

City of Yuma City Council Meeting Agenda

Wednesday, March 4, 2026

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.

ROLL CALL

PRESENTATIONS

- Briefing on the upcoming Marine Corps Air Station-Yuma (MCAS-Yuma) WTI Exercise
- Auditors, Baker Tilly, LLC, on the FY2025 Annual Financial Statements and Audit Results
- Yuma Police Department Accreditation
- Spaceport 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 2026-047](#) **Regular Council Meeting Draft Minutes January 21, 2026**
Attachments: [2026 01 21 RCM Minutes](#)
2. [MC 2026-048](#) **Regular Council Meeting Draft Minutes February 4, 2026**
Attachments: [2026 02 04 RCM Minutes](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2026-040](#) **Liquor License: Circle K 2652098**
Approve a Series #10: Beer and Wine Store Liquor License application submitted by Roberto Pier Jr., agent for Circle K 2652098 located at 7942 E. 32nd Street. (LL26-01) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Circle K 2652098](#)

2. [MC 2026-041](#) **Liquor License: Sun of a Gun**

Approve a Series #07: Beer and Wine Bar/Owner Transfer Liquor License application submitted by Katherine Espinal, agent for Sun of a Gun located at 1651 S. Arizona Avenue. (LL26-02) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Sun of a Gun](#)
3. [MC 2026-042](#) **Bid Award: Avenue 8E at Walmart Driveway Traffic Improvements**

Authorize a contract for the Avenue 8E at Walmart Driveway Traffic Improvements, to the lowest responsive and responsible bidder in the amount of \$137,225.00 to DPE Construction, Inc., Yuma, Arizona. (Engineering RFB-26-189) (David Wostenberg/Robin R. Wilson)

Attachments: [1. DIAGRAM Avenue 8E 32nd Street](#)
4. [MC 2026-043](#) **Cooperative Purchase Agreement: Splash Pad Replacement at Friendship Park**

Authorize the purchase for design and construction of a replacement splash pad at Friendship Park to Exerplay, Cedar Crest, Minnesota, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$326,451.68. (Engineering-CPA-26-240) (David Wostenberg/Robin R. Wilson)
5. [MC 2026-044](#) **Cooperative Purchase Agreement: Tree Replacement at Smucker Park**

Authorize the purchase of 53 trees for Smucker Park to Epifini Landscaping Inc., Casa Grande, Arizona, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$166,157.08. (Parks and Recreation-CPA-26-234) (Eric Urfer/Robin R. Wilson)
6. [MC 2026-045](#) **Ratification: Settlement of Quinn v. City of Yuma, et al**

Ratify settlement of the lawsuit *Lillian Quinn v. City of Yuma, et al.* Maricopa County Superior Court Case No. CV2023-051473. (City Attorney) (Richard Files)

7. [MC 2026-046](#) **Infrastructure and Services Report: ANEX-44726-2025
Livingston Ranch Unit Nos. 5-7**

Approve an Infrastructure and Services Report for Annexation Area No. ANEX-44726-2025, identified as the Livingston Ranch Unit Nos. 5-7 Annexation, located northwest of the 38th Street alignment and Avenue C. (ANEX-44726-2025). (Community Development/Community Planning) (Alyssa Linville)

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. [R2026-011](#) **Preannexation Development Agreement: JPM Development**

Authorize a Preannexation Development Agreement for two parcels (APN 632-34-077 and APN 632-34-078) located on Columbia Avenue, near 1st Street and Avenue B. (Community Development/ Community Planning) (Alyssa Linville).

Attachments: [1. RES PDA: JPM Development](#)
[2. AGR PDA: JPM Development](#)

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. [O2026-007](#) **Rezoning of Property: 831 S. 2nd Avenue**

Rezone approximately 0.16 acres located at 831 S. 2nd Avenue, Yuma, AZ, from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District (Community Development/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT: Rezoning of Property 831 S. 2nd Avenue](#)
[2. ORD Rezoning of Property: 831 S. 2nd Avenue](#)

2. [O2026-008](#) **Rezoning of Property: 273 S. 8th Avenue**
 Rezone approximately .15 acres located at 273 S. 8th Avenue, Yuma, AZ, from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District. (Community Development/Community Planning) (Alyssa Linville)

Attachments: [1.P&Z RPT Rezoning of Property: 273 S. 8th Avenue](#)
[2.ORD Rezoning of Property: 273 S. 8th Avenue](#)

3. [O2026-010](#) **Grant of Easement to Install Electrical Facilities- East Mesa Community Park**
 Authorize an easement on City property at 6060 E. 36th Street to Arizona Public Service Company (APS) for the installation of electrical facilities necessary for the development of the new East Mesa Community Park. (Engineering) (David Wostenberg)

Attachments: [1. ORD Grant of Easement to Install Electrical Facilities: East Mesa Community Park](#)
[2. AGR Grant of Easement to Install Electrical Facilities: East Mesa Community Park](#)

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. [O2026-011](#) **Annexation Area No. ANEX-44726-2025 Livingston Ranch Unit Nos. 5-7**
 Authorize annexation of properties located northwest of the 38th Street alignment and Avenue C. (ANEX-44726-2025). (Community Development/Community Planning) (Alyssa Linville)

Attachments: [1. PET Annex: Livingston Ranch Unit Nos. 5-7](#)
[2. ORD Annex: Livingston Ranch Unit Nos. 5-7](#)

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:
 - Workers Compensation Trust Board

2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of February 19, 2026 through March 4, 2026. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

3. Scheduling:

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

VI. SUMMARY OF CURRENT EVENTS

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

VII. CALL TO THE PUBLIC

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

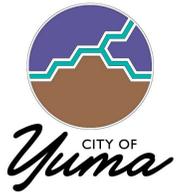
VIII. EXECUTIVE SESSION

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

A. Discussion, consultation and/or direction to legal counsel regarding the Martinez v. City of Yuma lawsuit. (A.R.S. §38-431.03 A3 & A4)

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2026-047

Agenda Date: 3/4/2026

Agenda #: 1.

Regular Council Meeting Draft Minutes January 21, 2026

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JANUARY 21, 2026
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Vince Harmon, Christ Lutheran Church, gave the invocation. **Christian Magana**, Public Information Officer, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present: Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Engineering, David Wostenberg
Director of Community Development, Alyssa Linville
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.4 – Ratification of Contract Increase: Entertainment Promoter Services (Approve and ratify a contract increase for entertainment promoter services to BMC Productions & Entertainment LLC, Yuma Arizona, in the amount of \$164,600.00 for a total estimated cost of \$272,600.00. (RFB-24-172) (Admn/Purch)

Deputy Mayor McClendon declared a conflict of interest on Motion Consent Agenda Item C.4 and left the dais.

Motion (Morris/Smith): To approve Motion Consent Agenda Item C.4 as recommended. Voice vote: **approved** 6-0-1, **Deputy Mayor McClendon** abstaining due to conflict of interest.

Deputy Mayor McClendon returned to the dais.

Motion (Smith/Morales): To approve the Motion Consent Agenda with the exception of Item C.4, which was approved through a previous vote. Voice vote: **approved** 7-0.

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

Regular Council Meeting Minutes	November 19, 2025
Regular Council Meeting Minutes	December 3, 2025
Regular Council Worksession Minutes	December 16, 2025
Regular Council Meeting Minutes	December 17, 2025

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Cathy Douglas, agent for Yuma Territorial Prison located at 220 Prison Hill Road. (LL25-22) (Admin/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for Tacos & Mariscos Costa Baja located at 1150 W. 24th Street. (LL25-23) (Admn/Clk)
3. Award a construction services contract for pavement replacement within the La Mesa Vista/La Mesa Hermosa subdivisions to the lowest responsive and responsible bidder: Gutierrez Canales Engineering, Yuma, Arizona, in the amount of \$2,171,326.66. (RFB-24-275) (Eng/Purch)
4. Pulled for separate consideration; see above.
5. Authorize the purchase and delivery of traffic signal poles and components from Paradigm Traffic Systems Inc., Arlington, Texas; Advanced Traffic Products, Everett, Washington, Cem-Tec Corporation, Phoenix, Arizona; Clark Electric Sales, Inc., dba Clark Transportation Solutions, Phoenix, Arizona; Sierra Transportation Technologies, Henderson, Nevada and Solar Traffic Control, LLC of Phoenix, Arizona, utilizing a cooperative purchase agreement from Maricopa County for two years with the option to renew for four additional one year periods, one period at a time, depending on the appropriation of funds and satisfactory performance on an as needed basis, at a total estimated annual expenditure of \$215,000.00. (CPA-26-199) (Pub Wrks/Purch)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2026-001

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 Drug Enforcement Administration (for use of the City of Yuma Public Safety Training Facility for the training of sworn peace officers, special agents, and other personnel) (YPD)

Resolution R2026-007

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Chavira Construction, LLC for Assessor Parcel Number 632-43-098 located at 2963 W. Columbia Avenue (Chavira Lot Split presently undeveloped; agreement to allow for connection to the City of Yuma's water and sewer services) (Cmty Dev/Cmty Plng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2026-002 – Rezoning of Property: 1980 W. Colorado Street (Rezone approximately 2.78 acres located at 1980 W. Colorado Street, Yuma, AZ, from the Manufactured Housing Park (MHP) District to the High Density Residential (R-3) District) (Cmty Dev/Cmty Plng)

Morris declared a conflict of interest on Ordinance O2026-002 due to his firms involvement in the design process and left the dais.

Speaker

Dylan Freeman, City resident and agent for the project, addressed the street light condition that has been applied to the project by the engineering department and provided the following points:

- The property has historically operated as an RV and mobile home park using the same public street and lighting conditions that exist today without documented safety issues.
- The proposed redevelopment does not increase traffic, pedestrian activity, or public safety risk beyond historical levels.
- Under Arizona Revised Statute §9-500.12, conditions on development approvals must be directly related and reasonably proportionate to the impacts caused by the project.
- The street light condition requires a public infrastructure improvement, but the project does not create additional impacts that justify this requirement.
- City engineering standards for street lighting primarily apply to new subdivisions or new public street construction; this project is an infill redevelopment with no new right-of-way or public infrastructure proposed.
- Applying the street light condition in this context functions as a retroactive upgrade to an existing street rather than addressing a project-related impact.

Freeman requested that the City remove or waive the street light condition, as it is not necessary for public safety and is not directly tied to the impacts of this redevelopment.

Discussion

- Historically, this site was used as a manufactured home park with 43 units. Under the proposed zoning request, the property could accommodate up to 83 dwelling units with the potential for a significant impact to the area. (**Mayor Nicholls/Linville**)
- The mobile home park is no longer in operation, and the owners plan to redevelop the site with multifamily and single-family homes. A concept plan submitted with the rezoning application shows single-family homes along Colorado Street and some on 19th Avenue, with multifamily units accessed from 19th Avenue. The request for new Streetlights is located near 19th Avenue. (**Mayor Nicholls/Linville**)
- Rezoning could potentially double the density compared to the current configuration. (**Mayor Nicholls/Freeman**)

- Any changes would mean reintroducing the item, which could cause at least a one-month delay. (Mayor Nicholls/Freeman)
- Without having enough information, waiving safety requirements like street lighting is a concern. (Mayor Nicholls/Freeman)
- Requesting two streetlights does not seem excessive when building new homes, as homeowners will expect well-lit streets. It is important to consider safety in a new development from the outset. (McClendon)
- The code requiring lights applies to private properties, not public rights-of-way. The lights installed on 19th Avenue would fall under City responsibility for maintenance and power costs, creating a partnership to ensure neighborhood safety. (Mayor Nicholls)
- Installing streetlights and pulling conduits is a significant expense; it is best to postpone the item for a month. (Freeman)
- It would be preferable to install Streetlights during the development phase rather than after completion. Addressing this need upfront will prevent future issues as the number of residents increases. (Watts)
- After considering the comments shared, it was decided to proceed with the adoption of the ordinance. (Freeman/Mayor Nicholls)

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

Bushong displayed the following title(s):

Ordinance O2026-002

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 Manufactured Housing Park (MHP) District to the High Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (rezone approximately 2.78 acres located at 1980 W. Colorado Street) (Cmty Dev/Cmty Plng)

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

Morris returned to the dais.

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2026-004

An ordinance of the City Council of the City of Yuma, Arizona, vacating right-of-way and approving the sale of right-of-way to nineteen adjacent landowners in Livingston Ranch Phase I

(property vacate is 1,457 feet of 30-foot right of way north of Livingston Ranch Phase I so the homeowners can expand their backyards) (Cmty Dev)

V. PUBLIC HEARING – VARIANCE APPEAL

MC 2026-018 - Variance Appeal: VAR-44509-2025-1220 S. 8th Avenue (The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustments pursuant to Arizona Revised Statutes (A.R.S.) Section 9-462.06 and Yuma City Code (Y.C.C) § 154-02.02) (Cmty Dev/Cmty Plng)

Motion (Smith/Watts): Move that the Public Hearing/Variance Appeal for the property located at 1220 S. 8th Avenue be removed from the agenda pursuant to the owner's request. Voice vote: **approved** 7-0.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (McClendon/Smith): To appoint Pamela Clark, Mark Rummel and Virginia Avelar to the ADA Advisory Commission, with term expirations of December 31, 2030. Voice vote: **approved** 7-0.

Motion (Morris/Watts): To appoint Sandra Anthony, James Adler, Clint Harrington to the Building Advisory Board, with term expirations of December 31, 2030. Voice vote: **approved** 7-0.

Motion (Smith/Morales): To appoint Aron Bronnimann, Kyla Smith, Andrea Bereznak, Deirdre MacDonald, Lonna Brazeel, and Alfred Knapp to the Clean and Beautiful Commission, with term expirations of December 31, 2030. Voice vote: **approved** 7-0.

Motion (Smith/Watts): To appoint Sandra Anthony and Juan Leal Rubio to the Design and Historic Review Commission, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Watts/Morales): To appoint Liz Laster, J. Glendon Moss, Katrina Lozano, and James Allen to the Housing Authority Commission, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Morris/McClendon): To appoint Sean Allen and Keli Osborn to the Merit System Board, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Morales/McClendon): To appoint Stacy Gutierrez, Ray Face, Bill Craft and Sara Aivazian to the Municipal Property Corporation, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Morales/Watts): To appoint Kwadwo Fodwo, Jose Dorame and Nora Morris to the Parks, Arts and Recreation Commission, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Smith/Watts): To appoint Jorge A. Gonzalez to the Planning and Zoning Commission, with a term expiration of December 31, 2030. Voice vote: **approved** 7-0

Motion (Morris/Watts): To appoint George Wilmot and Sharon Merz to the Residential Advisory Board, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Morales/Watts): To appoint William Regenhardt to the Workers' Compensation Trust Board, with a term expiration of December 31, 2030. Voice vote: **approved** 7-0

Motion (Watts/Morales): To appoint Bill Craft and Robert Valleni to the Yuma Fire Public Safety Board, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Motion (Smith/Watts): To appoint Jillian Attaway and Bill Craft to the Yuma Public Safety Police Board, with term expirations of December 31, 2030. Voice vote: **approved** 7-0

Smith expressed her gratitude to all the citizens who dedicate their time, effort, and knowledge to serve the Yuma community. She emphasized the importance of this commitment and shared her appreciation for those who step up to make a difference.

Announcements

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

- Yuma County Anti-Drug Coalition & Mental Health Coalition Monthly Meeting
- Arizona Space Commission Dinner Reception
- Arizona Space Commission Monthly Meeting
- Guest Speaker at Yuma Catholic High School (YCHS) – Importance of Communication
- City of Yuma Boards and Commission Review Committee Meeting
- Civic Craft Leadership Program Virtual Class – Community Intelligence
- Arizona League of Cities and Towns Legislative Update Call
- Yuma Water Safety Alliance Meeting
- Yuma Coalition to End Homelessness Meeting
- National Association for the Advancement of Colored People (NAACP) Annual Martin Luther King Jr. Commemorative Walk
- Elevate Southwest and Greater Yuma Economic Development Corporation Zoom Meeting
- Western Arizona Council of Governments Executive Meeting
- Hovering Angels Event at YCHS
- Yuma County Victims Right Committee Meeting
- Opening Day Ceremony of the State Legislature
- State of the State Address
- Canada, Arizona Business Council’s Subcommittee Meeting on Project Energy (Virtual)
- Citizens Neighborhood Leadership Academy
- OneAZ Credit Union Ribbon Cutting

Watts requested that staff explore available weatherization grants as part of neighborhood revitalization efforts. She noted that rising energy costs and prolonged high temperatures make weatherization an important investment for the desert community and suggested inviting Neighborhood Services to present on the topic at a future meeting.

Scheduling – No meetings scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- January 24 – Yuma AgFest
- January 26 – Neighborhood Cleanup Begins

VIII. CALL TO THE PUBLIC

Henry Valenzuela, City resident, spoke about the significance of Kennedy Pool to the community and his family’s history with it. He expressed concern that the pool has not been revitalized despite previous estimates of \$1 million for improvements. Valenzuela urged City Council to place Kennedy Pool on a future agenda for discussion and noted that funding could be sourced from the 2% fund, which has an annual carryover. He emphasized the importance of preserving amenities that define Yuma and called for community collaboration to restore Kennedy Pool.

IX. EXECUTIVE SESSION/ADJOURNMENT

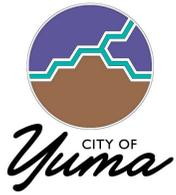
There being no further business, **Mayor Nicholls** adjourned the meeting at 6:21 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

File #: MC 2026-048

Agenda Date: 3/4/2026

Agenda #: 2.

Regular Council Meeting Draft Minutes February 4, 2026

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
FEBRUARY 4, 2026
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Ray Jesser, Yuma First Church of Nazarene, gave the invocation. **Jennifer Albers**, Assistant Director of Planning, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

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

I. MOTION CONSENT AGENDA

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

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

Regular Council Meeting Minutes	November 5, 2025
Regular Council Meeting Minutes	January 7, 2026

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. Award a construction services contract for Emergency Dispatch Backup Center to the lowest responsive and responsible bidder in the amount of \$805,201.81 to Yuma Valley Contractors Inc., Yuma, Arizona (RFB-26-149) (Eng/Purch)

2. Declare a surplus and award sale of firearms to the highest responsive and responsible offer for the Sale of Firearms (100) for a total of \$14,703.61 from the following vendors: ProForce Marketing, Inc. Prescott, AZ, \$13,613.61 and Sprague's Sports LLC, Yuma, AZ, \$1,090.00. (RFO-26-129) (YPD/Purch)
3. Authorize the use of a City of Mesa Cooperative purchase agreement for institutional custody services, one-year professional services contract, with the option to renew annually for up to four additional years. Renewals contingent upon funding appropriations and satisfactory performance to U.S. Bank National Association of Cincinnati, Ohio. (CPA-26-185) (Fin/Purch)
4. Authorize a one-year professional services contract for Investment Banking Services with the option to renew annually for up to four additional years through a Crane School District Cooperative Purchase Agreement. Renewals are contingent upon funding appropriations and satisfactory performance to Stifel, Nicolaus & Company, Inc. of Phoenix, Arizona. (CPA-26-177) (Fin/Purch)
5. Award a one-year contract with the option to renew for up to four additional years, one year at a time, depending on the appropriation of funds and satisfactory performance, for Professional Architectural Services on a Delivery Order basis to the following five firms: GH2 Architects LLC, Scottsdale, Arizona, GLHN Architects & Engineers, Tucson, Arizona, Nicklaus Engineering, Inc, Yuma, Arizona, Perlman Architects, Phoenix, Arizona, Thompson Design Architects, Yuma, Arizona. (RFQ-26-122) (Eng.Purch)
6. Authorize acceptance of a \$971,723.75 grant agreement (DPS Contract #2025-353) between the Arizona Department of Public Safety and the City of Yuma through the Police Department for equipment and software. (YPD/Admn)
7. Authorize acceptance of a \$11,500 grant agreement (DPS Contract #2025-306) between the Arizona Department of Public Safety and the City of Yuma through the Yuma Police Department for equipment and software. (YPD/Admn)
8. Authorize a donation of a surplus police motorcycle to the Sierra Vista Police Department. (Fin/YPD)
9. Ratify and approve a Purchase Order issued to Gutierrez Canales Engineering, PC – Yuma, Arizona in the amount of \$157,646.00 for the emergency pavement replacement on 1st Avenue. (RFQ-22-089) (Eng/Purch)

II. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2026-005

An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain parcel of real property, hereafter described, surplus for use by the City, vacating the surplus 30 foot right-of-way easement to the abutting property owner upon the recording of a quitclaim deed, and authorizing an exchange of the surplus 30 foot right-of-way for the underlying fee title to the 40 foot right-of-way

described in this ordinance (authorizing vacation of the north half-width of 42nd Street right-of-way in exchange for fee title to the west half of the Avenue 4½ E. right-of-way with Cha Cha, LLC) (Eng)

Ordinance O2026-006

An ordinance of the City Council of the City of Yuma, Arizona, approving certain transactions in connection with the acquisition, development and operation of an affordable housing apartment rental complex tentatively known as Vista Apartments (by the Housing Authority of the City of Yuma for property located at 221 E. 26th Place) (Cmty Dev/Nbhd and Econ Dev)

III. LIVINGSTON RANCH WALL

Motion (Smith/Morales): To adopt ordinance O2026-004 as recommended.

Bushong displayed the following title(s):

Ordinance O2026-004

An ordinance of the City Council of the City of Yuma, Arizona, vacating right-of-way and approving the sale of right-of-way to nineteen adjacent landowners in Livingston Ranch Phase I (property vacated is 1,457 feet of 30-foot right-of-way north of Livingston Ranch Phase I so the homeowners can expand their backyards) (Cmty Dev)

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

MC 2026-015 – Bid Award: Livingston Ranch Wall (Authorize a bid award for the construction of a block wall in the Livingston Ranch Subdivision, to the lowest responsive and responsible bidder in the amount of \$128,923.50 to Maya’s Construction, Yuma, Arizona) (RFQ-25-090) (Eng/Purch)

Motion (Morris/McClendon): To adopt motion consent item MC2026-015 as recommended. Voice vote: **approved** 7-0.

IV. PUBLIC HEARING AND RELATED ITEMS

MC 2026-032 – Annexation Area No. Anex-44726-2025 Livingston Ranch Unit Nos. 5-7 (This is a public hearing to consider the annexation of property located at the northwest corner of 38th Street and Avenue C.) (Cmty Dev/Cmty Plng)

Mayor Nicholls opened the public hearing at 5:39 p.m.

Peterson presented the following information:

- This is a request to annex approximately 97.9 acres located at the northwest corner of 38th Street and the Avenue C intersection
 - The site has historically been used for agricultural purposes
- The annexation area contains one parcel
- The annexation request was received from Barkley Farms Limited Partnership, the owner.
- The intended use if for a future phased subdivision development
 - Livingston Ranch units 5-7
- The general plan land use designation is Low Density Residential
- The current County Zoning is Rural Area 40 (RA-40)

- The zoning designation upon annexation is Agriculture (AG)
- Connection to City utilities will be required for future development
- Pending receipt of signed annexation petitions, an ordinance introduction is scheduled for March 4, 2026, with an ordinance adoption scheduled for March 18, 2026

Motion (Morales/Watts): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:41 p.m.

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Smith/McClendon): To appoint Pat Riley Sr. to the Yuma County Board of Trustees, with a term expiration of June 30, 2026. Voice vote: **approved** 7-0

Announcements

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

- Veteran Affairs (VA) Outpatient Clinic by Onvida Groundbreaking
- 2026 City of Yuma Ag Fest
- Yuma County Nurse Foundation Meeting
- Yuma Metropolitan Planning Organization Monthly Meeting
- 26th Annual Amberly's Dream Gala
- Community Development Block Grant (CDBG) Meetings
- Texas Roadhouse "Tip-A-Cop" Takeover
- National Association for the Advancement of Colored People (NAACP) Black History Month Fish Fry
- Yuma County Juvenile Justice Center Partnered with Bordertown Arts Project – Cooking for Success
- Extended Stay America Ribbon Cutting
- Proclamation for Yuma's Annual Mega Event #22 - Geocaching
- United States-Mexico-Canada Agreement (USMCA) Report on the Future of North American Trade Event
- Federal Regulatory Fairness Hearing - PM10 Moderate Nonattainment Area Designation
- Virtual Meeting Arizona Public Service

Martinez requested a future agenda item to discuss the Kennedy Pool renovation; **Mayor Nicholls** opined that it would be best to have those discussions during the upcoming CIP and budget discussions and called for a Council vote.

Motion (Martinez/Morales): To add Kennedy Pool renovation discussions to the next City Council meeting agenda. Voice Vote: **failed** 2-5 (Opposing votes: Morris, McClendon, Smith, Watts and Nicholls).

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- February 28 – 2026 BBQ & Brew Festival
- February 5-7 – Camp Inferno 2026
- February 20 – March 28 – Spark! Places of Innovation Exhibition

Simonton reminded everyone about the upcoming Yuma Salutes America’s 250 Year event. He noted that tickets are still available for the concert scheduled on April 18, 2026, and encouraged online purchases.

VII. CALL TO THE PUBLIC

The following people spoke in support of saving Kennedy Pool:

- City resident, **Henry Valenzuela**
- City resident, **Kristen Dostie**
- City resident, **Eleanor Hauck**
- City resident, **Piper Katz**
- City resident, **Avery Layton**

VIII. Executive Session

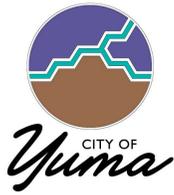
There being no further business, **Mayor Nicholls** adjourned the meeting at 6:10 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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



City of Yuma

City Council Report

File #: MC 2026-040

Agenda Date: 3/4/2026

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: Circle K 2652098

SUMMARY RECOMMENDATION:

Approve a Series #10: Beer and Wine Store Liquor License application submitted by Roberto Pier Jr., agent for Circle K 2652098 located at 7942 E. 32nd Street. (LL26-01) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

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

REPORT:

Roberto Pier Jr., agent for Circle K 2652098 located at 7942 E. 32nd Street, has applied for a Series #10: Beer and Wine Store 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 Community Development, 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	.	

FISCAL IMPACT STATEMENT:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

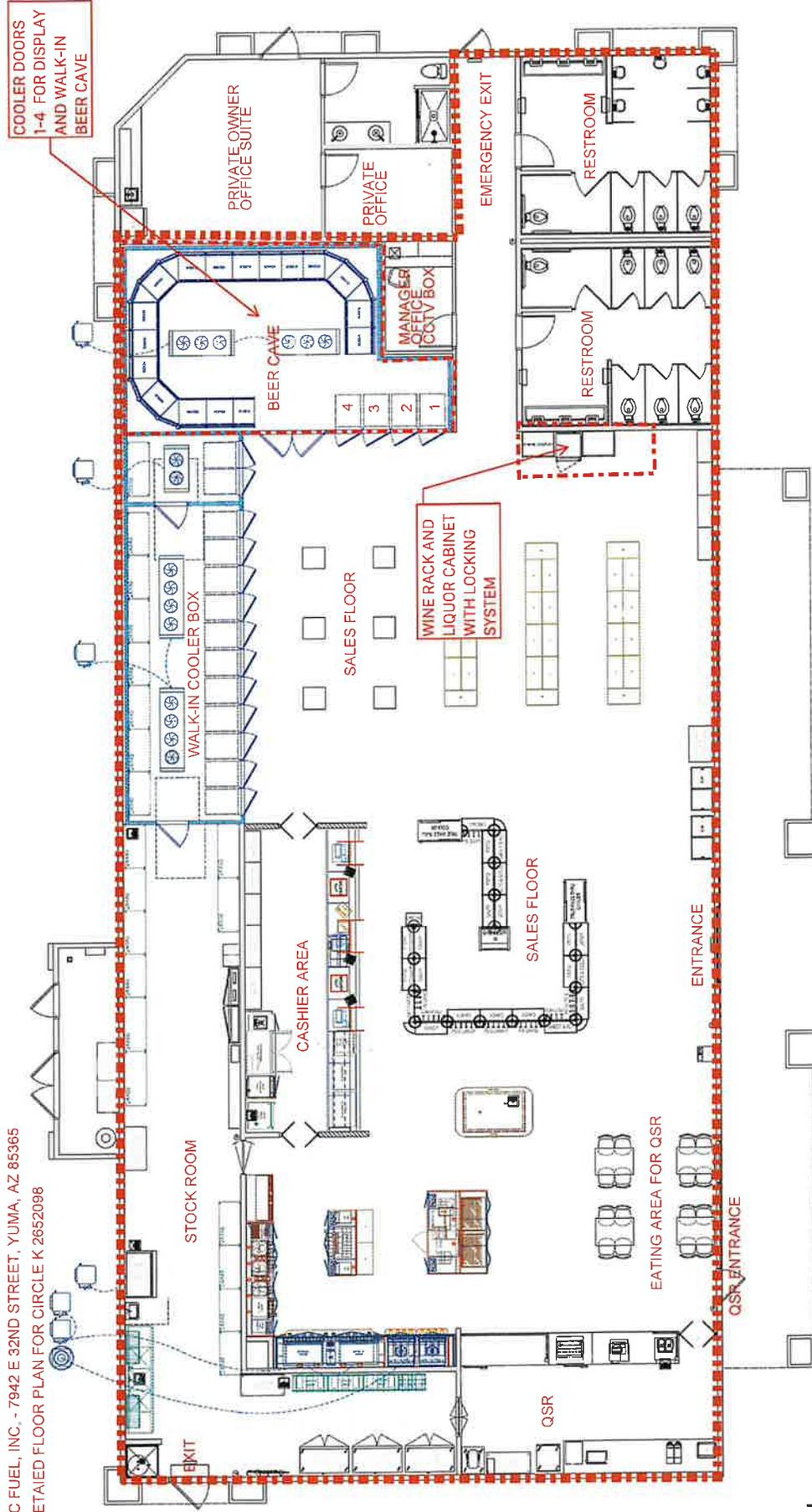
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

Series #10: Beer and Wine Store Liquor License application

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

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

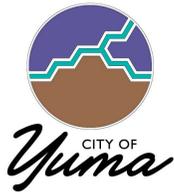
Acting City Administrator: John D. Simonton	Date: 02/20/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/19/2026



DC FUEL, INC. - 7942 E 32ND STREET, YUMA, AZ 85365
 DETAILED FLOOR PLAN FOR CIRCLE K 2652098

7,200-sq-ft

I ΔN



City of Yuma

City Council Report

File #: MC 2026-041

Agenda Date: 3/4/2026

Agenda #: 2.

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

TITLE:

Liquor License: Sun of a Gun

SUMMARY RECOMMENDATION:

Approve a Series #07: Beer and Wine Bar/Owner Transfer Liquor License application submitted by Katherine Espinal, agent for Sun of a Gun located at 1651 S. Arizona Avenue. (LL26-02) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:

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

REPORT:

Katherine Espinal, agent for Sun of a Gun located at 1651 S. Arizona Avenue, has applied for a Series #07: Beer and Wine Bar/Owner Transfer 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 Community Development, 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	.	

FISCAL IMPACT STATEMENT:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

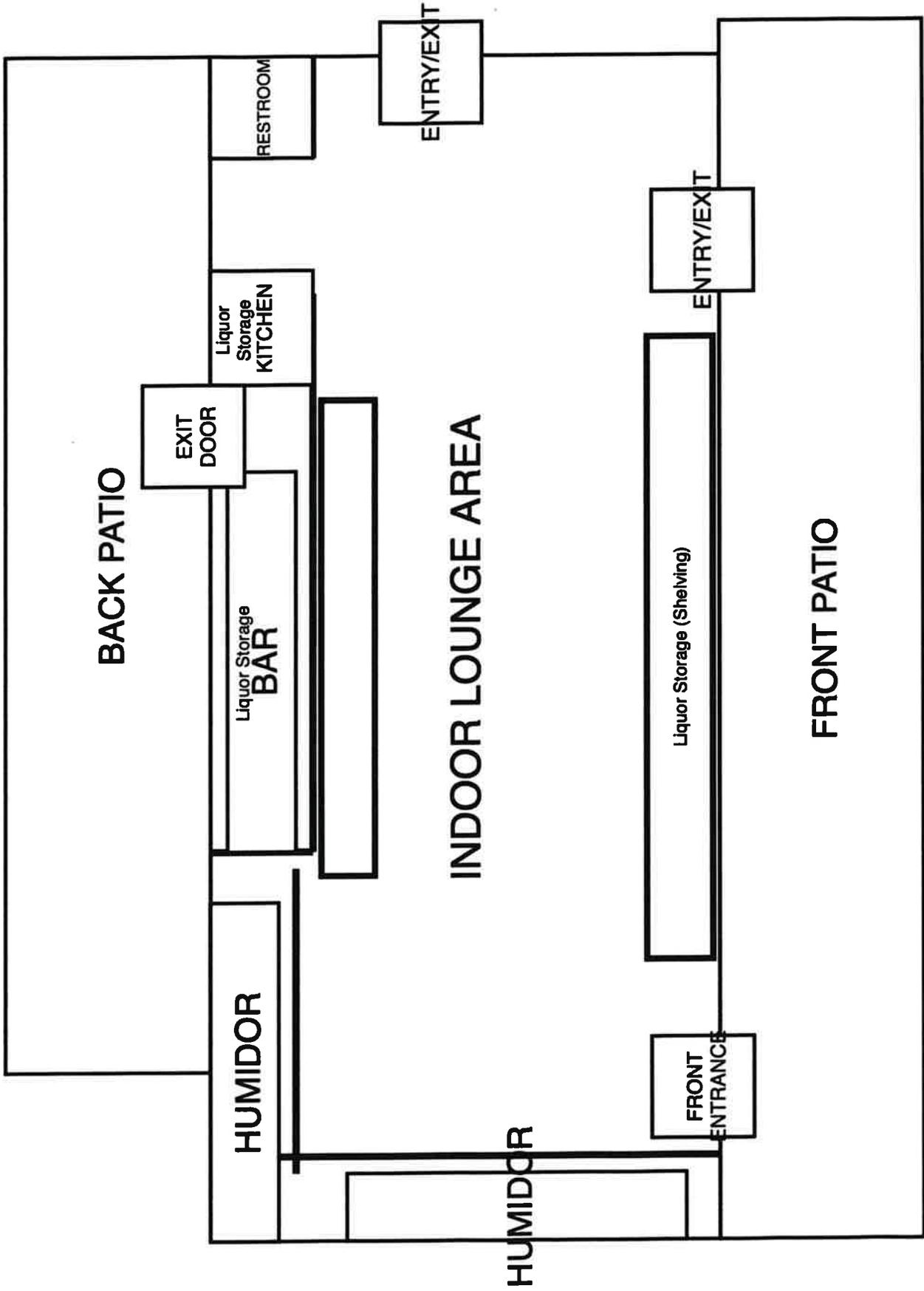
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

Series #07: Beer and Wine Bar/Owner Transfer Liquor License application

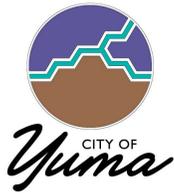
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Acting City Administrator: John D. Simonton	Date: 02/20/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/19/2026



1,700 SQFT



City of Yuma

City Council Report

File #: MC 2026-042

Agenda Date: 3/4/2026

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:

Bid Award: Avenue 8E at Walmart Driveway Traffic Improvements

SUMMARY RECOMMENDATION:

Authorize a contract for the Avenue 8E at Walmart Driveway Traffic Improvements, to the lowest responsive and responsible bidder in the amount of \$137,225.00 to DPE Construction, Inc., Yuma, Arizona. (Engineering RFB-26-189) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Safe and Prosperous by reconfiguring the Walmart entrance on Avenue 8E. The proposed changes will improve traffic flow, reduce conflict points, and enhance visibility, significantly lowering the risk of collisions and creating a safer environment for drivers and pedestrians.

REPORT:

The Walmart entrance on Avenue 8E has become a high-risk area for traffic collisions. To address this safety concern and improve traffic operations, the City is initiating a project that will also include enhancements to the northbound left-turn movement from Avenue 8E to westbound 32nd Street, reducing congestion and improving intersection efficiency.

The existing entrance design creates multiple conflict points and limited visibility, contributing to a high frequency of crashes. Similarly, the northbound left-turn movement experiences operational challenges, leading to congestion and delays. These conditions have persisted for an extended period, prompting the need for a comprehensive solution.

The project will consist of concrete removal, concrete placement, additional signage, striping, and traffic signal configuration changes. An additional left-turn lane will be constructed to increase the number of vehicles that can utilize the northbound left-turn movement from Avenue 8E to westbound 32nd Street. The median will be extended to prevent left-turn movements from the Walmart parking lot, improving safety and reducing conflict points. The design will maintain the left-turn movement from northbound Avenue 8E to the businesses located on the west side of Avenue 8E, ensuring continued access for local commerce. These improvements will optimize traffic flow, reduce collisions, and enhance pedestrian safety.

The procurement process followed standard competitive bidding procedures. The following firms responded:

Accurate Excavation of Arizona \$222,212.93
DPE Construction, Inc. \$137,225.00
 Gutierrez Canales Engineering \$355,964.73

The project is expected to start in April 2026 and be completed in June 2026.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 137,225.00	BUDGETED:	\$ 150,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$ 137,225.00	City Road Tax	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved budget to award this bid.

ADDITIONAL INFORMATION:

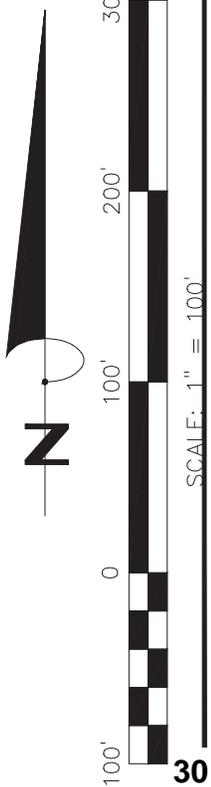
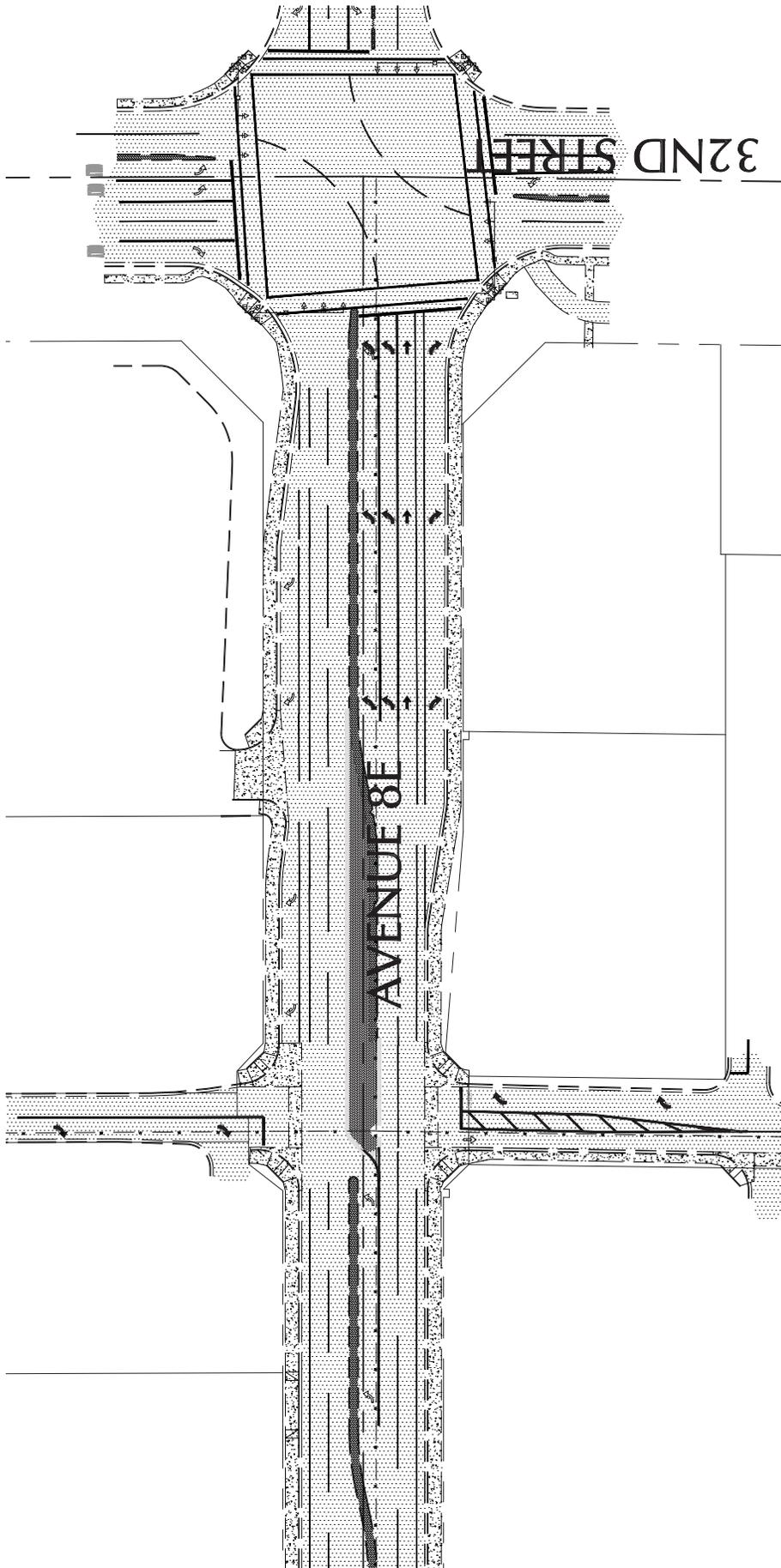
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

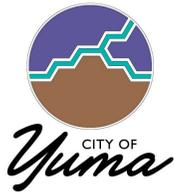
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Acting City Administrator: John D. Simonton	Date: 02/23/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/20/2026



AVENUE 8E AT WALMART DRIVEWAY TRAFFIC IMPROVEMENTS



City of Yuma

City Council Report

File #: MC 2026-043

Agenda Date: 3/4/2026

Agenda #: 4.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input checked="" 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: Splash Pad Replacement at Friendship Park

SUMMARY RECOMMENDATION:

Authorize the purchase for design and construction of a replacement splash pad at Friendship Park to Exerplay, Cedar Crest, Minnesota, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$326,451.68. (Engineering-CPA-26-240) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This project will deliver a safe, upgraded splash pad with new fixtures and lighting supporting the City Council’s strategic outcome of Safe and Prosperous and Active and Appealing.

REPORT:

The splash pad at Friendship Park, originally constructed in 1997, is now in poor condition due to a deteriorating surface, outdated features, and inadequate drainage. Planned enhancements include installing a new concrete surface with integrated ground spray water play features and color-changing accent lights. The project will encompass the construction of the concrete pad, as well as the mechanical, electrical, and control systems, spray fixtures, and related installations. To address current water accumulation and drainage issues, a transfer tank will be added to the design.

This project aims to enhance the park’s appeal and activity for families, ensuring a safe and enjoyable experience. The initiative aligns with the community’s goals to maintain and invest in park and recreation facilities and to upgrade and expand splash pad amenities, as outlined in the 2024 Council-approved Parks, Arts, Recreation, and Trails Master Plan.

The project is scheduled to begin in mid-April 2026 and finish by the end of this fiscal year.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$326,451.68	BUDGETED:	\$340,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$326,451.68	2025 Bond Proceeds General/Two Percent Funds	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2026 City Council approved budget to make this purchase.

ADDITIONAL INFORMATION:

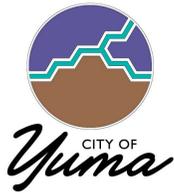
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NONE

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- City Clerk's Office
- Document to be recorded
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Acting City Administrator: John D. Simonton	Date: 02/23/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/20/2026



City of Yuma

City Council Report

File #: MC 2026-044

Agenda Date: 3/4/2026

Agenda #: 5.

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

TITLE:

Cooperative Purchase Agreement: Tree Replacement at Smucker Park

SUMMARY RECOMMENDATION:

Authorize the purchase of 53 trees for Smucker Park to Epifini Landscaping Inc., Casa Grande, Arizona, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$166,157.08. (Parks and Recreation-CPA-26-234) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

By removing hazardous trees and replacing them with new, larger tree stock, this action supports the City Council's Strategic Outcome of Safe and Prosperous and Active and Appealing.

REPORT:

Due to the storm drainage and flood control project in Smucker Park, many trees died from lack of water and root disruption. Fifty-three old growth trees and 13 saplings were removed. The saplings are being replaced through the Arizona Public Service grant program, and the old growth trees will be replaced under a settlement between the City of Yuma and Yuma County Flood Control District. Fifty-three 48-inch box trees will be bought and planted to restore the park's urban forest.

Approval of this motion authorizes the City to enter into a purchase agreement with Epifini Landscaping Inc. to purchase and plant 53 trees at Smucker Park. The warranty for the trees is for one year after planting.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$166,157.08
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 166,157.08	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$ 0.00	Other Sources	

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

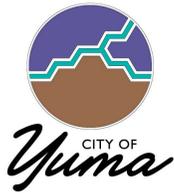
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NONE

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

Acting City Administrator: John D. Simonton	Date: 02/23/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/20/2026



City of Yuma

City Council Report

File #: MC 2026-045

Agenda Date: 3/4/2026

Agenda #: 6.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: City Attorney	<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: Administration	<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:

Ratification: Settlement of Quinn v. City of Yuma, et al

SUMMARY RECOMMENDATION:

Ratify settlement of the lawsuit *Lillian Quinn v. City of Yuma, et al.* Maricopa County Superior Court Case No. CV2023-051473. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:

The resolution of this lawsuit supports the City Council’s Respected and Responsible strategic outcome.

REPORT:

This lawsuit stems from a fall by Lillian Quinn that occurred on March 10, 2021, at 198 S. Main Street.

Ms. Quinn sought \$995,000.00 to settle her personal injury claims. Adoption of this motion ratifies the full and final settlement of the Quinn lawsuit for \$130,000.00. The City Attorney’s Office believes this settlement is fair and reasonable considering the facts and the potential costs of further litigation.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$130,000.00	BUDGETED:	\$130,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #	Operational/Settlement Claims Account
TOTAL	\$130,000.00		

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

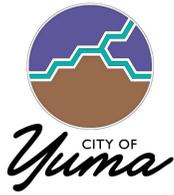
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NONE

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

Acting City Administrator: John D. Simonton	Date: 02/20/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/19/2026



City of Yuma

City Council Report

File #: MC 2026-046

Agenda Date: 3/4/2026

Agenda #: 7.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Community Development	<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 <input 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:

Infrastructure and Services Report: ANEX-44726-2025 Livingston Ranch Unit Nos. 5-7

SUMMARY RECOMMENDATION:

Approve an Infrastructure and Services Report for Annexation Area No. ANEX-44726-2025, identified as the Livingston Ranch Unit Nos. 5-7 Annexation, located northwest of the 38th Street alignment and Avenue C. (ANEX-44726-2025). (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This annexation assists in furthering the City Council’s strategic outcome of Respected and Responsible, as it clarifies jurisdiction for access to City resources and services.

REPORT:

The annexation area, as shown in the map attached to Ordinance O2026-011 (Introduced later in this agenda), totals approximately 97.9 acres consisting of one parcel. The property is owned by Barkley Farms Limited Partnership

Arizona Revised Statutes § 9-471 (the state’s annexation law) requires that, “On or before the date the governing body adopts the ordinance annexing territory, the governing body shall have approved a plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within 10 years after the date when the annexation becomes final pursuant to Subsection D of this Section.”

Approval of this Infrastructure and Services Report will fulfill the statutory requirement to have an approved plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within ten years of annexation.

The 2022 General Plan (adopted April 6, 2022, R2022-011) establishes the foundational blueprint and policies for providing infrastructure and services to all property within the City of Yuma. The following policy and plans will provide the lands within newly annexed areas with an appropriate level of infrastructure and services within 10 years of annexation.

Plan and Policy for Land Use

The City of Yuma 2022 General Plan identifies the land use designation for the properties as Low Density Residential. Upon annexation, the parcel will be zoned to the Agriculture (AG) District.

The City of Yuma Growth and Development Policy (R99-30) notes that it is in the best interest of the citizens and taxpayers of the City that urban land uses in the vicinity of the City should be part of the City of Yuma.

Plan and Policy for Roads

City Council policy is to require the dedication of needed rights-of-way and appropriate contributions toward the construction of arterials and collectors, linear parks or pathways, when warranted by proposed development projects. The dedications and contributions will be consistent with the Yuma Integrated Multimodal Transportation Master Plan (October 2025, R2026-006) and 2018 Yuma Bikeways Plan (adopted March 6, 2019, R2019-004).

Arterial Roads: Deficiencies in rights-of-way can be corrected via dedications as adjacent land is rezoned or subdivided for development, as warranted. Fair-share contributions for the improvement of existing roadways can be collected from development projects as they are approved by the City of Yuma, as warranted. The annexation area is adjacent to Avenue C, which is identified as a Collector.

Plan and Policy for Water and Sewer Systems

All development projects must have approved water systems and sewer treatment available to serve the project, consistent with the City of Yuma's 2023 Integrated Water Resources Master Plan (September 2023).

Water Systems: The property is within the service area of the Main Street Water Treatment Plant but there is no current water service to the site. The extension of any water mains to serve a proposed development project will be paid for by the development project seeking the water service.

Sewer Systems: The property is located within the Figueroa Avenue Water Pollution Control Facility service area but there is no current sewer service to the site. The extension of any sewer mains to serve a proposed development project will be paid for by the development project seeking the sewer service.

Plan and Policy for Emergency Services

Fire and Emergency Medical Services will be provided in a manner consistent with the City of Yuma Fire Services and Facilities Plan (adopted July 19, 2023, R2023-027). The site is in the current service area for MCAS.

Public Safety services will be provided in a manner consistent with the City of Yuma 2022 General Plan. The site is within the service area of the City of Yuma Police Department Headquarters located at 1500 S. 1st Avenue.

Plan and Policy for Parks

Park sites will be acquired consistent with the City of Yuma's adopted Parks, Arts, Recreation & Trails Master Plan (adopted July 17, 2024, R2024-036), subject to the availability of funds. City Council policy is to require the dedication of needed rights-of-way and appropriate contributions toward the construction of linear parks or pathways when warranted by the development of the parcels of land.

Plan and Policy for Stormwater Collection and Disposal

All development projects must have approved stormwater collection and disposal systems available to serve the project, consistent with that master plan, as well as the City of Yuma Drainage Policy (Ordinance Nos. 1670 and 1836) and 2003 Stormwater Management Program, as amended. The creation of new facilities or extension of any pre-existing stormwater facilities to serve a proposed development project will be paid for by the development project seeking the stormwater collection and disposal service.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

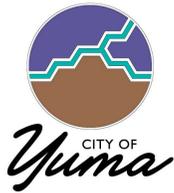
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/23/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/20/2026



City of Yuma

City Council Report

File #: R2026-011

Agenda Date: 3/4/2026

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Community Development	<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: Community Planning	<input checked="" type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Preannexation Development Agreement: JPM Development

SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement for two parcels (APN 632-34-077 and APN 632-34-078) located on Columbia Avenue, near 1st Street and Avenue B. (Community Development/Community Planning) (Alyssa Linville).

STRATEGIC OUTCOME:

The approval of the Preannexation Development Agreement will facilitate the connection of City services for the undeveloped site. This furthers City Council’s strategic outcomes of Safe and Prosperous and Connected and Engaged.

REPORT:

JPM Development, LLC (Owner) owns the parcels located on Columbia Avenue (Properties). The Properties were recently the subject of a lot split under Yuma County’s jurisdiction, JPM Lot Split (LDP25-27) and are presently undeveloped. The Owner would like to construct a single-family residence on each lot and connect to City of Yuma services. The Owner has requested a Preannexation Development Agreement to allow for connection to the City of Yuma’s water and sewer services.

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

The attached resolution authorizes a Preannexation Development Agreement with JPM Development, LLC, for the Properties shown on the location map attached to the agreement.

FISCAL REQUIREMENTS:

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

TOTAL	\$ 0.00	
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FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/20/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/19/2026

RESOLUTION NO. R2026-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH JPM DEVELOPMENT, LLC FOR ASSESSOR PARCEL NUMBERS 632-34-077 AND 632-34-078 LOCATED ON COLUMBIA AVENUE

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

WHEREAS, the owner of certain real properties identified as APNs 632-34-077 and 632-34-078 (the Properties) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

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

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

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

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

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

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

Adopted this _____ day of _____ 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**EXHIBIT A
RESOLUTION NO. R2026-011**

PREANNEXATION DEVELOPMENT AGREEMENT

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between JPM Development, LLC (“Owner”), as the owner of the real properties identified as APN 632-34-077 and APN 632-34-078, more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owner and City shall be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

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

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

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

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

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC v City of Yuma*, 227 Ariz. 28 (2011).

2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.

3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Preannexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

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

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

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

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

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

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

6.1 Columbia Avenue No-Build Easement. The Owner shall record a 4-foot no-build easement along the frontage of Columbia Avenue to meet the 29-foot half right-of-way required for local roadways under the City of Yuma Transportation Master Plan.

6.2 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Corps Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This disclosure obligation shall survive the termination of this Agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

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

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

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

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

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

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

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and

public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property. If developed in Yuma County, written City approval of all such permits, plans, specifications, plats or other development approvals shall be required.

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

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

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

To Owners:
JPM Development, LLC
3453 W. 39th Street
Yuma, AZ 85364

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

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

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

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above,

the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

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

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

12. Owner Representations. Owner represents and warrants that:

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

consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.

h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

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

a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the requirements of the Yuma City Charter and the Yuma City Code.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.

e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.

g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

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

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

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement

of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

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

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

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

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

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

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

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

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

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters

contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

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

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

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

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

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

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

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

[Remainder of page intentionally left blank]

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

Dated this _____ day of _____, 2026.

CITY:
CITY OF YUMA

OWNER:
JPM Development, LLC

By _____
John D. Simonton
Acting City Administrator

By _____
John Mahon
Member

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Richard W. Files
City Attorney

ACKNOWLEDGMENTS

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by John Mahon on behalf of JPM Development, LLC.

NOTARY PUBLIC

COMMISSION EXPIRATION:

EXHIBIT 1

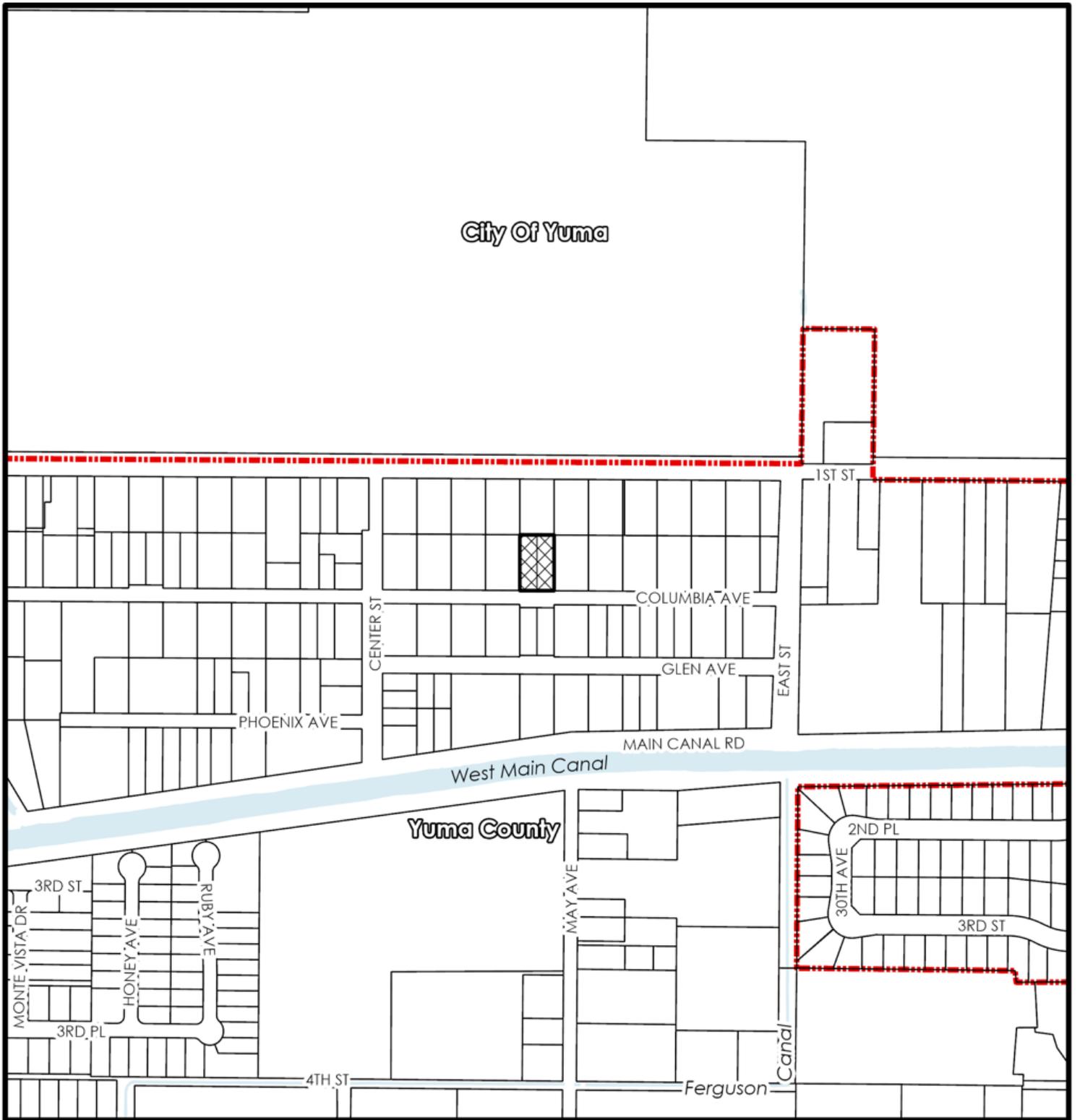
Legal Description

A portion of land located in the Southeast Quarter of Section 33, Township 16 South, Range 22 West, of the San Bernadino Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows,

Lot 17, Block 2, Parcel "A" and Parcel "B" per "JPM Lot Split (LDP25-27)" according to the plat as recorded in the Yuma County Recorder's Office, Yuma County, Yuma Arizona, in Book 38, Page 7. #2026-02269, Dated: January 29, 2026.

Containing 16,000.00 Sq. Ft. or 0.37 of an acre.

City Of Yuma



LOCATION MAP



LOCATION OF SUBJECT PROPERTY
APN: 632-34-054 and 632-34-055



Prepared by: DG

Checked by: EP



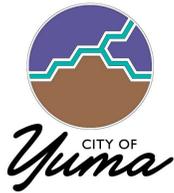
Department of Community
Development GIS

Date: 2/6/2026

Revised:

Case #:

AGR-44946-2026



City of Yuma

City Council Report

File #: O2026-007

Agenda Date: 2/18/2026

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Community Development	<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 type="checkbox"/> Ordinance - Introduction
DIVISION: Community Planning	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Rezoning of Property: 831 S. 2nd Avenue

SUMMARY RECOMMENDATION:
 Rezone approximately 0.16 acres located at 831 S. 2nd Avenue, Yuma, AZ, from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District (Community Development/Community Planning) (Alyssa Linville)

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

REPORT:
 The subject property is located at 831 S. 2nd Avenue and is approximately 7,000 square feet. There is currently a single-family dwelling on the property.

With this request, the applicant is seeking to rezone the property from the Limited Commercial (B-1) District to the Medium Density Residential (R-2) District with the intent to add a second dwelling unit on the property. The rezone request conforms with the General Plan.

On January 12, 2026, the Planning and Zoning Commission voted 4-0 to recommend approval of the request to rezone approximately 0.16 acres from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District for the property located at 831 S. 2nd Avenue, Yuma, AZ, subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of

Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

EXCERPT FROM PLANNING AND ZONING COMISSION MEETING MINUTES:

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

“**Javier Marquez, 1015 S. Avenue A Apt #1015, Yuma AZ** was available for questions.

“**Chris Hamel, Planning and Zoning Commissioner** stated that he noticed that there are two proposals for dwelling units one attached and one detached and then asked for confirmation that the request was intended to bring the property into compliance with updated regulations so that the applicant can build either one. **Marquez** replied yes.

“**John Mahon, Planning and Zoning Commissioner** asked staff for clarification on Condition #3 that states that the applicant has two years to complete the proposed project, then asked if the building permits, Certificate of Occupancy and other requirements would need to be done in that time. **Rojas** replied no.

PUBLIC COMMENT

None

“**Motion by Vice Chairman John Mahon second by Commissioner Lorraine Arney to APPROVE ZONE-44734-2025 as presented.**

“**Motion carried unanimously, (4-0) with two absent and one vacancy.’**

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

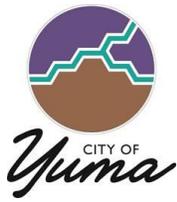
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/11/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/10/2026



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

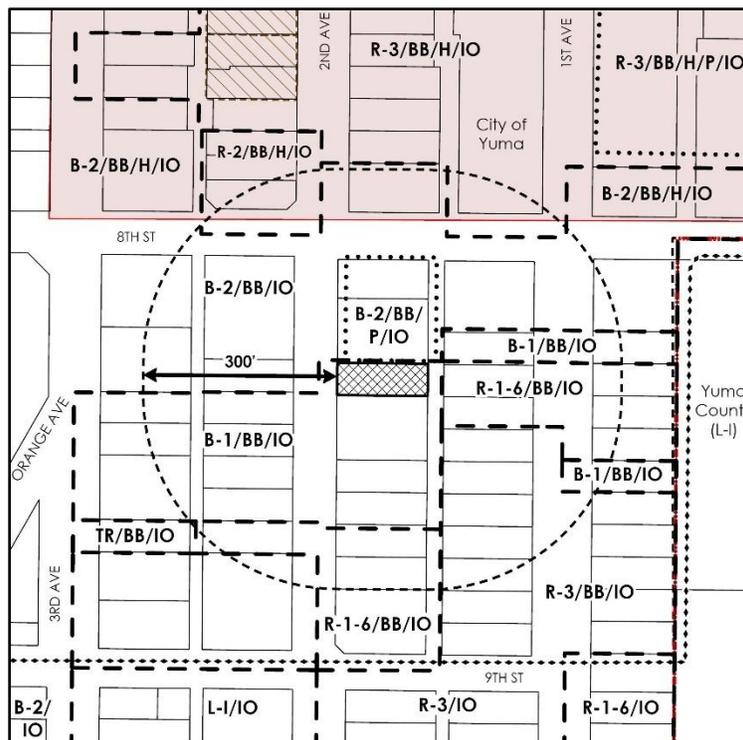
Hearing Date: January 12, 2026

Case Number: ZONE-44734-2025

Project Description/Location: This is a request by Javier Marquez to rezone approximately 0.16 acres from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District for the property located at 831 S. 2nd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District	Single-Family Residence	Mixed Use
North	General Commercial/Public Overlay/Bed & Breakfast Overlay/Infill Overlay (B-2/P/BB/IO) District	Roxaboxen Park	Mixed Use
South	Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District	Single-Family Residence and Day Care	Mixed Use
East	Low Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-1-6/BB/IO) District	Single-Family Residence	Mixed Use
West	General Commercial/Bed & Breakfast Overlay/Infill Overlay (B-2/BB/IO) District	Single-Family Residence	Mixed Use

Location Map



Prior site actions: Subdivision Speese Addition, Recorded January 20, 1925; Annexation, Ordinance 449, effective May 29, 1946; PDM-44647-2025 held November 18, 2025

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-44734-2025 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 0.16 acres from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District for the property located at 831 S. 2nd Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at 831 S. 2nd Avenue and is approximately 7,000 square feet. There is currently a single-family dwelling on the property that was built in 1972 and is approximately 845 square feet.

With this request, the applicant is seeking to rezone the property from the Limited Commercial (B-1) District to the Medium Density Residential (R-2) District with the intent to add a second dwelling unit on the property. Permitted uses in the R-2 District include single-family dwellings, accessory dwellings units, and two-family dwellings. The R-2 District also permits multi-family dwellings, but the property’s Mixed Use land use designation limits the number of dwelling units to 10 per acre. Therefore, a maximum of two dwelling units are permitted on the subject property.

The request to rezone the property from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District conforms with the General Plan.

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

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

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

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck

2 nd Avenue – Local	29 FT HW	40 FT HW				
8 th Street – 2-Lane Collector	40 FT HW	33 FT HW		X		X
Bicycle Facilities Master Plan	Orange Avenue – Existing bike lane; 8 th Street – Proposed bike lane					
YCAT Transit System	4 th Avenue at 8 th Street – Yellow Route 95					
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: Marcus Park			Future: Marcus Park			
Community Park:	Existing: Carver Park Complex			Future: Carver Park Complex			
Linear Park:	Existing: Colorado River Levee Linear Park			Future: Colorado River Levee Linear Park			
Issues:	None						
Housing Element:							
Special Need Household:	N/A						
Issues:	None						
Redevelopment Element:							
Planned Redevelopment Area:	1 st Avenue Study Area						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes		No		N/A		
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
<u>Population Impacts</u> Population projection per 2023 5-year American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person		Dwellings & Type <i>Single Family</i>		Projected Population	Police Impact Officers	Water Consumption GPD AF	Wastewater Generation GPD
		Maximum Per Unit					
		2 2.8	6	0.01	1,159	1.3	392
		Minimum					
		1 2.8	3	0.01	580	0.6	196
Fire Facilities Plan:	Existing: Fire Station 1			Future: Fire Station 1			
Water Facility Plan:	Source:	City	X	Private	Connection:	12" AC on 2 nd Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" VCP in alley	
Issues:	None						
Safety Element:							
Flood Plain Designation:	500-Year Flood		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	X	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

Public Comments Received: None

External Agency Comments: Attachment D

Neighborhood Meeting Comments: Attachment E

Proposed conditions delivered to applicant on: 12/15/25

Final staff report delivered to applicant on: 01/05/26

- Applicant agreed with all of the conditions of approval on: 12/18/25
- Applicant did not agree with the following conditions of approval:
- Planner contacted applicant and is awaiting response.

Attachments

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

Prepared By: *Meredith Rojas*

Date: 12/17/25

Meredith Rojas
Associate Planner
Meredith.Rojas@YumaAZ.gov

(928) 373-5000x3047

Reviewed By: *Jennifer L. Albers*

Date: 12/17/25

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 12/31/25

Alyssa Linville
Director, Community Development

**ATTACHMENT A
CONDITIONS OF APPROVAL**

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

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

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

Community Planning, Meredith Rojas, Associate Planner, (928) 373-5000 x3047

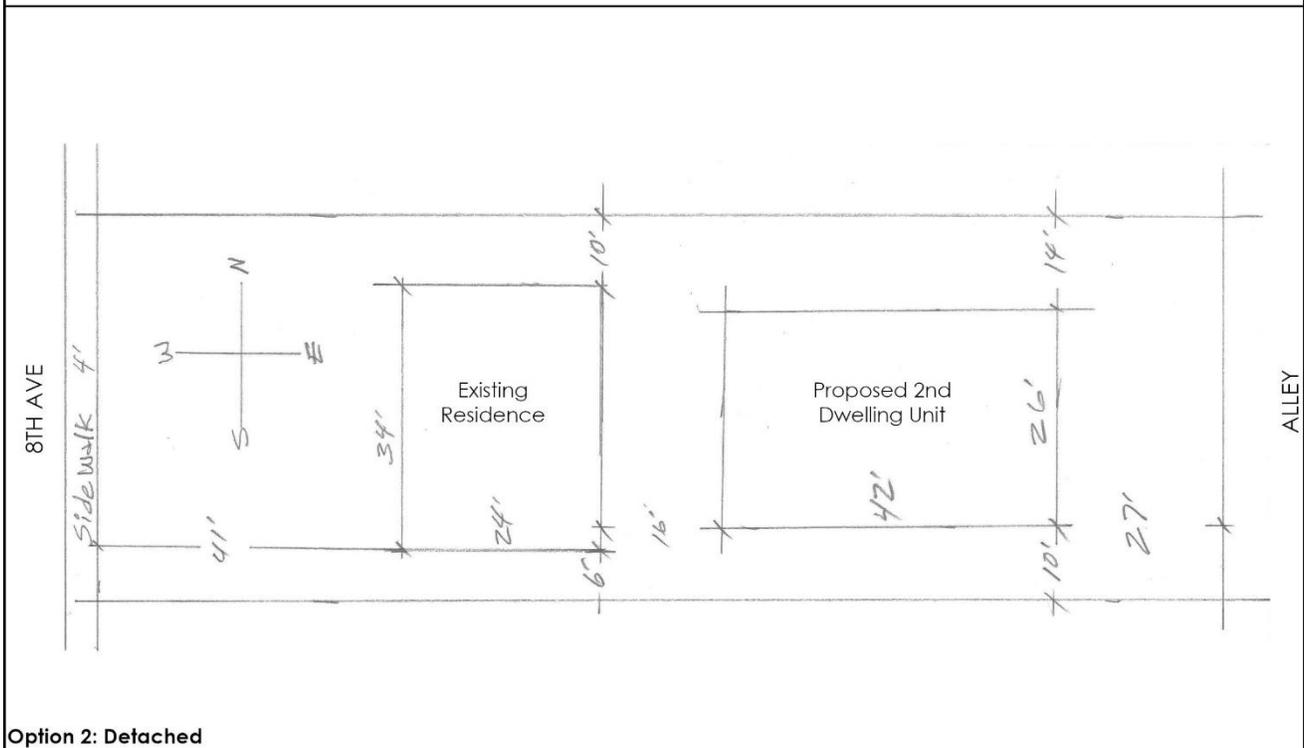
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval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

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

**ATTACHMENT B
CONCEPTUAL SITE PLAN**



Option 1: Attached



Option 2: Detached

**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun 12/19/25
- 300' Vicinity Mailing: 11/24/25
- 34 Commenting/Reviewing Agencies noticed: 11/20/25
- Site Posted on: 12/26/25
- Neighborhood Meeting: 12/03/25
- Hearing Date: 01/12/25
- Comments due: 12/08/25

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	11/21/25	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	11/21/25	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Charter Cable	NR				
Southwest Gas	NR				
CenturyLink Communications	NR				
Quechan Tribe	NR				
Bureau of Reclamation (USBR)	NR				
Bureau Land Management (BLM)	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				
Yuma Mesa Irrigation (YMIDD)	NR				
Unit B Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
Yuma Proving Ground	NR				
El Paso Natural Gas Co.	NR				
Western Area Power (WAPA)	YES	11/21/25	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	12/11/25			X
Fire	YES	11/24/25	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

DATE:	12/11/25	NAME:	Andrew McGarvie	TITLE:	Development Engineering Manager
AGENCY:	City of Yuma			PHONE:	928-373-5000 ext. 3044
<i>Enter comments below:</i>					
<p>If parking is provided in the rear from the alley, then owner/Developer shall design and pave the alley across the property frontage, then to the closest street per City of Yuma standard 3-030, due to particulate matter 10 microns or less (PM-10) concerns. Since this is an infill area, road millings can be used in lieu of pavement. There are elevation changes within the alley, which could make the paving harder, thus the City of Yuma Engineering will work with the applicant to the best of our ability to make the design and construction affordable.</p>					

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 12/03/25

Location: On Site

Attendees: Staff: Meredith Rojas; Applicants: Javier Marquez, Lourdes Marquez, Javier Marquez Jr.

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

- No neighbors in attendance.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code
ABITONG ALFONSO &	PO BOX 5236	SAN LUIS, AZ 85349
ADULT LITERACY PLUS OF SW AZ INC	825 S ORANGE AVE	YUMA, AZ 85364
AMADOR OMAR GAMEZ	825 S 1ST AVE	YUMA, AZ 85364
ANGELES OLGA	10109 SAN ANTONIO AVE APT B	SOUTH GATE, CA 90280
AVILA MARIA D	PO BOX 2396	SAN LUIS, AZ 85349
BIG BOY ICE CREAM AZ LLC	1620 W GRANT ST	PHOENIX, AZ 85007
BOCIO BRIAN	4184 S AVE 5 1/2 E	YUMA, AZ 85365
BOCIO BRIAN RICHARD	820 S 2ND AVE	YUMA, AZ 85364
BOCIO JOEL	2914 W 24TH PL	YUMA, AZ 85364
CARRILLO FERMIN & ELVIA JT	812 S 1ST AVE	YUMA, AZ 85364
EL PAISA AUTO MECHANIC LLC	229 W 8TH STREET	YUMA, AZ 85364
EVERETT FAMILY TRUST 11-25-2019	837 S 3RD AVE	YUMA, AZ 85364
FIERRO JUAN F & GABRIELA JT	814 S 1ST AVE	YUMA, AZ 85364
GAONA ANTONIO D & MARIA JT	871 S 2ND AVE	YUMA, AZ 85364
GOOD BIRD ON 2ND LLC	3225 MCLEOD DR STE 777	LAS VEGAS, NV 89121
HERRERA VICENTE & GLORIA Y JT	839 S 1ST AVE	YUMA, AZ 85364
HORN JOHN PATRICK & MARGARET ALICE AB LIVING TRUST 7-16-2004	PO BOX 214	VISTA, CA 92085
LAREDO MARINA VAZQUEZ	786 S 2ND AVE	YUMA, AZ 85364
MARQUEZ JAVIER M & LOURDES JT	831 S 2ND AVE	YUMA, AZ 85364
MIER ROSA LINDA RUIZ	1860 SHERWOOD DR	PRESCOTT, AZ 86303
MOLINA EVELIA GONZALEZ	835 S 2ND AVE	YUMA, AZ 85364
MOZQUEDA JOSE H	853 S 2ND AVE	YUMA, AZ 85364
OLEA JT TRUST	2465 S 29TH DR	YUMA, AZ 85364
PALMA GUSTAVO & CELINDA JT	850 S 1ST AVE	YUMA, AZ 85364
PATINO ABRAHAM &	842 S 2ND AVE	YUMA, AZ 85364
RENDON RUTH	813 S 1ST AVE	YUMA, AZ 85364
RUSH TIMOTHY	792 S 2ND AVENUE	YUMA, AZ 85364
SANCHEZ GUILLERMO	843 S 3RD AVE	YUMA, AZ 85364
SANTINI AMADOR & PETRA	1075 E 4050 S	OGDEN, UT 84403
SMITH DONALD & TERESA JT	21817 OCOTILLO WAY	APPLE VALLEY, CA 92308
SW LTN AM DIST CHURCH OF NAZARENE	1780 W MTN OAK LN	TUCSON, AZ 85746
VALENZUELA MARIA & LEANDRO	833 S 2ND AVE	YUMA, AZ 85364
WILLIAMS DALE	844 S 1ST AVE	YUMA, AZ 85364
YANCEY CAMERON	2929 W 14TH ST	YUMA, AZ 85364
YUMA CITY OF	ONE CITY PLAZA	YUMA, AZ 85364
YUMA SCIENCE OF MIND CENTER INC	781 S 2ND AVE	YUMA, AZ 85364

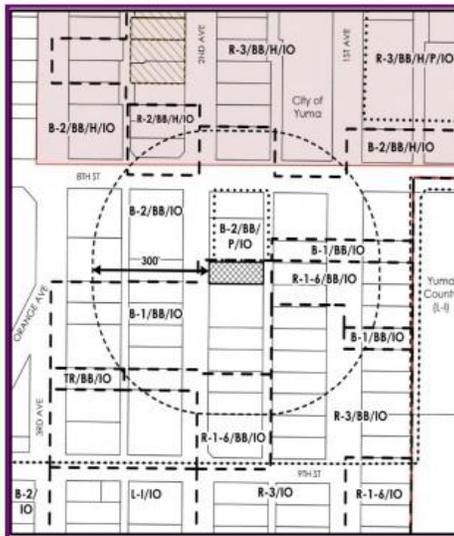
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Javier Marquez to rezone approximately 0.16 acres from the Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO) District to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District for the property located at 831 S. 2nd Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-44734-2025**

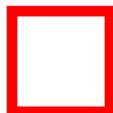
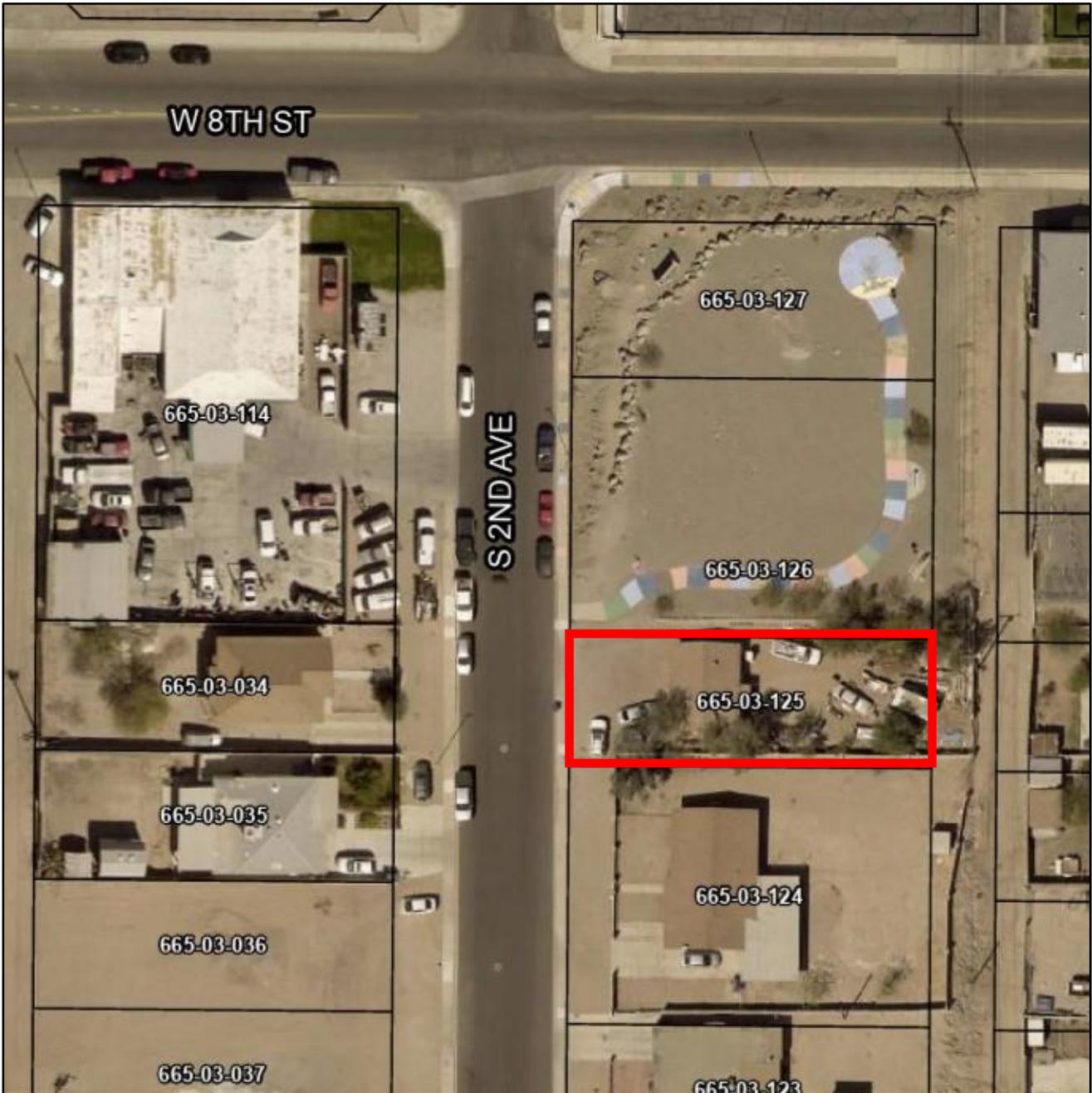
NEIGHBORHOOD MEETING
12/03/2025 @ 5:00pm
On-site

PUBLIC HEARING
01/12/2026 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ.



Because you are a neighbor within 300' of 831 S. 2nd Avenue Yuma, AZ, you are invited to attend these public meetings to voice your comments. If you have questions or wish to submit written comments, please contact Meredith Rojas by phone at (928) 373-5000 ext. 3047 or by email at Meredith.Rojas@YumaAz.gov. All written comments must be submitted by 12:00 pm **(the day of the hearing)** to be included in the public record for consideration during the hearing.

ATTACHMENT H
AERIAL PHOTO



Subject Property

ORDINANCE NO. O2026-007

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 LIMITED COMMERCIAL/BED & BREAKFAST OVERLAY/INFILL OVERLAY (B-1/BB/IO) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/BED & BREAKFAST OVERLAY/INFILL OVERLAY (R-2/BB/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 12, 2026 in Zoning Case No: ZONE-44734-2025 in the manner prescribed by law for the purpose of rezoning a parcel of real property hereafter described to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance, and manner provided by law, including publication of notice of the hearing in the Yuma Sun on December 20, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-44734-2025 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:

A portion of land located in the Northwest Quarter of the Northeast Quarter of Section 28, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows:

Lot 21, Block 2 of the Speese Addition, Book 1 of plats, Page 6, Dated March 25, 1905, as recorded in Yuma County Records Office, City of Yuma, State of Arizona.

Together with that portion of the West 10' feet of vacated alley.

Containing 7000.00 Sq. Ft. or 0.16 of an acre.

shall be placed in the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Medium Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) 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/Bed & Breakfast Overlay/Infill Overlay (R-2/BB/IO) District.

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

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

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

Adopted this ____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

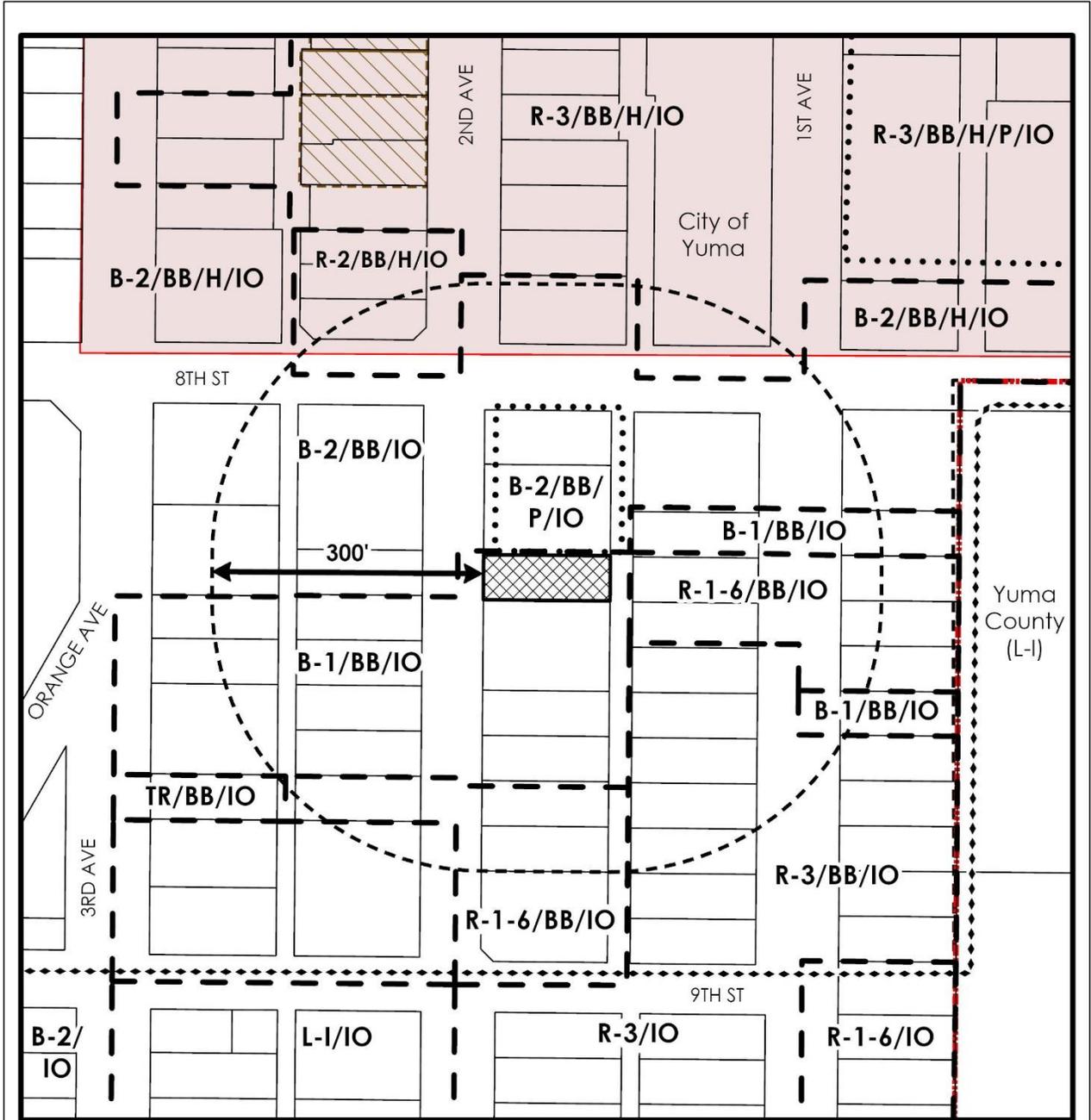
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.

Exhibit A



LOCATION MAP

- Public
- Bed and Breakfast

LOCATION OF SUBJECT PROPERTY
831 S 2ND AVE (APN: 665-03-125)

- Individually Listed Historic Site
- Century Heights Conservancy Residential Historic District

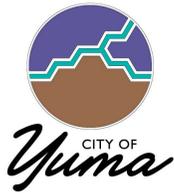


Prepared by: DG
Checked by: MR



Date: 11/18/2025
Revised:

Case #: ZONE-44734-2025



City of Yuma

City Council Report

File #: O2026-008

Agenda Date: 2/18/2026

Agenda #: 2.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Community Development	<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 type="checkbox"/> Ordinance - Introduction
DIVISION: Community Planning	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Rezoning of Property: 273 S. 8th Avenue

SUMMARY RECOMMENDATION:
 Rezone approximately .15 acres located at 273 S. 8th Avenue, Yuma, AZ, from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District. (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
 Consistent with the City Council's strategic outcome of Respected and Responsible, and Safe and Prosperous, the proposed rezoning is compatible with the surrounding area and supports residential development within the City.

REPORT:
 The subject property located at 273 S. 8th Avenue, was annexed to the City in January of 1915 and is located within the General Commercial/Infill Overlay (B-2/IO) District. The property is approximately 6,348 square feet in size and is currently developed with a 1,600 square foot single-family home and a 1,300 square foot guest house.

The applicant is requesting to rezone the property from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, to bring the zoning of the property into conformance with the actual use. The applicant has the property currently listed for sale. Lending regulations require the property to be zoned appropriately for the use. Additionally, if the homeowner intends to restore or make any modifications to the existing structures, any new residential construction will require the property to be zoned residential.

The main character of the area is residential, as most properties are developed with single-family homes similar to the subject property. The rezoning of the property will bring it into conformance with the current use and the surrounding area. In addition, this request is in conformance with the Land use Element of the General Plan of the City of Yuma.

On January 12, 2026, the Planning and Zoning Commission voted 4-0 to recommend approval of the request to rezone approximately 0.15 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for the property located at 273 S. 8th Avenue, Yuma, AZ, subject to the following conditions:

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

EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

“**Nahel Al-Alou, 791 S. 4th Avenue Suite G, Yuma, AZ** was available for questions.

PUBLIC COMMENT

None

“**Motion by Commissioner Chelsea Malouff-Craig second by Vice Chairman John Mahon to APPROVE ZONE-44709-2025 as presented.**

“**Motion carried unanimously, (4-0) with two absent and one vacancy.’**

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

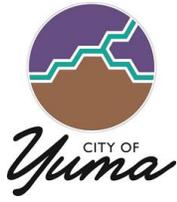
NONE

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

Department

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

Acting City Administrator: John D. Simonton	Date: 02/09/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/06/2026



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

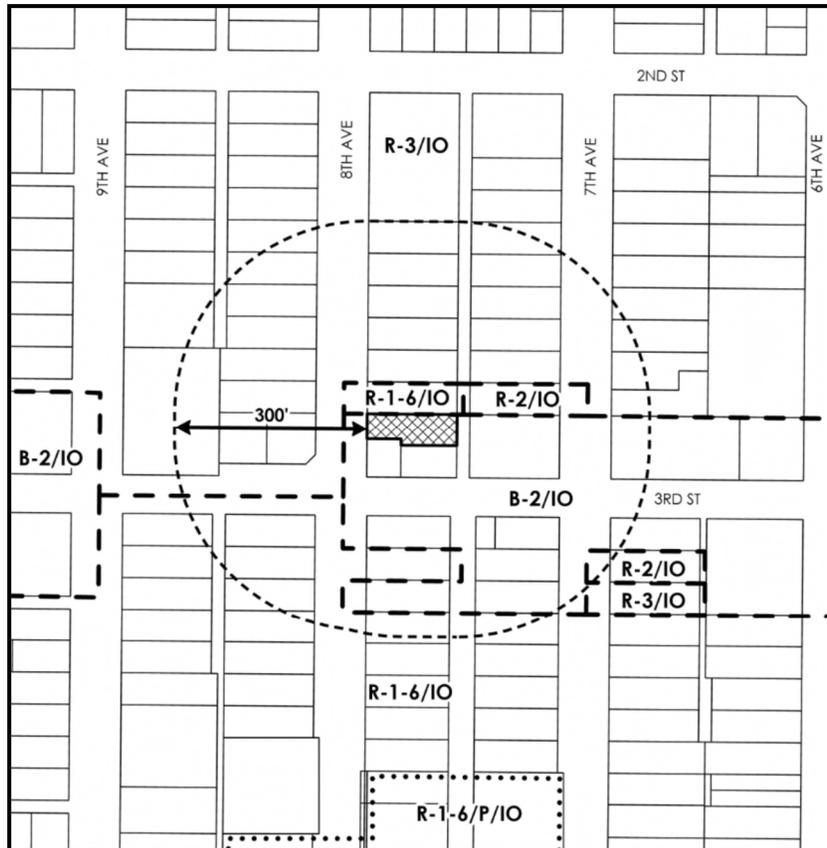
Hearing Date: January 12, 2026

Case Number: ZONE-44709-2025

Project Description/ Location: This is a request Nahel Al-Alou on behalf of Fernando Acosta, to rezone approximately .15 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, for the property located at 273 S. 8th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay (B-2/IO)	Single Family Home and Guest House	Medium Density Residential
North	Low Density Residential/Infill Overlay (R-1-6/IO)	Single Family Home	Medium Density Residential
South	General Commercial/Infill Overlay (B-2/IO)	Commercial Building and Vacant Lot	Medium Density Residential
East	General Commercial/Infill Overlay (B-2/IO)	Single Family Home and Commercial Building	Medium Density Residential
West	High Density Residential/Infill Overlay (R-3/IO)	Single Family Home	Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. City Charter (January 12, 1915), Subdivision: Block 102 Subdivision (November 24, 1905), Yuma Townsite (September 20, 1996), Study Area: C-10-63 Rezone from Res A to Res C (1963).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-44709-2025 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 Medium Density Residential/Infill Overlay for the property located at 273 S. 8th Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property located at 273 S. 8th Avenue, was annexed to the City in January of 1915 and is located within the General Commercial/Infill Overlay (B-2/IO) District. The property is approximately 6,348 square feet in size and is currently developed with a 1,600 square foot single-family home built in 1930 and a 1,300 square foot guest house.

The applicant is requesting to rezone the property from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, to bring the zoning of the property into conformance with the actual use. The applicant has the property currently listed for sale. Lending regulations require the property to be zoned appropriately for the use. Additionally, if the homeowner intends to restore or make any modifications to the existing structures, any new residential construction will require the property to be zoned residential.

The General Commercial (B-2) District allows residential dwellings as an accessory use when in conjunction with an established business activity. They shall be located within the same building or lot and may be owner-occupied or a rental unit. These may not be freestanding buildings for solely residential use.

The main character of the area is residential, as most properties are developed with single family homes similar to the subject property. The rezoning the property will bring it into conformance with the current use and the surrounding area. In addition, this request is in conformance with the Land Use Element of the General Plan of the City of Yuma.

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					

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
8 th Avenue- Local	29 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	3 rd Street – Proposed bike lane					
YCAT Transit System	Green route 4A and 4 – 3 rd Street @ 8 th Avenue					
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: Marcus Park				Future: Marcus Park				
Community Park:	Existing: Carver Park Complex				Future: Carver Park Complex				
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park				
Issues:	None								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	Yuma High								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes	X	No						
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 2023 5-year American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation		
	<i>2-4 Units</i>								
	Maximum	Per Unit		Officers	GPD	AF	GPD		
	2	2.2	4	0.01	911	1.0	308		
Minimum									
1	2.2	2	0.00	455	0.5	154			
Fire Facilities Plan:	Existing: Fire Station No. 1				Future: Fire Station No. 1				
Water Facility Plan:	Source:	City	X	Private	Connection:	6" line on 8 th Avenue			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 6" Line on 8 th Avenue			
Issues:	None								
Safety Element:									
Flood Plain Designation:	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	X	
Issues:	None								

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

Yes

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

Yes

Public Comments Received: None Received

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: December 10, 2025

Final staff report delivered to applicant on: December 31, 2025

Applicant agreed with all of the conditions of approval on: December 11, 2025

Attachments

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

Prepared By: *Guillermo Moreno-nunez* **Date:** December 15, 2025
 Guillermo Moreno-nunez
 Associate Planner (928) 373-5000, x3038
 Guillermo.moreno-nunez@yumaaz.gov

Reviewed By: *Jennifer L. Albers* **Date:** 12/15/25
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 12/31/25
 Alyssa Linville
 Director, Community Development

**ATTACHMENT A
CONDITIONS OF APPROVAL**

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

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

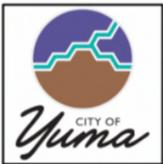
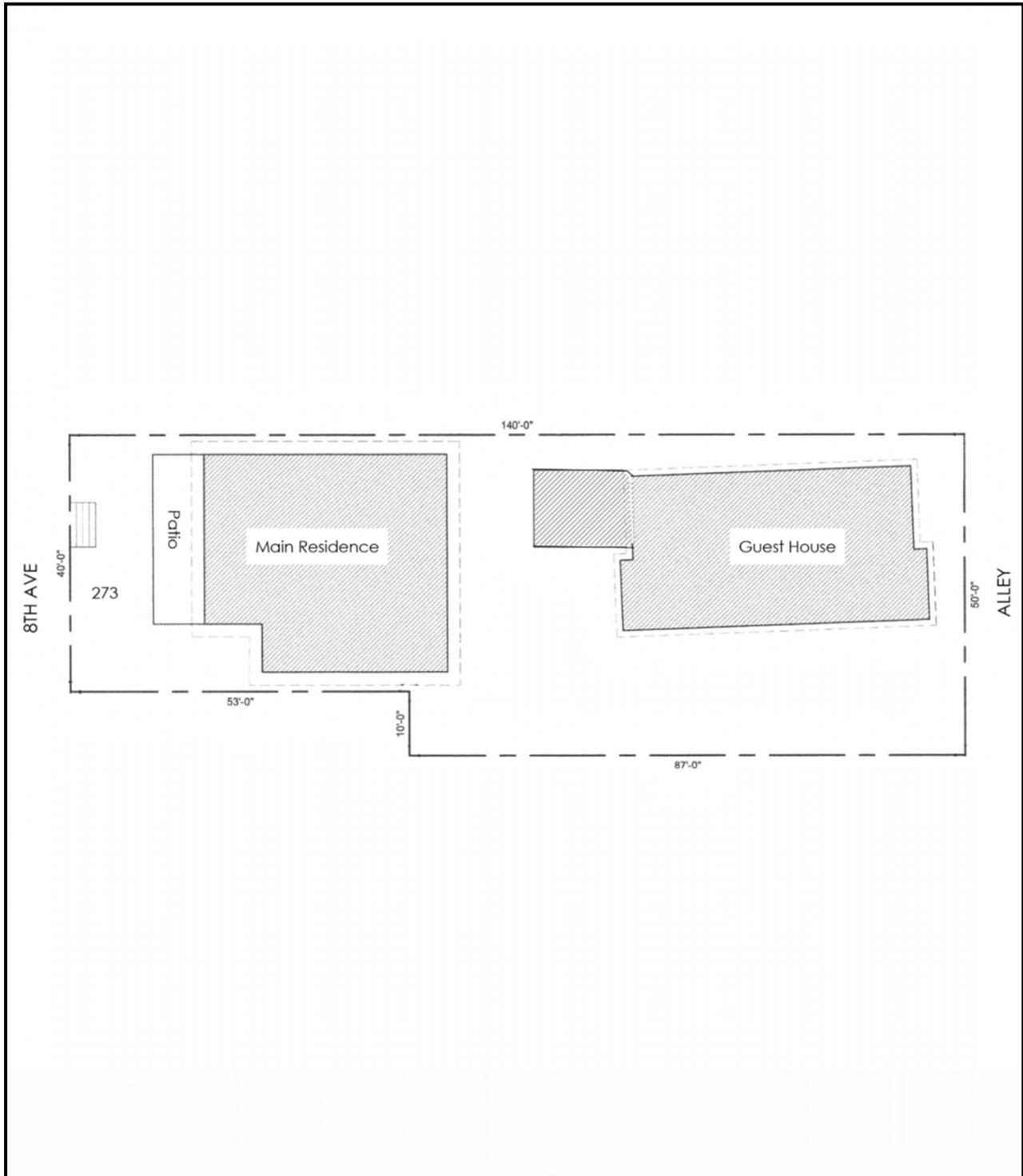
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

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

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

ATTACHMENT B
SITE PLAN



Prepared by:
DG
Date:
11/14/2025

ZONE-44709-2025
APN 633-41-172
Site Plan

Plan/Case:
44709



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun 12/19/25
- 300' Vicinity Mailing: 11/24/25
- 34 Commenting/Reviewing Agencies noticed: 11/27/25
- Site Posted on: 11/26/27
- Neighborhood Meeting: 12/03/25
- Hearing Date: 01/12/26
- Comments due: 12/08/25

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	11/21/25	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	11/21/25	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Charter Cable	NR				
Southwest Gas	NR				
CenturyLink Communications	NR				
Quechan Tribe	NR				
Bureau of Reclamation (USBR)	NR				
Bureau Land Management (BLM)	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				
Yuma Mesa Irrigation (YMIDD)	NR				
Unit B Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
Yuma Proving Ground	NR				
El Paso Natural Gas Co.	NR				
Western Area Power (WAPA)	Yes	11/21/25	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	Yes	11/24/25	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: 12/03/2025

Location: On site

Attendees:

Nahel Al-Alou, Agent

Yamen Al-Alou, Agent

Reina Heim, Neighbor

Guillermo Moreno-nunez, Staff

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

- Mrs. Heim: asked what the purpose of rezoning was?
- Staff: explained that the rezone is needed in order to bring the property in conformance with the general plan of the City, since it's a residence within a commercial zoning district.

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ACOSTA FERNANDO B	273 S 8TH AVE	YUMA	AZ	85364
AELLO EVELYN	280 S 8TH AVE	YUMA	AZ	85364
ALMADA NADIA K	307 S 9TH AVE	YUMA	AZ	85364
ANDERSON SHELLEY W	1000 S 5TH AVE	YUMA	AZ	85364
ARIAS LUIS & IDUVINA CPWROS	3585 S 18TH AVE	YUMA	AZ	85365
ARIAS RAMON	PO BOX 2366	SOMERTON	AZ	85350
AVENDANO MANUEL & NANNETTE REVOCABLE TRUST 10-31-2024	8610 E 26TH PL	YUMA	AZ	85365
BEST SOUTHWEST SERVICES INC	2147 S COPPER VIEW WAY	YUMA	AZ	85365
BURGUENO & JUAN M & ANA H JT	265 S 8TH AVE	YUMA	AZ	85364
CACHUMARA LLC	8222 S AVENUE D	YUMA	AZ	85364
CAMPOS SEBASTIAN & MARIA F JT	272 S 7TH AVE	YUMA	AZ	85364
CARE & COMFORT AZ LLC	3500 S 4TH AVE	YUMA	AZ	85364
CARRILLO JOSE M & SILVIA J JT	267 S 7TH AVE	YUMA	AZ	85364
CB HOLDING LLC	1580 S AVENUE A	YUMA	AZ	85364
CISNEROS GUMERCINDO & HELEODORA & COURAGEOUS CATHOLIC OVERSEER & SUCCESSORS	305 S 8TH AVE 10 E 10TH ST	YUMA YUMA	AZ AZ	85364 85364
DARNELL NATHANIEL DAVID	13461 S AVE B	YUMA	AZ	85365
DAVIS JAMES ALLEN	PO BOX 4189	YUMA	AZ	85366
ESPINOZA ROSE ANNA &	264 S 8TH AVE	YUMA	AZ	85364
FLEEMAN ELVIA	218 S 8TH AVE	YUMA	AZ	85364
FLORES ROSA & ANASTACIO	1315 S C ST APT 2	OXNARD	CA	93033
GOMEZ FRANCISCO A & ELVIA V JT	1195 ALAMO WAY	SALINAS	CA	93905
GUZMAN CARLOS A ALVARADO & LAURA	580 S 9TH AVE	YUMA	AZ	85364
GUZMAN CARLOS A ALVARADO & LAURA	580 S 9TH AVE	YUMA	AZ	85364
HERNANDEZ FILEMON & ROSA I JT	9680 E 38TH ST	YUMA	AZ	85365
JARAMILLO JORGE & MARIA DEL CARMEN JT	329 S 8TH AVE	YUMA	AZ	85364
JIM JESUS J & MARY J JT	213 S MOODY AVE	FULLERTON	CA	92631
JOAQUIN DANETTE M	306 S 8TH AVE	YUMA	AZ	85364
LUVI TRUST 11-14-2017	3585 S 18TH AVE	YUMA	AZ	85365
MIRANDA MIGUEL & ERNESTINA JT	711 W 3RD ST	YUMA	AZ	85364
MOLINA ALEJANDRO G	6632 E 35TH PLACE	YUMA	AZ	85365
MOLINA ALEJANDRO G	6632 E 35TH PLACE	YUMA	AZ	85365
MORE HOLDINGS LLC	181 S ORANGE AVE	YUMA	AZ	85364
NAVARRO MOISES & FRANCES JT	314 S 8TH AVE	YUMA	AZ	85364
RAMIREZ SIMON & PETRA JT	840 W 3RD ST	YUMA	AZ	85364
RODRIGUEZ ELENA TRUST 5-29-2014	256 S 7TH AVE	YUMA	AZ	85364
RODRIGUEZ ELIGIO YESI PATINO	259 S 7TH AVE	YUMA	AZ	85364
ROJAS DELIA & PATRICIA IBARRA CPWROS	317 S 8TH AVE	YUMA	AZ	85364
ROSAS JOSE M & LETICIA JT	273 S 7TH AVE	YUMA	AZ	85364
SORIA IGNACIA &	312 S 7TH AVE	YUMA	AZ	85364
TAFOYA ANA MARIA	285 S 7TH AVE	YUMA	AZ	85364
TINO'S TRUST 1-11-2024	248 S 7TH AVE	YUMA	AZ	85364
VELAZQUEZ JOSE & ADELA JT	8507 S MOHAVE LN	YUMA	AZ	85364

VIGIL RAY B & CHRISTINE A JT	255 S 8TH AVE	YUMA	AZ	85364
WATSON HERTICENE	330 S 8TH AVE	YUMA	AZ	85364
WILLIAMS TERYL ANN	256 S 8TH AVE	YUMA	AZ	85364
WILLIAMS TERYL ANN	256 S 8TH AVE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
ZUNIGA EMILIA	322 S 8TH AVE	YUMA	AZ	85364

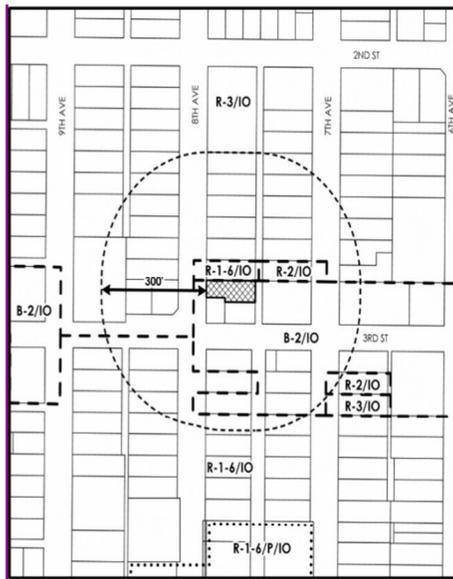
**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Nahel Al-Alou on behalf of Fernando Acosta, to rezone approximately .15 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for the property located at 273 S. 8th Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-44709-2025**

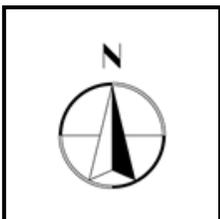
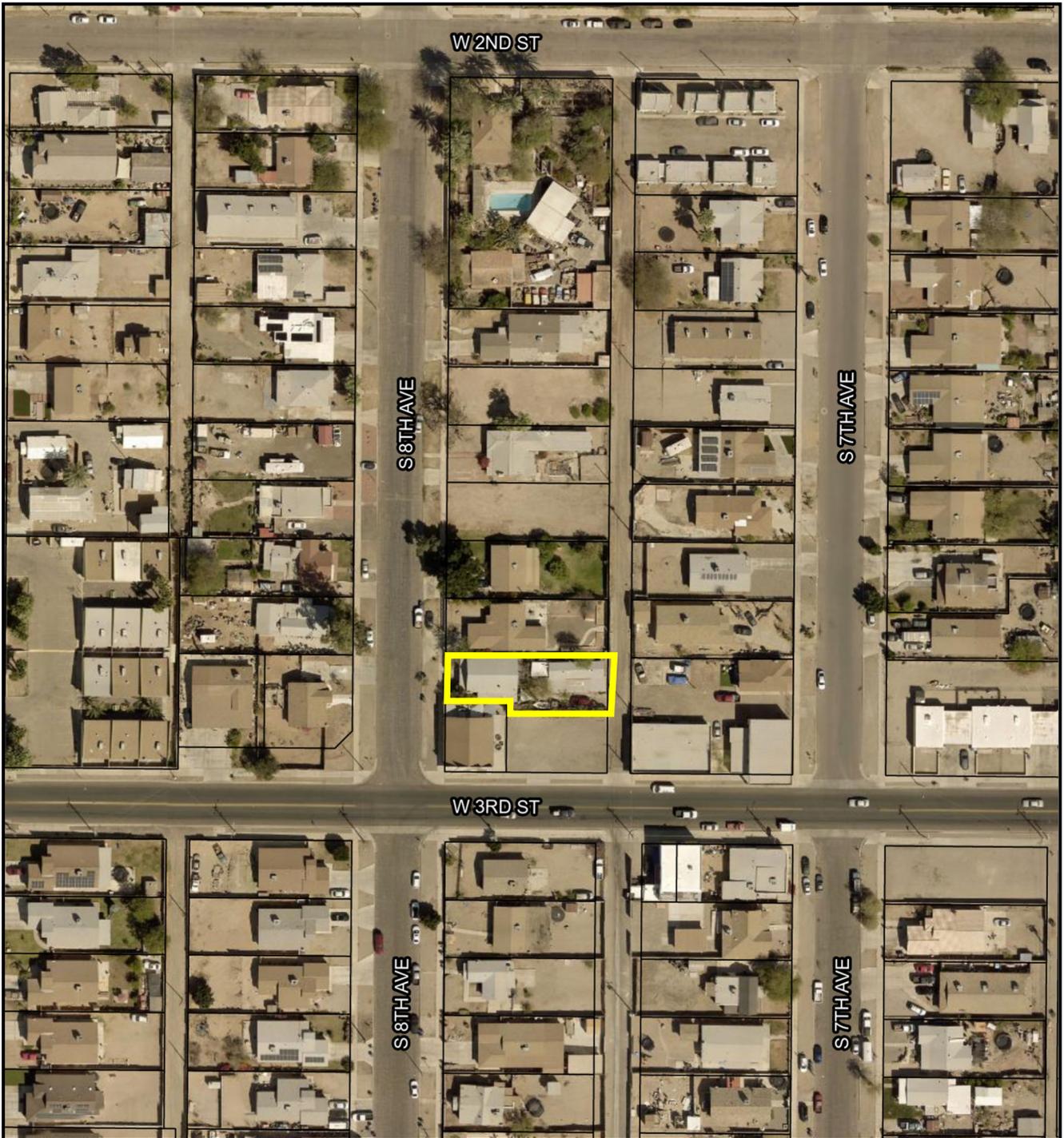
NEIGHBORHOOD MEETING
12/03/2025 @ 5:00pm
On-site

PUBLIC HEARING
01/12/2026 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ.



Because you are a neighbor within 300' of 273 S. 8th Avenue Yuma, AZ, you are invited to attend these public meetings to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo Moreno-nunez by phone at (928) 373-5000 ext. 3038 or by email at Guillermo.Moreno-nunez@YumaAz.gov. All written comments must be submitted by 12:00 pm (**the day of the hearing**) to be included in the public record for consideration during the hearing.

ATTACHMENT G
AERIAL PHOTO



ORDINANCE NO. O2026-008

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 GENERAL COMMERCIAL/INFILL OVERLAY (B-2/IO) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/INFILL OVERLAY (R-2/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 12, 2026 in Zoning Case No: ZONE-44709-2025 in the manner prescribed by law for the purpose of rezoning a parcel of real property hereafter described to the Medium Density Residential/Infill Overlay (R-2/IO) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance, and manner provided by law, including publication of notice of the hearing in the Yuma Sun on December 20, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-44709-2025 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:

A portion of land located in Section 21, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;

*Lot 14, Block 102 of **White's Official Survey** Dated April 4, 1894, as recorded in Yuma County Recorder's Office, City of Yuma, State of Arizona.*

Except the South 10' feet of the West 53' feet thereof.

Containing 6,348.00 Sq. Ft. or 0.15 of an acre.

shall be placed in the Medium Density Residential/Infill Overlay (R-2/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Medium Density Residential/Infill Overlay (R-2/IO) 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/Infill Overlay (R-2/IO) District.

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

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

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

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

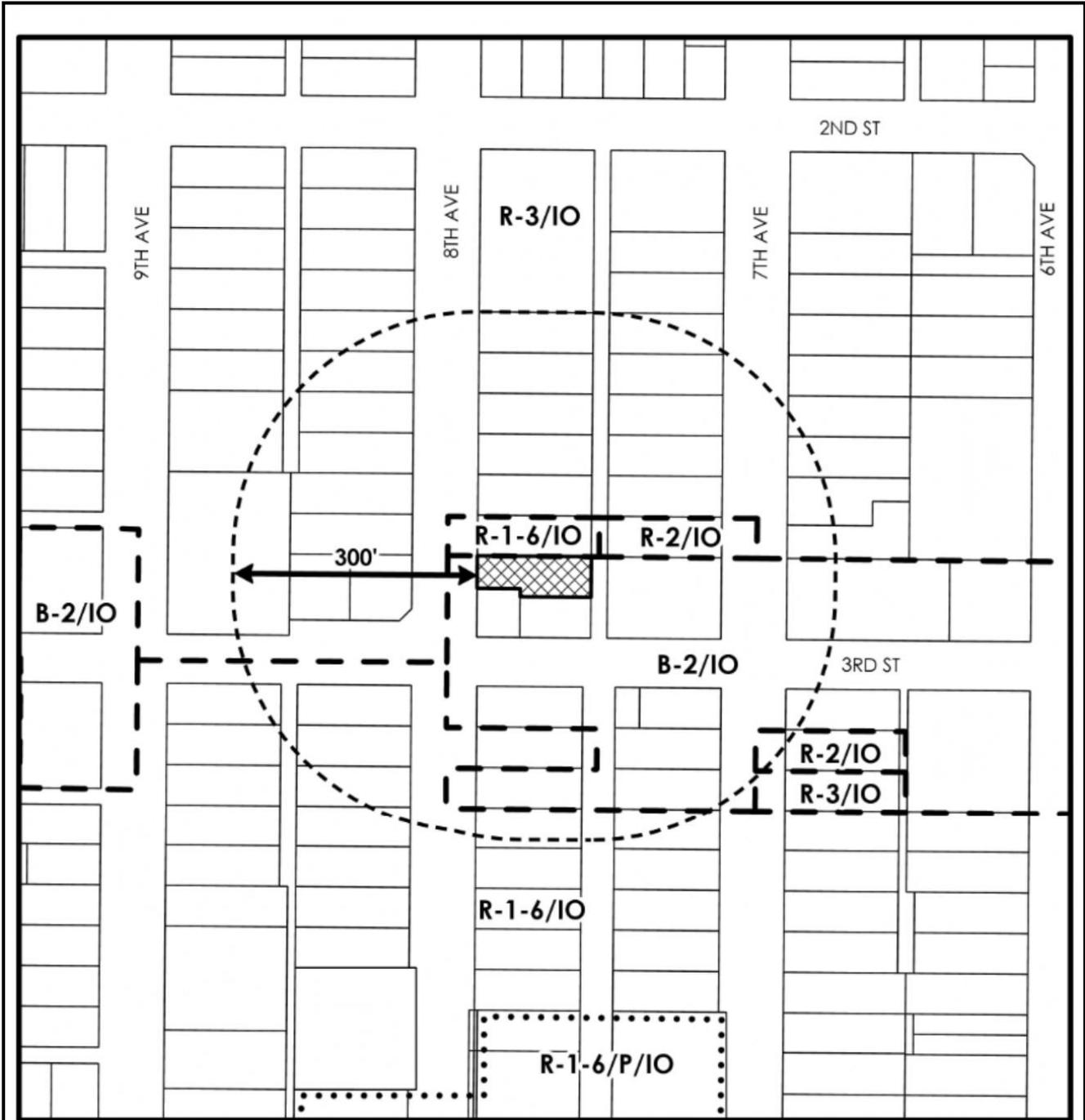
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY
273 S 8TH AVE (APN: 633-41-172)

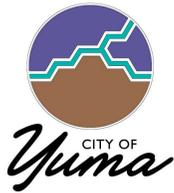


Prepared by: DG
Checked by: GMN



Date: 11/4/2025
Revised:

Case #:
ZONE-44709-2025



City of Yuma

City Council Report

File #: O2026-010

Agenda Date: 2/18/2026

Agenda #: 3.

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

TITLE:

Grant of Easement to Install Electrical Facilities- East Mesa Community Park

SUMMARY RECOMMENDATION:

Authorize an easement on City property at 6060 E. 36th Street to Arizona Public Service Company (APS) for the installation of electrical facilities necessary for the development of the new East Mesa Community Park. (Engineering) (David Wostenberg)

STRATEGIC OUTCOME:

This item aligns with the Active and Appealing strategic outcome by providing the necessary services for the development of a new community park.

REPORT:

The City of Yuma is currently constructing a new community park at 6060 E 36th Street. The property is illustrated in the attached "Detail A" of Exhibit B to the Utility Easement.

APS has requested a easement at no cost for the installation of electrical facilities necessary to serve the East Mesa Community Park. Exhibit B to the Utility Easement describes and depicts the new easement area.

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:

Constructing and maintaining the new community park will have a fiscal impact on the city, but granting the requested easement will not have a fiscal impact.

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE

OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/09/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/06/2026

ORDINANCE NO. O2026-010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AUTHORIZING AN EASEMENT FOR THE INSTALLATION OF
NEW ELECTRICAL FACILITIES AT CITY-OWNED EAST MESA
COMMUNITY PARK**

WHEREAS, the City of Yuma (“City”) is constructing a new community park on a 24-acre parcel of land the City owns at 6060 E 36th Street, more particularly described in Exhibit “A” (the “Property”); and,

WHEREAS, Arizona Public Service Company (“APS”) has requested a new easement from the City covering approximately 390 square feet along the West boundary of the Property as described and depicted in Exhibit B (“Easement Area”) for the installation of facilities necessary to provide electric service to the new East Mesa Community Park;

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

SECTION 1: It is deemed appropriate, as a matter of public necessity and public welfare, that the City grant an easement to APS for the installation of new electrical facilities within the Easement Area in accordance with the City of Yuma-APS Utility Easement Agreement attached and incorporated herein.

SECTION 2: The City Administrator is authorized to execute all necessary documents on behalf of the City to grant the above-referenced easement to APS.

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.

NW-9-9S-22W

197-09-017
SW-25-76
WA720572
SK

CITY OF YUMA-APS UTILITY EASEMENT

THE CITY OF YUMA, a municipal corporation of the State of Arizona, (hereinafter called "Grantor"), is the owner of the following described real property located in Yuma County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement, 8 feet in width or as further described in attached exhibits at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; and install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities solely for Grantee's own use incidental to supplying electricity (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"). Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, driveways, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises without the prior written consent of Grantee, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, cement, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's Property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating Grantee Facilities; and (2) Grantor provides Grantee with a new easement in a form and location acceptable to Grantee and at no cost to Grantee. Upon the acceptance by Grantee of a new easement and after the relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement. The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

If any of Grantee's electric facilities in this easement are not being used or are determined not to be useful, Grantor may request that the facilities that are no longer needed be removed and that portion of the easement be abandoned. Grantee will execute and record a formal instrument abandoning the easement, or a portion thereof. Any facilities that are determined to still be needed for Grantee's electrical system can be relocated pursuant to the above relocation requirements.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity (other than to an affiliated entity of Grantee or an entity that acquires from Grantee substantially all of Grantee's electric distribution facilities within the area of Grantor's Property) without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of the transfer, conveyance or assignment of any rights granted herein.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

EXHIBIT “A”

**(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)
AS RECORDED IN INSTRUMENT NUMBER 2018-25535 Y.C.R.**

**PARCEL B, ARIZONA DEPARTMENT OF VETERANS’ SERVICES LOT TIE/ LOT SPLIT,
According to Book 30 of Plats, Page 30, Records of Yuma County, Arizona.**

Description Verified By: *Andrew Mc Carrie*
City Engineering Department 1/26/2026

EXHIBIT "B"
ARIZONA PUBLIC SERVICE JOB #WA720572

An utility easement over a portion of Parcel "B" as shown on the Lot Tie/Lot Split Map, recorded in Book 30, Page 30, Yuma County Records, Arizona, being situated within the Northwest Quarter of Section 09, Township 9 South, Range 22 West of the Gila and Salt River Meridian, Yuma County, Arizona, being more particularly described as follows:

COMMENCING at the most Westerly, Southwest corner of said Parcel "B", from which the most Southerly, Southwest corner of said Parcel "B" bears South 45 degrees 09 minutes 12 seconds East, a distance of 70.87 feet;

Thence North 00 degrees 17 minutes 10 seconds West, along the West line of said Parcel "B", a distance of 49.77 feet to the POINT OF BEGINNING;

Thence North 00 degrees 17 minutes 10 seconds West, continuing along said West line, a distance of 8.09 feet;

Thence departing said West line, North 80 degrees 56 minutes 25 seconds East, a distance of 18.28 feet;

Thence North 45 degrees 14 minutes 07 seconds East, a distance of 6.00 feet;

Thence South 44 degrees 45 minutes 53 seconds East, a distance of 4.00 feet;

Thence North 45 degrees 14 minutes 07 seconds East, a distance of 8.25 feet;

Thence South 44 degrees 45 minutes 53 seconds East, a distance of 11.50 feet;

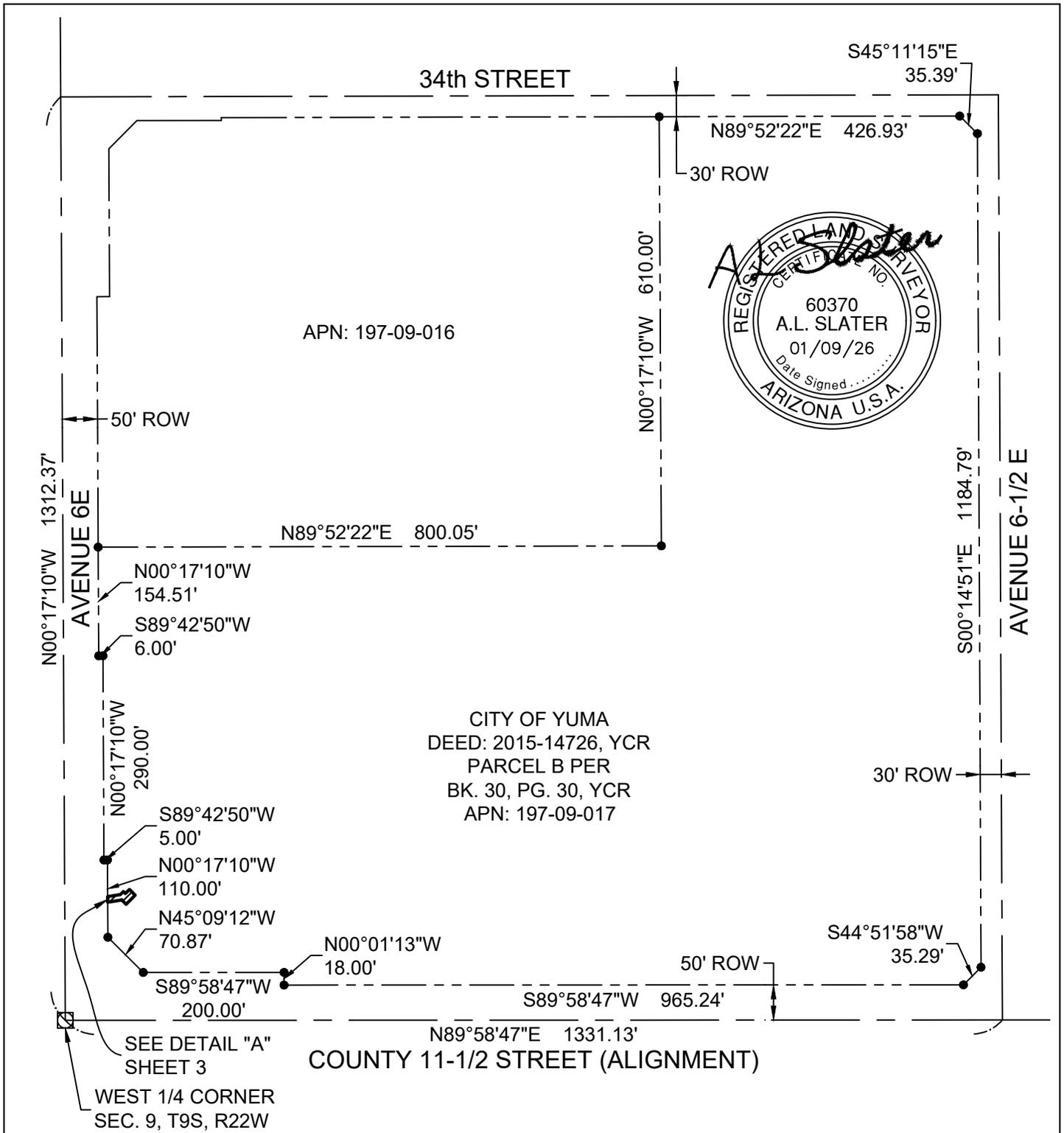
Thence South 45 degrees 14 minutes 07 seconds West, a distance of 18.25 feet;

Thence North 44 degrees 45 minutes 53 seconds West, a distance of 8.52 feet;

Thence South 80 degrees 56 minutes 25 seconds West, a distance of 20.34 feet to the POINT OF BEGINNING.

Said Easement Contains 390 Square Feet or 0.009 Acres, more or less.





REFERENCE DOCUMENTS

LOT TIE / LOT SPLIT SURVEY PER BOOK 30, PAGE 30, YCR

LEGEND

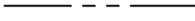
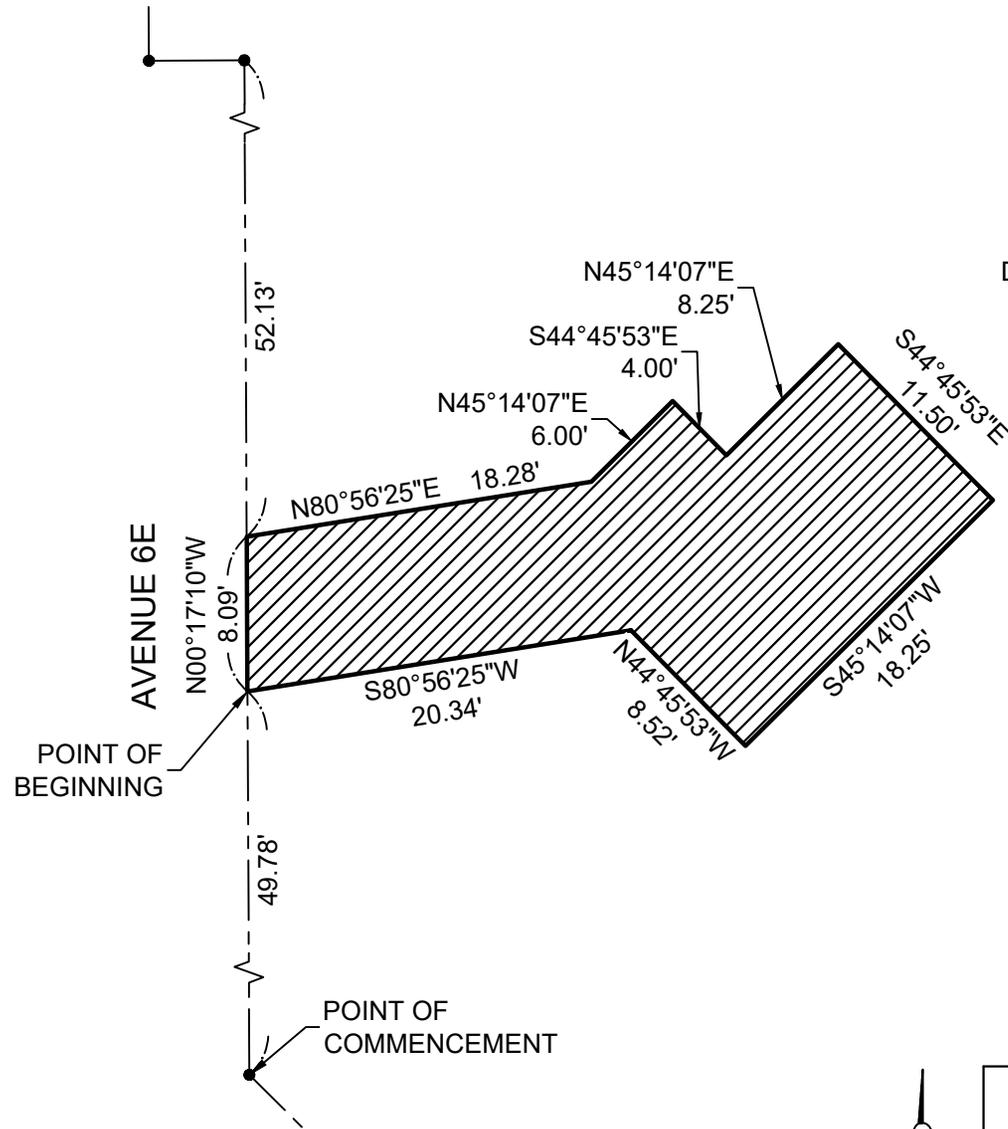
-  EASEMENT AREA
-  MONUMENT LINE
-  PROPERTY LINE
-  PROPERTY CORNER
-  MONUMENT
- YCR YUMA COUNTY RECORDS
- APN ASSESSORS PARCEL NUMBER
- ROW RIGHT OF WAY



		EXHIBIT "B"	
JOB # WA720572		DATE: 01/09/2026	
NW 1/4 SEC 9 T09S R22W			
SCALE: 1"=200'		INDEX: SW-25-76	
R/W: S. KERNS			
SURVEY: D. VILLANUEVA			
DRAWN BY: T. SLATER		SHEET 2 OF 3	

DETAIL "A"



CITY OF YUMA
 DEED: 2015-14726, YCR
 PARCEL B PER
 BK. 30, PG. 30, YCR
 APN: 197-09-017

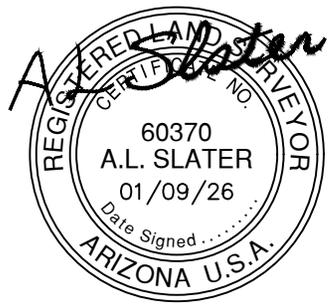
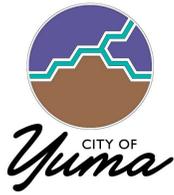


	EXHIBIT "B"
JOB # WA720572	DATE: 01/09/2026
NW 1/4 SEC 9 T09S R22W	
SCALE: 1"=10'	INDEX: SW-25-76
R/W: S. KERNS	
SURVEY: D. VILLANUEVA	
DRAWN BY: T. SLATER	SHEET 3 OF 3



City of Yuma

City Council Report

File #: O2026-011

Agenda Date: 3/4/2026

Agenda #: 1.

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

TITLE:

Annexation Area No. ANEX-44726-2025 Livingston Ranch Unit Nos. 5-7

SUMMARY RECOMMENDATION:

Authorize annexation of properties located northwest of the 38th Street alignment and Avenue C. (ANEX-44726-2025). (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The approval of this annexation will provide access to City resources and services. The annexation assists in furthering City Council’s strategic outcome of Respected and Responsible.

REPORT:

The annexation area consists of one parcel of real property. The annexation area totals approximately 97.9 acres. The property is owned by Barkley Farms Limited Partnership.

The City of Yuma received a request from Barkley Farms Limited Partnership to annex their property with the intent to rezone and subdivide for future development of Livingston Ranch Unit Nos. 5-7.

In accordance with Arizona Revised Statutes § 9-471, a blank petition with a legal description and map of the area to be annexed was filed with the County Recorder on January 8, 2026. There was a 30-day waiting period after recording the map and petition with the County Recorder before signatures on the annexation petition could be obtained. During the waiting period, a public hearing for annexation ANEX-44726-2025 was held by the City Council on February 4, 2026, to comply with the state annexation law. All appropriate and necessary notice and posting requirements have been met.

After the 30-day waiting period and the public hearing, the following procedures were followed:

1. The signatures of the property owners were obtained such that at least one-half of the value of the real and personal property is represented and such that more than one-half of the parcel owners are represented. No modifications, including increases or decreases to the territory to be annexed, were made after the first property owners in the area signed the annexation petition.

2. Within one year after the last day of the 30-day waiting period, these completed petitions were received and recorded with the office of the Yuma County Recorder.

Following the recording of the completed petitions, an ordinance must be adopted by the City Council changing the City boundaries to include the annexation area.

The ordinance also identifies the zoning district to be placed on the property within the annexation area as Agriculture (AG) District. The zoning designation matches the current County Zoning on the property Rural Area (RA-40). This City Council action introduces the annexation ordinance prior to adoption.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 02/20/2026
Reviewed by City Attorney: Richard W. Files	Date: 02/19/2026

ANNEXATION PETITION ANEX-44726-2025
Livingston Ranch Unit Nos. 5-7 Annexation

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF YUMA, ARIZONA:

We, the undersigned, owners of real and personal property, being the real property hereinafter described and all personal property that we may own in the area to be annexed, request the City of Yuma to annex our property, said property being located in a territory contiguous to the City of Yuma, Arizona, and being located within the following described area:

The North half of the Southeast quarter and the Northeast quarter of the Southwest quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, Township 9 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPT the West 3 acres of the Northeast quarter of Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); and

EXCEPT the Eagle 20 Lot Tie/Lot Split, including Parcel "A", Parcel "B", and all right-of-way's, dated 7/8/2010, FEE 2010-16882, recorded in Book 25 of Plats, Page 82, Yuma County Records, also described as follows:

EXCEPT the part of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) described as follows:

BEGINNING at a point on the North line of the North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 12 said point bears South 89°40'50" West, a distance of 525.0 feet from the Northeast corner of the North half of Southeast quarter of Section 12; thence South 0°15'30" East, along the West line of the East 525.0 feet of said North half of the Southeast quarter of Section 12, a distance of 738.0 feet; thence South 89°40'50" West, a distance of 180.0 feet; thence South 0°15'30" East, a distance of 363.28 feet; thence South 89°40'50" West, a distance of 140.58 feet; thence North 66°30' West, a distance of 150.0 feet; thence North 23°30' East, a distance of 630.0 feet; thence North 100°00' East, a distance of 472.0 feet to a point on the North line of said North half of the Southeast quarter of section 12; thence North 89°40'50" East, a distance of 120.0 feet to the Point of Beginning; and

EXCEPT, that portion beginning at the Northeast corner of the North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 12; thence South 89°40'50" West, a distance of 525.0 feet; thence South 0°15'30" East, a distance of 738.0 feet; thence South 89°40'50" West, a distance of 180.0 feet; thence South 0°15'30" East, a distance of 363.28 feet; thence North 89°40'50" East, a distance of 705.0 feet to the East line of the North half of the Southeast quarter; thence North along said East line, a distance of 1101.28 feet to the Point of Beginning.

Containing a total of 97.9 acres, more or less.

In addition to the above description, any and all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the proposed annexation are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

The City Council may determine the exact boundary of said territory to be annexed; provided, however, that said annexation area lies wholly within the above described area, and provided further, that the provisions of Section 9-471, Arizona Revised Statutes, are fully observed and complied with.

DATE	SIGNATURE	MAILING ADDRESS	PARCEL ID/ LEGAL DESCRIPTION

(Legal description can be Lot/Block/Subdivision; Book/Map/Parcel; or Metes and Bounds)

Print Name of Signatory above: _____

Property Owner

ORDINANCE NO. O2026-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ANNEXING TO THE CITY OF YUMA, A PORTION OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 24 WEST OF THE GILA AND SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA, AND AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, DESIGNATING THE ZONING OF CERTAIN PROPERTY TO THE AGRICULTURE (AG) ZONING DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM THERETO, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AS AMENDED

WHEREAS, a petition in writing (“Petition”), accompanied by a map or plot of said property, having been filed and presented to the Mayor and City Council of the City of Yuma, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Yuma in the event of annexation of the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of Yuma and not now embraced within its corporate limits, asking that the property more particularly hereinafter described be annexed to the City of Yuma, and to extend and increase the corporate limits of the City of Yuma so as to embrace the same; and,

WHEREAS, the Mayor and City Council of the City of Yuma, Arizona, are desirous of complying with the Petition and extending and increasing the corporate limits of the City of Yuma to include said territory; and,

WHEREAS, the Petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Yuma and had attached thereto at all times an accurate map of the territory desired to be annexed; and,

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the Petition had been signed by any owner of real and personal property in such territory; and,

WHEREAS, the provisions of A.R.S. § 9-471, as amended, have been fully observed; and,

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of City Clerk of the City of Yuma, Arizona, together with a true and correct copy of the original Petition referred to herein, which is on file in the office of the Yuma County Recorder; and,

WHEREAS, upon annexation the initial designation for zoning of the property described in Section 1 shall be Agriculture (AG) District, as provided for in A.R.S. § 9-471, and amendments thereto; and,

WHEREAS, the City Council has considered the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: That the following described territory be, and the same hereby is, annexed to the City of Yuma, and that the present corporate limits be, and the same hereby are, extended and increased to include the following described territory contiguous to the present City of Yuma corporate limits, to wit:

The North half of the Southeast quarter and the Northeast quarter of the Southwest quarter (N¹/₂SE¹/₄NE¹/₄SW¹/₄) of Section 12, Township 9 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;

EXCEPT the West 3 acres of the Northeast quarter of Southwest quarter (NE¹/₄SW¹/₄); and

EXCEPT the Eagle 20 Lot Tie/Lot Split, including Parcel "A", Parcel "B", and all right-of-way's, dated 7/8/2010, FEE 2010-16882, recorded in Book 25 of Plats, Page 82, Yuma County Records, also described as follows:

EXCEPT the part of the Northeast quarter of the Southeast quarter (NE¹/₄SE¹/₄) described as follows:

BEGINNING at a point on the North line of the North half of the Southeast quarter N¹/₂SE¹/₄) of Section 12 said point bears South 89°40'50" West, a distance of 525.0 feet from the Northeast corner of the North half of Southeast quarter of Section 12; thence South 0°15'30" East, along the West line of the East 525.0 feet of said North half of the Southeast quarter of Section 12, a distance of 738.0 feet; thence South 89°40'50" West, a distance of 180.0 feet; thence South 0°15'30" East, a distance of 363.28 feet; thence South 89°40'50" West, a distance of 140.58 feet; thence North 66°30' West, a distance of 150.0 feet; thence North 23°30' East, a distance of 630.0 feet; thence North 100°00' East, a distance of 472.0 feet to a point on the North line of said North half of the Southeast quarter of section 12; thence North 89°40'50" East, a distance of 120.0 feet to the Point of Beginning; and

EXCEPT, that portion beginning at the Northeast corner of the North half of the Southeast quarter (N¹/₂SE¹/₄) of Section 12; thence South 89°40'50" West, a distance of 525.0 feet; thence South 0°15'30" East, a distance of 738.0 feet; thence South 89°40'50" West, a distance of 180.0 feet; thence South 0°15'30" East, a distance of 363.28 feet; thence North 89°40'50" East, a distance of 705.0 feet to the East line of the North half of the Southeast quarter; thence North along said East line, a distance of 1101.28 feet to the Point of Beginning.

Containing a total of 97.9 acres, more or less.

SECTION 2: That a copy of this ordinance, together with the attached map of the territory hereby annexed to the City of Yuma, certified by the Mayor of the City of Yuma, be forthwith filed and recorded in the office of the County Recorder of Yuma County, Arizona.

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

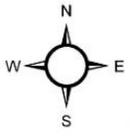
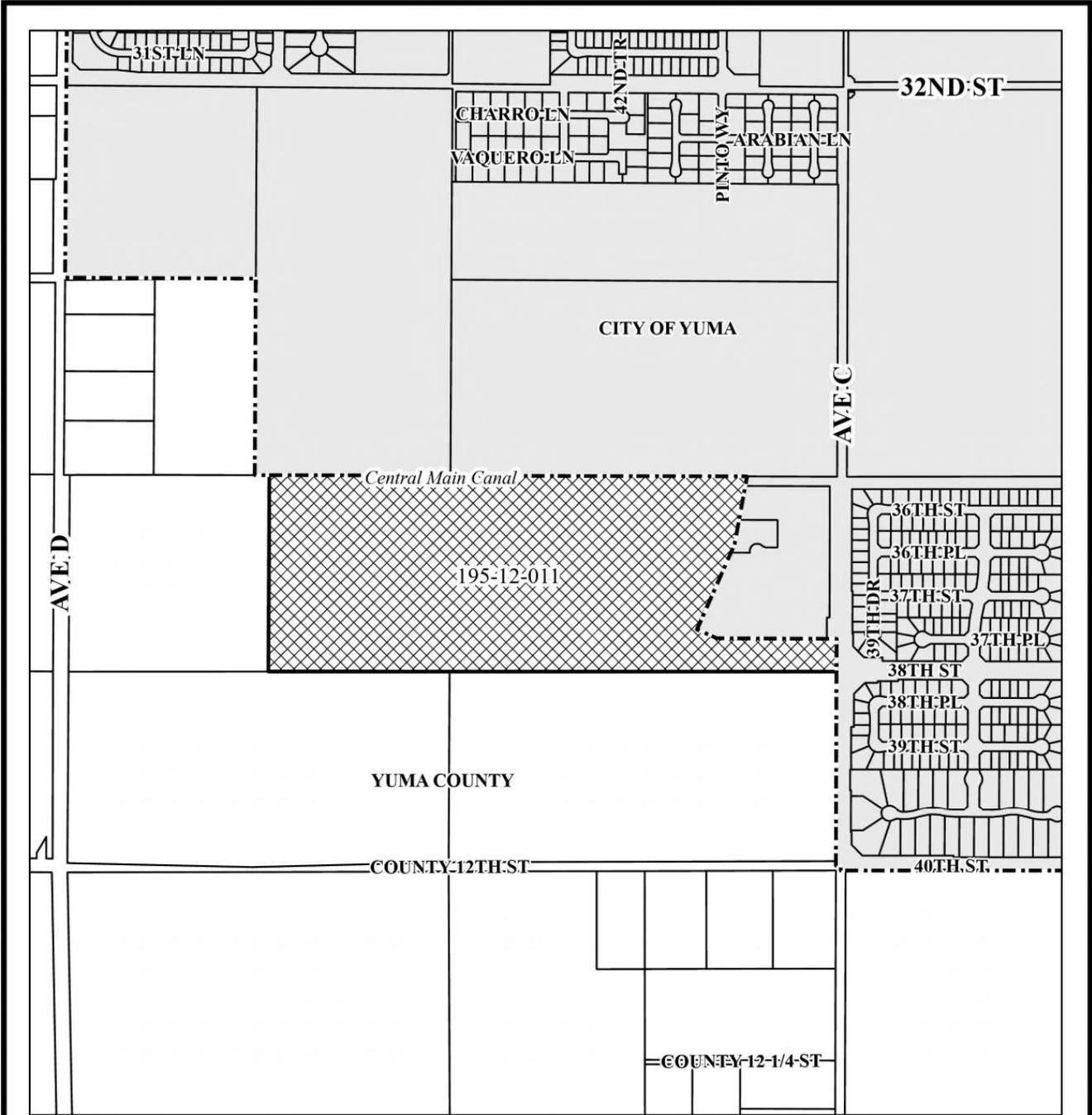
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Applicable exhibits on file at the Office of the City Clerk, One City Plaza, Yuma, AZ.



**Annexation Map Produced
Pursuant to A.R.S. §9-471**

NOT TO SCALE
DEPARTMENT OF COMMUNITY
DEVELOPMENT GIS

City of Yuma, Arizona
Annexation Area No. 44726-2025

 City of Yuma
 Annexation Area

The City of Yuma shall maintain the rights-of-way and roadways that are within the annexation boundaries. Yuma County shall maintain the rights-of-way and roadways that are contiguous to and outside the annexation boundaries.