz, agent for Residence Inn Yuma located at 1688 S. Sunridge Drive. (LL24-16) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

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

REPORT:

Andrea Lewkowitz, agent for Residence Inn Yuma located at 1688 S. Sunridge Drive, has applied for a Series #07: Beer and Wine 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:

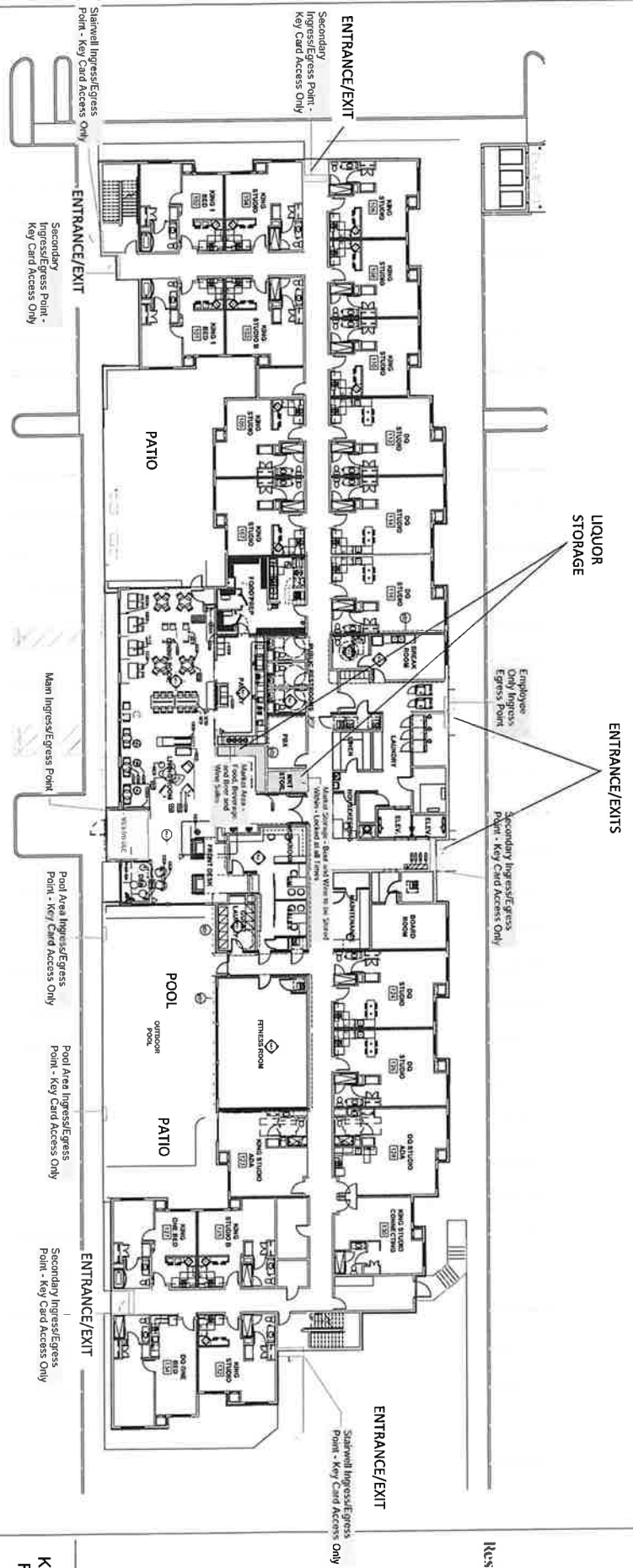
Series #07: Beer and Wine Bar Liquor License application

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: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024

RESIDENCE INN YUMA
 1688 S SUNRIDGE DRIVE
 YUMA, AZ 85365
 APPROX. 92,000 SF



Overall Plan Level 1
 1/8" = 1'-0"



SHEET NO
ID1.1

NO.	DESCRIPTION	DATE

ISSUE SET DATE
FEBRUARY 10TH, 2023

KEY PLAN
FLOOR 1

RESIDENCE INN YUMA
 1688 SOUTH SUNRIDGE DRIVE
 YUMA, AZ

Residence INN
by Marriott International, Inc.

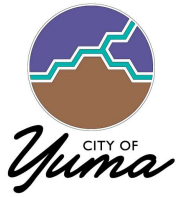
GREENS DEVELOPMENT
 2415 W. GARDENWAY
 PHOENIX, AZ 85018

OWNER: GREENS DEVELOPMENT

PROJECT MANAGER:
 ffg

ARCHITECT:
 2021 PHOENIX, AZ 85018
 10310 25TH AVENUE
 PHOENIX, AZ 85024

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



City of Yuma

City Council Report

File #: MC 2024-195

Agenda Date: 12/4/2024

Agenda #: 2.

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

TITLE:

Contract Award: Signal Equipment for Transportation Management Center

SUMMARY RECOMMENDATION:

Approve a contract for traffic signal electrical services needed for a functioning Intelligent Transportation System on four corridors: 16th Street Corridor (from Pacific Ave to Avenue C); 4th Ave Corridor (from 1st Street to 32nd Street); Avenue B Corridor (from 8th Street to 32nd Street); and, 24th Street Corridor (from Arizona Avenue to Avenue B) to Westmoor Electric, Inc., Yuma, Arizona, for an expenditure of \$114,160.00 (Engineering RFQ-22-181) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this contract meets the City Council’s strategic outcome of Safe and Prosperous, and Respected and Responsible by optimizing signal timing. This contract will reduce pollution, revenue loss, and traffic accidents. The equipment also meets the Connected and Engaged strategic outcome by evaluating real-time traffic conditions and optimizing traffic based on the ever-variable roadway conditions (e.g. construction, time of year, accidents, etc.).

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 installing already acquired equipment needed for multiple intersections on the following four corridors: 16th Street, 4th Avenue, Avenue B, and 24th Street. This installation of the previously acquired equipment is needed to successfully meet the goals of the ITS. City of Yuma Public Works staff will assist Westmoor Electric with the installation of the equipment.

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. An ITS will allow for this centralization and real-time operations for the City’s network. The implementation of an ITS is a strategy to elevate the City’s ability to operate and manage a safe and efficient transportation network.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 39,196.20	BUDGETED:	\$150,00.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 74,963.80	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$114,160.00			
City Road Tax Fund, ARPA Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2025 City Council approve budget and Capital Improvement Plan.

What is ARPA? The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities.

All expenditures must comply with U.S. Department of Treasury requirements. Recipients must obligate the funds by December 31, 2024, and spend them by December 31, 2026. On April 6, 2022, City Council adopted Resolution R2022-012 that approved the City’s ARPA Project List, which outlines the City’s intended uses for the funds. This project was one of the originally adopted ARPA funded in the FY 2023 City Council approved budget.

ADDITIONAL INFORMATION:

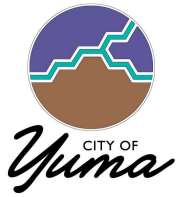
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



City of Yuma

City Council Report

File #: MC 2024-196

Agenda Date: 12/4/2024

Agenda #: 3.

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

TITLE:

Cooperative Purchase Agreement: School Safety Interoperability System

SUMMARY RECOMMENDATION:

Authorize the use of a Strategic Alliance for Volume Expenditures (SAVE) Cooperative Purchase Agreement for software and services supporting the regional school safety interoperability system for an estimated total amount of \$1,265,956.55. (YRCS-GNT-25-202) (Jeremy W. Jeffcoat/Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase of software and implementation services to implement a regional school safety interoperability system contributes to the City Council’s strategic outcome of Safe and Prosperous by increasing the speed and accuracy of public safety response to emergencies on school campuses and builds upon existing initiatives between schools and public safety agencies to improve safety processes.

REPORT:

Recent threats and incidents at schools locally and nationwide have disrupted education and have diverted Police Department resources to investigate these threats. High profile incidents at schools nationally have spotlighted a need to improve communications and coordination between school staff and first responders in the event of an emergency response. The State of Arizona appropriated funds to law enforcement agencies in each county via the School Safety Interoperability Fund to implement a data sharing and communications platform for schools to alert public safety agencies of emergencies on campus, pinpoint the emergency’s location on the campus, and provide multimedia sharing capabilities. The Police Department was appropriated \$1.35 million from the Arizona Department of Administration to develop this interoperable system for kindergarten through 12th grade public schools in Yuma County.

Schools have worked on implementing plans and procedures, facility improvements, and technologies to improve the safety and security of students and staff on their campuses. The school safety interoperability system seeks to integrate current school safety systems that utilize standards-based technologies to a common regional data sharing platform where schools can alert public safety agencies of an emergency on campus, and public safety agencies can automatically alert schools of incidents occurring near their campuses. The regional platform will be capable of streaming multimedia from school assets, share location and operational status data about staff on campus, and will enable public safety analysts the ability to correlate data from school safety systems and existing public safety assets to improve emergency response and investigation activities.

YRCS has worked collaboratively with the Police Department, the County School Superintendent’s Office, school districts throughout the county, and the primary 9-1-1 dispatch centers within the county to research and evaluate a solution that met the fund’s requirements and provided the most efficient integrations for public safety and schools. The City has an opt-in approach to this regional school interoperability system for schools to participate through entering into intergovernmental agreements with the City. The proposed solution is a five-year agreement for expenses related to this regional system. The City and participating schools will assess the system’s performance and develop a cost-sharing plan to sustain the system beyond the initial five-year agreement.

Fiscal Year 2025	\$280,699.63
Fiscal Year 2026	\$246,314.23
Fiscal Year 2027	\$246,314.23
Fiscal Year 2028	\$246,314.23
Fiscal Year 2029	246,314.23
Total	\$1,265.956.55

The School Safety Interoperability Fund was established consisting of monies appropriated to the fund by the Legislature. The Department of Administration administers the fund. Funds are distributed to the sheriff of a county, or a city, or town police department that establishes a school safety program.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 1,350,000.00
STATE FUNDS:	\$ 1,265,956.55	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

School Safety Interoperability Fund through State Grant 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 using state grant funding.

ADDITIONAL INFORMATION:

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

None

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

- Department
- City Clerk’s Office

- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



City of Yuma

City Council Report

File #: R2024-067

Agenda Date: 12/4/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: City Administration	<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: Grants	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Memorandum of Understanding: Yuma Brownfields Assessment Coalition

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a Memorandum of Understanding (MOU) with the Yuma Brownfields Assessment Coalition to support the Environmental Protection Agency (EPA) FY2025 Brownfield Coalition Assessment Grant application and oversee project implementation. (Dave Wostenberg/Jay Simonton)

STRATEGIC OUTCOME:

Cleaning up contaminated brownfield sites and returning them to productive use supports the City Council's strategic outcome of a safe and prosperous community. This effort improves public health, promotes redevelopment, and enhances economic opportunities.

REPORT:

On September 21, 2021, the Environmental Protection Agency (EPA) awarded the City of Yuma, as the lead member of the Yuma Brownfields Assessment Coalition, a Brownfields Assessment Cooperative Agreement Grant. This grant supported inventory, assessment, cleanup planning, and community involvement activities for brownfield sites in and around the Old Town South area in the City of Yuma and sites within the City of San Luis.

The work under this previous grant has been successfully completed, and the Yuma Brownfields Assessment Coalition is submitting a new EPA Brownfields grant application for the assessment of additional land parcels. For this funding cycle, Yuma County will serve as the lead entity.

The Yuma Brownfields Assessment Coalition includes Yuma County, the City of Yuma, the City of San Luis, the Yuma Crossing National Heritage Area, and the Yuma Multiversity Campus Corporation (DBA Elevate Southwest). The Coalition is seeking \$1.2 million in grant funding from the EPA.

The proposed MOU outlines the roles and responsibilities of each Coalition member, should the grant be awarded. As the lead entity, Yuma County will be responsible for managing the Cooperative Agreement, ensuring compliance with all EPA requirements, and providing timely updates to Coalition members. Activities funded under the grant may include inventory preparation, site selection criteria development, environmental assessments, cleanup planning, market studies, and community outreach.

As part of the grant application, each coalition member is required to sign the MOU. This item requests authorization for the City Administrator to enter into the MOU, formalizing the City of Yuma's commitment to

this collaborative effort to address brownfield sites and support redevelopment initiatives that benefit the region.

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:

Funds are included in the U.S. Environmental Protection Agency’s (EPA) Brownfields Assessment Cooperative Agreement Grant. If awarded, grant funding will be received by Yuma County.

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024

RESOLUTION NO. R2024-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE YUMA BROWNFIELDS ASSESSMENT COALITION CONSISTING OF YUMA COUNTY, CITY OF SAN LUIS, YUMA MULTIVERSITY CAMPUS DBA ELEVATE SOUTHWEST, AND YUMA CROSSING NATIONAL HERITAGE AREA FOR THE FY 2025 ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS GRANT APPLICATION

WHEREAS, the Environmental Protection Agency has been authorized to provide funding to support evaluation of Brownfield properties; and,

WHEREAS, The Yuma Brownfields Assessment Coalition members include Yuma County, the City of Yuma, the City of San Luis, the Yuma Crossing National Heritage Area, and the Yuma Multiversity Campus Corporation (DBA Elevate Southwest); and,

WHEREAS, For this funding cycle, the Yuma Brownfields Assessment Coalition is seeking \$1.2 million in grant funding from the EPA; and,

WHEREAS, activities funded through the MOU may include inventory preparation, selection criteria development, assessments, planning (including cleanup planning) relating to Brownfield sites; and,

WHEREAS, Yuma County will submit, as the lead agency for the Yuma Brownfields Assessment Coalition, the attached Memorandum of Understanding (MOU) as a part of the funding application, along with the full application for grant funding for consideration of award; and,

WHEREAS, grants or cooperative agreements for Federal financial assistance will impose certain obligations upon City of Yuma as a Brownfields Assessment Coalition Member, and,

WHEREAS, the City of Yuma, as an Assessment Coalition Member, will work with Yuma County and other Assessment Coalition Members to finalize the scope of work for consultants and contractors and be responsible to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at selected sites.

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

SECTION 1: The City Administrator is authorized to execute the attached Brownfields Assessment Coalition Memorandum of Understanding between Yuma County, City of San Luis, Yuma Multiversity DBA Elevate Southwest, and Yuma Crossing National Heritage Area and to take all acts reasonably necessary to support the goals and objectives of the MOU.

Adopted this _____ day of _____ 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**BROWNFIELDS ASSESSMENT
COALITION**

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FOLLOWING PARTIES:**

Yuma County, City of Yuma, City of San Luis, Yuma Crossing National Heritage Area, and Yuma Multiversity
Campus Corporation DBA Elevate Southwest (collectively, “Assessment Coalition” and individually,
“Assessment Coalition Member”)

This Memorandum of Understanding documents the roles and responsibilities of the undersigned parties to the Assessment Coalition with regard to the Environmental Protection Agency (“EPA”) FY2025 Brownfield Coalition Assessment Grant Application and project implementation, if the grant is awarded.

1. Yuma County is applying as the lead entity, on behalf of the Assessment Coalition, in an EPA Brownfield Coalition Assessment grant in the amount of \$1,200,000 for the FY2025 application cycle. The grant period, if awarded will be October 1, 2025 through September 30, 2029. Yuma County will be responsible to the EPA for management of the Cooperative Agreement and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring that all Members of the Assessment Coalition are in compliance with the terms and conditions. The Assessment Coalition Members agree to cooperate with Yuma County to ensure such compliance.
2. It is the responsibility of the Yuma County to provide timely information to the other Assessment Coalition Members regarding the management of the Cooperative Agreement and any changes that may be made to the Cooperative Agreement over the period of performance.
3. The Assessment Coalition Members are Yuma County (lead), City of Yuma, City of San Luis, Yuma Crossing National Heritage Area, and Yuma Multiversity Campus Corporation DBA Elevate Southwest. The contact information is as follows:

Yuma County:

Project Manager: Alejandro Figueroa – Economic Development & Intergovernmental Affairs Administrative Director

Address: 198 S. Main Street, Yuma Arizona 85364

Phone Number: 928-373-1093

Email Address: alejandro.figueroa@yumacountyaz.gov

City of Yuma:

Project Manager: John “Jay” Simonton, City Administrator

Address: 1 City Plaza, Yuma, Arizona 85364

Phone Number: 928-373-5018

Email Address: john.simonton@yumaaz.gov

City of San Luis:

Project Manager: Jenny Torres – Acting City Manager

Address: 1090 East Union Street, San Luis, AZ 85349

Phone Number: 928-341-8520

Email Address: jtorres@sanluisaz.gov

Yuma Crossing National Heritage Area

Project Manager: Cathy Douglas – Executive Director

Address: 180 W. 1st, Suite E; Yuma, Arizona 85364

**BROWNFIELDS ASSESSMENT
COALITION**
MEMORANDUM OF UNDERSTANDING
BETWEEN THE FOLLOWING PARTIES:

Phone Number: 928-373-5198
Email Address: cathy.douglas@yumaaz.gov
and

Yuma Multiversity Campus Corporation DBA Elevate Southwest

Project Manager: Jerry Cabrera – President/CEO
Address: 290 S. 1st Avenue, Suite C, Yuma, Arizona 85364
Phone Number: 928-247-9948
Email Address: jerry@elevatesouthwest.org

4. Activities funded through the Cooperative Agreement may include inventory preparation, site selection criteria development, assessments, planning (including cleanup planning) relating to brownfield sites, market studies, outreach materials and implementation, and other eligible activities. Yuma County may retain consultants and contractors pursuant to 2 CFR 200.317-327 to undertake various activities funded through the Cooperative Agreement and may award subgrants to the other Assessment Coalition Members pursuant to 2 CFR 200.330 for assessment projects in their geographic areas pursuant to written subrecipient agreement. Subgrantees are accountable to Yuma County for proper expenditure of funds.
5. Elevate Southwest will procure a consultant to assist in preparing the grant application. The fee for this consultant will be shared equally between the Assessment Coalition Members. Elevate Southwest will ensure its procurement process for such consultant will comply with all applicable laws and regulations. Further, Elevate Southwest will collaborate with Assessment Coalition Members throughout the grant proposal development phase to ensure alignment with requirements and successful proposal submission.
6. Yuma County will procure the consultants in compliance with 2 CFR 200.317-327 requirements. Yuma County will issue the Request for Proposals or Request for Qualifications and will be the entity responsible for receipt of the submitted proposals and qualifications and selection and award of contracts. Yuma County may consult with the other Assessment Coalition Members in making selections of consultants and contractors and negotiating the terms of agreements.
7. Yuma County will initially cover any approved project expenses and invoices through its General Fund. These expenses will be subject to federal funding requirements, including cost principles, uniform administrative requirements, and audit requirements as stipulated by OMB under 2 CFR Part 200. Upon payment of such expenses, Yuma County will submit reimbursement requests to EPA, providing all necessary documentation to demonstrate compliance with federal regulations. All partners shall ensure expenses are eligible for reimbursement under the designated federal funding guidelines and shall cooperate in providing supporting documentation required to facilitate prompt reimbursement.
8. Yuma County, in consultation with the Assessment Coalition Members, will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites meet the requirements set forth in the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) § 104(k) are assessed over the life of the Cooperative Agreement. Selected sites will be submitted to the EPA for prior approval to ensure eligibility.

**BROWNFIELDS ASSESSMENT
COALITION**
MEMORANDUM OF UNDERSTANDING
BETWEEN THE FOLLOWING PARTIES:

9. Upon designation of the specific sites, it will be the responsibility of Yuma County to work with the Assessment Coalition Member in whose geographic area the site is located to finalize the scope of work for the consultants or contractors. It will be the responsibility of this Assessment Coalition Member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site. If this Assessment Coalition Member does not have the capacity to perform these activities, Yuma County may assist in securing necessary site access agreements and permits. Yuma County shall not be responsible for any permitting fees from any Assessment Coalition Member jurisdiction for this purpose.

10. Yuma County is responsible for ensuring that other activities negotiated in the workplan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by Yuma County and the Assessment Coalition Member in whose geographic area the site to be assessed is located.

Agreed:

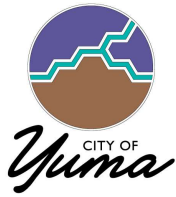
<p>Yuma County Lead Assessment Coalition Member</p> <p>_____</p> <p>Martin Porchas, Chairman Nov 7, 2024 Date</p>	<p>City of Yuma Assessment Coalition Member</p> <p>_____</p> <p>John "Jay" Simonton, City Administrator Nov 7, 2024 Date</p>
<p>Yuma Crossing National Heritage Area Assessment Coalition Member</p> <p>_____</p> <p>Cathy Douglas, Executive Director Nov 7, 2024 Date</p>	<p>Yuma Multiversity Campus Corporation DBA Elevate Southwest Assessment Coalition Member</p> <p>_____</p> <p>Jerry Cabrera, President/CEO Nov 7, 2024 Date</p>
<p>City of San Luis Assessment Coalition Member</p> <p>_____</p> <p>Jenny Torres, Acting City Manager Nov 7, 2024 Date</p>	

ATTEST:

Yuma County

Signature:  (Nov 7, 2024 09:46 MST)

Email: martin.porchas@yumacountyaz.gov



City of Yuma

City Council Report

File #: O2024-039

Agenda Date: 11/20/2024

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

TITLE:

Gift Acceptance: Utility Easement Property

SUMMARY RECOMMENDATION:

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

STRATEGIC OUTCOME:

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

REPORT:

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

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

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

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

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

ORDINANCE NO. O2024-039

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

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

WHEREAS, developers Elliott Construction and Santana 142 own property described in the attached exhibits that is not desirable for inclusion in a subdivision due to powerline easements and a United States Bureau of Reclamation (BOR) "A" canal easement on the property; and,

WHEREAS, the developer seeks to donate the described property to the City at no cost, which will benefit Yuma residents in the future as an area for trails and multiuse pathways; and,

WHEREAS, the described portions of Lots 44 to 51, Santana Unit 2 Subdivision, will be dedicated to the City of Yuma together with a One-Foot non-access easement across the new western property line of the existing lots.

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

SECTION 1: The described property shall be accepted by the City of Yuma at no cost to the City.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized and directed to take all actions necessary to accept donations of fee title to property underlying the USBR "A" Canal Easement and various powerline easements as shown in the attached Location Map and described in the Warranty Deeds attached as Exhibits A and B, and to execute a One-foot non-access easement described in Exhibit C.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



AFFECTED AREA

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



LOCATION MAP

Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA
ENGINEERING
DEPARTMENT**

DATE: **10/21/2024**

SCALE: **N.T.S**

REVISED:

CIP NO.

Warranty Deed Exhibit A

WHEN RECORDED MAIL TO:

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

WARRANTY DEED

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

This Warranty Deed is made by:

Elliott Construction, Inc., an Arizona corporation
6255 E 26th Street
Yuma, AZ 85365
(Grantor)

To the:

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

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

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

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

Dated this 16th day of October, 2024.

Elliott Construction, Inc. an Arizona corporation.

WARRANTY DEED
APS EASEMENT OVER LOTS 44-51 SANTANA UNIT 2
COUNCIL ORDINANCE # 2024-
PAGE 1 of 5

By: Roberta Lynn Cooper
Roberta Lynn Cooper
Assistant Vice President

NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc. an Arizona corporation.

State of Arizona)
) ss.
County of Yuma)

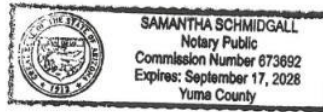
The foregoing instrument was acknowledged before me this 10th day of October, 2024, by Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc., an Arizona corporation, on behalf of the corporation.

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

Samantha Schmidgall
Notary Public

My Commission Expires:

9.17.2028



ACCEPTED AND APPROVED, hereby dedicating to the City of Yuma, Arizona, as public property and other purposes related thereto.

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF
A PORTION OF THE SANTANA UNIT 2 SUBDIVISION, LOTS 44-51

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 22
WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,
COUNTY, ARIZONA;
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE
WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST ALONG THE
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 10, SAID LINE ALSO BEING THE WEST
BOUNDARY LINE OF THE SANTANA UNIT 2 SUBDIVISION AS RECORDED IN
BOOK 34, PAGE 65, YUMA COUNTY RECORDS, A DISTANCE OF 605.26 FEET
TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 32 MINUTES 46 SECONDS WEST
ALONG THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 128.56 FEET TO
A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A"
CANAL;

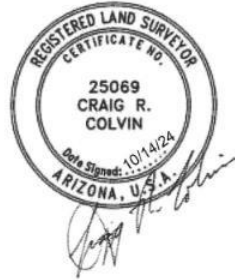
THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID
SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL, AND
THE NORTHWESTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2
SUBDIVISION, A DISTANCE OF 407.00 FEET TO THE NORTHWESTERLY
CORNER OF SAID SANTANA UNIT 2 SUBDIVISION;

THENCE SOUTH 54 DEGREES 51 MINUTES 31 SECONDS EAST ALONG THE
NORTHEASTERLY BOUNDARY LINE OF SAID SANTANA UNIT 2
SUBDIVISION A DISTANCE OF 75.00 FEET TO A POINT ON THE
SOUTHEASTERLY BOUNDARY LINE OF AN ARIZONA PUBLIC SERVICE
EASEMENT AS RECORDED IN FEE NUMBER 2014- 05545 YUMA COUNTY
RECORDS;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST ALONG SAID
SOUTHEASTERLY ARIZONA PUBLIC SERVICE EASEMENT LINE A DISTANCE
OF

511.42 FEET TO A POINT ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, AND THE TRUE POINT OF BEGINNING.

CONTAINING 0.791 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew Mc Camie</i>
City Engineering Department	Date <i>10/21/2024</i>

Warranty Deed Exhibit B

WHEN RECORDED MAIL TO:

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

WARRANTY DEED

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

This Warranty Deed is made by:

Santana 142 RE Holdings, L.L.C.
6255 E 26th Street
Yuma Arizona 85365
(Grantor)

To the:

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

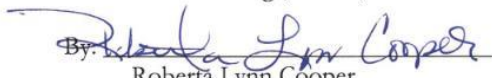
For the consideration of Ten Dollars (\$10.00), and other valuable consideration, Grantor does hereby convey to Grantee, that parcel of real property situated in Yuma County, Arizona described in Exhibit "A" attached and by this reference incorporated as part of this warranty deed.

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

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

Dated this 16th day of October, 2024.

Santana 142 RE Holdings, L.L.C., an Arizona limited liability company

By: 
Roberta Lynn Cooper,
Manager

WARRANTY DEED
SANTANA UNIT 1 & 2 FEE TITLE TO CANAL R-O-W
COUNCIL ORDINANCE # 2004-
PAGE 1 of 5

NOTARIAL ACKNOWLEDGEMENT

Signers: Roberta Lynn Cooper, Manager of Santana 142 RE Holdings, L.L.C.,
an Arizona limited liability company.

State of Arizona)
) ss.
County of Yuma)

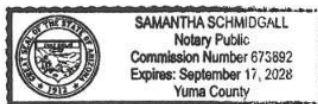
The foregoing instrument was acknowledged before me this 16th day
of October, 2024, by Roberta Lynn Cooper, Manager of Santana 142
RE Holdings, L.L.C., an Arizona limited liability company.

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

Samantha Schmidgall
Notary Public

My Commission Expires:

9.17.2028



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

City of Yuma

Dated: _____

John D. Simonton
Acting City Administrator

Attest:

Dated: _____

Lynda L. Bushong
City Clerk

Approved as to form:

Dated: _____

Richard W. Files
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE SANTANA UNIT 1 & 2 CANAL "A"

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE
22 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA,
COUNTY, ARIZONA;
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST
HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF
SAID SECTION 10;

THENCE NORTH 89 DEGREES 15 MINUTES 10 SECONDS EAST ALONG
THE NORTH LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 662.32
FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF WEST
HALF OF NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00 DEGREES 32 MINUTES 55 SECONDS EAST ALONG
THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 494.08
FEET (RECORD SOUTH 00 DEGREES 07 MINUTES 43 SECONDS EAST,
A DISTANCE OF 495.16 FEET) TO A 1-1/4" IRON PIPE, SAID POINT
BEING ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE
U.S.B.R. "A" CANAL AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 35 DEGREES 08 MINUTES 29 SECONDS WEST
ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF THE
U.S.B.R. "A" CANAL, A DISTANCE OF 1135.37 FEET (RECORD SOUTH
35 DEGREES 35 MINUTES 35 SECONDS WEST, A DISTANCE OF
1134.35 FEET) TO A 1/2" REBAR CAPPED LS 16626, SAID POINT
BEING ON THE WEST LINE OF THE WEST HALF OF THE WEST HALF
OF THE NORTHEAST QUARTER OF SAID SECTION 10;

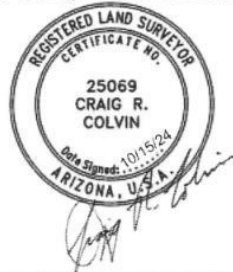
THENCE SOUTH 00 DEGREES 32 MINUTES 46 SECONDS EAST ALONG THE
WEST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 10, A DISTANCE OF 497.11 FEET (RECORD
SOUTH 00 DEGREES 07 MINUTES 53 SECONDS EAST) TO A 1/2" REBAR
CAPPED LS 16810, SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF
WAY LINE OF THE U.S.B.R. "A" CANAL;

WARRANTY DEED
SANTANA UNIT 1 & 2 FEE TITLE TO CANAL R-O-W
COUNCIL ORDINANCE # 2004-
PAGE 4 of 5

THENCE NORTH 35 DEGREES 08 MINUTES 29 SECONDS EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL A DISTANCE OF 1135.41 FEET TO A 1/2" REBAR CAPPED LS 16626, SAID POINT BEING ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

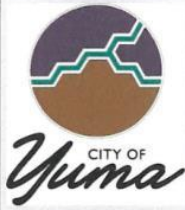
THENCE NORTH 00 DEGREES 32 MINUTES 55 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 497.09 FEET, TO THE POINT OF BEGINNING.

CONTAINING 7.559 ACRES MORE OR LESS.



Description Verified By:	<i>Andrew McConie</i>
City Engineering Department	Date <i>10/21/2024</i>

One-Foot Noon-Access Easement Exhibit C



**ONE FOOT
NON-ACCESS
EASEMENT**

When Recorded, Return To:
The City of Yuma - Engineering
(City will pick up)


We, **Elliott Construction, Inc.** an Arizona corporation ("Grantor"), for and in consideration of good and valuable consideration, the receipt of which is acknowledged, hereby grants to the City of Yuma, an Arizona municipal corporation ("Grantee"), a permanent One Foot Non-Access Easement along the westerly property lines, and remainder of lots 44, 45, 46, 47, 48, 49, 50, and 51, also being the Southeasterly right-of-way line of the Arizona Public Services easement as shown in the Santana Unit 2 subdivision plat dated 6/17/2022, FEE # 2022-20999, recorded in Book 34 of Plats, Page 8, all located within that portion of the West half of the Northeast quarter of Section 10, Township 9 South, Range 22 West of the Gila and Salt River Basin and Meridian, City of Yuma, Yuma County, Arizona, and across the real estate ("Property") described as the remainder of the following:

ASSESSORS PARCEL NUMBERS
698-47-044, 698-47-045, 698-47-046, 698-47-047,
698-47-048, 698-47-049, 698-47-050, AND 698-47-051.

By virtue of this Easement, Grantor, for and on behalf of themselves and their successors in interest, acknowledge the One Foot Non-Access Easement shall extend the full length of the westerly property line of the remainder lots 44, 45, 46, 47, 48, 49, 50, and 51, Santana Unit 2 subdivision plat, with the recordation of Warranty Deed 2024-_____. Grantor and Grantor's successors specifically waive any rights or suit, complaint, petition, claims, or other such actions as may impede the use and development of the described Easement. Grantor acknowledges that Grantor's Property will be restricted to certain access points into and out of the Property.

Grantor and Grantee intend that this Easement will be construed and interpreted under the laws of the State of Arizona that this Easement shall run with the land, and is binding upon all present and future owners of the Property.

Elliott Construction, Inc., an Arizona corporation.

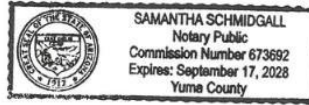
By: 
Roberta Lynn Cooper,
Assistant Vice President

ACKNOWLEDGMENT

State of Arizona)
County of Yuma) ss

The foregoing instrument was acknowledged before me this 16th day of October 2024, by Roberta Lynn Cooper, Assistant Vice President of Elliott Construction, Inc., an Arizona corporation, on behalf of the corporation.

Samantha Schmidgall
Notary Public





City of Yuma

City Council Report

File #: O2024-040

Agenda Date: 12/4/2024

Agenda #: 1.

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

TITLE:

Text Amendment: Zoning Amendments

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will ensure that City regulations reflect recent modifications to the state law, supporting the City Council’s strategic outcome of Respected and Responsible.

REPORT:

The purpose of this text amendment is to align the City of Yuma zoning code with recent legislative changes for review of zoning map amendment applications. The change in statute requires a maximum 30 days administrative review to determine whether a zoning application is complete. Once complete, the municipality shall approve or deny the application within 180 days from the date the application is administratively complete.

As required by Senate Bill 1162, the proposed Yuma City Code text amendment establishes a 30-day timeline for staff review of applications for completeness. In accordance with the new statute, the proposed text amendment further requires a written response from the City identifying any deficiencies in the application within that 30-days.

The Arizona legislature implemented this change to require cities and counties to review applications and either approve or deny zoning in a timely manner. This appears to be an issue in other parts of Arizona but rarely an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning approval or denial by the municipality for “extenuating circumstances, a onetime extension of not more than thirty days” may be granted, or a 30-day extension may be granted for each “applicant request.”

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote

(rounded to the nearest whole number) of the City Council will be necessary for a zoning change request to be successful. The statute change excludes government properties from the 20% requirement. The proposed amendment to the Yuma City Code also amends the corresponding 20% rule to exclude government property.

On October 28, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning applications.

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

QUESTIONS FOR STAFF

“Commissioner Greg Counts asked what the current timeline is. Jennifer Albers, Assistant Director of Planning, stated that there is no required timeline now.

PUBLIC COMMENT - None

“Motion by Greg Counts - Planning and Zoning Commissioner, second by Chelsea Malouf - Planning and Zoning Commissioner, to APPROVE ZONE-43152-2024 to address timelines for the review of zoning applications.

“Motion carried unanimously (6-0), with and Ashlie Pendleton - Planning and Zoning Commissioner absent.”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

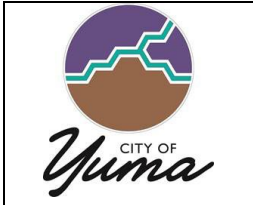
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



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

Hearing Date October 28, 2024

Case Number: ZONE-43152-2024

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning, variance and conditional use permit applications.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to address timelines for the review of zoning, variance and conditional use permit applications.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-43152-2014 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council to address timelines for the review of zoning, variance and conditional use permit applications.

Staff Analysis: The purpose of this text amendment is to align the City of Yuma zoning code with recent State of Arizona statute changes for the review of zoning map amendment applications. Recent changes in statute with regard to the time allowed to review an application for completeness has prompted staff to review the City code and propose the attached text amendment.

As required by Senate Bill 1162, the proposed amendment establishes a 30-day timeline for staff review of applications for completeness. And further requires a written response from the City identifying any deficiencies in the application within that 30-days. The legislature implemented this change to require cities and counties to review applications in a timely process. This appears to be an issue in other parts of Arizona but has never been an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning map amendments.

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote of the City Council will be necessary for a zoning change request to be successful. The statute change is to exclude government properties from the 20% requirement. This legislative change will likely make it easier for private properties owners to initiate a protest and prompt the three-fourths vote of City Council.

Staff originally intended to expand the 30-day review timeline to include variance and conditional use permit requests to be consistent in how we review applications and provide responses to applicants. But at this time staff has removed that

portion of the text amendment pending an evaluation of how the new process will have an effect on case schedules. Application review for other case types can be addressed at a later date.

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

Yes The City of Yuma 2022 General Plan reflects the Visions and Strategic Plan of the City Council for the City. This text amendment supports a Strategic Outcome to be Respected and Responsible as a trusted steward of City Resources and to be relied upon to provide premier services and regional leadership.

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

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

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

No

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

No

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

There are no potential negative impacts identified with the proposed text amendment.

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

N/A

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

Yes This amendment supports City Council's commitment to provide premier services to the Yuma community.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Jennifer L. Albers*

Date: 10/17/24

Jennifer L. Albers

Assistant Director of Planning Jennifer.Albers@YumaAZ.gov (928) 373-5180

Approved By: *Alyssa Linville*

Date: 10/18/24

Alyssa Linville

Director, Planning and Neighborhood Services

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) be amended to insert the bolded text and delete the strike through text:

(B) *Application for amendment of zoning map.* The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application ~~and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.~~

- (1) **Administrative completeness review time frame.** The City shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the City will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the City receives the resubmitted application. The City shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.
- (2) **Approval or Denial of Zoning Applications.** After determining that a zoning application is administratively complete, the City Council of the City of Yuma shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:
 - a. Staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
 - b. Staff may grant extensions in thirty (30) days increments at the request of the applicant.
- (3) **Exceptions.** This Section does not apply to:
 - a. Land that is designated as a district of historical significance pursuant to ARS § 9-462.01(a); and
 - b. An area that is designated as historic on the national register of historic places;
 - c. Land that is already zoned as a planned area development (PAD).

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J) Sub-paragraph (1) be amended to insert the bolded text and delete the strike through text:

- (1) If the owners of 20% or more, **excluding government property**, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/20/24
- 34 Commenting/Reviewing Agencies noticed: 08/27/24
- Neighborhood Meeting: N/A
- Hearing Date: 10/14/24
- Comments due: 09/09/24

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	9/3/24	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 Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/29/24	X		
MCAS - Yuma	Yes	8/30/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/29/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

ORDINANCE NO. 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

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 28, 2024 in Case No: ZONE-43152-2024 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 20, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-43152-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and supports the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) is amended to insert the following bolded text and delete the strike through text:

(B) *Application for amendment of zoning map.* The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application ~~and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.~~

- (1) Administrative completeness review time frame. The City shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the City will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the City receives the resubmitted application. The City shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.**
- (2) Approval or Denial of Zoning Applications. After determining that a zoning application is administratively complete, the City Council of the City of Yuma shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:**

- a. Staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
- b. Staff may grant extensions in thirty (30) day increments at the request of the applicant.

(3) Exceptions. This Section does not apply to:

- a. Land that is designated as a district of historical significance pursuant to ARS § 9-462.01(a); and
- b. An area that is designated as historic on the national register of historic places;
- c. Land that is already zoned as a planned area development (PAD).

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J), Sub-paragraph (1) is amended to insert the following bolded text:

- (1) If the owners of 20% or more, **excluding government property**, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

SECTION 3: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2024.

APPROVED:

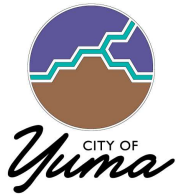
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-041

Agenda Date: 12/4/2024

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: Southeast Corner of S. Avenue 7E and E. 40th Street

SUMMARY RECOMMENDATION:

Rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The applicant proposes developing the property for the Desert Sky Unit 4 townhome development. Currently, the site is undeveloped. The applicant proposes to construct 204 units on approximately 28.5 acres. With this request, the applicant seeks to rezone the property from Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

Density

The Planned Unit Development Overlay (PUD) District states, “the average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include only open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area (Yuma City Code (YCC) §154-14-07 (C)(4)).”

The zoning district regulation applicable to this project is the Medium Density Residential (R-2) District regulations contained within YCC §154-07-01. The R-2 District requires a minimum lot size of 4,500 square feet.

The total lot area of this subdivision, which includes the common areas and excludes the streets, is approximately 938,919 square feet. The density calculation: the total area divided by 208 lots, provides an average lot area of 4,514 square feet, as required by the R-2 District with the PUD Overlay.

Development Standards

“Planned Unit Development are intended to permit greater flexibility and, consequently more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning designations (YCC §154-14.07 (A)).”

The proposed development with the PUD overlay would allow the following dimensional variations:

- An increase in the number of 4,500 square foot lots from 72 lots to 103 lots.
- A decrease in the minimum lot size from 4,500 square feet to 3,300 square feet.
- A decrease in the minimum lot width from 50’ to 30’.
- Staggered front yard setbacks of 15’ and 20’ (20’ is the standard front yard setback).
- A reduction in the side yard setbacks from 7’ on each side to zero feet on each side.
- An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

Amenities

“PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces (YCC §154-14.07 (A)).”

The applicant has agreed to the following amenities for the proposed PUD:

1. A landscaped retention basin.
2. A 50’-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street. Additionally, this linear tract will be extended to 44th Street upon future development to the south.
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

Dwelling Unit Design and Massing Plan

The applicant proposes five different floor plans and two different garage roof designs. The units will include a combination of asphalt and tile roofing with the air conditioning units in the rear. The elevations for these floor plans are available in Attachment C of the Planning and Zoning Commission Report.

The massing plan illustrates the arrangement of the units with the staggered setbacks, the interconnected walking paths, the retention basin/common area, and the walking path connecting the two phases of development. The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density far beyond what would be allowed under the underlying zoning district. This increase in density is financially beneficial to the applicant. The tradeoff for the increased density is that the applicant provides a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this phase of development along with the required amenities in phase one, meet the intent for a Planned Unit Development as outlined in the City Code.

On October 28, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with Pendleton absent) of the request to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at the southeast corner of S. Avenue 7E and E. 40th Street, subject to the conditions of approval outlined below:

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 shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
6. Each of the conditions listed above shall be completed within five (5) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to ARS § 9-462.01.

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

“Zenia Fiveash, Assistant Planner, summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF:

“John Mahon - Planning and Zoning Commissioner asked if Condition No. 5 stopped the applicant from doing additional landscaping. **Fiveash** said that the front would consist of Bermuda grass and trees. **Fiveash** noted that the applicant agreed with all the conditions.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION:

“Motion by Chelsea Malouff, second by Gregory Counts to APPROVE ZONE-43195-2024 as presented, subject to the Conditions of Approval in Attachment A.

“Motion carried unanimously (6-0), with Ashlie Pendleton - Planning and Zoning Commissioner absent.”

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:

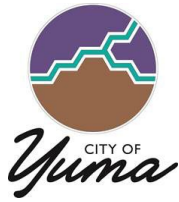
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: Jennifer Reichelt for John D. Simonton	Date: 11/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 11/21/2024



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

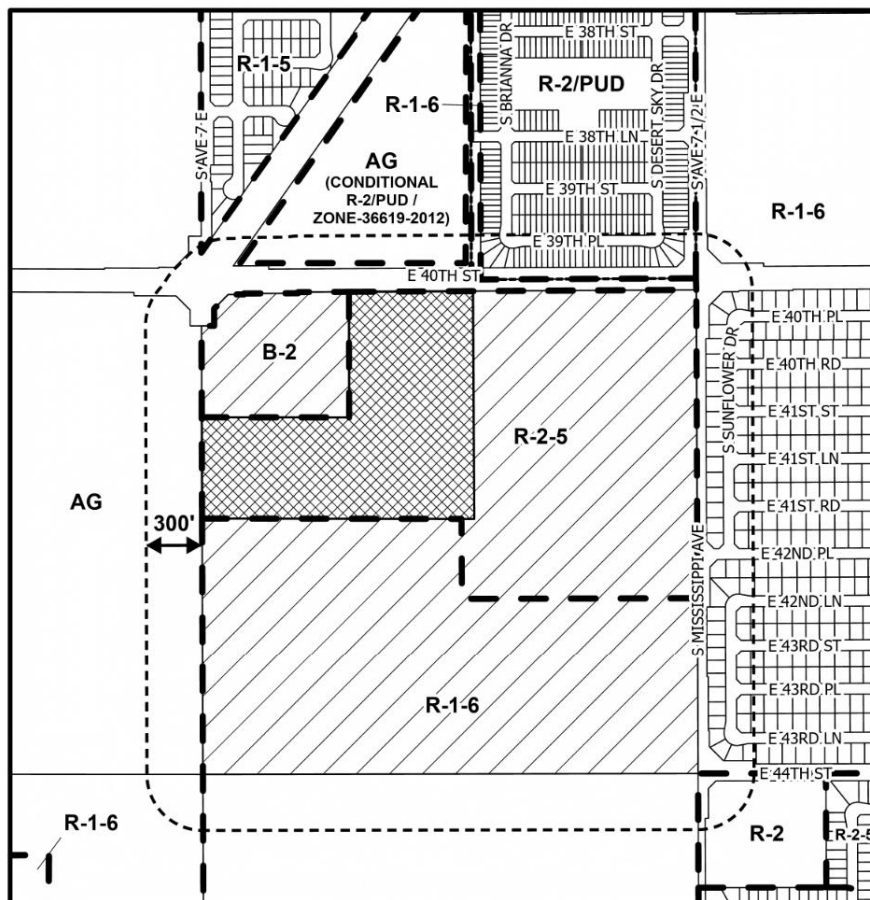
Hearing Date: October 28, 2024

Case Number: ZONE-43195-2024

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc. on behalf of Brian L Hall Trust, dated 12-1-2005, to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, for the property located at the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Medium Density Residential
North	Agriculture (AG) (Conditional R-2/PUD ZONE-36619-2012)	Undeveloped	Medium Density Residential
South	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
East	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Medium Density Residential
West	Agriculture (AG)	Undeveloped	Commercial

Location Map



Prior site actions: Annexation: Ordinance 097-81 (January 2, 1998); General Plan Amendment: Res. R2019-044 (October 16, 2019/Low Density Residential Use to Medium Density Residential)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-43195-2024 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 recommended approval to City Council for the request to the Medium Density Residential/Planned Unit Development (R-2/PUD) District for the property located at , southeast corner of S. Avenue 7E and E. 40th Street, 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 applicant proposes developing the subject property for the Desert Sky Unit 4 townhome development. Currently, the site is undeveloped land. The applicant is proposing to construct 204 units on approximately 28.5 acres. With this request, the applicant is seeking to rezone the property from Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

Density

The average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include only open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area §154-14-07 (C)(4).

The zoning district regulation applicable to this project is the Medium Density Residential District (R-2) regulations contained within §154-07-01. The R-2 District requires a minimum lot size of 4,500 square feet.

The total lot area of this subdivision, which includes the common areas, but not the street is 938,919 square feet. The density calculation: 208 lots divided by the area, gives an average lot area of 4,514 square feet.

Development Standards

“Planned Unit Development are intended to permit greater flexibility and, consequently more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning designations (§154-14.07 (A)).”

The proposed development with the PUD overlay would allow the following dimensional variations:

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Amenities

“PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces (§154-14.07 (A)).”

The applicant has agreed to the following amenities for the proposed PUD:

1. A landscaped retention basin.
2. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street. Additionally, this linear tract will be extended to 44th Street upon future development to the south.
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Dwelling Unit Design and Massing Plan

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The massing plan illustrates the arrangement of the units with the staggered setbacks, the interconnected walking paths, the retention basin/common area, and the walking path connecting the two phases of development. The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density far beyond what would be allowed under the underlying zoning district. This increase in density is financially beneficial to the applicant. The tradeoff for the increased density is that the applicant provides a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this phase of development along with the required amenities in phase one, meet the intent for a Planned Unit Development as outlined in the City Code.

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

Land Use Element:							
Land Use Designation:		Medium Density Residential					
Issues:		None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None X

Historic Buildings on Site:	Yes	No	X
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2. Are there any dedications or property easements identified by the Transportation Element?
Yes

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
40 th Street 4- Lane Minor Arterial	50 FT H/W ROW	62 FT H/W ROW				
Bicycle Facilities Master Plan	40 th Street – Proposed Bike Lane					
YCAT Transit System	None					
Issues:	None					

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: Saguaro Park			Future:			
Community Park:	Existing: None			Future: South Mesa Community Park			
Linear Park:	Existing: None			Future: "A" Canal Linear Park			
Issues:	None						
Housing Element:							
Special Need Household:	N/A						
Issues:	None						
Redevelopment Element:							
Planned Redevelopment Area:	None						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes		No		N/A		
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
Population Impacts Population projection per 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Multi-Family		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	386	1.6	618	1.17	127,843	143.2	43,232
	Minimum						
149	1.6	238	0.45	49,349	55.3	16,688	
Fire Facilities Plan:	Existing: Fire Station No. 7			Future:			
Water Facility Plan:	Source:	City	X	Private	Connection:	10" PVC Line	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC Line	
Issues:	None						
Safety Element:							
Flood Plain Designation:	Flood Zone X		Liquefaction Hazard Area:		Yes	No	X
Issues:	None						

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	
Issues:	None								

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

Yes

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

Yes

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 10/17/24

Final staff report delivered to applicant on: 10/18/24

- Applicant agreed with all of the conditions of approval on: 10/18/24
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By: *Zenia Fiveash*

Date: 10-17-24

Zenia Fiveash
Assistant Planner
Zenia.Fiveash@yumaaz.gov

(928) 373-5000, x3040

Reviewed By: *Jennifer L. Albers*

Date: 10/17/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 10/18/24

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:

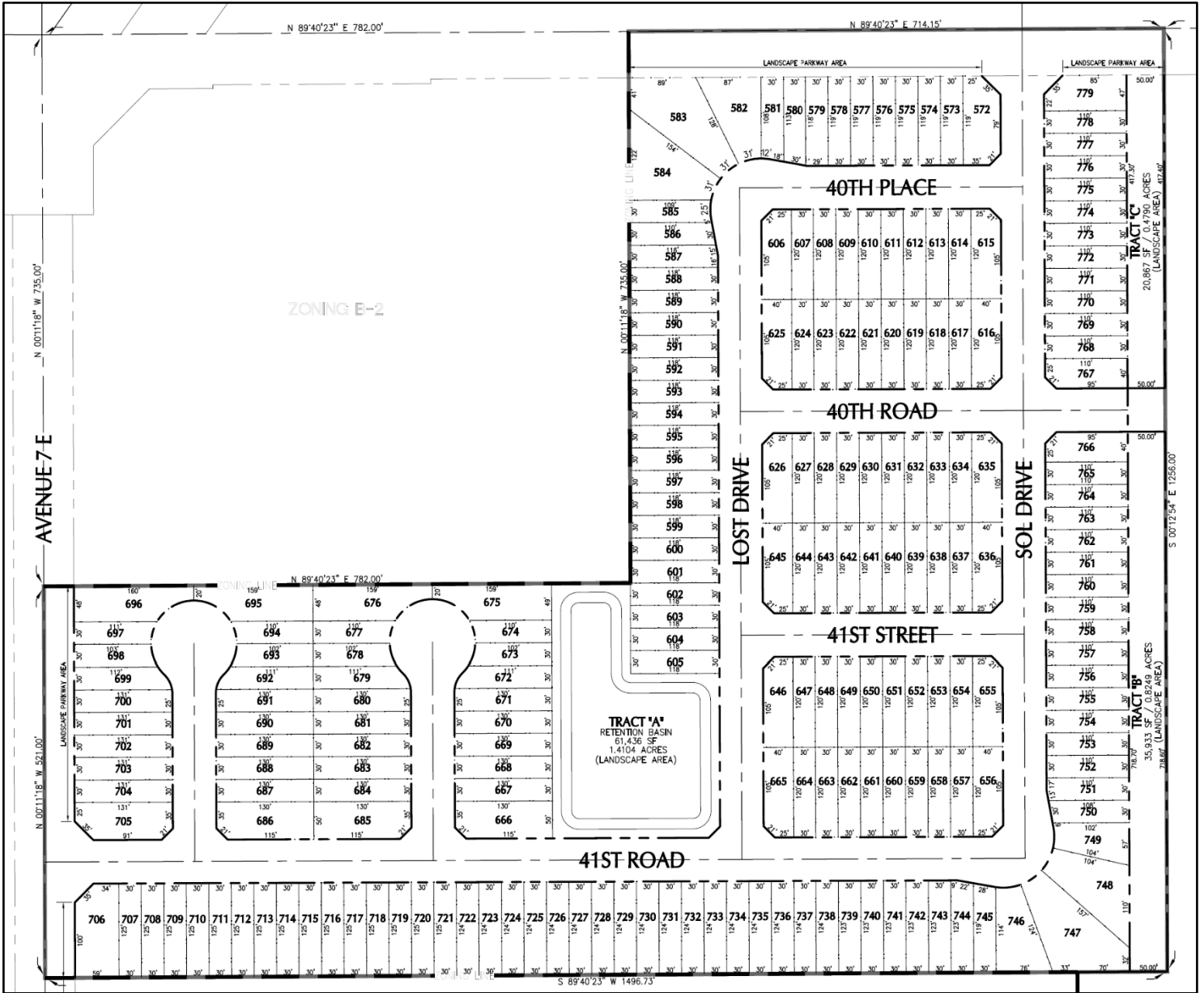
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning, Zenia Fiveash, Assistant Planner, (928) 373-5000 x3040:

4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
6. Each of the conditions listed above shall be completed within five (5) 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.

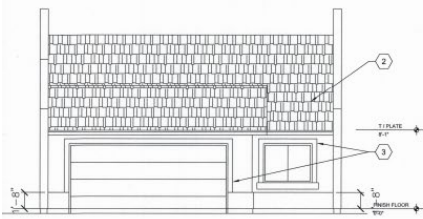
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B CONCEPTUAL SITE PLAN



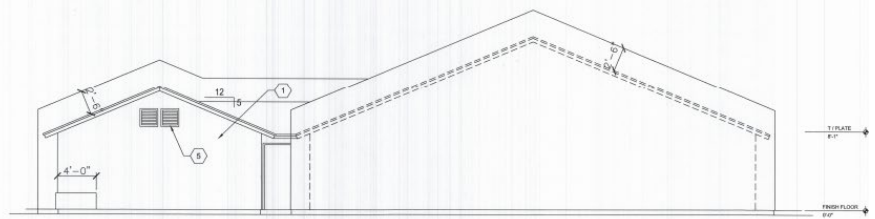
ATTACHMENT C ELEVATIONS

Model 1236:



1 Front Elevation

SCALE: 3/16"=1'-0"



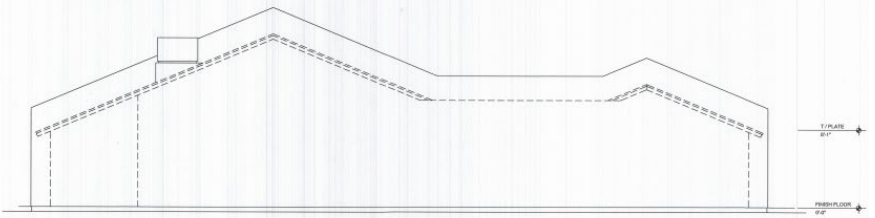
1 Right Side Elevation

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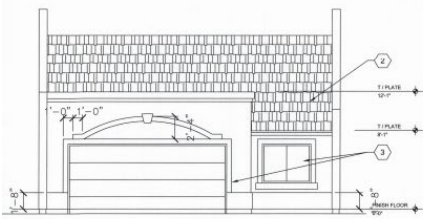
1 Rear Elevation

SCALE: 3/16"=1'-0"



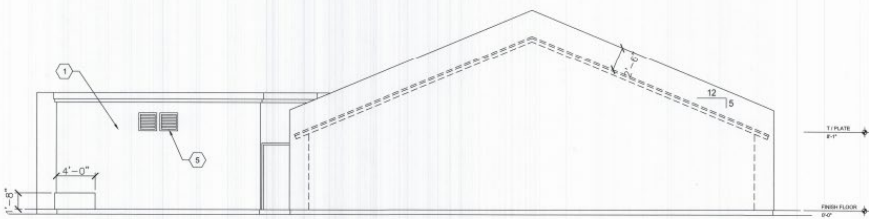
1 Left Side Elevation

SCALE: 3/16"=1'-0"



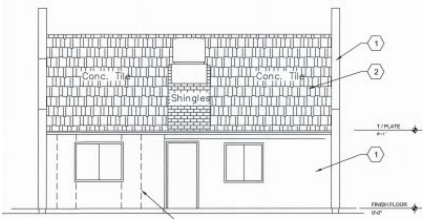
1 Front Elevation

SCALE: 3/16"=1'-0"



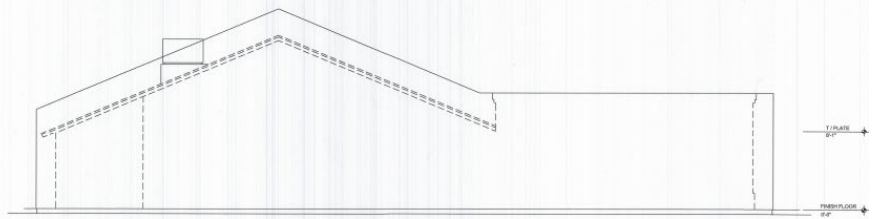
1 Right Side Elevation

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1 Rear Elevation

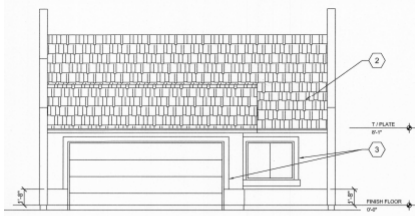
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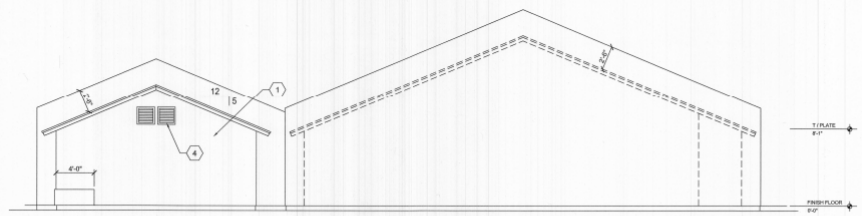
1 Left Side Elevation

SCALE: 3/16"=1'-0"

Model 1280:



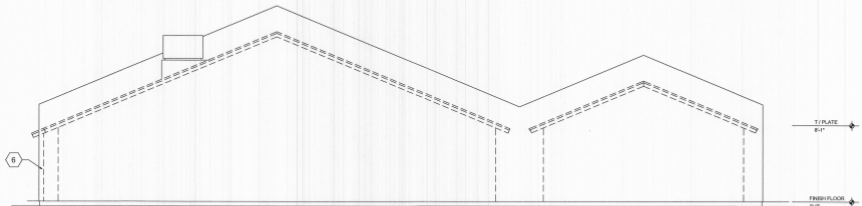
1 Front Elevation
SCALE: 3/16"=1'-0"



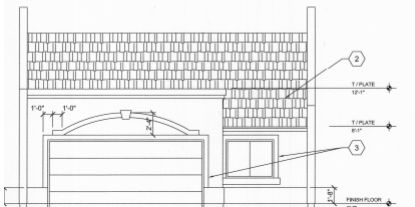
1 Right Side Elevation
SCALE: 3/16"=1'-0"



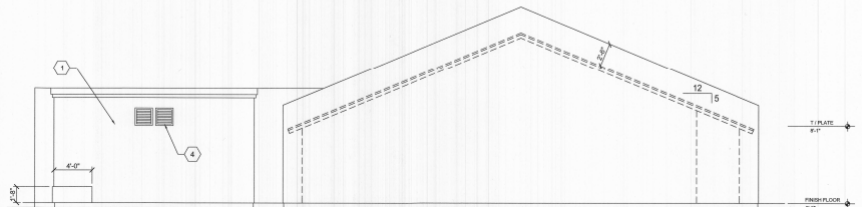
1 Rear Elevation
SCALE: 3/16"=1'-0"



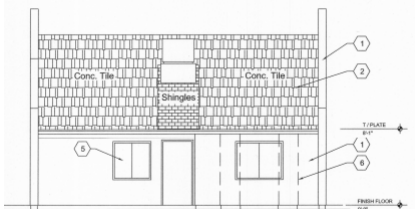
1 Left Side Elevation
SCALE: 3/16"=1'-0"



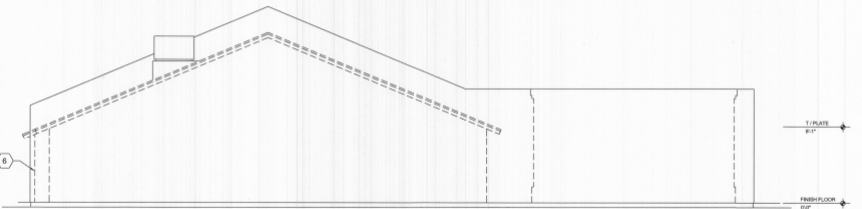
1 Front Elevation
SCALE: 3/16"=1'-0"



1 Right Side Elevation
SCALE: 3/16"=1'-0"

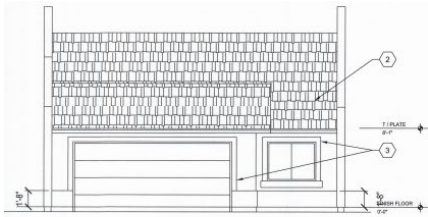


1 Rear Elevation
SCALE: 3/16"=1'-0"



1 Left Side Elevation
SCALE: 3/16"=1'-0"

Model 1316:



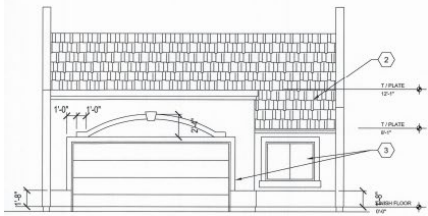
1 Front Elevation

SCALE: 3/16"=1'-0"



1 Rear Elevation

SCALE: 3/16"=1'-0"



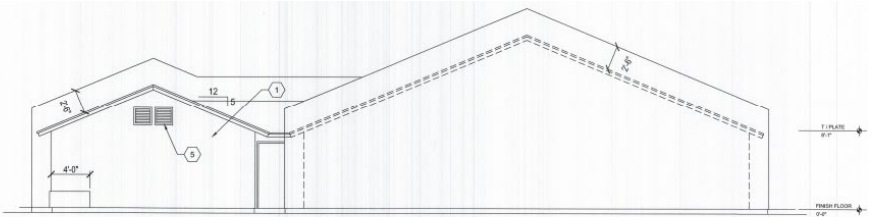
1 Front Elevation

SCALE: 3/16"=1'-0"



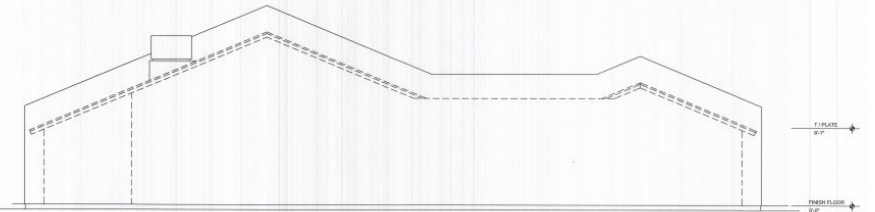
1 Rear Elevation

SCALE: 3/16"=1'-0"



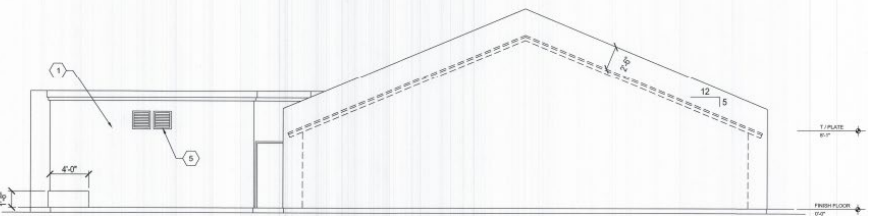
1 Right Side Elevation

SCALE: 3/16"=1'-0"



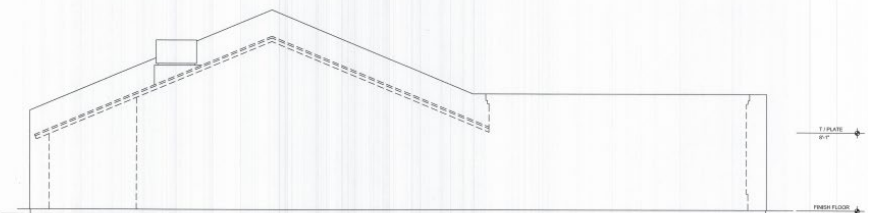
1 Left Side Elevation

SCALE: 3/16"=1'-0"



1 Right Side Elevation

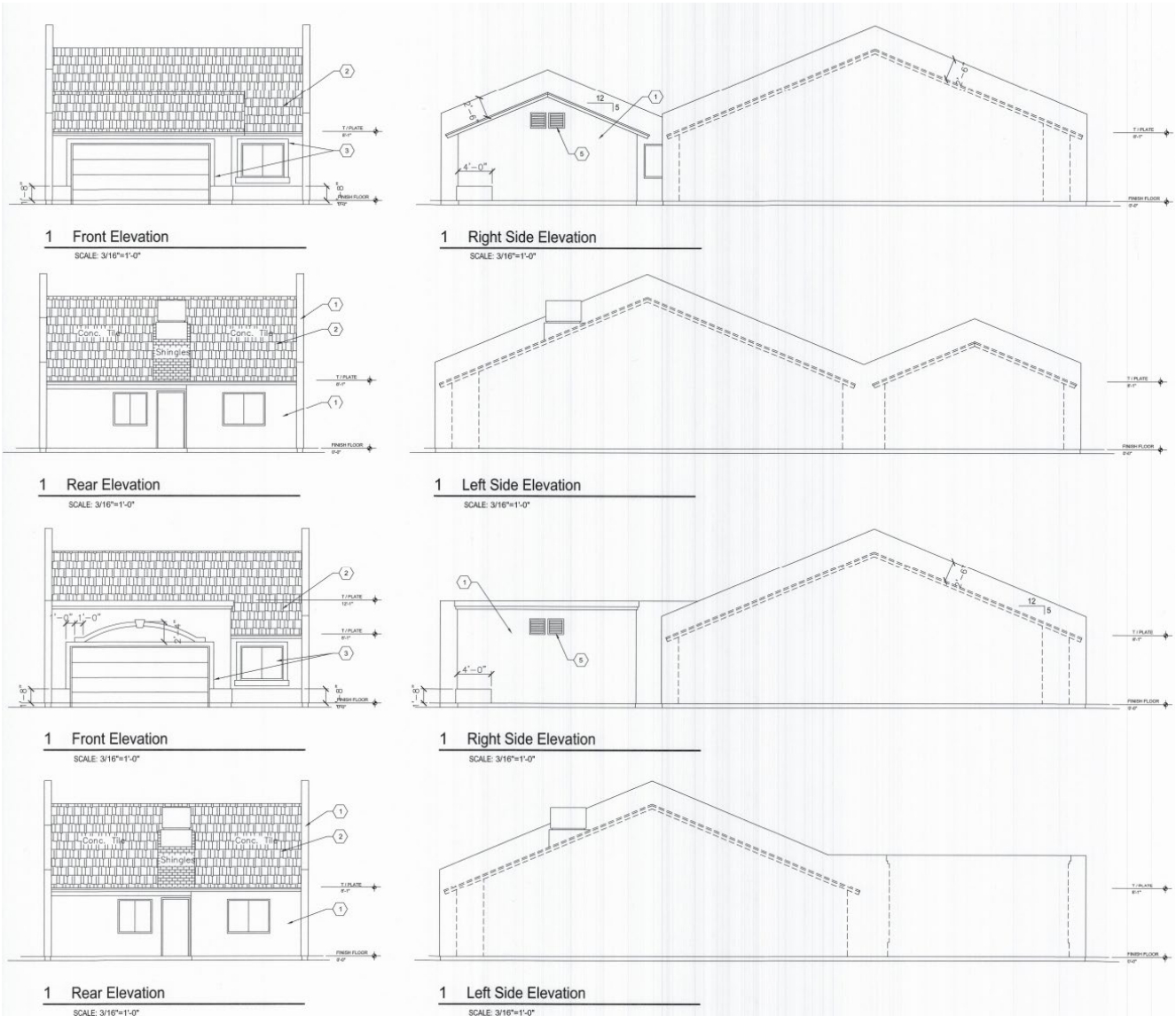
SCALE: 3/16"=1'-0"



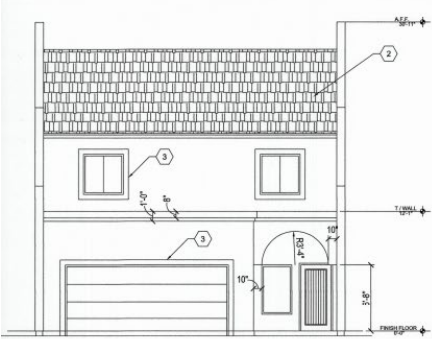
1 Left Side Elevation

SCALE: 3/16"=1'-0"

Model 1386:

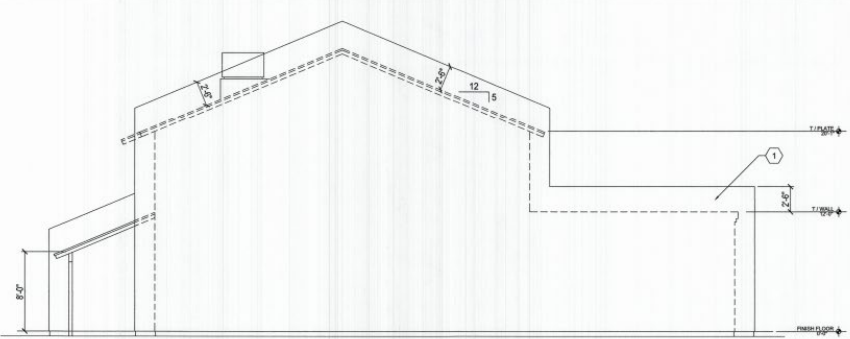


Model 1906:



1 Front Elevation

SCALE: 3/16"=1'-0"



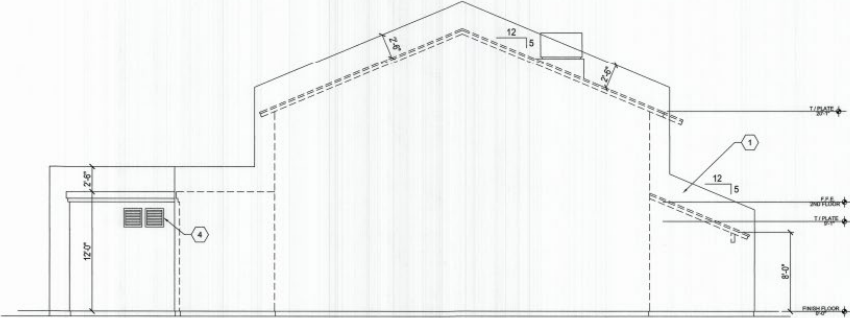
1 Left Side Elevation

SCALE: 3/16"=1'-0"



1 Rear Elevation

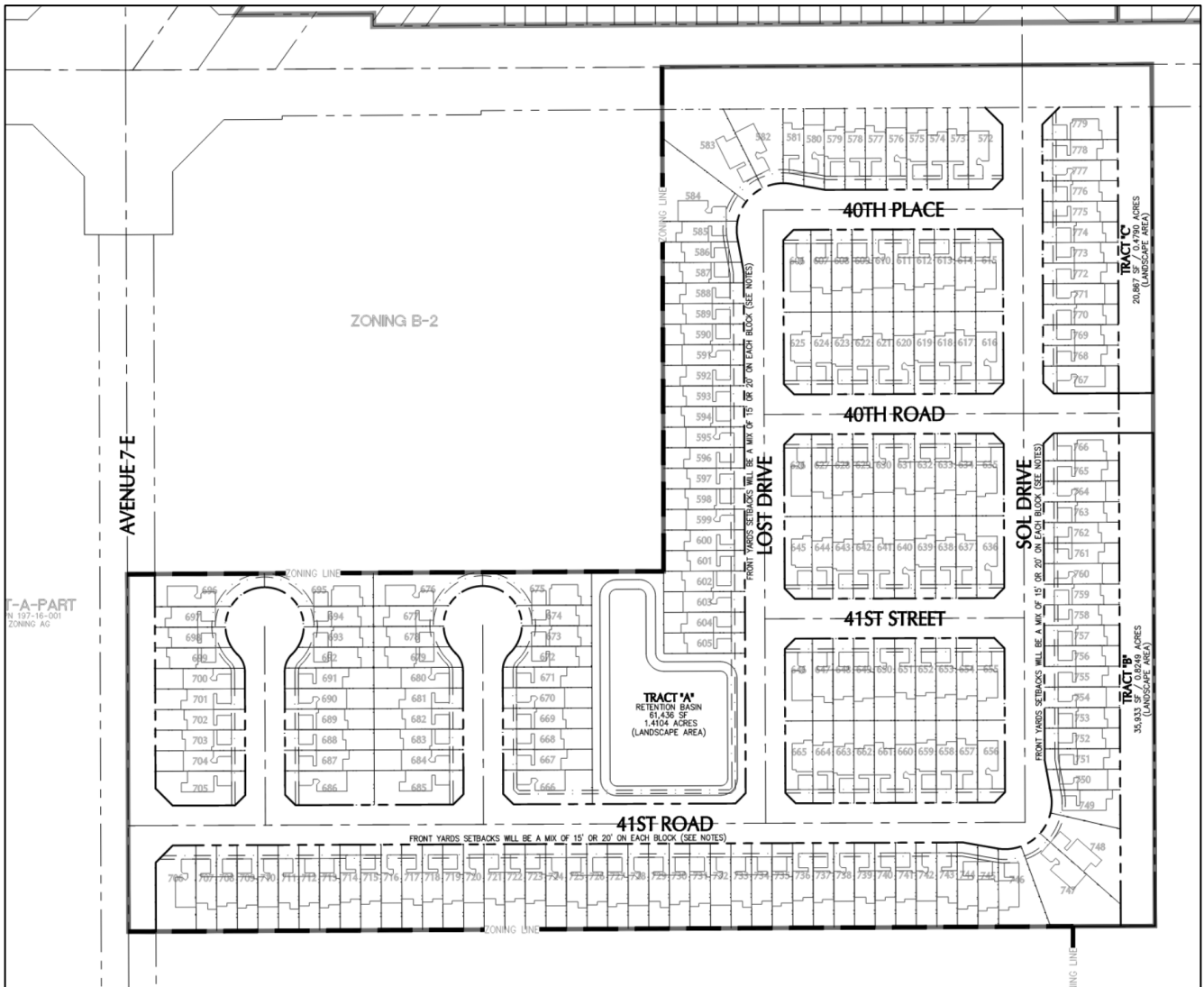
SCALE: 3/16"=1'-0"



1 Right Side Elevation

SCALE: 3/16"=1'-0"

ATTACHMENT D MASSING PLAN



**ATTACHMENT E
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 9/30/24
- **300' Vicinity Mailing:** 9/09/24
- **34 Commenting/Reviewing Agencies noticed:** 9/23/24
- **Site Posted on:** 10/21/24
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 10/28/24
- **Comments due:** 9/23/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	9/16/24		X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	9/16/2		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	9/17/24				X
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	9/16/24		X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	9/19/24				X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT F
AGENCY COMMENTS

Western Area Power Administration (WAPA) has no objections to the rezoning of the subject property, however WAPA does have facilities that may be potentially impacted. Please have the landowner contact WAPA prior to ANY construction activities within our right of way.

DATE: 9/18/24 NAME: Dennis Patane TITLE: Realty Specialist
AGENCY: Western Area Power Administration-DSW Region
PHONE: 602 605-2713
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s) No Condition(s) Comment

Enter conditions here: The subject parcel (APN 197-15-001) is located approximately 1.75 miles from the Barry M. Goldwater Range West (BMGR-W) northern boundary. It is requested that Avigation easement and Range Disclosure Statements be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, BMGR, and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE: 19 Sep 2024 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s) No Condition(s) Comment

Enter conditions here:

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along the Avenue 7E frontage for a collector street per the City of Yuma Transportation Master Plan. Plus widening for turn lanes at the intersections of Avenue 7E and 40th Street, and Avenue 7E and 44th Street, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 50 feet halfwidth right-of-way along the 40th Street frontage for a Minor Arterial street per City of Yuma Transportation Master Plan. Plus widening for turn lanes at the intersections of Avenue 7E & 40th Street and 40th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along the Avenue 7½E/Mississippi Avenue frontage for a mid-section collector street. Plus widening for turn lanes at the intersections of Avenue 7½E/Mississippi Avenue and 40th Street, and 44th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate 40 feet halfwidth right-of-way along 44th Street frontage for a mid-section collector street. Plus widening for turn lanes at the intersections of Avenue 7E and 44th Street, and 44th Street and Avenue 7½E/Mississippi Avenue, per Figure 3 of the 2005/2007 Major Roadways Plan.

The Owner/Developer shall dedicate corner triangles with 40 foot legs, at all of the intersections listed above.

The Owner/Developer shall dedicate the above listed right-of-way by warranty deed or by plat.

DATE: 9/19/2024 NAME: Andrew McGarvie TITLE: Development Engineering Manager
CITY DEPT: Engineering
PHONE: 3044
RETURN TO: Zenia Fiveash
Zenias.Fiveash@YumaAZ.gov

ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ACUNA DANIELLE	7517 E 43RD LN	YUMA	AZ	85365
AGUIRRE CARLOS J & MARIA D JT	4076 S SUNFLOWER DR	YUMA	AZ	85365
AGUIRREBARRENA TYLER O	7523 E 42ND PL	YUMA	AZ	85365
AKKADIAN LLC	4132 S HINCKLEY DR	YUMA	AZ	85365
AKKADIAN LLC	4132 S HINCKLEY DR	YUMA	AZ	85365
ALVAREZ RODRIGO & PRICILLA	4316 S SUNFLOWER DR	YUMA	AZ	85365
AMADOR KARLA E	7552 E 41ST ST	YUMA	AZ	85365
ANDERSON BLAKE D	779 BEDFORD DR	SALINAS	CA	93901
ANDERSON BLAKE D	779 BEDFORD DR	SALINAS	CA	93901
ANDERSON JASON	4116 S SUNFLOWER DR	YUMA	AZ	85365
ARRIAGA JESUS OMAR COTA	7564 E 43RD PL	YUMA	AZ	85365
BACHE RILEY	4730 E CO 14 1/2 ST	YUMA	AZ	85365
BARAJAS BERNARDO	7573 E 41ST RD	YUMA	AZ	85365
BARBOSA ANGELINA MELGOSA	7548 E 43RD LN	YUMA	AZ	85365
BARRIENTOS DAVID L & VICTORIA L	4140 S SUNFLOWER DR	YUMA	AZ	85365
BENEDICT EASTON A & STEPHANIE A	7533 E 43RD LN	YUMA	AZ	85365
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BHR HOLDINGS LLC	3064 S AVE B	YUMA	AZ	85364
BRAVO ERIK DIAZ	7544 E 43RD ST	YUMA	AZ	85365
BRUGH GLEN LEE JR & CHARLOTTE I	PO BOX 1226	RAMONA	CA	92065
BUSTER WILLIAM & BETTY	8376 E 26TH ST	YUMA	AZ	85365
CABRERA BRITTNEY N	7298 E 39TH PL	YUMA	AZ	85365
CALDWELL HEATHER A	7317 E 39TH PL	YUMA	AZ	85365
CARMONA JORGE LUIS JR	4256 S SUNFLOWER DR	YUMA	AZ	85365
CARRANZA EDWIN L & MARIA D CPWROS	7556 E 41ST RD	YUMA	AZ	85365
CASE FAMILY TRUST 11-14-2023	4090 W 16TH PL	YUMA	AZ	85364
CASTILLO JOSE RENATO	7551 E 40TH RD	YUMA	AZ	85365
CASTILLO JUAN	7572 E 41ST RD	YUMA	AZ	85365
CASTILLO SUSANA	14538 LIEBACHER AVE	NORWALK	CA	90650
CASTRO CELESTINO & ROSA	7275 E 39TH PL	YUMA	AZ	85365
CAVENEY ALEXIS M	7329 E 39TH PL	YUMA	AZ	85365
CELAYA ENRIQUE & AURORA M	4052 S SUNFLOWER DR	YUMA	AZ	85365
CHARLES BRANDON P & CHYNA M	4268 S SUNFLOWER DR	YUMA	AZ	85365
CHERLAND ERIKA	7549 E 40TH PL	YUMA	AZ	85365
CHINEA JOSEPH ROBERT	3971 S DESERT SKY DR	YUMA	AZ	85365
CONTRERAS ROBERTO CARLOS	PO BOX 10482	SAN LUIS	AZ	85349
CORONA ELLIOT NOE ARCOS	7541 E 42ND PL	YUMA	AZ	85365
CORRALES CHRISTOPHER	11425 E 26TH LN	YUMA	AZ	85367

COX JACOB MATTHEW & ERIN NICOLE	7549 E 43RD LN	YUMA	AZ	85365
CUANDROS JOSE ALONSO AHUMADA	7546 E 43RD PL	YUMA	AZ	85365
DEESE DANIEL FRANKLIN & SARA	7566 E 43D LN	YUMA	AZ	85365
DESERT FIG PROPERTIES LLC	1785 LOTUS AVE	EL CENTRO	CA	92243
DURAN MICHELLE SILVA FERNANDEZ CHRISTIE AMBER	4206 S SUNFLOWER DR	YUMA	AZ	85365
LIVING TRUST 01-2-2022	2774 S FRESNO AVE	YUMA	AZ	85364
FOOTHILLS PLAZA PROPERTIES LLC	3064 S AVE B	YUMA	AZ	85364
GALVAN LUIS ANTONIO & GRISELDA FAVIOLA	7316 E 39TH PL	YUMA	AZ	85365
GARCIA BARBARA L	7557 E 41ST RD	YUMA	AZ	85365
GARCIA MANUEL J JR	7555 E 41ST LN	YUMA	AZ	85365
GARCIA RUBEN C & SUNDAY D	7565 E 43RD PL	YUMA	AZ	85365
GERNERT LORI A	7257 E 39TH PLACE	YUMA	AZ	85365
GONZALEZ MATHEW & VANESSA MANZANERO	7542 E 42ND LN	YUMA	AZ	85365
GONZALEZ ROSA P	7564 E 40TH PL	YUMA	AZ	85365
GUERRA TRUST 11-8-2022	7568 E 41ST ST	YUMA	AZ	85365
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HALL FAMILY RANCH LLC	2451 S BRANDI LN	YUMA	AZ	85364
HILLMAN JERRITT RUSSELL ESAU	7554 E 41ST LN	YUMA	AZ	85365
HOLGUIN MARIA	7382 E 39TH PL	YUMA	AZ	85365
HOLZWORTH DENVER M	508 3RD ST SW	JAMESTOWN	ND	58401
HURTADO VERONICA ANGELITA	7341 E 39TH PL	YUMA	AZ	85365
IDC LAND LLC	450 WHITEBIRD ST	GRANGEVILLE	ID	83530
JONES DAVID & KALA ERYN	7562 E 43RD ST	YUMA	AZ	85365
KATHERINE ROCCI LIVING TRUST 6-25-2024	7346 E 39TH PL	YUMA	AZ	85365
KENLEY DANIEL	4028 S SUNFLOWER DR	YUMA	AZ	85365
LARA JOEL & KAREN	7547 E 43RD PL	YUMA	AZ	85365
LARRABEE JOSHUA MICHAEL	7323 E 39TH PL	YUMA	AZ	85365
LIZARRAGA JOSE MENDOZA & CRUZ	7566 E 40TH RD	YUMA	AZ	85365
LOPEZ JAVIER & BRITTNEY M	7530 E 40TH PL	YUMA	AZ	85365
LUDINGTON BRENDAN RALPH & JENIFER	7340 E 39TH PL	YUMA	AZ	85365
LUNA ALMA	4292 S SUNFLOWER DR	YUMA	AZ	85365
MALLET TAMARA MARIE	7388 E 39TH PL	YUMA	AZ	85365
MANJARREZ LIZBETH	7553 E 41ST ST	YUMA	AZ	85365
MARQUEZ RAMON EDUARDO	7268 E 39TH PL	YUMA	AZ	85365
MARTIN TIMMY LEE & CHRISTINE ANN	7558 E 42ND PL	YUMA	AZ	85365
MARTINEZ ERIKA	7376 E 39TH PL	YUMA	AZ	85365
MARTINEZ JOSE LUIS LOPEZ	7543 E 42ND LN	YUMA	AZ	85365
MARTINEZ MARCOS ANTONIO LEON	7371 E 39TH PL	YUMA	AZ	85365

MATTHE FAMILY TRUST 3-5-2024	3015 COTTONWOOD VIEW DR	EL CAJON	CA	92019
MCCLURE CRAIG & STEPHEN & CONSTANCE ALL JT	4036 S SUNFLOWER DR	YUMA	AZ	85365
MCFADZEAN JESSICA	7293 E 39TH PL	YUMA	AZ	85365
MEDINA RAMON RIOS	7548 E 40TH PL	YUMA	AZ	85365
MEJIA ALVARO AMARO	7395 E 39TH PL	YUMA	AZ	85365
MENDOZA CRYSTAL	7307 E 39TH PL	YUMA	AZ	85365
MIRANDA GEORGINA ISABEL	7353 E 39TH PL	YUMA	AZ	85365
MONTALVO PEDRO & ALMA	7402 E 39TH PL	YUMA	AZ	85365
MONTOYA IVON	7563 E 43RD ST	YUMA	AZ	85365
MORA SERGIO D	7352 E 39TH PL	YUMA	AZ	85365
MORAN VANESSA	4280 SUNFLOWER DR	YUMA	AZ	85365
NAVA DANIEL & MARIA ELENA	4304 S SUNFLOWER DR	YUMA	AZ	85365
NAVARRETE MARIA SANDRA	4626 W 23RD LN	YUMA	AZ	85364
NEBLINA VICTOR DANIEL	4376 S SUNFLOWER DR	YUMA	AZ	85365
PEEVLER MICHAEL R	14806 E 55TH ST	YUMA	AZ	85365
POMPA SIDNEY	7364 E 39TH PL	YUMA	AZ	85365
PONCE JOSHUA NOEL	4198 S SUNFLOWER DR	YUMA	AZ	85365
PORCAYO BERTIN JR	7561 E 42ND PL	YUMA	AZ	85365
POTTTER CHELSEA MARGARET	4158 S SUNFLOWER DR	YUMA	AZ	85365
PRATHER BRANDON	7347 E 39TH PL	YUMA	AZ	85365
QUIGLEY DANIEL	10161 E 34TH LN	YUMA	AZ	85365
RAMIREZ ALEJANDRO M	4124 S SUNFLOWER DR	YUMA	AZ	85365
RAMOS CONSUELO	3976 S BRIANNA DR	YUMA	AZ	85365
RAMSAY JERRY & SHIRLEY	4100 S SUNFLOWER DR	YUMA	AZ	85365
REID TYRONE DEON	7359 E 39TH PL	YUMA	AZ	85365
ROCHA PORFIRIO I III & & MARCOS CPWROS	4132 S SUNFLOWER DR	YUMA	AZ	85365
RODRIGUEZ AMAIRANI	4340 S SUNFLOWER DR	YUMA	AZ	85365
RODRIGUEZ LEONEL	7559 E 42ND PL	YUMA	AZ	85365
ROMERO MIRIAM HOLANDA	7306 E 39TH PL	YUMA	AZ	85365
RUHL TRUST 7-25-2018	4328 S SUNFLOWER DR	YUMA	AZ	85365
SAGUARO DESERT SALES LLC	7545 E 43RD ST	YUMA	AZ	85365
SANTANA 142 RE HOLDINGS AZ LLC	340 PALLADIO PKWY STE 521	FOLSOM	CA	95630
SEALE BROOKE N	7408 E 39TH PL	YUMA	AZ	85365
SEYFERT JACQUELINE	7383 E 39TH PL	YUMA	AZ	85365
SIORDIA MANUEL A & ALEXANDRA D CPWROS	4084 S SUNFLOWER DR	YUMA	AZ	85365
SORENSEN CHRISTOPHER & KATHARINE	7569 E 41ST ST	YUMA	AZ	85365
STEINBUCH MAXX DAVID	7560 E 24ND LN	YUMA	AZ	85365
STEPHENS-EDMONDS RANCH LLC	1223 POPLAR ST	RAMONA	CA	92065
TANDARICH TODD & ANGELA CPWROS	7574 E 42N PL	YUMA	AZ	85365
TEMPLETON CODY & ANA C	4352 S SUNFLOWER DR	YUMA	AZ	85365
URIAS ADALISA I	PO BOX 6115	YUMA	AZ	85366
VEJAR LUIS ANGEL	7403 E 39TH PL	YUMA	AZ	85365
VIRGEN GALILEA GUADALUPE TORRES	7567 E 40TH RD	YUMA	AZ	85365
WATSON MARY N	3064 S AVE B	YUMA	AZ	85364
WEIL JOHN A & CRISTYN E CPWROS	3771 E LAS CRUCES LN	YUMA	AZ	85365

WESTERN SANDS LAND INC AZ CORP	3064 S AVE B	YUMA	AZ	85364
YUMAS DESERT SKY DEVELOPMENT LLC	3064 S AVE B	YUMA	AZ	85364
YUMAS DESERT SKY DEVELOPMENT LLC	3064 S AVE B	YUMA	AZ	85364
ZADEH FAMILY TRUST 8-8-2023	1077 W ROSS RD	EL CENTRO	CA	92243

**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by Dahl, Robins, and Associates, Inc. on behalf of Brian L Hall Trust, dated 12-1-2005, to rezone approximately 28.5 acres from the Medium Density Single-Family Residential (R-2-5) District to the Medium Density Residential/ Planned Unit Development (R-2/PUD) District, for a portion of the property located at the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.

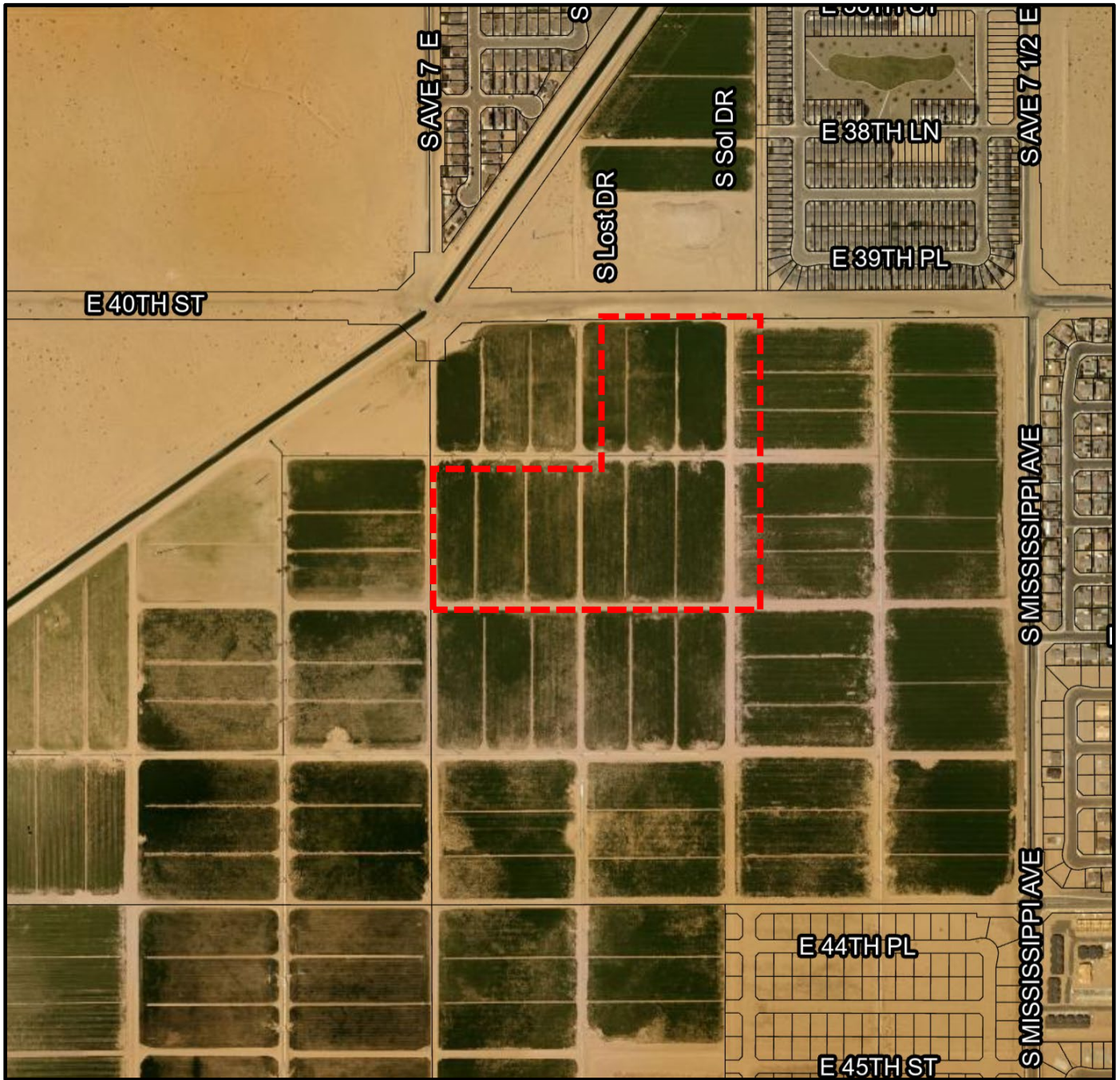
**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-43195-2024**

PUBLIC HEARING
10/28/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the southeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ, you are invited to attend the public meeting to voice your comments. If you have questions or wish to submit written comments, please contact Zenia Fiveash by phone at (928) 373-5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT I
AERIAL PHOTO



ORDINANCE NO. 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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 28, 2024 in Zoning Case No: ZONE-43195-2024 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Medium Density Residential/Planned Unit Development (R-2/PUD) 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 October 4, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-43195-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

The North 1,256.00 feet of the Northwest quarter of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

*EXCEPT the East 1,154.00 feet thereof; AND,
EXCEPT the North 735.00 feet of the West 782.00 feet thereof.*

shall be placed in the Medium Density Residential/Planned Unit Development (R-2/PUD) 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 Medium Density Residential/Planned Unit Development (R-2/PUD) 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 Medium Density Residential/Planned Unit Development (R-2/PUD) District.

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

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

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Units No. 1, 2, and 3.
 - b. A 50'-wide linear tract (Tracts B and C) featuring a walking path and shade trees connecting this phase of the development to the phases north of 40th Street.
5. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed as a phased installation project, not to exceed 10 completed units.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within five (5) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above time frame then the rezone shall be subject to A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

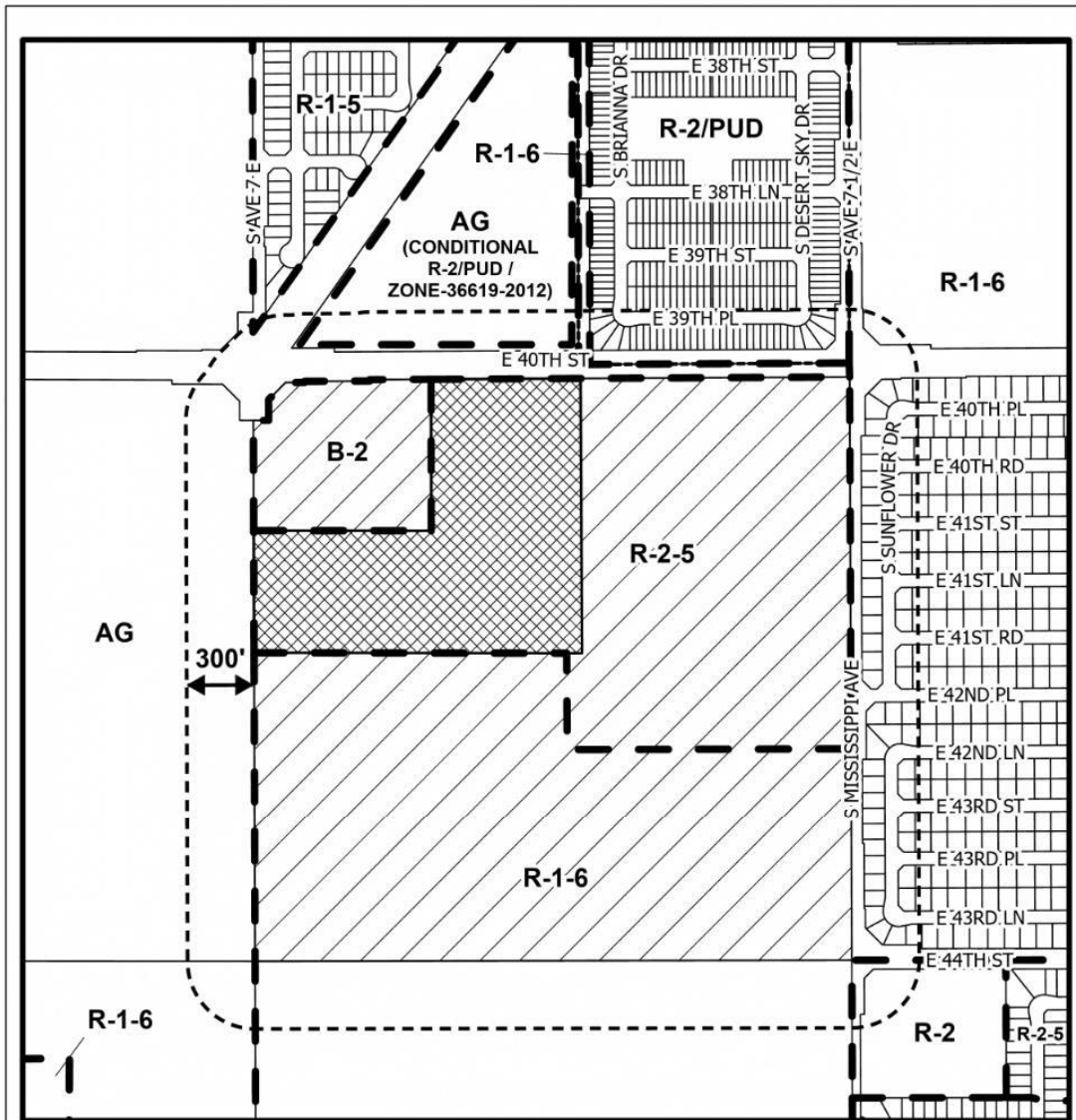
ATTESTED:

Lynda L. Bushong
City Clerk



APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

-  Location of Subject Property
-  Location of Zoning Request



Prepared by: DG
Checked by: ZF



Date: 9/10/2024
Revised:
Revised:

Case #:
ZONE-43195-2024