



City of Yuma City Council Meeting Agenda

Wednesday, April 3, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

City Council Chambers will be open with public access in addition to participation through Zoom

Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website: <https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

PRESENTATIONS

- Proclamation: City of Yuma's 110th Birthday
- Proclamation: Month of the Military Child

I. MOTION CONSENT AGENDA

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

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

1. [MC 2024-036](#) **Regular Council Worksession Draft Minutes February 20, 2024**
Attachments: [2024 02 20 RWS Minutes](#)
2. [MC 2024-037](#) **Regular Council Meeting Draft Minutes February 21, 2024**
Attachments: [2024 02 21 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 2024-035](#) **Liquor License: Tacos & Mariscos Costa Baja**
Approve a Series #07: Beer and Wine Bar Location/Owner
Transfer Liquor License application submitted by Jesus Alexis
Orozco Avendano, agent for Tacos & Mariscos Costa Baja
located at 1150 W. 24th Street. (LL24-02) (City Administration/City
Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Tacos & Mariscos Costa Baja](#)

II. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2024-011](#)

Text Amendment: Residential Development Standards

Amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z Rpt. Text Amendment: Residential Development Standards](#)

[2. ORD Text Amendment: Residential Development Standards](#)

III. INTRODUCTION OF ORDINANCES

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

1. [O2024-012](#)

Wastewater Discharge Local Limits Update

Pursuant to the Environmental Protection Agency (EPA) Pretreatment Regulations 40 Code of Federal Regulations (CFR) 403, amend City Code § 191-02 General Sewer Use Requirements, to update the existing wastewater Local Limits in accordance with the findings of the Local Limits Figueroa Avenue Water Pollution Control Facility (WPCF) Report. (Utilities/Administration) (Jeremy McCall)

Attachments:

[1. ORD Wastewater Discharge Local Limits Update](#)

FINAL CALL

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

IV. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City’s representative during the period of March 21, 2024 through April 3, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

2. Scheduling:

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

V. 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.

VI. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

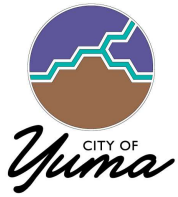
VII. EXECUTIVE SESSION

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:

1. Discussion, consultation with and/or instruction to legal counsel regarding potential contract litigation. (A.R.S. 38-431.03 A3 & A4)
2. Discussion, consultation with and/or instruction to legal counsel regarding potential charter amendments. (A.R.S. 38-431.03 A3 & A4)
3. Discussion, consultation with and/or instruction to legal counsel regarding potential development of land. (A.R.S. 38-431.03 A3, A4 & A7)
4. Discussion, consultation with and/or instruction to legal counsel regarding Resolution R2010-09 and R2015-047. (A.R.S. 38-431.03 A3 & A4)
5. Discussion or consideration of personnel issues. (A.R.S. § 38-431.03 A1)

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2024-036

Agenda Date: 4/3/2024

Agenda #: 1.

Regular Council Worksession Draft Minutes February 20, 2024

MINUTES
REGULAR CITY COUNCIL WORKSESSION
 CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
 CITY COUNCIL CHAMBERS - YUMA CITY HALL
 ONE CITY PLAZA, YUMA, ARIZONA
February 20, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 5:32 p.m.

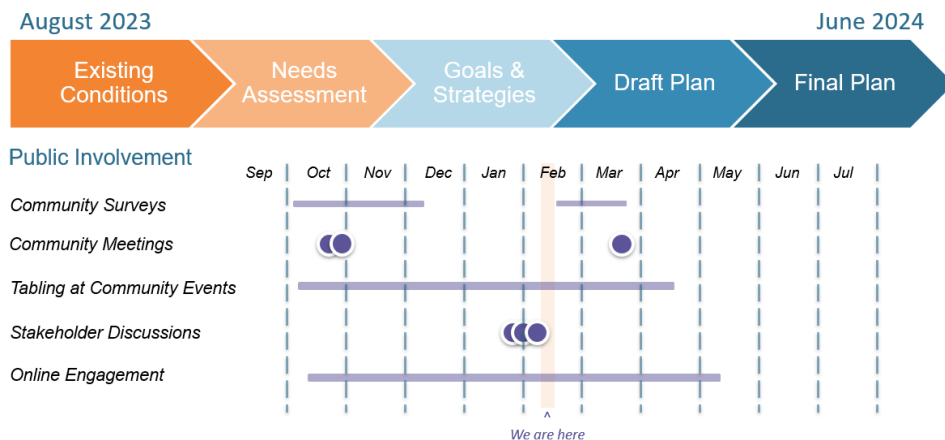
Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
 Councilmembers Absent: None
 Staffmembers Present: Acting City Administrator, John D. Simonton
 Director of Parks and Recreation, Eric Urfer
 Finance Director, Douglas Allen
 Director of Engineering, David Wostenberg
 Director of Planning and Neighborhood Services, Alyssa Linville
 Various department heads or their representatives
 City Attorney, Richard W. Files
 City Clerk, Lynda L. Bushong

I. PARKS MASTER PLAN UPDATE

Urfer introduced **Steve Duh**, consultant with Conservation Technix, who provided an update on the first phase of the Parks, Arts, Recreation and Trails Master Plan effort, as well as an overview of the upcoming second phase as follows:

Project Overview and Status

- What is the Parks, Arts, Recreation and Trails (PART) Plan?
 - The PART Plan is a 10-year guide and strategic plan for managing and enhancing parks, open space, trails, and recreation opportunities for the Yuma community
 - The PART Plan will guide improvements to the park and recreation system and help the City focus future investments
- Project Timeline



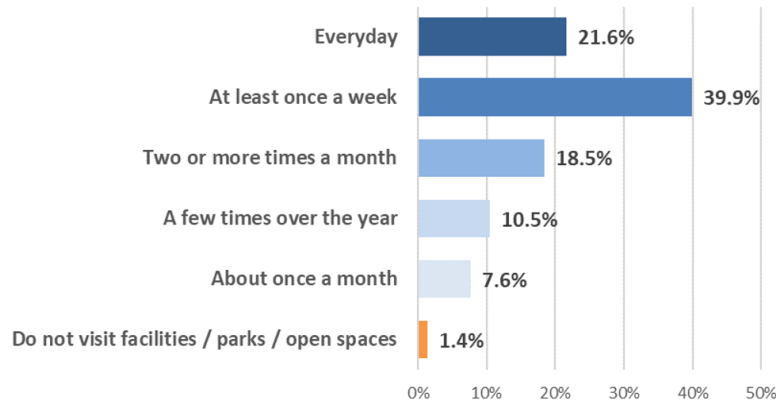
- Community Outreach
 - Community survey #1: usage and interests
 - Community survey #2: priorities
 - Pop-up events
 - Open house series
 - Stakeholder discussions
 - Parks, Arts and Recreation Commission (PARC)
 - City Council touch points
 - Nearly 1,600 participants have provided feedback to date

Survey Highlights

- 1,540 responses
 - Mail survey (256 responses, 6.4% response rate)
 - Online only (1,265 responses)
 - Spanish (29 responses; 10 mail, 19 online)
- 98% feel local parks and recreation opportunities are important or essential to the quality of life
- 65% said they were somewhat to very satisfied with Yuma’s parks, art and recreation facilities
- Visitation

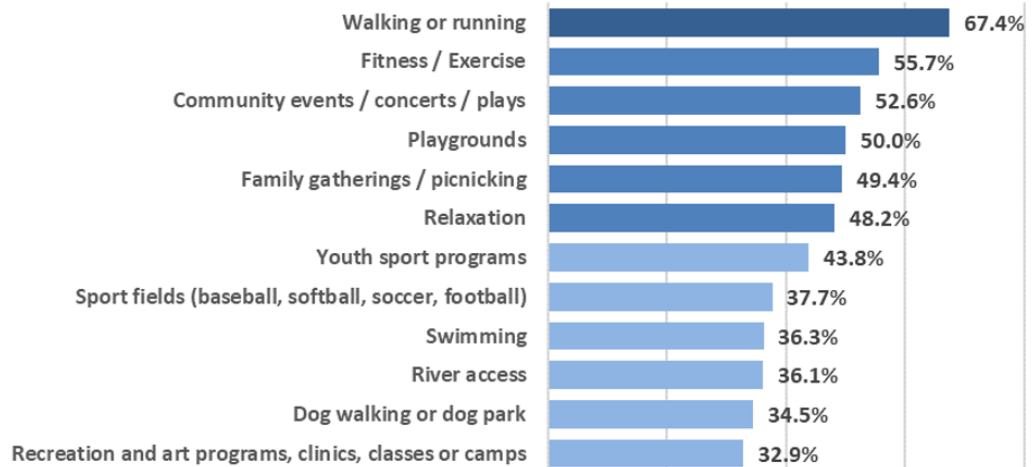
Visitation

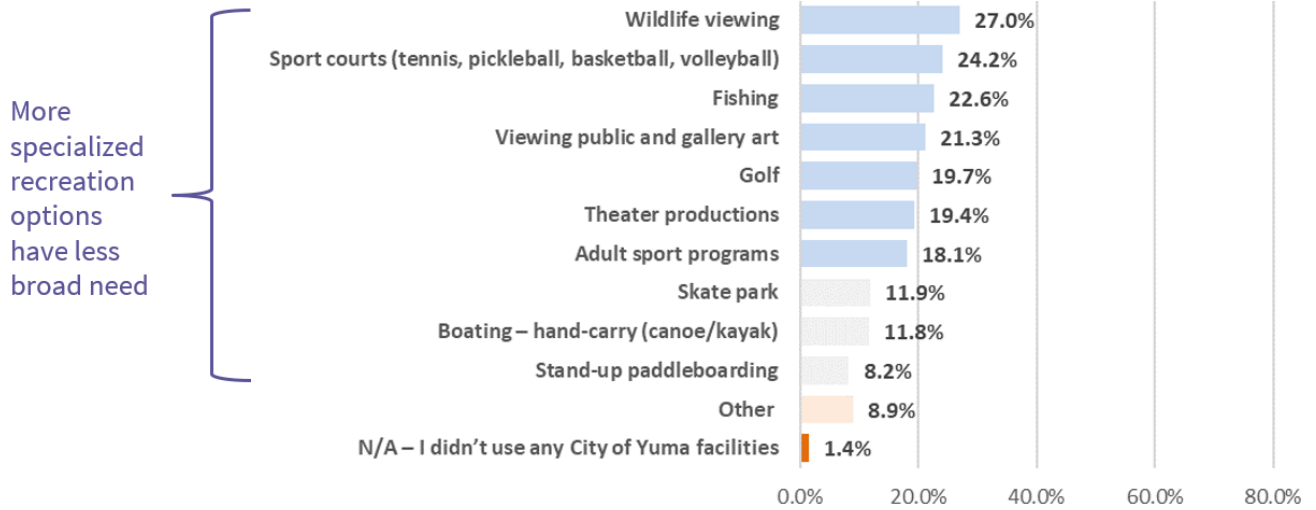
88%
Visit monthly



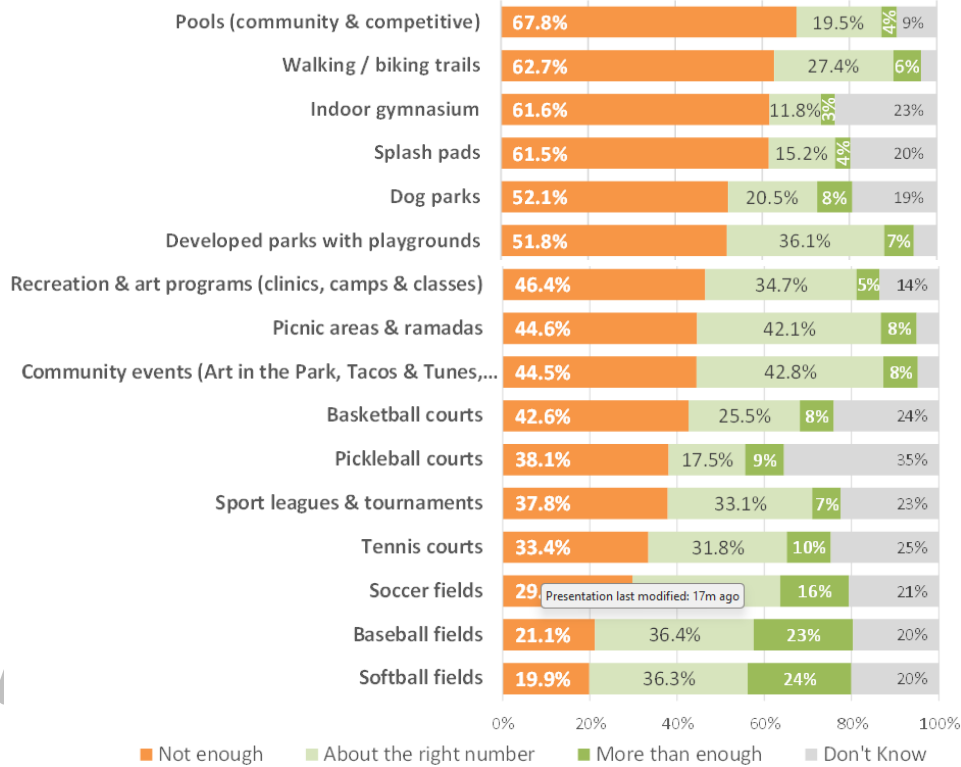
- Visitation – Top Reasons

Top tier: low-cost, no-cost, or family/group oriented





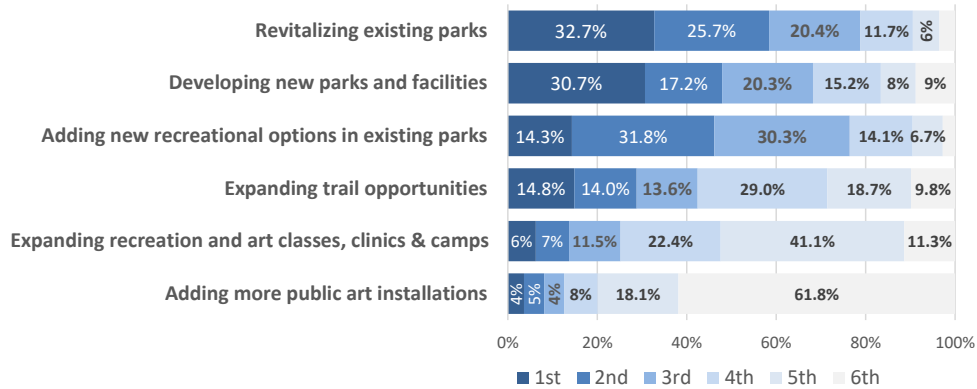
• ‘Goldilocks’ Question



• Amenities with Strongest Support (**very supportive**; very + somewhat supportive)

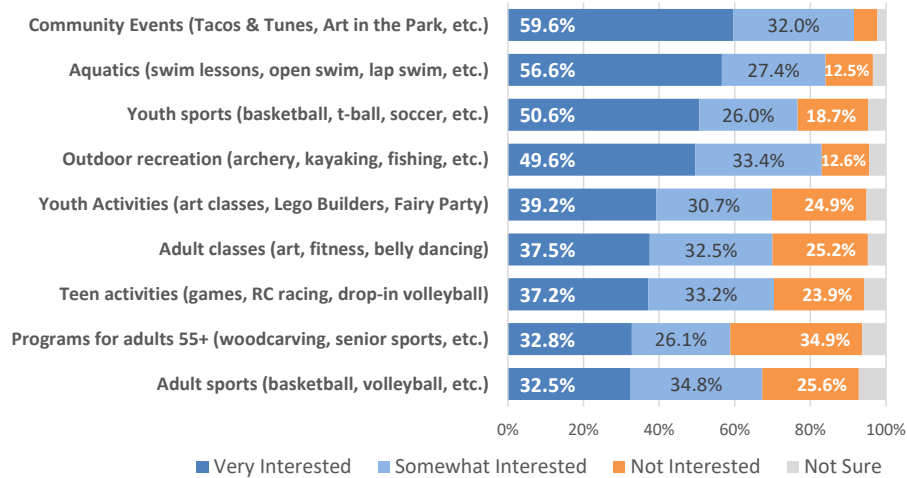
- Restroom facilities (**70%**; 91%)
- Additional walking trails (**65%**; 89%)
- Recreation center (**63%**; 89%)
- Upgraded or renovated playgrounds (**61%**; 90%)
- Outdoor splash pad / water spray park (**57%**; 82%)
- Additional playgrounds (**55%**; 84%)
- Amphitheater / outdoor performance areas (**54%**; 80%)
- Competition aquatic facility (**50%**; 79%)

- Forced Rank Priorities



- Programs

- Top reasons for not participating more
 - Not aware of programs
 - Held at inconvenient times
 - Don't have activities I'm interested in
 - Age or physical limitations

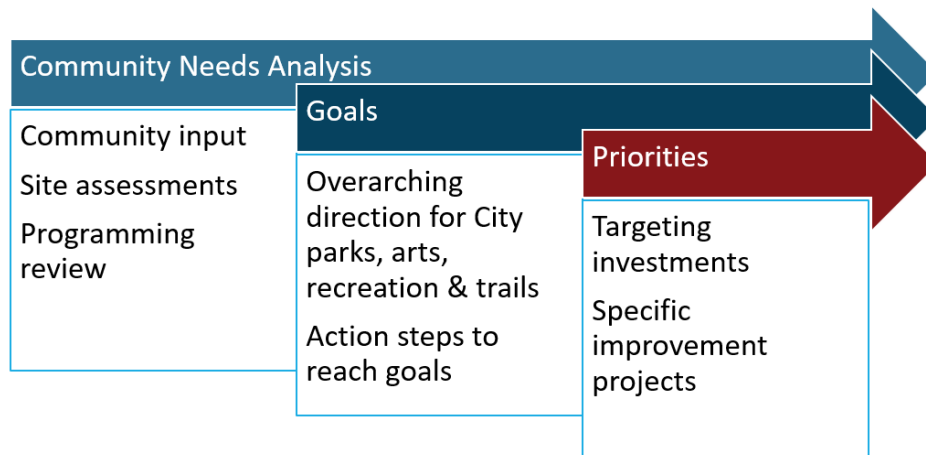


- Program Ideas

- Music festivals & concerts, including local talent
- Farmers markets, including food vendors, and neighborhood-scale block parties
- Artist/art festivals, craft fairs, and classes
- Theater productions and cultural events/performances (indoor/outdoor)
- Activities for youth that are not sport-oriented
- Indoor events and activities, especially in the summer
- Activities that support a vital downtown

66%
Interested in seeing more or different community events

- Planning for the Future



Next Steps

- Survey #2: Late Feb – Mid-March
- Open House: March 19th
- PARC guidance: ongoing
- City Council review: May

Discussion

- Based on the three demographic questions in the survey (region of the city, children under 18 in household, and age group) the survey data is consistent with census data (**Mayor Nicholls/Duh**)
- Regarding the ‘Goldilocks’ questions, respondents had the option to answer for each line item, and most of them did (**Mayor Nicholls/Duh**)
- Although the survey has been opened up to special interest groups and sporting associations, the results do not indicate that any primary user group dominated the survey (**Mayor Nicholls/Urfer**)
- Pop-up events are still being developed and will be announced on Facebook and the City’s website (**Mayor Nicholls/Urfer**)
- Command staff at Marine Corps Air Station Yuma have been contacted in the past, and staff will reach out to them again; people who are stationed in Yuma are in need of activities that get them off the base and encourage them to have a good experience while they are stationed here (**Shoop/Urfer**)
- Some non-sports activities that may appeal to Yuma’s youth are chess, karaoke, and magic or illusions (**Shelton**)
- The survey has had about 1,600 participants to date; a response range of 2,500 to 3,000 at the conclusion of both survey phases would indicate that good feedback has been received from the community to help frame future decisions (**Smith/Duh**)
- Areas that were above 50% interest to the community included trails, upgrades to parks and current facilities, and water features (**Morales/Duh**)

II. YUMA REGION BICYCLE COALITION

Gene Dalbey, outgoing president of the Yuma Region Bicycle Coalition (Coalition), expressed appreciation for City Council, and City staff for their hard work and collaboration with the Coalition. **Dalbey** provided City Council with a handout of bicycle-related Capital Improvement Program (CIP) projects with input from the Coalition as follows:

- Pathway, East Main Canal Linear Park, Crossing at 24th Street
 - The Coalition fully supports this long-needed addition to the City's bicycle infrastructure
- Pathway, East Main Canal, 40th Street to County 14th Street
 - Avenue A from County 14th Street to the point where it splits from Airport Road is the most dangerous section of road in Yuma regularly ridden by bicyclists, and the resolution of this situation is the Coalition's number one road condition priority
 - The Coalition urges City Council to prioritize the funding and completion of this project
- Pathway, Bike Route Signing & Marking, Citywide
 - While the Coalition supports refreshing bike route signing and marking, without first conducting a review of the City's current bike routes and evaluating which routes should be added and removed this project is a waste of funds that could be used to pursue other bicycle safety projects
- Pathway, Improve Landscape, East Main Canal, 24th Street to 16th Street
 - The Coalition applauds the public/private partnership that is making this project a reality and encourages further such cooperation to enhance bicycle safety and access
- Pavement Marking Upgrade, Citywide
 - The Coalition urges City Council to review this project to ensure that it includes bicycle markings where appropriate
- Turn Lane, 16th Street and Pacific Avenue
 - Due to the lack of safe east/west bicycle routes, many riders use the shoulder of Highway 95/16th Street as a bike lane
 - The redesign of this intersection needs to accommodate the needs of bicyclists and motorists
 - Currently Pacific Avenue on the north side of 16th Street does not properly align with Pacific Avenue on the south side of 16th street, making this a dangerous and difficult intersection for bicyclists to cross
 - The Coalition requests that City Council review this redesign with bicycle safety in mind
- Capacity Increase, County 14th Street, State Route 195, Foothills Blvd
 - Due to the lack of east/west bike paths, County 14th Street is a major corridor for bicyclists; therefore, it is critical that any capacity increase on County 14th street includes either a 5-8" paved shoulder or an adjacent bike lane or path
 - The Coalition encourages City Council to review this project with this major safety need in mind

Dalbey introduced **Jeff Brand**, incoming President of the Coalition. **Brand** thanked City Council and the City of Yuma for developing a bicycle facility system that the community can be proud of. That being said, one area that needs attention is the creation of a safe east/west bicycle route through Yuma. The Coalition has grave concerns about the suggested route on 32nd Street due to the volume of motor vehicle traffic and the number of intersections and driveways for business access, which are all hazards for bicyclists, and recommends that alternate routes be considered. **Brand** requested that the City create a task force to report back to City Council on their findings and recommendations on a safe east/west bicycle route.

Mayor Nicholls thanked **Dalbey** for his years of advocacy for the community and welcomed **Brand** to his new role as President of the Coalition.

Discussion

- There are many bicycling groups and clubs that ride in different areas of Yuma that are interested in seeing safer bike routes in safer places; it has been a long time since the City designated bike routes, and it is time for them to be reassessed (**Shoop/Brand**)
- The Director of Yuma County Area Transit (YCAT) reported that in one month there were approximately 700 instances of riders bringing their bicycles onto YCAT buses; involving YCAT is key to ensuring bicyclists have safe access to the bus system (**Dalbey**)
- **Shelton** expressed support for the creation of a task force and suggested that the Coalition provide their goals to be used as a starting point for that group as it reviews how the City's existing facilities are meeting the needs of the bicycling community.

III. QUARTERLY BUDGET UPDATE

Allen presented the following overview of the City's Fiscal Year (FY) 2023 year-end audit results, FY 2024 financial status, and FY 2025 budget update:

FY 2023 Year-End Audit Results

- Annual Financial Reporting (for Audit)
 - Annual financial reporting for the year-end audit consists of:
 - Annual Comprehensive Financial Report (ACFR)
 - Federal Single Audit (OMB A-133)
 - Highway User Revenue Fund (HURF) compliance letter
 - Communication to those Charged with Governance
 - Annual Expenditure Limitation Report (AELR) – Pending (due March 31st)
 - Accounting Pronouncements dramatically change how the City presents its financial statements, but they do not impact the City's budget methodology or presentation
 - 2022
 - Government Accounting Standards Board (GASB) Statement No. 75 – Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions (OPEB)
 - GASB Statement No. 87 – Leases, establishes a single model for lease accounting
 - 2023
 - GASB Statement No. 94 – Public-Private and Public-Public Partnerships and Availability Payment Arrangements (PPP)
 - GASB Statement No. 96 – Subscription-Based Information Technology Arrangements
 - GASB Statement No. 99 – Omnibus 2022, which clarifies several recent statements including GASB Statements No. 87 and 96

- Arizona Revised Statutes (ARS) § 41-1491 requires auditor to present results at a City Council Meeting
 - Conducted by Heinfeld, Meech & Co. PC
 - Unqualified (“Clean”) Opinion
 - Audit process was relatively smooth; the City is back on a standard completion schedule
 - The Accounting Division has undergone significant changes in expectations of behaviors, accuracy and reporting timeliness
 - Monumental effort this audit year; still progressing
- Financial Overview
 - Overall
 - As a result of the FY 2023 audit, no adjustments for the FY 2024 budget are warranted
 - General Fund revenues exceed expenditures and transfers by \$14 million, primarily due to Capital Improvement Program (CIP) and supply chain delays
 - Water and Wastewater also showed revenues exceeding expenses by \$9 million and \$6 million respectively, primarily due to timing of capital projects
 - Investment earnings finished the year with \$11.6 million
 - General Fund Balances
 - Unassigned fund balances ended the year at \$29.8 million, which is 27% of the FY 2023 General Fund revenues
 - Highlights of fund balance designations:
 - Debt Service due within one year (\$15.0 million)
 - Public Safety Personnel Retirement System (PSPRS) Reserve for future unfunded liability (\$13.1 million)
 - Capital projects approved for FY 2024-2028 (\$6.3 million)
 - Fleet ordered but not received (\$5.6 million)
 - Public Safety Prop 207 (\$1.5 million)
 - Six other designations (\$2.3 million)
 - PSPRS
 - For ACFR and Budget, two separate PSPRS reports:
 - Actuarial Valuation – sets the City’s contribution rates; two-year lag
 - GASB 68 Report – for the annual financial statements; one-year lag
 - Methods and assertions used in these reports differ
 - City’s FY 2021 - \$110.4 million paid for the PSPRS Unfunded Accrued Actuarial Liability (UAAL), resulting in an actuarial estimated 105.0% funding ratio
 - FY 2022 and FY 2023 GASB 68 reporting showed erosion of the funding ratio to 100.1% and 97%, respectively
 - Further information and opinions to address the UAAL will be provided for City Council’s consideration with the FY 2025 budget process
- Independent Auditor
 - Materiality
 - Audit reviews data on test basis; considers materiality to ACFR
 - Finance Department does not have a triviality threshold

- When an error is detected, it is fixed going forward and then retroactively if possible
- Management responsible for ACFR and internal controls
- Prior Year Findings
 - ‘New approach’ in FY 2023 corrected all prior year findings
 - Cash reconciliations are current
- New Approach Initiated FY 2023
 - Build a system for continuity
 - Teach, learn and communicate through repetition, with all being aware of the entire process
 - Quarterly closings with mock audits reviewed by management
 - Creates repetition for consistently meeting deadlines with accuracy
 - Requires demonstration of:
 - Accuracy in accounting techniques
 - Timeliness of completion and being audit ready
 - Develop knowledge redundancy:
 - Alternate responsibilities among several staff members
- FY 2023 findings FS-2023-01:
 - Description: Utility Revenue Accrual
 - Condition: Final year-end revenue accrual was not made (billed in July)
 - Context: Accrual was between 3.3% to 3.9% for the Water, Wastewater and Solid Waste Funds for \$1.1 million, \$0.7 million, and \$0.2 million, respectively
- Corrective Action
 - Added to the closing checklist is the quarterly accrual for ‘Subsequently Billed Accounts Receivable’ starting December 2023 closing
 - Finding did not impact the City’s budget, revenues, or expenditures as the revenue received/recorded in 2024 was subsequently reallocated to 2023
- Other Financial Reporting
 - Adopted Budget Documents
 - Budget Schedules (Arizona State Forms)
 - ACFR
 - Single Audit Report
 - Annual Expenditure Limitation Report
 - Quarterly Briefing Reports
- Popular Annual Financial Report (PAFR)
 - Information in the PAFR is derived from the ACFR, but it is specifically designed to be reader-friendly for citizens who want a better understanding of the City’s finances

Discussion

- The advantage of the City’s PSPRS being fully funded is that anything PSPRS investments earn, the City receives as part of its plan (**Morales/Allen**)
- While being underfunded is costly, being overfunded is not desirable as once that money goes to PSPRS it will never return to the City; the City’s current funding ratio of 97% is favorable (**Morales/Allen**)

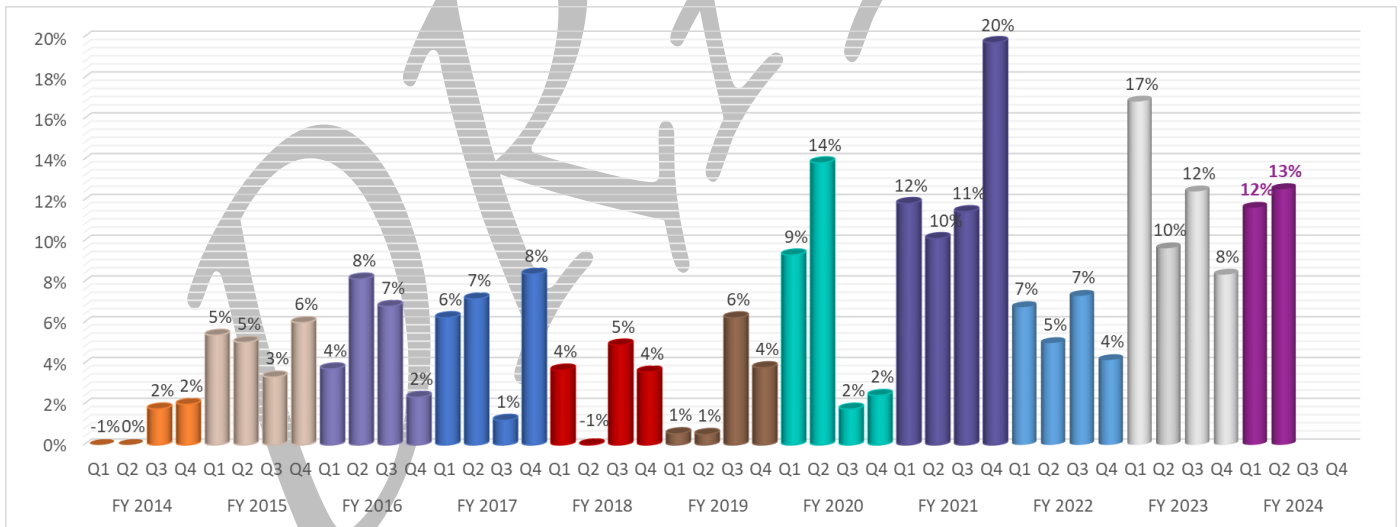
- The City will continue to monitor the funding ratio moving forward because it impacts the City’s contribution rate (**Morales/Allen**)
- PSPRS has different tiers depending on when employees were hired, and the earlier tiers created an obligation that the City could not keep up with; new hires enter PSPRS in a different tier, resulting in a funding obligation that the City has been able to keep up with (**Mayor Nicholls/Allen**)

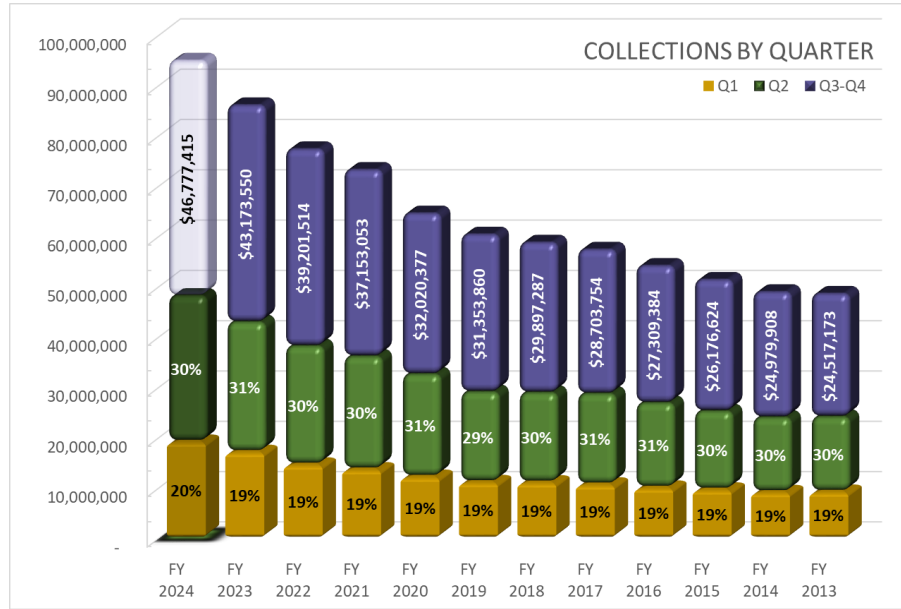
FY 2024 Financial Status

- Major Revenues

Major Operating Revenue			Benchmark (BM) to Budget (BUD)				Year Over Year		
(A) Source	(B) Fund	(C) FY 2024 July-Dec	(D) FY 2024 Total Budget	(E) % of Budget	(F) Bench Mark	(G) Variance to Bench Mark	(H) FY 2023 July-Dec	(I) Amount Change	(J) % Change
(1) City Sales Tax (1.0%)	General	\$ 16,345,633	\$ 33,600,000	49%	48%	1.1%	\$ 15,618,262	\$ 727,731	4.7%
(2) Property Tax	“	9,064,808	16,290,776	56%	57%	-1.6%	8,869,675	195,133	2.2%
(3) State Sales Tax	“	7,304,078	14,371,000	51%	49%	1.8%	6,882,121	421,957	6.1%
(4) State Income Tax	“	13,054,410	25,500,000	51%	49%	1.9%	9,209,346	3,845,064	41.8%
(5) Vehicle License Tax	“	2,590,832	5,375,400	48%	48%	0.3%	2,530,976	59,856	2.4%
(6) Gasoline Tax (0.5%)	HURF	4,743,462	9,614,190	49%	48%	1.5%	4,487,882	255,580	5.7%
(7) Road Tax (0.5%)	Road Tax	8,171,427	16,809,600	49%	47%	1.9%	7,807,805	363,622	4.7%
(8) Public Safety Tax (0.2%)	Public Safety	3,267,459	6,711,600	49%	47%	2.0%	3,122,060	145,399	4.7%
(9) Two Percent Tax	Two Percent	4,166,392	8,925,000	47%	45%	1.3%	4,061,018	105,374	2.6%
(10) Water Sales	Water	14,569,588	26,889,250	54%	51%	3.5%	13,589,090	980,498	7.2%
(11) Wastewater Operating	Wastewater	9,682,948	19,044,800	51%	49%	1.7%	9,008,309	674,639	7.5%
(12) Solid Waste Fees	Solid Waste	2,877,562	5,661,785	51%	49%	1.7%	2,527,175	350,387	13.9%
(13) Total Major Operating Revenue		\$ 95,838,599	\$ 188,793,401	51%	49%	1.7%	\$ 87,713,719	\$ 8,124,880	9.3%

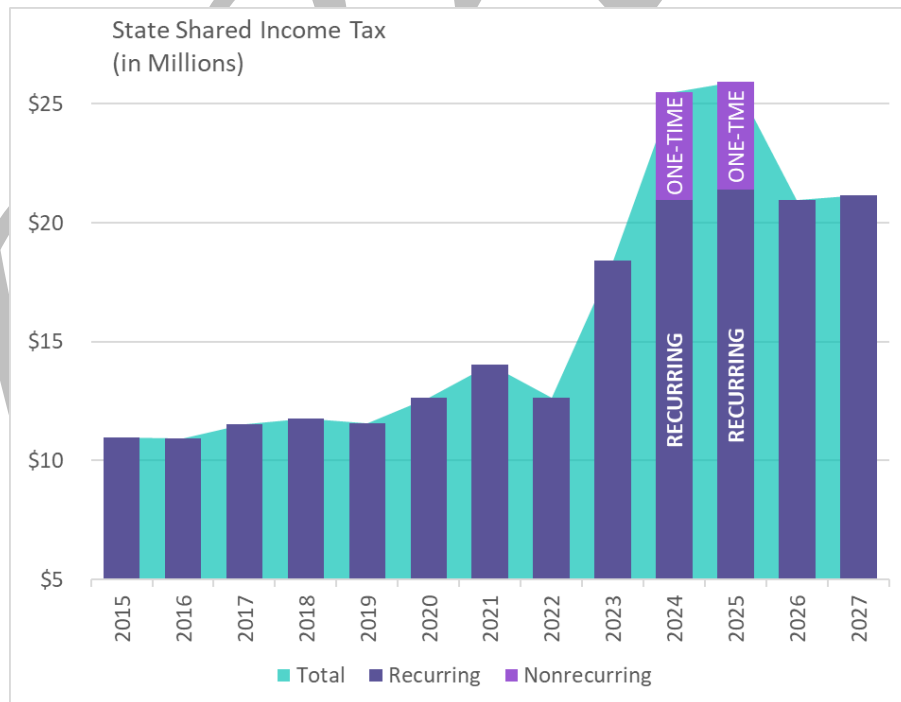
○ Major Revenues – General Fund



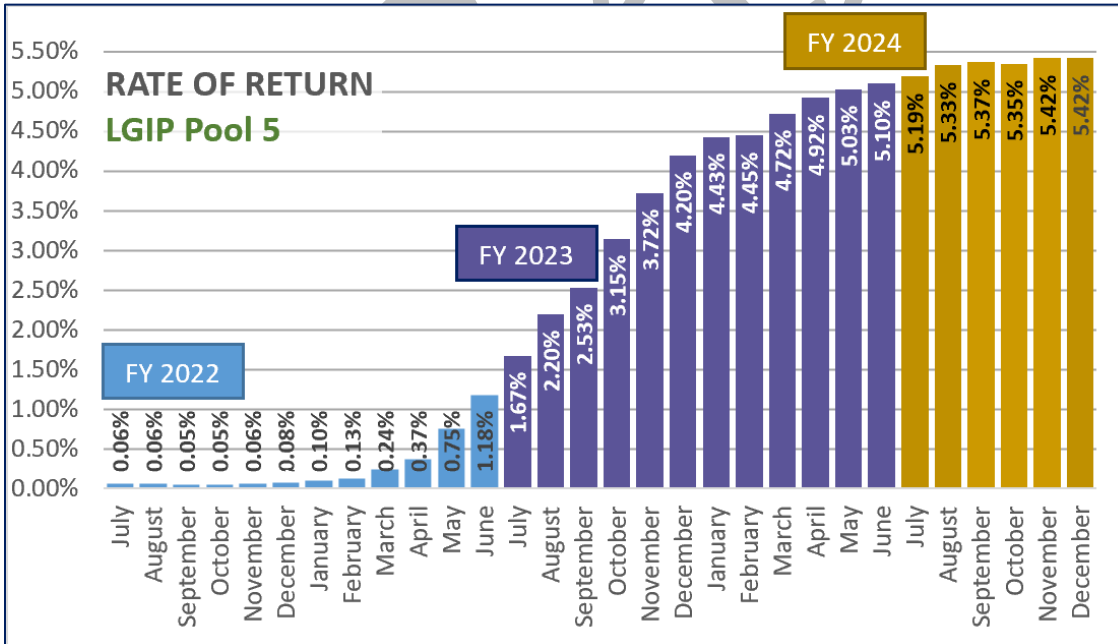
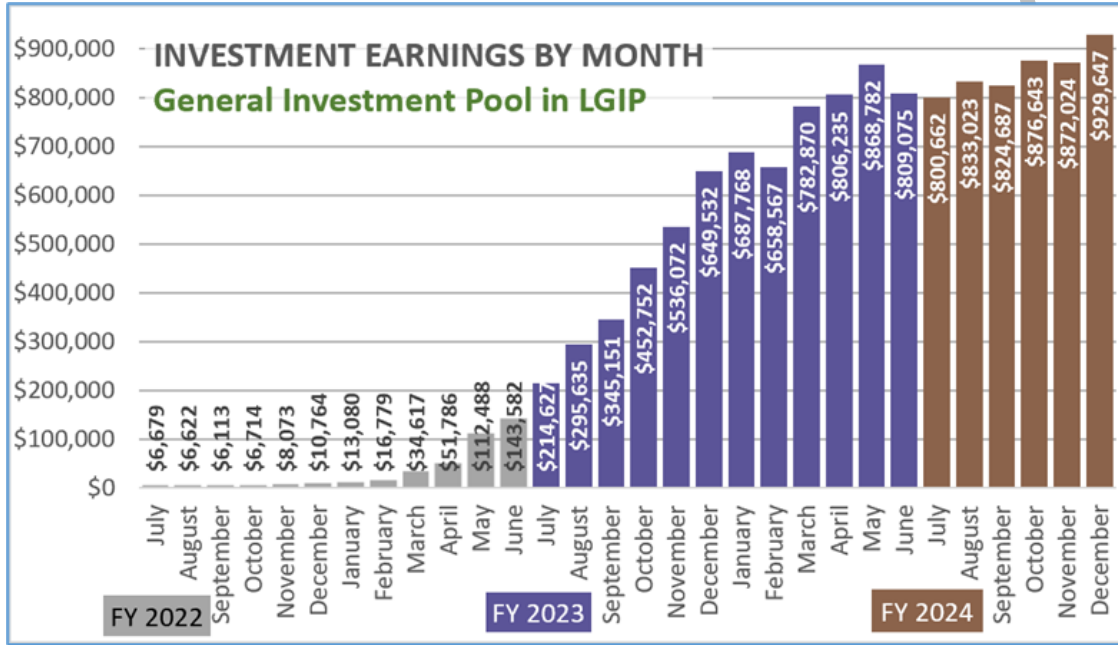


○ State Shared Income Tax

- FY 2024: State allocation to cities and towns up from 15% to 18% of total income tax
- FY 2025: State moves from incremental Income Tax to a flat 2.5% (effective calendar year 2023); impacts cities and towns half of FY 2025
- FY 2026: New income tax rate impacts cities and towns the full FY 2026
- New fund in FY 2024 to accumulate such one-time revenues – Capital Reserve and Contingency Fund



- Investment Earnings – General Pool
 - YTD Earnings Q2 (July-Dec)
 - FY2022 - \$ 44,965
 - FY 2023 - \$2,493,769
 - FY 2024 - \$5,136,686



- Major Revenues – City Sales Tax
 - Overall, FY 2024 total City 1.7% Sales Taxes are 4.7% or \$1.2 million more than FY 2023 for the first six months of July-December
 - The FY 2024 budget goal of a 2.2% increase is being met

- Sub-Total Recurring tax revenues support the City’s core ongoing operations, personnel, small equipment, contracts, commodities and debt service
- The All Other category consists of 14 categories with commercial leasing, equipment rental and communications accounting for most of the activity
- At-Risk or Ending categories have either been or are at risk of being discontinued as taxable activities
 - The year-over-year change for Grocery (food for home consumption) has been stabilizing
 - FY 2023 recorded a 20% increase compared to FY 2022
 - Collections from Residential Rental Leasing activities will cease midway through FY 2025
- Construction revenue is allocated for capital expenditures or other one-time purchases, not core operations.
 - This is an indicator of growth in the tax base for future property and sales tax
- Total 2% Tax for parks is 2.6% higher in FY 2024 compared to FY 2023
 - After hyper growth in FY 2021 and FY 2022, estimates for FY 2024 and FY 2025 are level
 - The FY 2024 budget goal of a 2.2% increase is being met

City’s 1.7% Sales Tax (1.0% General; 0.5% Road; 0.2% Public Safety)					
Category As Reported by ADOR	July-Dec FY 2024	July-Dec FY 2023	July-Dec FY 2022	Change in FY24/FY23	
				\$	%
Retail	\$ 14,393,390	\$ 14,015,929	\$ 13,106,620	\$ 377,461	2.7%
Restaurants and Bars	2,956,893	2,825,506	2,680,507	131,387	4.7%
Internet Sales*	1,156,531	1,005,158	819,495	151,373	15.1%
Hotels	585,498	641,419	633,470	(55,921)	-8.7%
Utilities	1,601,969	1,515,463	1,563,094	86,506	5.7%
All Other	1,483,029	1,505,580	1,493,100	(22,551)	-1.5%
Sub-Total Recurring	\$ 22,177,310	\$ 21,509,055	\$ 20,296,286	\$ 668,255	3.1%
Grocery**	3,227,845	3,140,606	2,434,755	87,239	2.8%
Residential Rental Leasing	266,302	238,464	136,890	27,838	11.7%
At-Risk or Ending	\$ 3,494,147	\$ 3,379,070	\$ 2,571,645	\$ 115,077	3.4%
Construction	2,113,062	1,660,036	2,079,773	453,026	27.3%
Total City’s 1.7% Tax	\$ 27,784,519	\$ 26,548,161	\$ 24,947,704	\$ 1,236,358	4.7%
* Internet Sales = Marketplace facilitated or remote retail sales of food for home consumption					
** Grocery = Food for home consumption					

Two Percent Tax (2.0%)					
Category As Reported by ADOR	July-Dec FY 2024	July-Dec FY 2023	July-Dec FY 2022	Change in FY24/FY23	
				\$	%
Restaurants and Bars	\$ 3,491,309	\$ 3,329,402	\$ 3,282,045	\$ 161,907	4.9%
Hotels	675,084	731,613	715,045	(56,529)	-7.7%
Total Two Percent Tax	\$ 4,166,393	\$ 4,061,015	\$ 3,997,090	\$ 105,378	2.6%

- Expenditures/Expenses
 - Governmental Funds
 - All presented governmental operating funds are meeting their revenue benchmark goal and spending less than 50% of the approved budget
 - Yuma’s year-over-year spending is higher in FY 2024, primarily due to inflationary factors and supply chain delays that caused deferred spending from the previous year
 - This is expected to continue in FY 2025 and possibly in FY 2026

01 General Fund		Budget and Actual			Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Revenue	\$ 62,190,885	\$ 115,999,806	\$ 53,808,921	54%	\$ 52,859,756	\$ 9,331,129	18%
Total Expenditures (Operating)	(45,770,190)	(100,411,344)	(54,641,154)	46%	(40,824,947)	(4,945,243)	12%
Revenue Over (Under) Expenditures	\$ 16,420,695	\$ 15,588,462	<i>Balance for CIP, Debt, Contingencies</i>		\$ 12,034,809	\$4,385,886	

02 HURF (Highway User Revenue Fund)		Budget and Actual			Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Revenue	\$ 4,822,918	\$ 9,631,690	\$ 4,808,772	50%	\$ 4,539,635	\$ 283,283	6%
Total Expenditures and Projects	(5,560,632)	(12,379,629)	(6,818,997)	45%	(4,159,520)	(1,401,112)	34%
Revenue Over (Under) Expenditures	\$ (737,714)	\$ (2,747,939)	<i>Planned use of fund balance</i>		\$ 380,115	\$(1,117,829)	

03 City Road Tax (.05%) Fund		Budget and Actual			Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Revenue	\$ 8,595,313	\$ 16,899,556	\$ 8,304,243	51%	\$ 7,975,901	\$ 619,412	8%
Total Expenditures and Projects	(5,931,497)	(24,991,907)	(19,060,410)	24%	(4,029,341)	(1,902,156)	47%
Revenue Over (Under) Expenditures	\$ 2,663,816	\$ (8,092,351)	<i>Planned use of fund balance for CIP</i>		\$ 3,946,560	\$(1,282,744)	

04 Public Safety Tax (.02%) Fund		Budget and Actual			Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Revenue	\$ 3,401,821	\$ 6,711,600	\$ 3,309,779	51%	\$ 3,194,543	\$ 207,278	6%
Total Expenditures and Projects	(2,513,199)	(8,936,103)	(6,422,904)	28%	(2,836,356)	323,157	-11%
Revenue Over (Under) Expenditures	\$ 888,622	\$ (2,224,503)	<i>Planned use of fund balance for CIP</i>		\$ 358,187	\$ 530,435	

05 Two Percent Tax Fund		Budget and Actual			Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Revenue	\$ 4,743,002	\$ 9,823,000	\$ 5,079,998	48%	\$ 4,589,344	\$ 153,658	3%
Total Expenditures and Projects	(4,653,172)	(11,029,181)	(6,376,009)	42%	(3,675,955)	(977,217)	27%
Revenue Over (Under) Expenditures	\$ 89,830	\$ (1,206,181)	<i>Planned use of fund balance for equipment</i>		\$ 913,389	\$ (823,559)	

- Enterprise Funds
 - Like the City’s Governmental Funds, the Enterprise Fund spending levels are under 50%; while they are circling at or above 50% of the revenue goals, the Enterprise Funds continue consistent revenue growth compared to last year

06 Water Enterprise	Budget and Actual				Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Income	\$ 16,163,077	\$ 27,881,750	\$ 11,718,673	58%	\$ 14,034,548	\$ 2,128,529	15%
Total Expenditures (Operating)	(8,636,858)	(23,770,613)	(15,133,755)	36%	(6,358,613)	(2,278,245)	36%
Income Over (Under) Expenses	\$ 7,526,219	\$ 4,111,137	<i>Balance for CIP</i>		\$ 7,675,935	\$ (149,716)	

07 Wastewater Enterprise	Budget and Actual				Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Income	\$ 12,884,213	\$ 19,122,300	\$ 6,238,087	67%	\$ 9,992,849	\$ 2,891,364	29%
Total Expenditures (Operating)	(8,289,270)	(20,344,199)	(12,054,929)	41%	(6,790,043)	(1,499,227)	22%
Income Over (Under) Expenses	\$ 4,594,943	\$ (1,221,899)	<i>Planned use of fund balance for CIP</i>		\$ 3,202,806	\$ 1,392,137	

08 Solid Waste Enterprise	Budget and Actual				Year Over Year		
	FY 2024 Q2	Total Budget	\$ Remaining	% Budget	FY 2023 Q2	\$ Change	% Change
Total Income	\$ 2,958,464	\$ 5,675,785	\$ 2,717,321	52%	\$ 2,569,512	\$ 388,952	15%
Total Expenses (Operating)	(2,526,728)	(5,948,620)	(3,421,892)	42%	(2,655,488)	128,760	-5%
Income Over (Under) Expenses	\$ 431,736	\$ (272,835)	<i>Planned use of fund balance for equipment</i>		\$ (85,976)	\$ 517,712	

- American Rescue Plan Act (ARPA)
 - Recipients must:
 - Obligate funds by December 31, 2024 (Q2, FY 2025)
 - Spend funds by December 31, 2026 (Q2, FY 2027)

ID	Project	Project Budget		Actual Spending				Obligate / Encumbered	Total Spent or Obligate	Available Balance
		Original	Amended	FY 2022	FY 2023	FY 2024	Total			
1	Jobs Education Project	\$ 200,000	\$ 200,000	-	-	-	-	-	-	\$ 200,000
4	East Mesa Community Park	10,000,000	10,000,000	-	\$ 26,485	\$ 27,840	\$ 54,325	\$ 170,301	\$ 224,626	9,775,374
5	City-Wide Parks Revitalization	250,000	222,000	-	9,442	182,102	191,544	25,216	216,760	5,240
7	Kennedy Regional Park Improvements	500,000	550,503	-	405,509	86,938	492,447	58,056	550,503	-
9	Ambulance	500,000	500,000	\$ 61,260	105,616	17,430	184,306	79,485	263,792	236,208
10	Fire Station 7 Construction	2,000,000	2,019,412	-	898,075	727,882	1,625,957	393,455	2,019,412	-
11	Readiness Center AC & Gym Enhance	750,000	715,000	-	-	-	-	-	-	715,000
12	Kennedy Regional Skate Park	2,500,000	2,500,000	-	48,093	88,526	136,619	190,137	326,755	2,173,245
13	Ventilation System Air Purifier	53,000	53,000	-	50,268	-	50,268	-	50,268	2,732
14	East Wetlands Park Improvements	300,000	300,000	-	-	40,818	40,818	-	40,818	259,182
15	Fire Station Alerting System	250,000	250,000	-	-	-	-	-	-	250,000
18	Audio Upgrade Portable Conf Chamber Syst	25,000	25,000	-	12,007	-	12,007	-	12,007	12,993
19	Fire Station-Ambulance Medical Supplies	130,000	130,000	-	128,037	-	128,037	-	128,037	1,963
20	Technologies Upgrades to 190	100,000	100,000	-	41,049	1,491	42,540	38,488	81,028	18,972
21	COVID Overtime for Public Safety	600,000	600,000	-	-	-	-	600,000	600,000	-
25	Intelligence Trans Sys PH 1	1,500,000	1,500,000	-	-	-	-	415,373	415,373	1,084,627
26	HHW Awning & Repaving of Main Yd	250,000	333,755	-	213,915	28,830	242,746	-	242,746	91,009
28	Contingency	-	198,340	-	-	-	-	-	-	198,340
2	Econ Dev Marketing-COMPLETED	100,000	100,000	-	85,000	15,000	100,000	-	100,000	-
3	Econ Dev-Small Business-REPURPOSED	200,000	-	-	-	-	-	-	-	-
6	Castle Park Flooring-COMPLETED	415,000	464,135	-	464,135	-	464,135	-	464,135	-
8	Playground Replacement Prog-COMPLETED	500,000	461,855	-	461,855	-	461,855	-	461,855	-
16	Enterprise Document Mngmnt-REPURPOSED	80,000	-	-	-	-	-	-	-	-
17	EnerGov Connect Portal-REPURPOSED	20,000	-	-	-	-	-	-	-	-
22	HERO Pay Bonuses-COMPLETED	1,000,000	1,000,000	1,000,000	-	-	1,000,000	-	1,000,000	-
23	Boys & Girls Club Funding-COMPLETED	100,000	100,000	-	100,000	-	100,000	-	100,000	-
24	Public Safety Trk Rehab-COMPLETED	800,000	800,000	-	800,000	-	800,000	-	800,000	-
27	Location Data Analytic Tool-REPURPOSED	-	-	-	-	-	-	-	-	-
Total		\$23,123,000	\$23,123,000	\$1,061,260	\$3,849,485	\$1,216,857	\$6,127,602	\$ 1,970,512	\$8,098,114	\$15,024,886

- 65% of the balance is one project
 - East Mesa Community Park
- 87% of the balance is three projects
 - East Mesa Community Park
 - Kennedy Regional Park Improvements
 - Intelligent Transportation System
- FY 2025 Budget and CIP process will provide details for City Council’s consideration, including reallocation if warranted



FY 2025 Budget Update

- Budget Calendar

Date	Event
April 8-11	Councilmember budget review sessions
April 16	Worksession: Proposed Budget presentation, CIP
April 17	CIP Public Hearing
May 15	Tentative Budget Adoption, Adoption of CIP
May 21, 28	State Form(s) Publication in the Yuma Sun
June 5	Public Hearing: Final Budget and Truth-in-Taxation, if applicable
June 5	Final FY 2025 Budget Adoption
June 5	Introduction of Tax Levy Ordinance
June 5	Adopt Annual PSPRS Funding Policy
June 5	Consideration and City Council action regarding FY 2024
June 26	Adopt Tax Levies and Rates (General, Mall and Municipal Improvement Districts)
A “budget discussion” placeholder will be on all City Council agendas until final adoption	

Discussion

- While over the past few years some items have been added to Mayor and City Council’s budget; these were not actually new items but were shifted from City Administration’s budget to provide more transparency to the public (**Shoop/Simonton**)
- Mayor and City Council’s budget has been significantly higher during the last three or four years, primarily due to grant allocations and outside agency funding that was previously listed under other departments (**Shoop/Simonton**)
- When the Mayor travels, the funding varies depending on the purpose of the trip; sometimes the City benefits from travel funded by other agencies, such as the Arizona League of Cities and Towns (**Shoop/Mayor Nicholls**)
- The travel budget for Mayor and City Council is posted on the City’s website each year after it is approved and is accessible to the public (**Shoop/Mayor Nicholls**)

IV. REGULAR CITY COUNCIL MEETING AGENDA OF FEBRUARY 21, 2024

Motion Consent Agenda Item C.2 – Ratification: Pavement Replacement on Waterline Project (ratify and approve the purchase order increase for the Waterline Replacement, 24th Street to 25th Street between 5th and 6th Avenue project by \$211,996.68, bringing the total cost of the project to \$878,613.05) (RFB-23-220) (Eng)

Discussion

- The additional funding for this project will come from the cancelled Avenue B: 24th Street to 16th Street project, which will be reprogrammed in FY 2025 (**Knight/Wostenberg**)
- The entire width of the roadway will be repaved instead of just the half where the waterline replacement is taking place due to pavement condition (**Knight/Wostenberg**)

Resolution R2024-005 – Intergovernmental Agreement: Arizona Department of Revenue (for the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax, and rental occupancy taxes imposed by the State or cities and towns) (Fin)

Discussion

- The City previously had some challenges getting the State to provide requested audits, but has not encountered any difficulties recently; the City has a third-party auditor that can complete audits in some situations, such as with small local businesses, while larger business audits need to be completed by the State (**Mayor Nicholls/Allen**)

Ordinance O2024-008 – Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue (rezone approximately 1.17 acres from the Medium Density Residential (R-2) to the High Density Residential (R-3) District) (Png & Nbhd Svcs/Cmty Png)

Mayor Nicholls declared a conflict of interest on Ordinance O2024-008 as his firm is involved with the project.

Ordinance O2024-007 – Text Amendment: Cielo Verde Specific Plan (to update the list of uses authorized by the Cielo Verde Specific Plan to allow a religious institution at the corner of Avenue 8E and 36th Street) (Png & Nbhd Svcs/Cmty Png)

Discussion

- The City’s zoning code does not regulate the height of church spires, so there will not be any additional setbacks required (**Mayor Nicholls/Linville**)

Resolution R2024-003 – Minor General Plan Amendment: Palm Avenue (change the land use designation from Low Density Residential to High Density Residential for the property located approximately 305 feet north of the northwest corner of 12th Street and Palm Avenue) (GP-41820-2023) (PIng & Nbhd Svcs/Cmty PIng)

Discussion

- Installation of a traffic signal at 12th Street and Avenue C is included in the 2024-2028 Capital Improvement Program, which will help with any additional traffic that will potentially be created by the apartments planned for that area (**Knight**)

EXECUTIVE SESSION/ADJOURNMENT

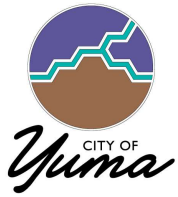
There being no further business, **Mayor Nicholls** adjourned the meeting at 6:50 p.m. No Executive Session was held.

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 2024-037

Agenda Date: 4/3/2024

Agenda #: 2.

Regular Council Meeting Draft Minutes February 21, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
FEBRUARY 21, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Tom Burks, Stone Ridge Church, gave the invocation. **Alyssa Linville**, Director of Planning and Neighborhood Services, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Finance, Douglas Allen
Assistant Planner, Zenia Fiveash
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS

FY 2023 Annual Financial Statements and Audit Results

Allen introduced **Brittney Williams** from Heinfeld, Meech & Co. PC, who presented the following information:

Key Personnel in Audit

- Brittney Williams – Engagement Partner
- Kristen Conway – Audit Manager

Qualifications

- Specialize in government, not for profit audits
- Not a tax firm
- All employees of the firm are experts in the field of government audits

Standards to Guide the Audit

- American Institute of Certified Public Accountants (AICPA) Statements on Auditing Standards (SAS)
 - Governs Audit Standards for the whole country

- Working paper documentation
- Risk assessments
- Office of Management and Budget (OMB) Uniform Guidance 2 Code of Federal Regulations (CFR) 200 (UG)
 - Federal Compliance Audit
 - Audits the federal dollars spent by the City
 - Reporting to the White House
- Governmental Accounting Standards Board (GASB)
 - Governs Financial Reporting Standards
- Government Auditing Standard (GAS)
 - Auditing Standards particular to governmental entities
 - Includes additional control and independence requirements

Independent Auditor's Report

- The Independent Auditor's Report is based on the Annual Comprehensive Financial Report (ACFR); the firm indicates that the financial statements are materially correct
- This year there was an accounting principle change in the Independent Auditor's Report; this was a GASB financial reporting standard change in the GASB Statement No 96, Subscription-Based Information Technology Arrangements (SBITA) which is leases for software
 - The City had one SBITA that the firm included in the audit report

Audit Related Reports Issued

- Annual Comprehensive Financial Report (ACFR) – Issued 12/27/2023
 - Includes the firm's audit opinion
- Highway User Revenue Fund (HURF) Report – Issued 12/27/2023
 - Reporting that HURF monies are used according to State Statue
- Single Audit Report – Issued 12/27/2023
- Management Letter – Issued 12/27/2023
 - Any concerns from the firm about the audit would be included in this letter
- Audit communication to those charged with governance – Sent 12/15/2023
 - Email was sent by Brittney Williams to Mayor and City Council to open the lines of communication for any questions regarding the audit
- Annual Expenditure Limitation Report - Due 3/31/2024
 - Currently under review
- Bi-Annual Impact Fees AUP Report – Due in FY 2024
- *City Court Minimum Accounting Standards Report (MAS)* – Due in FY 2025
 - Due every three years
 - Last report issued in 2023

Single Audit Report

- Includes many different elements/reports
 - Report on internal control for audit under *Government Auditing Standards*
 - Report on internal control and compliance for federal awards as required by the Uniform Guidance
 - Schedule of Expenditures of Federal Awards (SEFA)
 - Major federal programs tested and any findings noted

- Follow up regarding the prior year findings

Synopsis

- Financial Statements
 - Clean opinion
 - One finding related to Utility Receivables
 - Utility Receivables at year end were not properly accrued; an audit adjustment was made so that the financial statements were properly presented
- Federal Awards
 - Clean opinion on compliance for Major Federal Programs
 - No Findings
- Major Federal Programs Tested
 - Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)

Arizona Anti-Trafficking Network

Fidencio Rivera, Board Vice President of the Arizona Anti-Trafficking Network (AATN), and **Nate Boulter**, Program Director of Cities Engaged Against Sexual Exploitation (CEASE), presented **Mayor Nicholls** with a plaque on behalf of the AATN to recognize the City of Yuma's dedication to ending Human Trafficking in the State of Arizona.

I. MOTION CONSENT AGENDA

Motion (Morales/Morris): 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 January 17, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Authorize the purchase of Ethernet backhaul network technical services utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$431,649.00 to Parsons Environment & Infrastructure Group, Inc., Tinton Falls, New Jersey (IT-24-001) (IT/Purch)
2. Ratify and approve the purchase order increase for the Waterline Replacement, 24th Street to 25th Street between 5th and 6th Avenue project to Gutierrez Canales Engineering, Yuma, Arizona. The \$211,996.68 purchase order increase will bring the total cost of the project to \$878,613.06. (Engineering RFB-23-220) (Eng/Purch)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following title(s):

Resolution R2024-005

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement between the City of Yuma and the State of Arizona Department of Revenue for the administration, collection, audit, and licensing of transaction privilege taxes, use taxes, severance taxes, jet fuel excise and use taxes and rental occupancy taxes imposed by the state, cities or towns (establishes the framework for collaboration between the Department of Revenue and the cities and towns for every aspect of Transaction Privilege Tax (TPT) administration) (Fin/Admin)

Resolution R2024-006

A resolution of the City Council of the City of Yuma, Arizona, authorizing a third optional deferred compensation plan for the City employees pursuant to Internal Revenue Code § 457(b) (add the 457 Nationwide plan as an option for City employees) (Admn)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-008 – Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue (rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High Density Residential (R-3) District, for the properties located at 430 and 440 S. Magnolia Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls declared a conflict of interest on Ordinance O2024-008, turned the meeting over to Deputy Mayor Morris, and left the dais.

Motion (Knight/Smith): To adopt Ordinance O2024-008 as recommended.

Bushong displayed the following title(s):

Ordinance O2024-008

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 Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (Arizona Housing Development Corporation intends to develop a multi-family housing project on the subject properties) (Plng & Nbhd Svcs/Cmty Plng)

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

Mayor Nicholls returned to the dais.

Motion (Morales/Knight): To adopt the Ordinance Consent Agenda as recommended, with the exception of Ordinance O2024-008, which was adopted through a previous motion.

Bushong displayed the following title(s):

Ordinance O2024-007

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to Cielo Verde specific plan to update the list of uses within the Cielo Verde Residential District (to allow a religious institution at the southeast corner of 36th Street and Avenue 8E) (Plng & Nbhd Svcs/Cmty Plng)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-009

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 High Density Residential /Infill Overlay (R-3/IO) District, and amending the zoning map to conform with the rezoning (approximately 2.82 acres located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street) (Plng & Nbhd Svcs/Cmty Plng)

FINAL CALL

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

V. WATER AND WASTEWATER RELATED ITEMS

Resolution R2024-007 - Water and Wastewater Utility Rates and Fees (Pursuant to Arizona Revised Statutes, Section 9-511.01, adopt water and wastewater utility rates and fees adjustments by resolution) (Utl/Admn)

Discussion

- Taking into consideration apartment complexes, Rate Plan Scenario I is a more balanced option where all consumers will pay the same percentage of the rate increase. Apartment complexes utilizing one meter will feel the impact of the increase if Rate Plan Scenario II is implemented. In turn, the increase will be passed on to the tenants where it will negatively impact affordable housing. **(Morris)**
- In a fairness point of view, all water customers should share the cost of the water and wastewater rate increase. It does not seem fair for 50% of water customers, that consume more water, pay the greatest increase. All water customers should share the cost of the rate increase, and not just part of the customers. **(Knight)**
- Rate Plan Scenario II will not impact customers on a fixed income, for example senior citizens, veterans, and low-income families. After doing research with the City, the results showed 6% of the Yuma community is using over 30% of the 100 cubic feet of water, while the majority of residents are using 0 to 60% of the 100 cubic feet of water. If we are able to keep a bit of money in the pockets of our residents it would help them cover other monthly costs. **(Morales)**

- The discussions we have had about increasing water and wastewater rates has focused mainly on homeowners and nothing was said about apartment dwellers. Rate Plan Scenario I is a fair application for all water customers. (**Shelton**)
- Considering the impact Rate Plan Scenario II will have on apartment complexes sharing one meter, Scenario I seems less of a risk for the City. (**Smith**)

Motion (Knight/Morris): To adopt Resolution R2024-007 as recommended.

Bushong displayed the following title(s):

Resolution R2024-007

A resolution of the City Council of the City of Yuma, Arizona, amending resolution R2015-02, as amended, governing the use of the water and wastewater system, Article I, Section 2.2 and Article II, Section 2.7 of the City of Yuma Utility Regulations prescribing utility rate charges and fees (increase water and wastewater utility capital to fund current operations and maintenance activities, as well as Capital Improvement Program infrastructure) (Utl/Admn)

Roll call vote: **adopted** 6-1, **Morales** voting nay.

Motion (Morris/Smith): To adopt Resolution R2024-008 as recommended.

Bushong displayed the following title(s):

Resolution R2024-008

A resolution of the City Council of the City of Yuma, Arizona, amending the “City of Yuma Utility Regulations”, as adopted by Ordinance O2006-35, governing the use of the water and sewer system and prescribing utility rates and fees to reinstate a Water Resource Trust Fund (to establish funds for water resource protection, enhancement, and other purposes as determined by the City Council) (Utl/Adm)

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

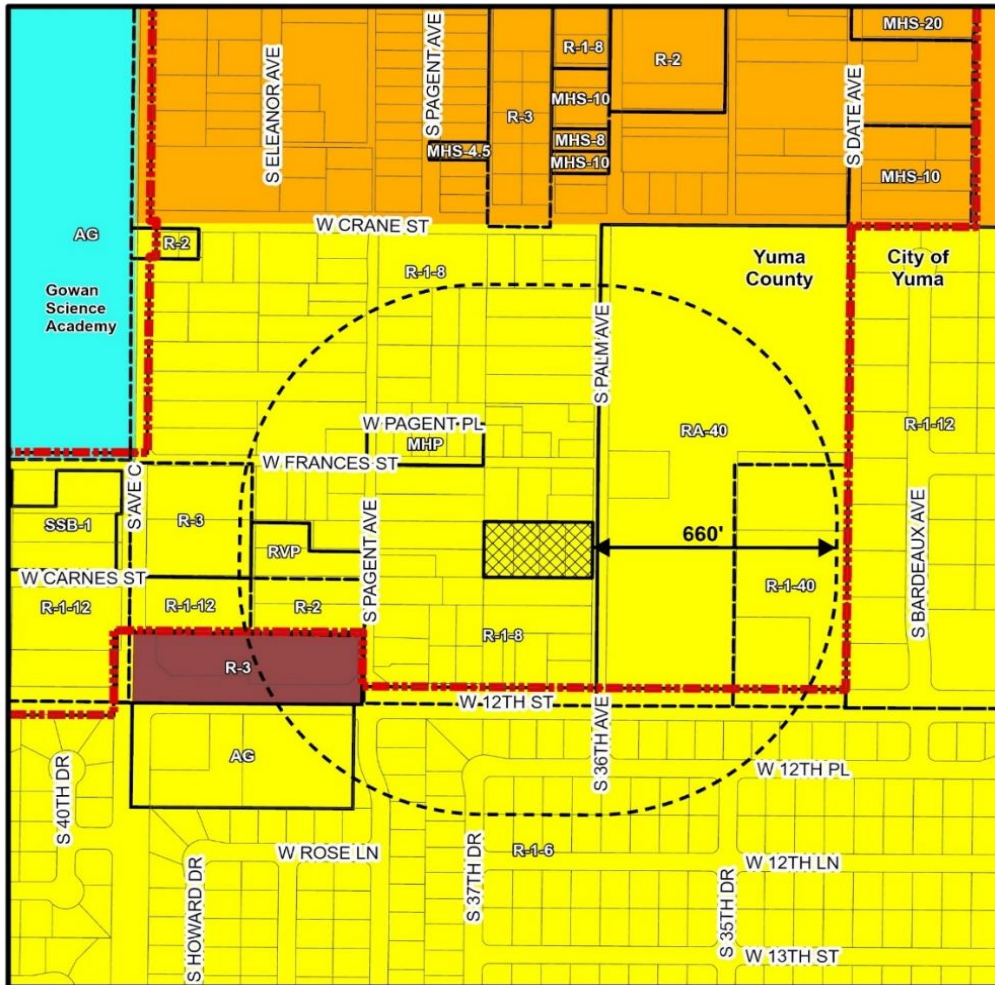
VI. PUBLIC HEARING

Resolution R2024-003 – Minor General Plan Amendment: Palm Avenue (following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to High Density Residential, for the property located approximately 305 feet north of the northwest corner of 12th Street and Palm Avenue) (PIng & Nbhd Svcs/Cmty PIng)

Mayor Nicholls opened the public hearing at 6:03 p.m.

Fiveash presented the following information:

- This is a Minor General Plan Amendment request for 1.04 acres located at the northwest corner of 12th Street and Palm Avenue



- Surrounding Land
 - South – Oasis Apartments
 - North and East – Single Family Homes
 - West – Mobile Home Park
- Proposed Change from Low Density to High Density Residential
- Development Potential
 - Potential increase of 30 dwelling units
 - Potential increase of 27 persons
 - Applicants intend to develop a 20-unit apartment complex
- A public meeting was held on November 6, 2023; seven neighborhood residents were in attendance
 - Public Comments
 - Residents expressed concerns about the increase in traffic activity, and the speed of vehicles traveling on Palm Avenue
 - Residents asked questions regarding the project unit numbers, parking availability, and how the development would affect their property taxes
- Planning Commission recommendation
 - On February 7, 2024, the Planning and Zoning Commission recommended approval of the request

Motion (Knight/Shelton): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:06 p.m.

Motion (Smith/Morales): To adopt Resolution R2024-003 as recommended.

Bushong displayed the following title(s):

Resolution R2024-003

A resolution of the City Council of the City of Yuma, Arizona, amending resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation from Low Density Residential to High Density Residential for property located on Palm Avenue (approximately 1.04 acres located approximately 305 feet north of the northwest corner of West 12th Street and Palm Avenue) (Plng & Nbhd Svcs/Cmty Plng))

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Morales/Knight): to appoint Jessica Drake to the Americans with Disabilities Act Advisory Commission, with a term expiration of December 31, 2028. Voice Vote: **Approved** 7-0.

Motion (Morris/Knight): to appoint Kirsten Carpenter to the Arts, Parks, and Recreation Commission, with a term expiration of December 31, 2025. Voice Vote: **Approved** 7-0.

Announcements

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

Scheduling – No meetings were scheduled at this time.

VIII. SUMMARY OF CURRENT EVENTS

Simonton reported the federal lawsuit the City of Yuma, Mohave County, La Paz County and Yuma County (collectively “plaintiffs”) filed against the United States Bureau of Reclamation resulted in favor of the plaintiffs.

Simonton reported the following events:

- February 23rd and 24th – BBQ and Brew Festival – Main Street, Downtown Yuma
- March 1st-3rd – Midnight at the Oasis – Desert Sun Stadium

IX. CALL TO THE PUBLIC

Terry Cordero-Torres, City resident, spoke regarding road repairs that were recently done in his neighborhood by the City's Public Works Department; he believes the road installed is wrong and it is causing the road to disintegrate. **Cordero-Torres** requested a meeting with Mayor Nicholls to discuss the road and other concerns.

Karen Greenwood, City resident, spoke regarding the adverse effect to her property by a colony of feral cats that are being fed by residents not abiding by the Homeowner Association's (HOA) rules for her neighborhood.

Barbara Fontaine, City resident, spoke about enforcing the law and holding people accountable for feeding feral cats; feral cats are running rampant in her neighborhood.

The following people spoke before City Council regarding the unfair use of the City's pools facilities for a new non-City co-sponsored swim team, Yuma Aqua Academy's Kraken:

- **Chase Thomas**, City resident
- **Imelda Perez**, City resident
- **Annalie Rodriguez**, City resident
- **Laiza Smith**, City resident
- **Sean Smith**, City resident
- **Nicholas Acero**, City resident
- **Jacqueline Cota**, City resident
- **Erik Cota**, City resident
- **Gavin Logan**, City resident
- **Brayden Cox**, City resident

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza:

- **Bruce Morton**, non-resident
- **Holly Danielle**, City resident
- **Teresa Sanders**, City resident
- **Israa Khan**, City resident
- **Jennifer Reger**, City resident
- **Brianna Fila**, City resident
- **Charlene Young**, City resident
- **Layla Hassin**, City resident

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:03 p.m. No Executive Session was held.

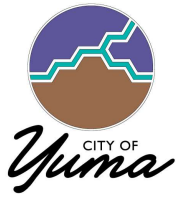
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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



City of Yuma

City Council Report

File #: MC 2024-035

Agenda Date: 4/3/2024

Agenda #: 1.

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

TITLE:
Liquor License: Tacos & Mariscos Costa Baja

SUMMARY RECOMMENDATION:
 Approve a Series #07: Beer and Wine Bar Location/Owner Transfer Liquor License application submitted by Jesus Alexis Orozco Avendano, agent for Tacos & Mariscos Costa Baja located at 1150 W. 24th Street. (LL24-02) (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:
 Jesus Alexis Orozco Avendano, agent for Tacos & Mariscos Costa Baja located at 1150 W. 24th Street, has applied for a Series #07: Beer and Wine Bar Location/Owner Transfer Liquor License. The license is being transferred from Gerardo Nunez, owner of 928 Tacos formerly located at 1840 S. Arizona Avenue.

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

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

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

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

1. Series #07: Beer and Wine Bar Location/Owner Transfer 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?

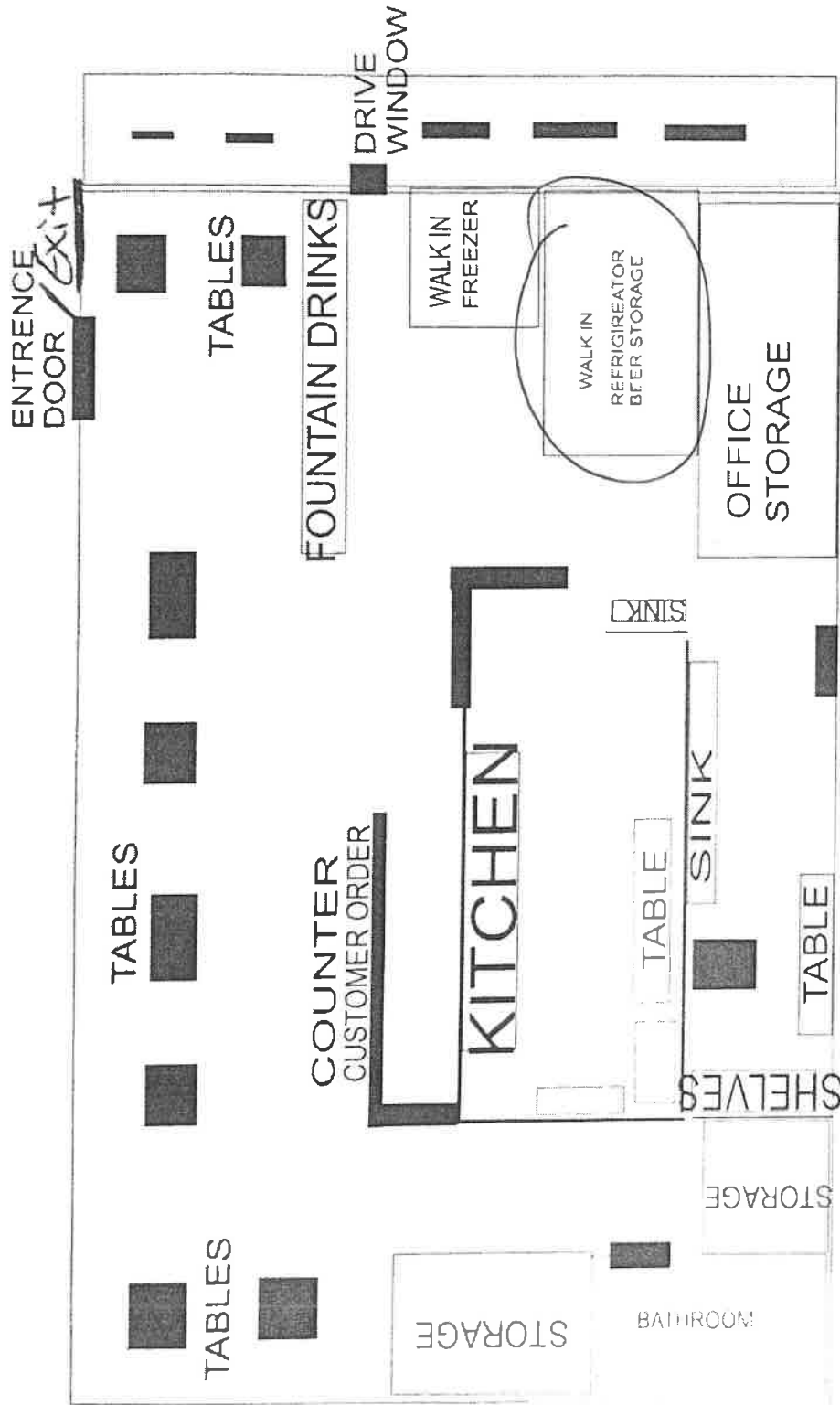
- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 03/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2024

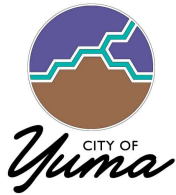
24TH STREET

AVE A

24 FEB 21 Lic. Lic. PMA B LLC



2,156 Square Feet.



City of Yuma

City Council Report

File #: O2024-011

Agenda Date: 3/20/2024

Agenda #: 1.

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

Text Amendment: Residential Development Standards

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support an increase in opportunities for residential development, through increases in lot coverage, reductions in setbacks, and increases in building heights. With the increase in density this request also aims to establish minimum open space standards for multi-family development. All of these proposed amendments support the City Council’s strategic outcomes of Safe and Prosperous and Active and Appealing.

REPORT:

The City of Yuma is continually exploring opportunities to improve development within the community. With this proposed text amendment, the City is seeking to increase residential lot coverage allowances, reduce the setbacks for several residential districts, establish open space requirements for multi-family development, and increase height allowances for development within the High-Density Residential (R-3) District.

The goal of the text amendment is to reduce certain development standards, allow new development opportunities, while also encouraging an increase in residential density.

Below is a more detailed description of each proposed amendment:

- 1. Lot coverage:** Concerning lot coverage requirements, the proposed text amendment will simplify the allowances for lot coverage while also increasing the buildable area. Lot coverage is the area of a lot covered by the footprint of all structures, including any area under roof and on the ground, expressed as a percentage of the total lot area. Most of the residential zoning districts currently provide an additional square footage for covered parking, which does not count towards lot coverage. However, in an attempt to simplify lot coverage provisions, these covered parking allowances will be removed and the total lot coverage for the zoning district will be increased.
- 2. Setbacks:** The proposed setback reductions will reduce the rear setback within the Low-Density Residential (R-1-8) and Residence-Manufacture Housing (R-MH-8) Districts, the side yard setbacks within the Medium Density Residential (R-2) and High-Density Residential (R-3) Districts, and will

reduce the setbacks required between multi-family development and low density residential development.

- 3. **Open space:** As the City encourages the development of increased density, it is important that open space standards be formalized within the code. Open space standards will assist in ensuring that residents are provided access to sufficient outdoor space. The proposed standards were determined using the development specifications from recently constructed projects within our community.
- 4. **Height allowances:** As the City continues to encourage and expand opportunities for increased density, increasing allowable heights within the High-Density Residential (R-3) District will assist in facilitating such development.

The proposed text amendment was provided to the development community and local agencies for comment and input. No comments, suggestions, or negative feedback were received regarding the proposed amendments.

On February 12, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update the definitions relating to housing and to match the zoning district density requirements to the City of Yuma General Plan within the Medium (R-2) and High (R-3) Density Residential Districts.

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

QUESTIONS FOR STAFF

“Chris Hamel - Planning and Zoning Commissioner asked if the text amendment was a result of public feedback from the General Plan.

“Alyssa Linville - Director of Planning and Neighborhood Services confirmed.

“John Mahon - Planning and Zoning Commissioner asked if the text amendment applied to pre-existing or new developments only.

“Linville said it would apply to both.

PUBLIC COMMENT

None

MOTION

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Greg Counts - Planning and Zoning Commissioner to APPROVE ZONE-42143-2023 as presented.

“Motion carried unanimously (7-0).”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

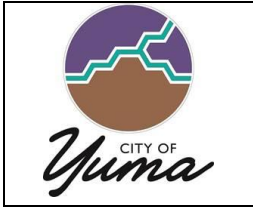
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 03/11/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/08/2024



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

Hearing Date February 12, 2024

Case Number: ZONE-42143-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42143-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update development standards for lot coverage, setbacks, open space, and height requirements within the residential zoning districts.

Staff Analysis: The City of Yuma is continually exploring opportunities to improve development within the community. With this proposed text amendment, the City is seeking to increase residential lot coverage allowances, reduce the setbacks for medium and high-density residential development, establish open space requirements for multi-family development, and increase height allowances for development within the High-Density Residential (R-3) District.

The goal of the text amendment is to provide relaxation from certain development standards, intended to offer new development opportunities, while also further encouraging an increase in residential density.

Below is a more detailed description of each proposed amendment:

1. **Lot coverage:** With regard to lot coverage requirements, the proposed text amendment will simplify the allowances for lot coverage while also increasing the allowable buildable area. Lot coverage is the area of a lot covered by the footprint of all structures, including any area under roof and on the ground, expressed as a percentage of the total lot area. Most of the residential zoning districts currently provide an additional square footage for covered parking, which does not count towards lot coverage. However, in an attempt to simplify lot coverage provisions, these covered parking allowances will be removed and the total lot coverage for the zoning district will be increased.
2. **Setbacks:** The proposed setback reductions will reduce the rear setback within the Low-Density Residential (R-1-8) District, the side yard setbacks within the Medium Density Residential (R-2) and High-Density Residential (R-3) Districts, and will reduce the setbacks required between multi-family development and low density residential development.
3. **Open space:** As the City encourages the development of increased density, it is important that open space standards be formalized within the

code. Open space standards will assist in ensuring that residents are provided access to sufficient outdoor space. The proposed standards were determined using the development specifications from recently constructed projects within our community.

4. **Height allowances:** As the City continues to encourage and expand opportunities for increased density, increasing allowable heights within the High-Density Residential (R-3) District will assist in facilitating such development.

The proposed text amendment was provided to the development community and local agencies for comment and input. No comments, suggestions, or negative feedback were received regarding the proposed amendments.

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

Yes. The 2022 General Plan sought to increase the allowable densities with the City. The proposed text amendment will support the development of projects with increased densities through the establishment of modified development standards.

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

Yes. The proposed amendment fits the overall purpose and intent of the zoning ordinance.

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

No. The proposed amendment will change the development standards associated with residential development, however, will not change the range of uses.

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

Yes. The proposed amendment will modify development requirements associated with lot coverage, setbacks, open space, and building heights.

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

There are no potential negative impacts identified with the proposed text amendment. However, the adoption of the proposed text amendment may provide a number of positive impacts for the City of Yuma; including, increased opportunities for development throughout a variety of residential zoning districts.

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

N/A

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

Yes.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

No Conditions of Approval required.

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Alyssa Linville*

Date: 01/23/2024

Alyssa Linville,

Director of Planning and
Neighborhood Services

Alyssa.linville@yumaaz.gov

(928)373-5000, ext. 3037

Approved By: *Jennifer L. Albers*

Date: 1/23/24

Jennifer Albers,

Assistant Director of Planning

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for each of the four Suburban Ranch Districts shall be **45 25%** of the lot area. ~~The first 600 square feet of covered parking shall not count against the maximum lot coverage.~~

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The following is the list of maximum lot coverage for each of the three residential estate districts:
- (a) *Residential Estate-35 (RE-35) District.* ~~Twenty percent~~ **30%**;
 - (b) *Residential Estate-18 (RE-18) District.* ~~Twenty-five percent~~ **35%**; and
 - (c) *Residential Estate-12 (RE-12) District.* ~~Thirty percent;~~ and **40%**.
 - ~~(d) Exception. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for the R-1-40, R-1-20, R-1-12, R-1-8 and the R-1-6 Districts shall be ~~35~~ **50%** of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (4), be amended to insert the bolded text:

- (c) *Minimum rear yard setback.* Twenty feet (reduced to ten feet in the R-1-6 District **and fifteen feet in the R-1-8 District**); and

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be ~~35~~ **50%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* Five feet ~~clear of equipment and any other structures and/or appurtenances on one side;~~ **clear of equipment and any other structures and/or appurtenances on one side;** nine feet on the other side;

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the ~~for each of the five~~ Residence-Manufactured Housing Districts is: **shall be 50% of the lot area.**

~~(a) Residence-Manufactured Housing-6 (R-MH-6) District. Thirty-five percent;~~

~~(b) Residence-Manufactured Housing-8 (R-MH-8) District. Thirty-five percent;~~

~~(c) Residence-Manufactured Housing-10 (R-MH-10) District. Thirty-five percent;~~

~~(d) Residence-Manufactured Housing-12 (R-MH-12) District. Thirty percent;~~

~~(e) Residence-Manufactured Housing-20 (R-MH-20) District. Twenty-five percent;~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (5), be amended to insert the bolded text:

(a) 3. *Minimum rear yard setback.* Twenty feet; reduced to ten feet in the R-MH-6 District **and fifteen in the R-MH-8 District;** and

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), be amended to insert the bolded text and delete the strike through text:

(b) 5. *Side yard setback.* ~~Seven~~ **five** feet;

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), be amended to insert the bolded text and delete the strike through text:

(d) *Lot coverage.* The maximum lot coverage for all principal and accessory buildings in the Recreation Vehicle Subdivision District is ~~50~~ **55**%.

SECTION 11: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (3), be amended to insert the bolded text and delete the strike through text:

(b) *Side yard.* ~~Seven~~ **five** feet from interior lot lines and ten feet from side street lot lines;

SECTION 12: That the Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (5), be amended to insert the bolded text and delete the strike through text:

(5) *Maximum Lot coverage.* The maximum permitted coverage by the manufactured home unit and accessory buildings shall not exceed ~~45~~ **55**% of the manufactured home lot, ~~excluding the first two carports up to 44 square feet.~~

SECTION 13: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

(3) *Lot coverage.* The maximum lot coverage in the Medium Density Residential (R-2) District shall be ~~35~~ **55**% of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 14: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setback.* ~~Seven~~ **Five** feet;

SECTION 15: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* The maximum building height in the Medium Density Residential (R-2) District shall be 40 feet. The building height for multi-family structures shall be reduced to 20 feet (one story maximum) when located within ~~60~~ **40** feet of adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential, **and whose use is residential.** Single-family structures are exempt from the 20-foot height limit.

SECTION 16: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F, be amended to insert the bolded text:

- (8) ***Open space.* The following is the minimum amount of open space required for multi-family developments:**
 - (a) ***Private open space.* Multi-family projects with three or more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) ***Common open space.* Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 17: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall be ~~45~~ **55%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 18: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Five feet clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 19: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (3), be amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the High Density Residential (R-3) District shall be ~~35~~ **60%** of the lot area. ~~An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total coverage does not exceed 50% of the lot area.~~

SECTION 20: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (4), be amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Seven~~ **Five** feet;

SECTION 21: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (5), be amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* Except as provided in 154-15.03, the maximum building height shall be ~~40~~ **50** feet. The maximum building height **for multi-family structures** shall be reduced to 20 feet (one story maximum) ~~for all land~~ **when** located within ~~60~~ **40** feet of ~~a lot in an~~ **adjacent parcels zoned** Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District, **and whose use is residential. Single-family structures are exempt from the 20-foot height limit.**

SECTION 22: That the Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F, be amended to insert the bolded text:

- (8) ***Open space.* The following is the minimum amount of open space required for multi-family developments:**
 - (a) ***Private open space.* Multi-family projects with three or more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) ***Common open space.* Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (01/19/24)
- 34 Commenting/Reviewing Agencies noticed: (12/27/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (02/12/24)
- Comments due: (01/08/24)

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

Neighborhood Meeting	Comments Available
NONE REQUIRED	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

ORDINANCE NO. O2024-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO AMEND THE LOT COVERAGE, SETBACKS, OPEN SPACE REQUIREMENTS, AND HEIGHT ALLOWANCES FOR CERTAIN RESIDENTIAL DISTRICTS

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on February 12, 2024 in Case no: ZONE-42143-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

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

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-42143-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and 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: Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage for each of the four Suburban Ranch Districts shall be **15 25%** of the lot area. ~~The first 600 square feet of covered parking shall not count against the maximum lot coverage.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The following is the list of maximum lot coverage for each of the three residential estate districts:
- (a) *Residential Estate-35 (RE-35) District.* ~~Twenty percent~~ **30%**;
 - (b) *Residential Estate-18 (RE-18) District.* ~~Twenty-five percent~~ **35%**; and
 - (c) *Residential Estate-12 (RE-12) District.* ~~Thirty percent;~~ and **40%**.

~~(d) Exception. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

(3) *Lot coverage.* The maximum lot coverage for the R-1-40, R-1-20, R-1-12, R-1-8 and the R-1-6 Districts shall be **35 50%** of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential Districts, Subsection F (4), is amended to insert the bolded text:

(c) *Minimum rear yard setback.* Twenty feet (reduced to ten feet in the R-1-6 District **and fifteen feet in the R-1-8 District**); and

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be **35 50%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

(b) *Minimum side yard setbacks.* Five feet ~~clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

(4) *Lot coverage.* The maximum lot coverage in the ~~for each of the five~~ Residence-Manufactured Housing Districts ~~is:~~ **shall be 50% of the lot area.**

~~(a) Residence Manufactured Housing 6 (R-MH-6) District. Thirty five percent;~~

~~(b) Residence Manufactured Housing 8 (R-MH-8) District. Thirty five percent;~~

~~(c) Residence Manufactured Housing 10 (R-MH-10) District. Thirty five percent;~~

(d) — ~~Residence Manufactured Housing 12 (R-MH-12) District. Thirty percent;~~

(e) — ~~Residence Manufactured Housing 20 (R-MH-20) District. Twenty five percent;~~

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection F (5), is amended to insert the bolded text:

- (a) 3. *Minimum rear yard setback.* Twenty feet; reduced to ten feet in the R-MH-6 District **and fifteen in the R-MH-8 District;** and

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), is amended to insert the bolded text and delete the strike through text:

- (b) 5. *Side yard setback.* **Seven five** feet;

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 6, Section 2 Recreation Vehicle Subdivision District, Subsection E (1), is amended to insert the bolded text and delete the strike through text:

- (d) *Lot coverage.* The maximum lot coverage for all principal and accessory buildings in the Recreation Vehicle Subdivision District is ~~50~~ **55**%.

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (3), is amended to insert the bolded text and delete the strike through text:

- (b) *Side yard.* ~~Seven~~ **five** feet from interior lot lines and ten feet from side street lot lines;

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection E (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Maximum Lot coverage.* The maximum permitted coverage by the manufactured home unit and accessory buildings shall not exceed ~~45~~ **55**% of the manufactured home lot, ~~excluding the first two carports up to 44 square feet.~~

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (3) *Lot coverage.* The maximum lot coverage in the Medium Density Residential (R-2) District shall be ~~35~~ **55**% of the lot area. ~~The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.~~

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setback.* **Seven Five** feet;

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* The maximum building height in the Medium Density Residential (R-2) District shall be 40 feet. The building height for multi-family structures shall be reduced to 20 feet (one story maximum) when located within ~~60~~ **40** feet of adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential, **and whose use is residential.** Single-family structures are exempt from the 20-foot height limit.

SECTION 16: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection F, is amended to insert the bolded text:

- (8) *Open space.* **The following is the minimum amount of open space required for multi-family developments:**
 - (a) *Private open space.* **Multi-family projects with three of more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
 - (b) *Common open space.* **Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 17: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall be ~~45~~ **55%** of the lot area. ~~The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.~~

SECTION 18: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Five feet clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;~~

SECTION 19: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (3), is amended to insert the bolded text and delete the strike through text:

- (4) *Lot coverage.* The maximum lot coverage in the High Density Residential (R-3) District shall be **35 60%** of the lot area. ~~An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total coverage does not exceed 50% of the lot area.~~

SECTION 20: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (4), is amended to insert the bolded text and delete the strike through text:

- (b) *Minimum side yard setbacks.* ~~Seven~~ **Five** feet;

SECTION 21: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F (5), is amended to insert the bolded text and delete the strike through text:

- (5) *Building heights.* Except as provided in 154-15.03, the maximum building height shall be ~~40~~ **50** feet. The maximum building height **for multi-family structures** shall be reduced to 20 feet (one story maximum) ~~for all land~~ **when** located within ~~60~~ **40** feet of a lot in an **adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District, and whose use is residential. Single-family structures are exempt from the 20-foot height limit.**

SECTION 22: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection F, is amended to insert the bolded text:

- (8) *Open space.* **The following is the minimum amount of open space required for multi-family developments:**
- (a) *Private open space.* **Multi-family projects with three of more units, shall provide a minimum of 60 square feet of private outdoor open space for each unit. No dimension of the private outdoor open space shall be less than five feet.**
- (b) *Common open space.* **Multi-family projects with ten or more units, shall designate a minimum of 10% of lot area for the use of common open space, of which, 50% of the common open space must be contiguous and contain shared amenities. Common open space can also serve as required on-site retention.**

SECTION 23: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment.

Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2024.

APPROVED:

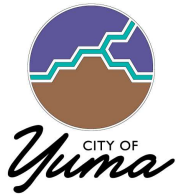
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-012

Agenda Date: 4/3/2024

Agenda #: 1.

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

TITLE:

Wastewater Discharge Local Limits Update

SUMMARY RECOMMENDATION:

Pursuant to the Environmental Protection Agency (EPA) Pretreatment Regulations 40 Code of Federal Regulations (CFR) 403, amend City Code § 191-02 General Sewer Use Requirements, to update the existing wastewater Local Limits in accordance with the findings of the Local Limits Figueroa Avenue Water Pollution Control Facility (WPCF) Report. (Utilities/ Administration) (Jeremy McCall)

STRATEGIC OUTCOME:

This action item supports the City Council strategic outcome of Safe and Prosperous by ensuring the future reliability and protection of the City’s wastewater systems.

REPORT:

The City of Yuma is required, by Federal and State environmental standards, to maintain an ordinance which regulates the discharge of non-domestic waste into the City's wastewater collection system. City Code § 191-02 General Sewer Use Requirements, Subsection D Local Limits, contains site specific, technically-based local wastewater discharge limitations. The City is required to review and update these limitations as necessary. The existing wastewater Local Limits were last updated in 2010 (Ordinance O2010-19) and need to be modified to reflect new State and Federal requirements, wastewater treatment plant changes, and local wastewater discharge permit requirements.

EPA Pretreatment Regulations, 40 CFR Part 403, requires that the City periodically analyze the wastewater systems Local Limits. Under these requirements, the City must review the adequacy of existing discharge limits and establish standards to prevent detrimental pollutants from entering the treatment system that would interfere with the operation of the treatment plant, degrade the quality of biosolids, or pass untreated through the treatment plant to the Colorado River.

Key factors for determining revisions of the current Local Limits were:

1. The City of Yuma received a new Arizona Pollution Discharge Elimination System (AZPDES) Permit. The Arizona Department of Environmental Quality (ADEQ) issued a new AZPDES permit on August 15, 2023, which differs from the previous discharge permits. The new 2023 permit included new effluent limitations for discharges to the Colorado River.

2. There have been changes in the number and types of Industrial Users within the Figueroa Avenue Water Pollution Control Facility (WPCF) service area since the previous 2007 Local Limit Study.

The *Figueroa Avenue WPCF Local Limits Report* was developed by following EPA Local Limit Development Guidance documents to protect the City’s treatment plants, wastewater collection system, and treatment personnel from dangerous discharges.

Specific milestones of the Local Limit Study and its implementation are as follows:

April 6, 2023, the City of Yuma completed the preliminary *Figueroa Avenue WPCF Local Limits Draft Report*.

November 2, 2023, the City of Yuma provided ADEQ the *Figueroa Avenue WPCF Local Limits Draft Report*, and the suggested modifications to the City of Yuma Local Limits.

February 1, 2024, ADEQ approved the modifications to the proposed wastewater Local Limits. ADEQ provided their approval to continue with adoption, noting “At this time, the City may implement the modification to its Local Limits.” Per ADEQ Rule the proposed Local Limits are considered a Minor Modification to the City of Yuma Approved Pretreatment Program.

February 2024, the City of Yuma notified all affected facilities and Industrial Users of the proposed revisions to the Local Limits, and that the City was seeking comments from users, and industrial facilities. Yuma Cogen was the only user to respond, and their comments were addressed.

March 4, 2024, the City of Yuma, Water and Sewer Commission was presented the findings of the *Figueroa Avenue WPCF Local Limits Report*. All permitted Industrial Users were invited to attend this public meeting, though no users attended. The Water and Sewer Commission endorsed the *Figueroa Avenue WPCF Local Limits Report* and supported the proposed changes to the City of Yuma Local Limits (vote of 5 - 0 in favor).

The proposed changes to the Local Limits are outlined in the table below. Note that only Nitrogen (Total) and Zinc are to be modified, and that these changes will not affect any of the City’s local wastewater dischargers.

Additionally, the proposed ordinance ratifies the existing codification of Yuma City Code Chapter 191 (which differs from the adopting ordinance in formatting, numbering and lettering).

Parameter	Current Local Limit	Proposed Local Limit
Ammonia	260 mg/L	260 mg/L
Arsenic	0.070 mg/L	0.070 mg/L
Boron	2.5 mg/L	2.5 mg/L
Cadmium	0.072 mg/L	0.072 mg/L
Chromium (Total)	4.9 mg/L	4.9 mg/L
Copper	1.9 mg/L	1.9 mg/L
Cyanide	0.13 mg/L	0.13 mg/L
Dissolved Sulfide	0.5 mg/L	0.5 mg/L
Total Petroleum Hydrocarbons	100 mg/L	100 mg/L
FOG, Polar	(See note 1) (See note 2)	(See note 1) (See note 2)
FOG, Total	(See note 1) (See note 2)	(See note 1) (See note 2)

Lead	0.52 mg/L	0.52 mg/L
Mercury	0.0002 mg/L	0.0002 mg/L
Molybdenum	0.20 mg/L	0.20 mg/L
Nickel	0.82 mg/L	0.82 mg/L
Nitrogen (Total)	150 mg/L	95 mg/L
pH	5 - 11.5 S.U.	5 - 11.5 S.U.
Silver	2.9 mg/L	2.9 mg/L
Selenium	0.020/0.011 mg/L (See note 3)	0.020/0.011 mg/L (See note 3)
Thallium	0.027 mg/L	0.027 mg/L
Biochemical Oxygen Demand (BOD)	Note 4	Note 4
Total Suspended Solids (TSS)	Note 4	Note 4
Total Dissolved Solids (TDS)	Note 4	Note 4
Zinc	1.8 mg/L	1.25 mg/L

Note 1: Discharges of oil and grease shall not result in accumulations which either alone, or in combination with other wastes, are capable of obstructing flow or that interfere with the operations or performance of the waste collection system or the treatment facilities.

Note 2: Dischargers of polar FOG shall minimize free floating polar FOG. Discharge of polar FOG in quantities that cause or contribute to obstructions is strictly prohibited. Dischargers of free floating polar FOG shall be required to install pretreatment devices such as grease removal equipment sized according to City standards and in accordance with best management practices.

Note 3: Industry specific selenium local limit of 0.020 mg/L to identified selenium discharging significant users (SIU). To counterbalance the higher selenium limit for these discharges a lower limit of 0.011 mg/L is required.

Note 4: The discharge of wastewater shall not cause the inhibition of wastewater treatment or violation of permit requirements.

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 03/25/2024
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2024

ORDINANCE NO. O2024-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING SECTION 191-02 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO LOCAL LIMITS FOR INDUSTRIAL DISCHARGES TO THE PUBLICLY OWNED TREATMENT WORKS AND RATIFYING THE CURRENT FORMATTING, LETTERING AND NUMBERING OF YUMA CITY CODE CHAPTER 191

WHEREAS, the City of Yuma (City) has adopted an Ordinance which regulates the discharge of non-domestic waste into the wastewater collection system of the City; and,

WHEREAS, it is necessary for the City of Yuma to adopt and enforce technically based local wastewater discharge limitations pursuant to Federal and State environmental requirements; and,

WHEREAS, the City is required to review and update, as necessary, the existing wastewater limits to reflect new State and Federal requirements, treatment plant changes, wastewater discharge permit requirements, and other requirements that may affect the reliability of the local limits.

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

SECTION 1: Yuma City Code Chapter 191: Industrial Wastes and Other Wastewater Dischargers, as codified, is ratified as the proper formatting, numbering, and lettering of Ordinance O2019-007.

SECTION 2: Yuma City Code § 191-02 General Sewer Use Requirements, subsection D, Local Limits, Item 2, is amended to read as follows where strikethrough text indicates deletions and bolded text indicates additions:

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following limitations. If and when federal or state regulatory agency regulations require a specific pretreatment concentration for a specific industry, whichever is the more stringent concentration level between these regulations and such federal or state regulations will apply.

Local Limits for Users of the Figueroa Avenue Water Pollution Control Facility (WPCF)

<i>Parameter</i>	<i>Daily Maximum Limit</i>
Ammonia	260 mg/L
Arsenic	0.070 mg/L
Boron	2.5 mg/L
Cadmium	0.072 mg/L
Chromium (Total)	4.9 mg/L
Copper	1.9 mg/L
Cyanide	0.13 mg/L
Dissolved Sulfide	0.5 mg/L
Total Petroleum Hydrocarbons	100 mg/L
FOG, Polar	(See note 1) (See note 2)
FOG, Total	(See note 1) (See note 2)

Lead	0.52 mg/L
Mercury	0.0002 mg/L
Molybdenum	0.20 mg/L
Nickel	0.82 mg/L
Nitrogen (Total)	150 95 mg/L
pH	5 - 11.5 S.U.
Silver	2.9 mg/L
Selenium	0.020/0.011 mg/L (See note 3)
Thallium	0.027 mg/L
Biochemical Oxygen Demand (BOD)	Note 4
Total Suspended Solids (TSS)	Note 4
Total Dissolved Solids (TDS)	Note 4
Zinc	4.8 1.25 mg/L
Note 1: Discharges of oil and grease shall not result in accumulations which either alone, or in combination with other wastes, are capable of obstructing flow or that interfere with the operations or performance of the wastewater collection system or the treatment facilities.	
Note 2: Dischargers of polar FOG shall minimize free floating polar FOG. Discharge of polar FOG in quantities that cause or contribute to obstructions is strictly prohibited. Dischargers of free floating polar FOG shall be required to install pretreatment devices such as grease removal equipment sized according to city standards and institute other best management practices.	
Note 3: Industry specific selenium local limit of 0.020 mg/L to identified selenium discharging significant industrial users (SIU). To counterbalance the higher selenium limit for these discharges a lower limit of 0.011 mg/L for other SIUs is required.	
Note 4: The discharge of wastewater shall not cause the inhibition of wastewater treatment or violation of any ADEQ requirements.	

The above limits apply at the point where the wastewater is discharged to the Publicly Owned Treatment Works (POTW). All concentrations for metallic substances are for total metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to the concentration-based limitations above.

SECTION 3: Violations of this Ordinance are subject to the following civil and criminal penalties:

1. Civil Penalties

- (A) A User who has violated, or continues to violate, any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, pursuant to Arizona Revised Statutes (A.R.S.) § 49-391, as amended, be liable to the City for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) The Director of Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, those outlined in A.R.S. § 49-

391, as amended, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. Criminal Penalties

(A) A User who willfully or negligently violates any provision of this Chapter 191, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than \$2,500 per violation, per day, or imprisonment for not more than six (6) months, or both.

(B) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter 191, individual wastewater discharge permit, or general permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter 191 shall, upon conviction, be guilty of a Class 1 Misdemeanor and be subject to a penalty of at least \$2,500 per violation, per day, or be subject to imprisonment for not more than six (6) months, or both.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney