



City of Yuma City Council Meeting Agenda

Wednesday, August 5, 2026

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

Final call for submission of Speaker Request Forms.

ROLL CALL

I. MOTION CONSENT AGENDA

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

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

1. [MC 2026-143](#) **Regular Council Meeting Draft Minutes May 20, 2026**
Attachments: [2026 05 20 RCM Minutes](#)
2. [MC 2026-144](#) **Regular Council Meeting Draft Minutes June 17, 2026**
Attachments: [2026 06 17 RCM Minutes](#)
3. [MC 2026-145](#) **Regular Council Worksession Draft Minutes June 30, 2026**
Attachments: [2026 06 30 RWS Minutes](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2026-130](#) **Bid Award: Grass Seed**
Authorize the purchase of grass seed to the lowest responsive and responsible bidders, Wilbur Ellis of Phoenix, Arizona for \$150,914.00, Ewing Irrigation of Phoenix, Arizona for \$15,495.20 and Helena Agri Enterprises for \$6,500.00 from Los Angeles, California. (Parks and Recreation RFB-26-349) (Eric Urfer/Robin R. Wilson)

2. [MC 2026-131](#) **Bid Award: Overhead Door and Gate System Maintenance and Repair Services**
Award to the most responsive and responsible bidder a one-year contract for overhead door and gate system maintenance and repair services with an option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for an estimated annual expenditure of \$30,000.00 as-needed to On Track Overhead Doors LLC., Yuma, Arizona. (Facilities Management-RFB-26-297) (Justin Lewis/Robin R. Wilson)
3. [MC 2026-132](#) **Cooperative Purchase Agreement: Amazon Business**
Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (Finance-CPA-27-016) (Douglas Allen/Robin R. Wilson)
4. [MC 2026-133](#) **Cooperative Purchase Agreement: Ferrous Chloride**
Authorize the purchase and delivery of Ferrous Chloride from Pennco, Inc., San Felipe, Texas, utilizing a Cooperative Purchase Agreement from the City of Mesa. This contract is valid for one year with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance on an as needed basis with a total estimated annual expenditure of \$503,000.00. (Utilities CPA-27-013) (Jeremy McCall/Robin R. Wilson)
5. [MC 2026-134](#) **Cooperative Purchase Agreement: Vactor 2100i plus Hydro Combination Sewer Cleaner**
Authorize the purchase of a Hydro Vacuum Combination Sewer Cleaner Vehicle utilizing a cooperative purchase agreement through Houston-Galveston Area Council for an estimated expenditure of \$672,326.77 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-024) (Jeremy McCall/Robin R. Wilson)
6. [MC 2026-135](#) **Cooperative Purchase Agreement: 10-yard Dump Truck**
Authorize the purchase of a 10-yard dump truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an expenditure of \$227,392.26 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-021) (Joel Olea/Robin R. Wilson)

7. [MC 2026-136](#) **Cooperative Purchase Agreement: John Deere 324P Loader with a Grappler**
Authorize the purchase of a 2026 John Deere Model 324P loader with a grapppler utilizing a cooperative purchase agreement from Sourcewell at an expenditure of \$142,919.08 to RDO Equipment Co. of Yuma, Yuma, Arizona. (Public Works-CPA-27-020) (Joel Olea/Robin R. Wilson)
8. [MC 2026-137](#) **Cooperative Purchase Agreement: 8-Yard Rear Loader**
Authorize the purchase of a 2027 Peterbilt Model 537 McNeilus 8-yard truck, utilizing the cooperative purchase agreement from Houston-Galveston Area Council, for an estimated expenditure of \$250,338.08 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-019) (Joel Olea/Robin R. Wilson)
9. [MC 2026-138](#) **Cooperative Purchase Agreement: Elgin Broom Bear Street Sweeper**
Authorize the purchase of an Elgin Broom Bear Street Sweeper utilizing a cooperative purchase agreement from Sourcewell at an estimated expenditure of \$483,889.89 to Norwood Equipment LLC, Phoenix, Arizona. (Public Works-CPA-27-022) (Joel Olea/Robin R. Wilson)
10. [MC 2026-139](#) **Cooperative Purchase Agreement: Two 5-yard Dump Trucks**
Authorize the purchase of two 2027 Peterbilt Model 537 5-yard dump trucks utilizing a cooperative purchase agreement through Houston-Galveston Area Council at an expenditure of \$189,560.10 per truck for a total of \$379,120.20 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-023) (Joel Olea/Robin R. Wilson)
11. [MC 2026-140](#) **Cooperative Purchase Agreement: Two Side Loader Trash Trucks**
Authorize the purchase of two 2027 Peterbilt Model 520 McNeilus Side Loaders utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an expenditure of \$499,722.44 per truck and a total of \$999,444.88 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-018) (Joel Olea/Robin R. Wilson)

12. [MC 2026-142](#) **Contract Award: Partnership Development and Implementation Management Services for the Yuma Innovation District**

Authorize the award of a professional services contract with WT Partnership of Austin, Texas for Partnership Development and Implementation Management Services for the Yuma Innovation District, in an amount not to exceed \$270,000.00. (City Administration RFQ-26-226) (Jay Simonton/Robin R. Wilson)

Attachments: [1. AGMT Contract Award: Yuma Innovation District](#)

II. RESOLUTION CONSENT AGENDA

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

1. [R2026-036](#) **Resolution Terminating Letter of Appointment with the Arizona Office of the State Fire Marshal**

Approve the resolution authorizing the City of Yuma Fire Department to terminate its current Letter of Appointment (LOA) with the Arizona Office of the State Fire Marshal. (Fire Department) (John Louser)

Attachments: [1. LTR Terminate Letter of Appointment: Arizona Officer of State Fire Marshal](#)
[2. RES Terminate Letter of Appointment: Arizona Office of State Fire Marshal](#)

2. [R2026-037](#) **2026 City of Yuma Primary Election Canvass**

Declare the results of the July 21, 2026, City of Yuma Primary Election through adoption of the official canvass by resolution. (City Administration/City Clerk) (Janet L. Pierson)

Attachments: [1. RES 2026 Primary Election Canvass](#)
[2. EXH A 2026 Primary Election Canvass.pdf](#)

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. [O2026-023](#)**Yuma City Code Amendment: Chapter 39 - Appointed Judicial Officers within the Municipal Court**

Amend Chapter 39 of the Yuma City Code to separate Appointed Judicial Officers into categories by subsection to align with Court rules. (Municipal Court) (Del Miller)

Attachments:

[1. ORD Yuma City Code Amendment: Appointed Judicial Officers within the Municipal Court](#)

IV. PUBLIC HEARING - VARIANCE APPEAL1. [MC 2026-141](#)**Variance Appeal: VAR-45199-2026 - 1921 S. 6th Avenue**

The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustment pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.06 and Yuma City Code (Y.C.C.) § 154-02.02. (Community Development/Community Planning) (Alyssa Linville)

Attachments:

[1. HO RPT Variance Appeal: 1921 S. 6th Avenue](#)

[2. HO MINUTES Variance Appeal: 1921 S. 6th Avenue](#)

[3. LTR Variance Appeal: 1921 S. 6th Avenue](#)

[4. APPEAL NOTICE Variance Appeal: 1921 S. 6th Avenue](#)

[5. SCHEDULE Variance Appeal: 1921 S. 6th Avenue](#)

[6. BRIEF Variance Appeal: 1921 S. 6th Avenue](#)

V. 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 July 16, 2026 through August 5, 2026. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

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.

VI. SUMMARY OF CURRENT EVENTS

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

VII. CALL TO THE PUBLIC

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

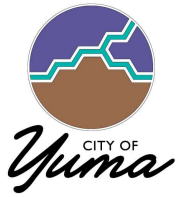
VIII. EXECUTIVE SESSION

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

- A. Discussion or consultation with legal counsel concerning A.R.S. § 38-431 et seq. (A.R.S. § 38-431.03 A3)
- B. Discussion, consultation, and/or direction to legal counsel concerning potential sale and/or lease of City-owned property. (A.R.S. § 38-431.03 A3, A4 and A7)
- C. Discussion, consultation, and/or direction to legal counsel regarding Mohave County, et al. (City of Yuma) v. United States Bureau of Reclamation, et al., Case No. 3:22-CV-08246-MTL (D. Ariz.). (A.R.S. § 38-431.03 A3 and A4)

ADJOURNMENT

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



City of Yuma

City Council Report

File #: MC 2026-143

Agenda Date: 8/5/2026

Agenda #: 1.

Regular Council Meeting Draft Minutes May 20, 2026

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 20, 2026
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Tom Renard of Zion church gave the invocation. **Nora Ebert**, Budget Manager, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present: Martinez, Morris, McClendon, Smith (5:31 p.m.- 6:32 p.m.), Morales, Watts
Councilmembers Absent: Mayor Nicholls
Staffmembers Present: Acting City Administrator, John D. Simonton
Principal Planner, Erika Peterson
Various Department Heads or their representative
City Attorney, Richard W. Files
Acting City Clerk, Janet L. Pierson

I. MOTION CONSENT AGENDA

Motion (Morales/Watts): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 6-0.

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

Regular Council Meeting Minutes April 15, 2026

B. Executive Session

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

C. Approval of Staff Recommendations

1. Authorize the award of traffic control services for community events and additional services City wide to the lowest responsive and responsible bidders, Quail Construction, Yuma, Arizona, and Hollis Brothers, Yuma, Arizona. The award consists of a one-year contract, with the option to renew for four additional one-year periods, depending on satisfactory performance at an estimated annual expenditure of \$100,000.00. (RFB-26-216) (Admn/Purch)
2. Pursuant to the Yuma City Code § 36-36, reject the bid received for the Main Street Water Treatment Plant Filters 9, 10, 11, and 12 Rehabilitation/Upgrades Phase 3 project due to the bid exceeding the allocated amount for the Capital Improvement Project. (RFB-26-200) (Eng/Purch)
3. Authorize an engineering design services contract for the initial scoping documents of 40th Street from Avenue 6E to Avenue 7E in the amount of \$116,680.00 to Kimley-Horn and Associates, Inc., Tucson, Arizona. (RFQ-26-180) (Eng/Purch)
4. Ratify and approve the Job Order Contract (JOC) proposal for the Roadway Improvements, 28th Street, I-8 and Avenue 4E Project in the amount of \$383,600.00 to DPE Construction Inc., Yuma, Arizona. (RFQ-25-159) (Eng/Purch)
5. Authorize a professional services agreement with Mosaic Public Partners of Lincoln, California, at an estimated expenditure of \$35,000.00 to conduct a national executive recruitment for the position of City Administrator. (CPA-26-324) (HR/Purch)

II. RESOLUTION CONSENT AGENDA

Resolution R2026-016 – Development Fee Deferral: Santana Unit 1 Subdivision (Authorize an agreement to defer City of Yuma development fees and water and sewer capacity charges for Santana Unit 1 Subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective term of the deferral agreement is three years from date of execution) (Eng)

Discussion

- Staff are actively working on future discussions on applying Attainable Housing Committee recommendations to development fee deferrals, especially for infill areas. (Smith/Simonton)

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

Pierson displayed the following title(s):

Resolution R2026-015

A resolution of the City Council of the City of Yuma, Arizona, authorizing a delegation agreement between the Arizona Department of Environmental Quality (ADEQ) and the City of Yuma, Arizona (The Yuma Fire Department issues these permits, reviews them for fire safety and air-quality compliance, and periodically undergoes ADEQ audits to ensure proper documentation and reporting) (YFD)

Resolution R2026-016

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Santana Unit 1 Subdivision (Deferral for a period of three years upon payment of a \$500.00 administrative fee.) (Eng)

Resolution R2026-017

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Santana Unit 2 Subdivision (Deferral for a period of three years upon payment of a \$500.00 administrative fee.) (Eng)

Resolution R2026-018

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting the deferral of City of Yuma development fees and water and sanitary sewer capacity charges for Santana Unit 3 Subdivision (Deferral for a period of three years upon payment of a \$500.00 administrative fee.) (Eng)

Roll call vote: **adopted** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Pierson displayed the following title(s):

Ordinance O2026-009

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 7 of the Yuma City Code, Chapter 70, revising Section 70-05 to exempt veteran-owned businesses and merchants from Section 70-05 (To recognize the service of military veterans and promote veterans entrepreneurship by reducing financial barriers to starting and operating a veteran-owned business within the City.) (Admn)

Roll call vote: **adopted** 6-0.

IV. PUBLIC HEARING AND RELATED ITEMS

Resolution R2026-019 - Major General Plan Amendment: 1912 S. Arizona 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 at 1912 S. Arizona Avenue) (GP-44756-2025) (Cmty Dev)

Morris declared a conflict of interest on Resolution R2026-019 as his firm was involved in the design of the project and left the dais.

Deputy Mayor McClendon opened the public hearing at 5:41 p.m.

Peterson presented the following information:

- This is a major amendment request by Brittani Lee, on behalf of T3AZ, LLC, to change the land use designation from Low Density Residential to High Density Residential for approximately .72 acres, for the property located at 1912 South Arizona Avenue, Yuma, AZ
- Property currently zoned General Commercial Infill Overlay
- Currently under development with 15 dwelling units and one commercial office
- On January 8, 2024, the Planning and Zoning Commission approved a Conditional Use Permit allowing development of 15 multifamily residential dwelling units in conjunction with an established business activity within the General Commercial zoning district.
- Surrounding Land Uses:
 - North: Low Density Residential
 - South: Low Density Residential
 - East: Industrial
 - West: Low Density Residential
- Development Potential
 - Pursue a rezone to High Density Residential (R-3) to allow for the conversion of the commercial office into a residential dwelling unit, for a total of 16 dwelling units on site.
 - Dwelling Units-Potential development of 22 dwelling units
 - Population- Potential expected population of 40 people
- Neighborhood Meeting
 - January 6, 2026, on site
 - 660' notification boundary
 - One (1) neighbor in attendance wanting additional information
 - Four (4) neighbors called or emailed
 - Two (2) neighbors in opposition
 - Two (2) had questions about the request
- On April 13, 2026, the Planning and Zoning Commission recommended approval of this request

Motion (Smith/Watts): To close the Public Hearing. Voice vote: **approved** 5-0-1, Morris abstaining due to conflict of interest. The Public Hearing closed at 5:44 p.m.

Discussion

- **Morales** expressed support for higher-density housing but asked how Police and Fire departments provide input on such projects, noting the potential service impacts of adding residents in concentrated areas. **Peterson** explained that both departments are notified during project review and may submit comments, but none were received for this item. **Morales** requested that future project narratives include any identified impacts to public safety services. **Simonton** noted that every department has the opportunity to provide input, concerns, or questions regarding projects. If no comments were received from the Police Department or Fire Department, it is because they did not feel the project would impact their operations. Comments from departments would typically be on the staff report City Council receives for review.

Motion (Morales/Watts): To adopt Resolution R2026-019 as recommended.

Pierson displayed the following title(s):

Resolution R2026-019

A Resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation of approximately .72 acres from Low Density Residential to High Density Residential located at 1912 S. Arizona Avenue (The applicant's intent in changing the land use designation now is to pursue a rezone of the site from General Commercial (B-2) to High Density Residential (R-3) to allow for the conversion of the commercial office into a residential dwelling unit, for a total of 16 dwelling units on site) (Admn)

Roll call vote: **adopted** 5-0-1, **Morris** abstaining due to conflict of interest.

Morris returned to the dais.

V. BUDGET AND RELATED ITEMS

MC 2026-093 - Public Hearing: Capital Improvement Program Fiscal Year 2027 - Fiscal Year 2031
(Conduct a public hearing for the proposed Fiscal Year 2027 – Fiscal Year 2031 City of Yuma Capital Improvement Program pursuant to Yuma City Charter, Article XIII, Section 11) (Eng)

Deputy Mayor McClendon opened the Public Hearing at 5:48 p.m.

Speakers

Henry Valenzuela, City resident, observed that inconsistent reporting of multi-year versus single-year Capital Improvement Program (CIP) funding makes total project costs unclear. He urged including cumulative expenditures for each project to improve transparency.

William Katz, City resident, sought disclosure of any communication between Councilmembers and the firefighters' union regarding the CIP. He also questioned the proposed \$2 million land purchase for Elevate Southwest without a feasibility study and raised conflict-of-interest concerns.

Motion (Morris/Morales): To close the Public Hearing. Voice vote: **approved** 6-0. The Public Hearing closed at 5:56 p.m.

Discussion

- **Morales** noted that the July CIP includes a \$450,000 study for the Innovation Hub and asked Council to clarify the study's scope before July. He suggested the study also include the Spaceport, citing past presentations, public statements, and the Memorandum Of Understanding (MOU) with Mexico that have linked the two projects.
- **Simonton** stated the Innovation Hub and Spaceport are separate projects and explained ongoing efforts to acquire property and negotiate with a national firm for the Innovation District. He noted a contract related to the Innovation District is expected in July.
- **Morales** reiterated that previous discussions and materials have consistently connected the two projects and requested that the July study reflect that.

- **Deputy Mayor McClendon** requested that staff schedule a meeting for discussion before the July vote to ensure City Council clearly understands the distinctions between the Innovation Hub and Innovation District.
- **Morales** added that during prior presentations, the Innovation District was presented with various amenities, and when he asked if smaller phases could begin first, he was told the project must start with the large initial building. He stated this reinforces his concern that the Innovation Hub and Spaceport have been consistently presented as connected. He emphasized the need for City Council to clearly understand what the July item entails and what the \$150,000 contract would cover.
- **Deputy Mayor McClendon** agreed to schedule a review before the final July vote so City Council can gather questions and ensure a shared understanding of the project. This discussion will not delay the CIP vote or the Innovation Hub contract.
- **Morales** clarified he is not requesting a delay but wants City Council to be fully informed before approving the item in July.
- **Morris** stated he is open to discussing a Spaceport feasibility study but does not believe it is currently needed. He expressed concern that adding such a study could affect project momentum or interest. He stated he does not support any action that would condition or delay approvals.
- **Morales** again clarified that his comments were informational and not tied to any vote.

MC 2026-094 - Tentative Annual Budget for Fiscal Year 2027 (Adopt the Fiscal Year 2027 Tentative Annual Budget in the amount of \$566,762,519 which includes a Capital Improvement Plan budget of \$215,883,457; combined Maintenance Improvement Districts of \$757,034; and Operating Expenditure / Expense Budget of \$350,122,028 including Governmental and Enterprise operations) (Admn/Fin)

Deputy Mayor McClendon declared a conflict of interest on MC 2026-094 due to being employed by Visit Yuma, turned the meeting over to Councilmember **Smith** and left the dais.

Speakers

William Katz, City resident, requested disclosure of any budget discussions with the firefighters' union, questioned Councilmember Smith's involvement in Onvida matters due to a perceived conflict, and asked what support Onvida is seeking in the upcoming budget.

Henry Valenzuela, City resident, clarified his earlier comments, noted Elevate Southwest is not funded in the current budget, and urged redirecting funds to non-profit organizations in the community.

Discussion

- **Martinez** toured the Safe House recently and encouraged them to submit a funding request through the formal process for next year's budget. He also discussed this with **Simonton** and shared his guidance. The City of Yuma supports the Safe House and appreciates their work. Thank you to their representative for attending.

Motion (Morales/Morris): To adopt the Fiscal Year 2027 Tentative Budget for Visit Yuma in an amount not to exceed \$901,500. Voice vote: **approved** 5-0-1, **Deputy Mayor McClendon** abstaining due to conflict of interest.

Deputy Mayor McClendon returned to the dais.

Motion (Morris/Watts): To adopt and publish for the June 17th budget hearing, the Fiscal Year 2027 Tentative Budget for the Capital Improvement Program in the amount of 215,883,457. Voice vote: **approved** 6-0.

Motion (Watts/Smith) To approve and publish for the June 17th budget hearing, the Fiscal Year 2027 Tentative Budget in the amount of \$349,977,562 which **excludes** Visit Yuma funding and the Capital Improvement Program, as approved through the prior motion. Voice vote: **approved** 6-0.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointment

Motion (Smith/Morales): To appoint Ann Wilkinson to the Parks, Arts, and Recreation Commission with a term expiration of December 31, 2027. Voice vote: **approved** 6-0.

Announcements

Smith, Martinez, and Watts reported on events and meetings they attended during the last two weeks and upcoming events of note.

Scheduling – No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- The City is beginning its summer season, and Parks and Recreation activities will be starting shortly. The public was encouraged to visit the City's website for a full list of scheduled youth activities.
- May 22 - May 24 - The 54th Annual Dennis Donnelly 16-inch Softball Tournament.
- June 6 - Water Safety Day will be held at the Valley Aquatic Center.
- May 25 - City offices will be closed in observance of Memorial Day. Monday trash collection will occur on Tuesday, with the remainder of the week's collections shifted one day later.
- **Simonton** announced that Janet Pierson has been promoted to City Clerk full-time and offered congratulations.

Deputy Mayor McClendon called for a five-minute recess at 6:32 p.m. and reconvened the meeting at 6:38 p.m.

VIII. CALL TO THE PUBLIC

Carlos Adams, City resident, reported that documents obtained through multiple public records requests raised concerns about transparency, conflicts of interest, and fairness in city travel, contracting, and development practices, and he urged the City Council to review these matters to uphold public trust.

William Katz, City resident, said his questions were not addressed by Council or staff, raised concerns about transparency and responsiveness, and urged the Council to improve communication and ensure residents feel heard.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Deputy Mayor McClendon** adjourned the meeting at 6:42 p.m. No Executive Session was held.

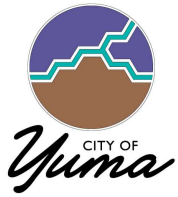
Janet L. Pierson, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

Acting City Clerk: _____



City of Yuma

City Council Report

File #: MC 2026-144

Agenda Date: 8/5/2026

Agenda #: 2.

Regular Council Meeting Draft Minutes June 17, 2026

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 17, 2026
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Father Emilio Chapa, St. Francis of Assisi Catholic Church, gave the invocation. **Viridiana Briseno**, Judicial Chief of Staff, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present:	Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Chief Financial Officer, Douglas Allen Various Department Heads or their representatives City Attorney, Richard W. Files City Clerk, Janet L. Pierson

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.5 – Ratification: Water Distribution Line, Gila Street to Redondo
(Authorize the ratification of a purchase order for jack and bore obstruction delays for the 5th Street Water Distribution Line, Gila Street to Redondo Road Project, in the amount of \$173,229.66 to Taylor Engineering, Yuma, Arizona.) (RFB-25-283) (Eng)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.5, turned the meeting over to Deputy Mayor McClendon, and left the dais.

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

Mayor Nicholls returned to the dais.

Motion (Morris/Smith): To approve the Motion Consent Agenda with the exception of Item C.5, which was approved through a previous motion. Voice vote: **approved** 7-0.

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

Regular Council Meeting March 4, 2026

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Series #09: Liquor Store/Owner Transfer Liquor License application submitted by Ragheed Shaya, agent for Valley Liquor located at 3840 W. 24th Street. (LL26-04) (Admin/Clk)
2. Authorize award of bid to reconstruct a single-family home under the Neighborhood Services Housing Rehabilitation Program to the lowest responsive and responsible bidder in the amount of \$147,254.75 to D'Pair Development, LLC. Yuma, Arizona. (Cmty Dev/Nbhd Svcs)
3. Authorize the purchase of post-sale engineering services and field engineer integration support, utilizing a Cooperative Purchase Agreement through the State of Arizona with Motorola Solutions, Inc., Chicago, Illinois for an estimated expenditure of \$108,317.14. (GNT-26-335) (IT/YRCS)
4. Authorize the purchase, delivery, and installation of playground equipment for Carver and Clymer Park, utilizing a Cooperative Purchase Agreement through 1GPA in the amount of \$410,607.61 to Altitude, Frederick, Colorado. (Parks CPA-25-211) (Pks & Rec/Proc)
5. Pulled for separate consideration; see above.

II. RESOLUTION CONSENT AGENDA

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

Pierson displayed the following title:

Resolution R2026-026

A resolution of the City Council of the City of Yuma, Arizona, designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2027 Annual Expenditure Limitation Report to the Arizona Auditor General (Pursuant to Arizona Revised Statutes § 41-1279.07(E).) (Fin)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Pierson displayed the following titles:

Ordinance O2026-015

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the submission to the qualified electors of the City of Yuma a proposition to approve a permanent adjustment to the City's base expenditure limitation at the November 3, 2026, General Election (Approval of Proposition 436 would permanently adjust the City's base expenditure limit by \$30 million.) (Admin/Fin)

Ordinance O2026-016

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 Residence Manufactured Housing (R-MH-20) District to the Medium Density Residential (R-2) District, and amending the zoning map to conform with the rezoning (Rezone approximately 0.43 acres located approximately 160 feet west of the northwest corner of 27th Street and 20th Avenue.) (Cmty Dev/Cmty Plng)

Ordinance O2026-017

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain properties located in the Heavy Industrial/Infill Overlay (H-I/IO) District to the Old Town/Infill Overlay (OT/IO) District, and amending the zoning map to conform with the rezoning (Rezone four properties ranging from 0.62 acres to 12.29 acres located at 2 E. 6th Street, 541 S. Gila Street, 599 S. Gila Street and the Southeast Corner of 6th Street and Gila Street.) (Cmty Dev/Cmty Plng)

Ordinance O2026-018

An ordinance of the City Council of the City of Yuma, Arizona, ordering a Special Election to be held in conjunction with the 2026 General Election; designating the purpose, election date, voter registration deadline and providing for publicity pamphlets proposing a change to the City of Yuma Charter, Article IV, Elections (Approval of Proposition 437 would reduce the number of signatures required on nomination petitions for City elected office.) (Admin)

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

IV. PUBLIC HEARING – BUDGET RELATED ITEM

MC 2026-106 – Public Hearing: Truth in Taxation, Main Street Mall and Off-Street Parking Maintenance District No. 1, Levy for 13 Municipal Improvement Districts (MID), and Final Budget Adoption for Fiscal Year 2027 (The proposed rates include a primary property tax rate of \$2.1321, a rate of \$4.4250 for the Main Street Mall and Off-Street Parking Maintenance District, and rates ranging from \$0.25 to \$1.80 for the MIDs.) (Fin)

Mayor Nicholls opened the Public Hearing at 5:41 p.m.

Allen presented the following information:

- The tentative Fiscal Year (FY) 2027 budget totals \$566.7 million in expenditures and is balanced with an equal amount of funding sources.
- The Capital Improvement Program (CIP) represents the largest portion of the budget, with approximately 9% of total expenditures allocated to debt service associated with capital projects.

- Budget funding sources include governmental revenues, grants, utility revenues, investment income, bond proceeds, and other sources.
- Grants account for approximately 13% of total funding sources, including funding from the American Rescue Plan Act. Grant-funded programs will not proceed if the associated funding is not received.
- Bond proceeds account for approximately 22% of total funding sources and are a primary funding source for capital improvement projects.
- The Public Hearing provides an opportunity for public comment on the proposed budget before City Council considers adoption of the CIP and FY 2027 budget and introduction of the property tax levy ordinance.

Motion (McClendon/Morales): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:43 p.m.

Discussion

- The City received State approval to begin charging the Basic Life Support ambulance rate and collecting the associated revenue. The estimated revenue had already been incorporated into the proposed FY 2027 budget in anticipation of State approval and was included as a contingency. **(Mayor Nicholls/Simonton)**
- The proposed FY 2027 budget maintains the City's current property tax rate, which has remained unchanged for the past three years. Under the Truth in Taxation process, the City may reduce the rate during budget adoption but cannot increase it above the published amount. The last property tax rate increase occurred in 2020, and the rate has since either been reduced or maintained without further increases. **(Morris/Allen)**

V. SPECIAL MEETING: DISCUSSION AND POSSIBLE ACTION RELATING TO THE FY 2027 FINAL BUDGET

Mayor Nicholls called the Special Meeting to order at 5:45 p.m.

Resolution R2026-027 – Fiscal Year 2027 – Fiscal Year 2031 Capital Improvement Program (Adopt a resolution approving the FY 2027 - FY 2031 Capital Improvement Program, pursuant to the Yuma City Charter, Article XII, Section 11.) (Eng)

Mayor Nicholls declared a conflict of interest on Resolution R2026-027, turned the meeting over to Deputy Mayor McClendon, and left the dais.

Motion (Smith/Morris): To adopt Resolution R2026-027.

Pierson displayed the following title:

Resolution R2026-027

A resolution of the City Council of the City of Yuma, Arizona, adopting the Fiscal Year 2027 through Fiscal Year 2031 Capital Improvement Program (Adopt the City of Yuma Fiscal Year 2027–2031 Capital Improvement Program, establishing the City's five-year plan for capital projects, funding priorities, and infrastructure investments in accordance with the City Charter.) (Eng)

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

Resolution R2026-028 – Final Budget Adoption for Fiscal Year 2027 (Adopt the City of Yuma’s final budget for Fiscal Year 2027 in the amount of \$566,762,519 which is comprised of a Capital Improvement Program Budget of \$215,883,457; combined Maintenance Improvement Districts of \$757,034 and Operating Expenditure / Expense Budget of \$350,122,028; including Governmental and Enterprise operations. The adoption of the proposed budget resolution includes a 3% increase in solid waste fees and establishes the budgets for the Main Street Mall and Off-Street Parking Maintenance District No. 1.) (Admin/Fin)

Motion (Morris/Smith): To adopt the Fiscal Year 2027 Annual Budget for the Capital Improvement Program in the amount of \$215,883,457. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to a conflict of interest.

Mayor Nicholls returned to the dais.

McClendon declared a conflict of interest on the Fiscal Year 2027 annual budget for Visit Yuma and left the dais.

Motion (Morales/Smith): To adopt the Fiscal Year 2027 Annual Budget for Visit Yuma in an amount not to exceed \$901,500. Voice vote: **approved** 6-0-1, **Deputy Mayor McClendon** abstaining due to a conflict of interest.

McClendon returned to the dais.

Motion (Morris/Smith): To adopt Resolution R2026-028 approving the Fiscal Year 2027 Annual Budget in the amount of \$349,977,562, which excludes funding for Visit Yuma and the Capital Improvement Program that was approved through the prior motions, and includes a primary levy rate of 2.1321.

Pierson displayed the following title:

Resolution R2026-028

A resolution of the City Council of the City of Yuma, Arizona, adopting estimates of proposed expenditures by the City of Yuma for the Fiscal Year 2027 beginning July 1, 2026 and ending June 30, 2027 (Tentative Annual Budget Fiscal Year 2027), which incorporates the budgets for each of the thirteen Improvement Districts; and declaring that such shall constitute the adopted budget of the City of Yuma for Fiscal Year 2027; adopting a three percent increase in both the residential solid waste fee and the environmental solid waste fee; declaring the necessity of Boards and Commissions; and authorizing employment of outside legal counsel (Approve the City of Yuma's Fiscal Year 2027 Annual Budget in the amount of \$566,762,519, including operating, capital improvement, enterprise, and maintenance district budgets, and a 3% increase in solid waste fees) (Admin/Fin)

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

Mayor Nicholls adjourned the Special Meeting at 5:52 p.m.

VI. ADDITIONAL BUDGET RELATED ITEMS

Pierson displayed the following title:

Ordinance O2026-019

An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2027 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous fiscal year, providing a general fund; and fixing, levying, and assessing upon property subject to taxation within the boundaries of each of the respective Maintenance Improvement Districts numbered 100, 102, 104, 107, 108, 109, 110, 111, 112, 113, 115, 120, 124 and also upon property subject to taxation within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilities of said District, all for the Fiscal Year beginning July 1, 2026 and ending June 30, 2027 (Establish the Fiscal Year 2027 property tax levies for the City of Yuma, including primary property taxes, the Main Street Mall and Off-Street Parking Maintenance District No. 1 levy, and Municipal Improvement District assessments, in accordance with the adopted FY 2027 budget, state law, and the City Charter.) (Admin/Fin)

VII. ANNOUNCEMENTS AND SCHEDULING

Announcements

Morales, Watts, Smith, Morris, Martinez, 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 following events:

- June 26th – High School Photography Gallery Opening at the Yuma Art Center
- July 17th – Yuma Rocks Band Application Deadline
- July 4th – America's 250 Fourth of July Fireworks Spectacular at Desert Sun Stadium
- September 2026 – Yuma Rocks Concert at the Historic Yuma Theatre

IX. CALL TO THE PUBLIC

Carlos Adams, City resident, encouraged the City to consider measures to help address rising living costs, and commented on public participation and the importance of residents being able to express concerns and engage in local government.

Priscila Ruedas, City resident, expressed concerns regarding potential future development projects and encouraged transparency, public engagement, and opportunities for community input on economic development initiatives and their potential impacts on the community.

X. EXECUTIVE SESSION

Motion (Morales/McClendon): To recess into Executive Session. Voice vote: **approved** 7-0. The meeting recessed at 6:14 p.m.

Mayor Nicholls reconvened the meeting at 8:20 p.m. with **Joseph Estes**, Special Legal Counsel, in attendance.

XI. LEGAL/PERSONNEL MATTER

Motion (Martinez/Morris): To place an item on the July 1 Council Meeting agenda to consider a possible formal censure resolution for Councilmember Arturo Morales. Voice vote: **approved** 6-0-1, Morales abstaining.

ADJOURNMENT

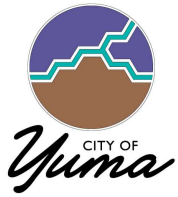
There being no further business, **Mayor Nicholls** adjourned the meeting at 8:20 p.m. No additional Executive Session was held.

Janet L. Pierson, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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



City of Yuma

City Council Report

File #: MC 2026-145

Agenda Date: 8/5/2026

Agenda #: 3.

Regular Council Worksession Draft Minutes June 30, 2026

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
June 30, 2026
5:30 p.m.

CALL TO ORDER

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

Councilmembers Present: Martinez, Morris, McClendon, Smith, Morales, and Mayor Nicholls
Councilmembers Absent: Watts
Staffmembers Present: Acting City Administrator, John D. Simonton
Chief Information Officer, Isaiah Kirk
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Janet L. Pierson

I. REGULAR CITY COUNCIL MEETING AGENDA OF JULY 1, 2026

Motion Consent Agenda Items C.3 through C.8 – Cooperative Purchase Agreements: Information Technology Products and Services; SCADA Server Refresh; Cyclical Laptops and Monitors Refresh Project; Cyclical Network Refresh Project; Cyclical Public Safety Radio Equipment Refresh; and Axon Software

Motion Consent Agenda Item C.10 and C.11 – Sole Source: Human Resources Software Subscription Renewal; and Tyler/New World Enterprise Resource Planning Software Subscription Renewal

Discussion

- The annual technology procurement authorization of \$8.8 million represents the total anticipated technology purchases across all departments and funds. Individual technology purchases exceeding \$100,000 are identified separately for transparency and procurement compliance purposes and are included within, not in addition to, the overall authorization amount. **(Martinez/Kirk)**

Legal/Personnel Matter – Discussion and possible action on a censure resolution.

Joseph Estes, Special Legal Counsel, reminded City Council that discussions held during Executive Session are confidential and may not be disclosed or revisited during the public meeting. Public discussion is limited to matters appropriate for open session consideration, while the substance of Executive Session discussions remains confidential.

Morales read a statement addressing recent allegations regarding the disclosure of Executive Session information, responded to concerns raised by members of the public, commented on the related review process, and stated that he had asked the Arizona Attorney General to review whether the matter was handled appropriately and whether proper legal guidance had been provided.

EXECUTIVE SESSION/ADJOURNMENT

Motion (Morales/McClendon): To adjourn the meeting to Executive Session. Voice vote: **approved** 6-0.
The meeting adjourned at 5:45 p.m.

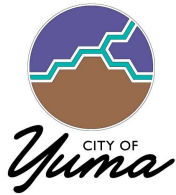
Janet L. Pierson, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma

City Council Report

File #: MC 2026-130

Agenda Date: 8/5/2026

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☐ Safe & Prosperous	☒ Motion
	☒ Active & Appealing	☐ Resolution
	☒ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Bid Award: Grass Seed

SUMMARY RECOMMENDATION:

Authorize the purchase of grass seed to the lowest responsive and responsible bidders, Wilbur Ellis of Phoenix, Arizona for \$150,914.00, Ewing Irrigation of Phoenix, Arizona for \$15,495.20 and Helena Agri Enterprises for \$6,500.00 from Los Angeles, California. (Parks and Recreation RFB-26-349) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

The motion supports the City Council's strategic outcomes of Respected and Responsible and Active and Appealing. Awarding this purchase to the three lowest responsible bidders will provide winter landscaping for the City Golf courses, grass in City parks for activities, and ensure the City has utilized funds in a respected and responsible manner.

REPORT:

This contract provides for the purchase and delivery of grass seed for use by Parks and Recreation at various City parks, golf courses, and other sports fields.

This bid is based on 132,700 pounds of seed. The locations for over-seeding align with the department's usage patterns. Specifically, seeding will be limited to the tees, greens, and fairways at Desert Hills Golf Course. At the Par 3 Golf Course, seeding will cover the tees, greens, and surrounding areas. Additionally, athletic fields and some open spaces throughout City parks will be over seeded.

Bids were received from eight vendors. The two lowest bid responses did not meet the specifications; it is recommended to award the next lowest bidder.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 172,909.20	BUDGETED:	\$299,902.00
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	\$ 172,909.20	General Fund and Two Percent Special Revenue	

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2027 City Council approved budget to award this bid.

ADDITIONAL INFORMATION:

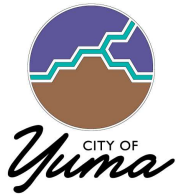
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-131

Agenda Date: 8/5/2026

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☒ Safe & Prosperous	☒ Motion
	☒ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Bid Award: Overhead Door and Gate System Maintenance and Repair Services

SUMMARY RECOMMENDATION:

Award to the most responsive and responsible bidder a one-year contract for overhead door and gate system maintenance and repair services with an option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, for an estimated annual expenditure of \$30,000.00 as-needed to On Track Overhead Doors LLC., Yuma, Arizona. (Facilities Management-RFB-26-297) (Justin Lewis/Robin R. Wilson)

STRATEGIC OUTCOME:

The maintenance and repair of overhead door and automated gate systems will enhance public safety, secure access, and the operational readiness of City facilities, aligning with the City Council strategic outcomes of Safe and Prosperous and Active and Appealing by maintaining secure, functional, and well-maintained public infrastructure, protecting City assets, and supporting efficient delivery of municipal services across the community.

REPORT:

This contract will support the City's ongoing need for maintenance, repair, and installation services for overhead doors and automated gate systems at City facilities. These services are essential for protecting public safety, securing City buildings and assets, preventing unauthorized access, and ensuring operational readiness, particularly at public safety and utility locations.

In accordance with applicable codes and industry standards, the City requires a qualified contractor to provide comprehensive corrective and preventive maintenance, repairs, and installations. To obtain firm pricing for both typical work and as-needed services, staff used a scenario-based bidding approach and received one responsive and responsible bid from On Track Overhead Doors LLC of Yuma, Arizona.

Approval of this contract will enable the City to address maintenance needs quickly and at a reasonable cost, ensuring City facilities and infrastructure remain safe, secure, and well-maintained.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 30,000.00	BUDGETED:	\$ 30,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00

FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$ 30,000.00	Various City Operating Funds	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to award this bid.

ADDITIONAL INFORMATION:

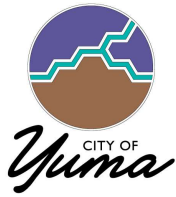
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-132

Agenda Date: 8/5/2026

Agenda #: 3.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☐ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
DIVISION:	☒ Respected & Responsible	☐ Ordinance - Introduction
Procurement	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Amazon Business

SUMMARY RECOMMENDATION:

Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (Finance-CPA-27-016) (Douglas Allen/Robin R. Wilson)

STRATEGIC OUTCOME:

The procurement of a wide range of commodities supports the City Council's strategic outcome of Respected and Responsible by ensuring that City departments have timely access to essential products needed for reliable and efficient operations.

REPORT:

The City evaluates whether the procurement of products through cooperative purchase agreements or through the issuance of separate solicitations provides the greatest overall benefit to the City. This evaluation considers pricing, product availability, administrative efficiency, contract terms, and the operational needs of City departments. Commodities available under these agreements include, but are not limited to, sports equipment, automotive parts, furniture, computer peripherals, business supplies, industrial supplies, and scientific supplies.

Staff recommends using the Omnia Partners cooperative purchase agreement, which was awarded to multiple vendors through a competitive solicitation. Cooperative purchase agreements allow the City to leverage competitively bid contracts, reduce administrative time, improve purchasing efficiency, and often secure more favorable pricing and contract terms than through a separate solicitation. This approach conserves public funds, supports continuity in service delivery, and maintains a consistent, accountable procurement process.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 500,000.00	BUDGETED:	\$ 500,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	

TOTAL	\$500,000.00	Various operating funds and accounts City-wide
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FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget within department budgets to authorize use of this cooperative agreement.

ADDITIONAL INFORMATION:

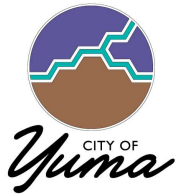
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Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-133

Agenda Date: 8/5/2026

Agenda #: 4.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION: Procurement	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Ferrous Chloride

SUMMARY RECOMMENDATION:

Authorize the purchase and delivery of Ferrous Chloride from Pennco, Inc., San Felipe, Texas, utilizing a Cooperative Purchase Agreement from the City of Mesa. This contract is valid for one year with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance on an as needed basis with a total estimated annual expenditure of \$503,000.00. (Utilities CPA-27-013) (Jeremy McCall/Robin R. Wilson)

STRATEGIC OUTCOME:

This award supports the City Council's strategic outcome of Safe and Prosperous by ensuring the reliability and quality of the City's water and wastewater treatment and collection systems.

REPORT:

This cooperative purchase agreement was competitively bid and awarded by the City of Mesa for use on an as needed basis.

The ferrous chloride used will directly address the identified issues by supporting continued and optimized chemical dosing in the wastewater collection system and at the treatment plants. This will reduce elevated hydrogen sulfide levels that cause odors and accelerate corrosion of sewer infrastructure. It will also ensure reliable phosphorus precipitation to maintain regulatory compliance and protect receiving water quality.

Purchasing ferrous chloride will deliver meaningful improvements, including reduced odor complaints from the community, extended service life of critical collection system assets through corrosion control, dependable regulatory compliance without the need for more costly treatment upgrades, and enhanced sludge settling and dewaterability that lowers operational and disposal costs.

Overall, the purchase supports efficient treatment performance, protects infrastructure, and promotes reliable utility service delivery to City residents.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 503,000.00	BUDGETED:	\$ 503,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$ 503,000.00	Water and Wastewater Funds	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to enter this agreement.

ADDITIONAL INFORMATION:

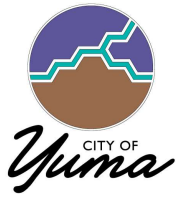
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- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-134

Agenda Date: 8/5/2026

Agenda #: 5.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION: Procurement	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Vactor 2100i plus Hydro Combination Sewer Cleaner

SUMMARY RECOMMENDATION:

Authorize the purchase of a Hydro Vacuum Combination Sewer Cleaner Vehicle utilizing a cooperative purchase agreement through Houston-Galveston Area Council for an estimated expenditure of \$672,326.77 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-024) (Jeremy McCall/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's Strategic Outcome of Safe and Prosperous by ensuring the reliability and quality of the City's Wastewater Treatment and Collections Systems.

REPORT:

The unit being replaced is a 2016 Peterbilt Vactor Sewer Cleaner, that has reached the end of its 10-year service life. The vehicle is being replaced due to increasing mechanical failures, equipment malfunctions, and recurring breakdowns that have reduced its reliability and increased maintenance costs.

This Vactor truck is a critical asset for the operation and maintenance of the City's wastewater collection system. It is used to perform routine jet cleaning of sanitary sewer mains to remove grease, debris, roots, and other obstructions that can restrict flow and contribute to sanitary sewer overflows. Preventive maintenance performed with this equipment is a key component of the City's Capacity, Management, Operation, and Maintenance program and supports compliance with regulatory requirements administered by the U.S. Environmental Protection Agency and the Arizona Department of Environmental Quality.

Upon delivery and commissioning of the replacement unit, the existing 2016 Peterbilt Vactor will be declared surplus and sold through the City's Public Surplus online auction or other authorized City auction process.

The anticipated lead time for delivery of the unit is approximately 6 months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 672,326.77	BUDGETED:	\$ 720,821.00
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	\$ 672,326.77	Equipment Replacement Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase.

ADDITIONAL INFORMATION:

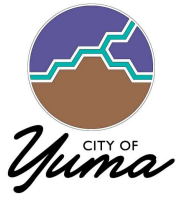
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-135

Agenda Date: 8/5/2026

Agenda #: 6.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: 10-yard Dump Truck

SUMMARY RECOMMENDATION:

Authorize the purchase of a 10-yard dump truck utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an expenditure of \$227,392.26 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-021) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of a Safe and Prosperous community by ensuring staff have dependable equipment to maintain essential infrastructure. The new dump truck will improve operational efficiency and support timely maintenance.

REPORT:

The existing 5-yard dump truck has exceeded its 15-year expected service life and will be replaced with a 2027 Peterbuilt Model 548 10-yard dump truck.

Once removed from active operation, the existing unit will be designated as a surplus asset and disposed of through either Public Surplus or the City Auction.

The estimated delivery timeframe for the new dump truck is approximately ten months. The 10-yard dump truck will be the first of its size added to the City's fleet.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 227,392.26	BUDGETED:	\$ 253,402.00
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	\$ 227,392.26	Equipment Replacement Program Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase.

ADDITIONAL INFORMATION:

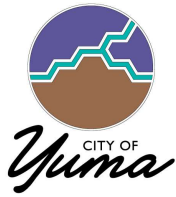
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Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-136

Agenda Date: 8/5/2026

Agenda #: 7.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: John Deere 324P Loader with a Grappler

SUMMARY RECOMMENDATION:

Authorize the purchase of a 2026 John Deere Model 324P loader with a grapppler utilizing a cooperative purchase agreement from Sourcwell at an expenditure of \$142,919.08 to RDO Equipment Co. of Yuma, Yuma, Arizona. (Public Works-CPA-27-020) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports a safe and prosperous community by providing the City with reliable, modern equipment that allows staff to perform essential maintenance tasks efficiently and effectively.

REPORT:

The 2006 loader being replaced has exceeded its 15-year life expectancy and has been essential to ongoing street maintenance and other citywide projects.

Once removed from active operation, the 2006 unit will be designated as a surplus asset and disposed of through either Public Surplus or the City Auction.

This replacement will maintain the status quo of one loader in the City equipment inventory. Anticipated delivery time for the John Deere loader is approximately eight months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 142,919.08	BUDGETED:	\$ 161,147.00
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	\$ 142,919.08	Equipment Replacement Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase.

ADDITIONAL INFORMATION:

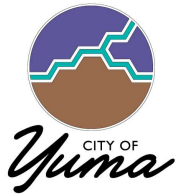
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Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-137

Agenda Date: 8/5/2026

Agenda #: 8.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☐ Safe & Prosperous	☒ Motion
	☒ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: 8-Yard Rear Loader

SUMMARY RECOMMENDATION:

Authorize the purchase of a 2027 Peterbilt Model 537 McNeilus 8-yard truck, utilizing the cooperative purchase agreement from Houston-Galveston Area Council, for an estimated expenditure of \$250,338.08 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-019) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of Active and Appealing by enhancing the City's ability to maintain clean, well kept, and visually appealing public spaces throughout alleys, trails, and pathways.

REPORT:

The purchase of the 8-yard rear loader will add a new unit to the City's equipment fleet, enhancing the ability to provide trash removal along roadsides, trails, and alleys.

This will be the first 8-yard rear loader in the fleet, and the anticipated lead time for delivery of the unit is approximately 13 months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 250,338.08	BUDGETED:	\$ 474,341.00
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	\$ 250,338.08	-	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget. Due to anticipated extended build time, funds will be encumbered and placed in the City's investment pool to be carried forward each fiscal year until the unit is received.

ADDITIONAL INFORMATION:

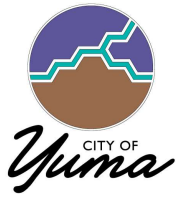
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Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-138

Agenda Date: 8/5/2026

Agenda #: 9.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Elgin Broom Bear Street Sweeper

SUMMARY RECOMMENDATION:

Authorize the purchase of an Elgin Broom Bear Street Sweeper utilizing a cooperative purchase agreement from Sourcewell at an estimated expenditure of \$483,889.89 to Norwood Equipment LLC, Phoenix, Arizona. (Public Works-CPA-27-022) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase advances the City Council's Safe and Prosperous strategic outcome by providing essential equipment needed to maintain street sweeping operations throughout the City.

REPORT:

The current 2015 street sweeper being replaced has exceeded the typical eight-year life expectancy and has been essential to ongoing debris removal and maintaining cleaner streets.

Once removed from active operation, the 2015 unit will be designated as a surplus asset and disposed of through either Public Surplus or the City Auction.

The replacement of the 2015 unit will bring the fleet to a total of four street sweepers and the anticipated delivery time for this new unit is approximately 10 months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$483,889.89	BUDGETED:	\$525,947.00
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	\$483,889.89	Equipment Replacement Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase.

ADDITIONAL INFORMATION:

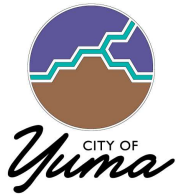
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Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-139

Agenda Date: 8/5/2026

Agenda #: 10.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☒ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Two 5-yard Dump Trucks

SUMMARY RECOMMENDATION:

Authorize the purchase of two 2027 Peterbilt Model 537 5-yard dump trucks utilizing a cooperative purchase agreement through Houston-Galveston Area Council at an expenditure of \$189,560.10 per truck for a total of \$379,120.20 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-023) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of fostering a Safe and Prosperous community by ensuring Public Works staff have reliable, up-to-date equipment essential for daily operations. Replacing aging dump trucks with modern units enhances the City's ability to perform critical maintenance activities.

REPORT:

Both existing 5-yard dump trucks have exceeded their 15-year expected service life and will be replaced with two 2027 Peterbilt Model 537 5-yard dump trucks.

Once removed from active operation, the existing trucks will be designated as a surplus asset and disposed of through either Public Surplus or the City Auction.

These replacements will bring the fleet to a total of two 5-yard dump trucks and the anticipated delivery time for these new units is approximately 10 months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 379,120.20	BUDGETED:	\$ 379,206.00
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	\$ 379,120.20	Equipment Replacement Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase.

ADDITIONAL INFORMATION:

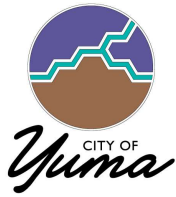
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- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-140

Agenda Date: 8/5/2026

Agenda #: 11.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☐ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
DIVISION:	☒ Respected & Responsible	☐ Ordinance - Introduction
Procurement	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

Cooperative Purchase Agreement: Two Side Loader Trash Trucks

SUMMARY RECOMMENDATION:

Authorize the purchase of two 2027 Peterbilt Model 520 McNeilus Side Loaders utilizing a cooperative purchase agreement through Houston-Galveston Area Council, for an expenditure of \$499,722.44 per truck and a total of \$999,444.88 to Rush Truck Centers of Yuma, Yuma, Arizona. (Public Works-CPA-27-018) (Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:

This purchase supports the City Council's strategic outcome of Respected and Responsible by ensuring that the City has the reliable, modern equipment necessary to maintain uninterrupted trash and recycling services.

REPORT:

The existing 2019 side-loading trash trucks have reached the end of their effective service life and are scheduled for replacement.

Once removed from active operation, the two existing units will be designated as surplus assets and disposed of through either Public Surplus or the City Auction.

The additions will bring the fleet to a total of 14 side loaders. The anticipated delivery time for these trucks is approximately 13 months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$999,444.88	BUDGETED:	\$ 1,128,076.00
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	\$ 999,444.88	Equipment Replacement Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to authorize this purchase. Due to an anticipated extended build time, funds will be encumbered and placed in the City's investment pool to be carried forward each fiscal year until the trucks are received.

ADDITIONAL INFORMATION:

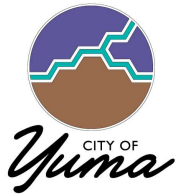
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- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma

City Council Report

File #: MC 2026-142

Agenda Date: 8/5/2026

Agenda #: 12.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	☐ Safe & Prosperous	☒ Motion
	☐ Active & Appealing	☐ Resolution
	☐ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☒ Connected & Engaged	☐ Ordinance - Adoption
Procurement	☐ Unique & Creative	☐ Public Hearing

TITLE:

Contract Award: Partnership Development and Implementation Management Services for the Yuma Innovation District

SUMMARY RECOMMENDATION:

Authorize the award of a professional services contract with WT Partnership of Austin, Texas for Partnership Development and Implementation Management Services for the Yuma Innovation District, in an amount not to exceed \$270,000.00. (City Administration RFQ-26-226) (Jay Simonton/Robin R. Wilson)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Connected and Engaged as the district is intended to support Downtown redevelopment, job creation, workforce development, and higher education partnerships.

REPORT:

The City issued a Request for Qualifications seeking qualified firms to provide partnership development, district implementation management, P3 structuring, tenant/anchor recruitment, and related advisory services to support implementation of the Yuma Innovation District. The City received responses from four firms. Following evaluation and ranking, City staff identified WT Partnership as the most qualified firm based on their demonstrated experience in the response.

Pursuant to the attached contract, the Consultant will build upon the City's "Brownfields to Innovation District" site selection analysis as a baseline concept that guides the Consultant's recommendations for planning and implementation of the Innovation District in the described area, just south of One City Plaza.

Consultant shall assist the City with Innovation District strategy, practical governance, and program management, including guidance, routine coordination and progress reporting with a written plan defining near-term priorities, longer term milestones, phasing, decision points and dependencies, together with available financing alternatives such as bonding, special districting, necessary entity formation and the advantages and disadvantages of each alternative for construction of improvements and infrastructure.

In addition to a written plan, Consultant shall be available to make at least two presentations to City Council upon City request.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 270,000.00	BUDGETED:	\$ 270,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING ACCOUNT/FUND #/CIP:	
TOTAL	\$ 270,000.00	General Fund	

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2027 City Council approved budget to award this contract.

ADDITIONAL INFORMATION:

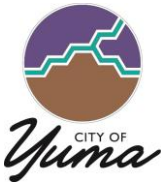
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- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator: John D. Simonton	Date:
Reviewed by City Attorney: Richard W. Files	Date:



**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF YUMA
AND
WTP AMERICA LLC**

This Contract ("Agreement") is entered into as of the date of City Council approval (the "Effective Date") between the City of Yuma, an Arizona municipal corporation (the "City"), and WTP America LLC of Greenwood Village, Colorado (the "Consultant"). The City and the Consultant are sometimes referred to individually as the "Party" and collectively as the "Parties."

RECITALS

- A. The City issued a Request for Qualifications, RFQ-26-226 "Partnership Development & Implementation Management Services for the Yuma Innovation District" (the "RFQ"), a copy of which is on file in the City Clerk's Office and incorporated by reference.
- B. The Consultant responded to the City by submitting a response (the "Response"), attached as Exhibit A and incorporated by reference, and the City desires to enter into an Agreement with the Consultant for Professional Services.

AGREEMENT

In consideration of the above recitals, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City and the Consultant agree as follows:

1. Term of Agreement. This Agreement shall be effective as of the Effective Date and shall remain in full force and effect until the services have satisfactorily been completed, unless terminated as otherwise provided in this Agreement.
2. Scope of Work. Consultant shall provide the Services as set forth in the Scope of Work, attached as Exhibit B and incorporated by reference.
3. Compensation. The City shall pay Consultant an amount not to exceed the agreed amount for Services (as described in the Scope of Work), set forth in the Fee Schedule, dated May 15, 2026 attached as Exhibit C and incorporated by reference.
4. Payments. The City shall pay the Consultant monthly, based upon work performed and completed to date, and upon submission and approval of invoices. All invoices shall document and itemize all work completed to date. Each invoice statement shall include a record of time expended and work performed in sufficient detail to justify payment.
5. Documents. All documents, including any intellectual property rights, prepared and submitted to the City pursuant to this Agreement shall be the property of the City.
6. Consultant Personnel. Consultant shall provide adequate, experienced personnel, capable of and devoted to the successful performance of the Services under this Agreement. Consultant agrees to assign specific individuals to key positions. Consultant agrees that, upon commencement of the Services to be performed under this Agreement, key personnel shall not be removed or replaced without prior written notice to the City. If key personnel are not available to perform the Services for a continuous period exceeding 30 calendar days or are expected to devote substantially less effort to the Services than initially anticipated, Consultant shall immediately notify the City and shall, subject to the concurrence of the City, replace such personnel with personnel possessing substantially equal ability and qualifications.
7. Inspection; Acceptance. All work shall be subject to inspection and acceptance by the City at reasonable times during Consultant's performance. The Consultant shall provide and maintain a self-inspection system that is acceptable to the City.



8. Licenses; Materials. Consultant shall maintain current federal, state and local licenses and permits required for the operation of the business conducted by the Consultant. The City has no obligation to provide Consultant, Consultant's employees, or sub-Consultant any business registrations or licenses required to perform the specific services set forth in this Agreement. The City has no obligation to provide tools, equipment or material to Consultant.

9. Indemnification. To the fullest extent permitted by law, the Consultant shall indemnify, defend and hold harmless the City and each City Council member, officer, director, employee or agent thereof (the City and any such person shall be deemed an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, fines, penalties, judgments, costs and expenses (including, but not limited to, reasonable expert witness fees, court costs, attorney fees and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever (collectively "Claims"), to the extent such Claims (or actions in respect thereof) are caused by or based upon the negligence, recklessness or intentional wrongful conduct of the Consultant, Consultant's officers, employees, agents, or any tier of sub-Consultant or person attributable to Consultant in the performance of this Agreement. The indemnification obligations under this Section may be subject to the provisions of A.R.S. § 34-226.

The Indemnification provided hereunder shall extend to claims arising out of, or recovered under, Arizona's Workers' Compensation Law or the failure of Contractor to conform to any applicable and appropriate law, rule, regulation or court decree. It is the specific intention of the Parties that the Indemnitee shall, in all instances, except for claims arising from the gross negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all such claims. It is agreed that the Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Contractor agrees to waive all rights of subrogation against Indemnitee for claims arising from the work performed by Contractor, Contractor's directors, officers, employees, agents, representatives, or any tier of Subcontractors pursuant to this Agreement. The provisions of this Section 9 are irrevocable and perpetual, and shall survive the expiration or termination of this Agreement.

10. Termination; Cancellation.

10.1 For City's Convenience. This Agreement is for the convenience of the City and, as such, may be terminated without cause after receipt by Consultant of written notice by the City. Upon termination for convenience, Consultant shall be paid for all undisputed services performed to the termination date and provide the City with all documents, reports and notes of Consultant within ten (10) days from the date the Agreement is terminated

10.2 For Cause.

If either Party fails to perform any obligation pursuant to this Agreement and such Party fails to cure its nonperformance within thirty (30) days after notice of nonperformance is given by the non-defaulting Party, such Party will be in default. In the event of such default, the non-defaulting Party may terminate this Agreement immediately for cause and will have all remedies that are available to the non-defaulting Party at law or in equity including, without limitation, the remedy of specific performance. If the nature of the defaulting Party's nonperformance is such that the default cannot reasonably be cured within thirty (30) days, then the defaulting Party will have such additional periods of time as may be reasonably necessary under the circumstances, provided the defaulting Party immediately (A) provides written notice to the non-defaulting Party and (B) commences to cure the nonperformance and diligently continues to completion the cure of the nonperformance. In no event shall any such cure period exceed ninety (90) days. In the event of



such termination for cause, payment shall be made by the City to the Consultant for the undisputed portion of Consultant's fee due as of the termination date.

10.3 Due to Work Stoppage. This Agreement may be terminated by the City upon thirty (30) days' written notice to Consultant in the event that the Services are permanently abandoned. In the event of such termination due to work stoppage, payment shall be made by the City to the Consultant for the undisputed portion of Consultant's fee due as of the termination date.

10.4 Conflict of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511. The City may cancel this Agreement without penalty or further obligations by the City or any of City's departments or agencies if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City or any of City's departments or agencies is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of any other Party to the Agreement in any capacity or a Consultant to any other Party of the Agreement with respect to the subject matter of the Agreement.

10.5 Gratuities. The City may, by written notice to the Consultant, cancel this Agreement if it is found by the City that gratuities, in the form of economic opportunity, future employment, entertainment, gifts or otherwise, were offered or given by the Consultant or any agent or representative of the Consultant to any officer, agent or employee of the City for the purpose of securing this Agreement. In the event this Agreement is canceled by the City pursuant to this provision, the City shall be entitled, in addition to any other rights and remedies, to recover and withhold from the Consultant an amount equal to 150% of the gratuity.

10.6 Agreement Subject to Appropriation. The City is obligated only to pay City's obligations set forth in the Agreement as may lawfully be made from funds appropriated and budgeted for that purpose during the City's then current fiscal year. The City's obligations under this Agreement are current expenses subject to the "budget law" and the unfettered legislative discretion of the City concerning budgeted purposes and appropriation of funds. Should the City elect not to appropriate and budget funds to pay City's Agreement obligations, this Agreement shall be deemed terminated at the end of the then-current fiscal year term for which such funds were appropriated and budgeted for such purpose and the City shall be relieved of any subsequent obligation under this Agreement. The Parties agree that the City has no obligation or duty of good faith to budget or appropriate the payment of the City's obligations set forth in this Agreement in any budget in any fiscal year other than the fiscal year in which the Agreement is executed and delivered. The City shall be the sole judge and authority in determining the availability of funds for City's obligations under this Agreement. The City shall keep Consultant informed as to the availability of funds for this Agreement. The obligation of the City to make any payment pursuant to this Agreement is not a general obligation or indebtedness of the City. Consultant waives any and all rights to bring any claim against the City from or relating in any way to the City's termination of this Agreement pursuant to this section.

11. Insurance. Before the commencement of any services, the Consultant must provide the City **with certificates of insurance and formal endorsements** identifying this Agreement by the City's contract number and name. All required insurance policies, except Workers' Compensation and Professional Liability must name the City, and City's employees, as Additional Insured with endorsement. Workers' Compensation and Professional Liability insurance must contain an endorsement waiving subrogation and Consultant hereby waives subrogation against the City. All insurance policies are subject to approval by the City. All policies, except Workers' Compensation and Professional Liability, must include an endorsement providing that such insurance under Consultant's policy is primary insurance and that any other insurance maintained by the City is excess and noncontributing with the insurance required under this section. Policies must be written on a per occurrence basis. The Consultant must give the City 30 days written notice before



canceling, terminating, or altering any policy. The Consultant's failure to furnish evidence of insurance will be considered a breach.

The Certificate Holder must be named as follows: **City of Yuma, Yuma, Arizona**

All certificates are to be sent to: purchasingweb@yumaaz.gov

- A. The Consultant must carry **Worker's Compensation Insurance** to cover obligations imposed by federal and state statutes having jurisdiction of employees engaged in the performance of the work or services, and Employer's Liability Insurance of not less than \$100,000.00 for each accident, \$100,000.00 disease for each employee, and \$500,000.00 disease policy limit. The policy must contain a waiver of subrogation as to the City by the insurance carrier. Consultant also waives subrogation.

The Consultant must require sub-Consultant(s) to provide Worker's Compensation and Employer's Liability with at least as much coverage as that provided by the Consultant.

- B. The Consultant must carry **Commercial/Business Automobile Liability** with a combined single limit for bodily injury and property damages of not less than \$1 million for each occurrence on all vehicles the Consultant uses, whether owned or leased, in the performance of the work or services under this Agreement. If hazardous materials or wastes are transported, CA 9948 endorsement must be included and \$3 million per accident limits for bodily injury and property damage will apply.
- C. The Consultant must carry **Commercial General Liability** insurance with an unimpaired limit of not less than \$1 million for each occurrence with a General Aggregate Limit of \$2 million. The policy must be primary. Coverage must extend for two years past completion and acceptance of the project, and the Consultant must provide annual Certificates of Insurance of continued coverage. No endorsement limiting or excluding a required coverage is permitted. All coverages shall be on an occurrence basis. THE ADDITIONAL INSURED ENDORSEMENT REQUIRED SHALL BE AN ISO FORM CG 20 10 12 19 or any replacement.
- D. The Consultant must carry **Umbrella/Excess Liability** insurance with an unimpaired limit of not less than \$2 million per occurrence combined limit bodily injury and property damage, in excess of the Commercial General Liability, Automobile Liability and Employer's Liability, as required above.
- E. The Consultant must carry Professional Liability coverage for errors and omissions arising out of the work or services performed by the Consultant, Consultant's agents, and employees, with an unimpaired limit of \$2 million each claim and \$2 million all claims.
- F. The amount and types of insurance coverage requirements set forth will in no way be construed as limiting the scope of the indemnity in this Agreement.

12. Miscellaneous.

12.1 Independent Consultant. It is clearly understood that each Party will act in its individual capacity and not as an agent, employee, partner, joint venturer, or associate of the other. An employee or agent of one Party shall not be deemed or construed to be the employee or agent of the other for any purpose whatsoever. The Consultant acknowledges and agrees that the Services provided under this Agreement are being provided as an independent Consultant, not as an employee or agent of the City. Consultant, Consultant's employees, and sub-Consultants are not entitled to workers' compensation benefits from the City. The City does not have the authority to supervise or control the actual work of Consultant, Consultant's employees, or sub-Consultants. The Consultant, and not the City, shall determine the time of Consultant's performance of the services provided under this Agreement so long as Consultant meets the



requirements of Consultant's agreed Scope of Work as set forth in Section 2 above and Exhibit B. Consultant is neither prohibited from entering into other contracts nor prohibited from practicing Consultant's profession elsewhere.

12.2 Applicable Law; Venue; Conflict of Law. Any action to enforce any provision of this Agreement or to obtain any remedy with respect to this Agreement shall be brought exclusively in the Superior Court, Yuma County, Arizona (or as may be appropriate, in the Justice Courts of Yuma County, Arizona or in the United States District Court for the District of Arizona, John M. Roll Courthouse if, and only if, the Superior Court lacks jurisdiction over such action). The Parties expressly and irrevocably consent to the exclusive jurisdiction and venue of such courts and expressly waive the right to transfer or remove any such action. The Parties acknowledge this Agreement shall be deemed executed in Yuma, Arizona and construed under Arizona law, without regard to any conflict of law principles.

12.3 Laws and Regulations. Consultant shall comply with the Americans with Disabilities Act (ADA) and shall indemnify City for any costs, including but not limited to, damages, expert witness fees, and staff time in any action or proceeding brought alleging violation of the ADA by Consultant. Consultant shall not discriminate against any person based on race, religion, color, age, sex, or national origin in the performance of this Agreement, and must comply with the terms and intent of Title VII of the Civil Rights Act of 1964, P.L. 88-354 (1964) and State Executive Order No. 2009-09 as such may be amended from time to time. The Consultant shall not participate in or cooperate with an international boycott, as defined in Section 999(b)(3) and (4) of the Internal Revenue Code of 1954, as amended, or engage in conduct declared to be unlawful by Arizona state law. The Consultant shall include similar requirements of all sub-Consultants in Agreements entered for performance of Consultant's obligations under this Agreement. Consultant shall keep fully informed and shall at all times during the performance of Consultant's duties under this Agreement ensure that Consultant and any person for whom the Consultant is responsible abides by, and remains in compliance with, all rules, regulations, ordinances, statutes or laws affecting the Services, including, but not limited to, the following: (A) existing and future City ordinances and regulations; (B) existing and future State and Federal laws; and (C) existing and future Occupational Safety and Health Administration standards. Consultant shall comply with all federal, state, and local laws, regulations, and ordinances applicable to Consultant's performance under this Agreement.

12.4 Amendments. This Agreement may be modified only by a written amendment signed by persons authorized to enter into contracts on behalf of the City and the Consultant.

12.5 Provisions Required by Law. Each and every provision of law and any clause required by law to be in the Agreement will be read and enforced as though such provisions were included and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, the Agreement will promptly be amended to make such insertion or correction.

12.6 Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid by a Court of competent jurisdiction shall not affect any other provision or application of the Agreement which shall remain in effect without the invalid provision or application.

12.7 Entire Agreement; Interpretation; Parol Evidence. This Agreement represents the entire agreement of the Parties with respect to subject matter, and all previous agreements, whether oral or written, entered into prior to this Agreement are revoked and superseded by this Agreement. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth in a written agreement executed for the purposes of carrying out the provisions of this Agreement. This Agreement shall be construed



and interpreted according to plain meaning, and no presumption shall be deemed to apply in favor of, or against the Party drafting the Agreement. The Parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this Agreement.

12.8 Assignment; Delegation. No right or interest in this Agreement shall be assigned or delegated by Consultant without prior, written permission of the City, signed by the City Administrator. Any attempted assignment or delegation by Consultant in violation of this provision shall be a breach of this Agreement by Consultant. The requirements of this Agreement are binding upon the heirs, executors, administrators, successors, and assigns of both Parties.

12.9 Subcontracts. No subcontract shall be entered into by the Consultant with any other Party to furnish any of the material or services specified without the prior written and signed approval of the City. The Consultant is responsible for performance under this Agreement whether sub-Consultants are used. Failure to pay sub-Consultants in a timely manner pursuant to any subcontract shall be a material breach of this Agreement by Consultant.

12.10 Rights and Remedies. No provision in this Agreement shall be construed, expressly or by implication, as waiver by the City of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this Agreement. The failure of the City to insist upon the strict performance of any term or condition of this Agreement or to exercise or delay the exercise of any right or remedy provided in this Agreement, or by law, or the City's payment for services, shall not release the Consultant from any responsibilities or obligations imposed by this Agreement or by law, and shall not be deemed a waiver of any right of the City to insist upon the strict performance of this Agreement.

12.11 Attorney's Fees. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement or on account of any breach or default, the prevailing Party shall be entitled to receive from the other Party reasonable Attorney's fees and reasonable costs and expenses, determined by the court and not the jury, which shall be deemed to have accrued on the commencement of such action and shall be enforced whether or not such action is prosecuted through judgment.

12.12 Liens. All materials or services shall be free of all liens and, if the City requests, a formal release of all liens shall be delivered to the City.

12.13 Offset.

A. Offset for Damages. In addition to all other remedies at law or equity, the City may offset from any money due to the Consultant any amounts Consultant owes to the City for damages resulting from breach or deficiencies in performance or breach of any obligation under this Agreement.

B. Offset for Delinquent Fees or Taxes. The City may offset from any money due to the Consultant any amounts Consultant owes to the City for delinquent fees, transaction privilege taxes and property taxes, including any interest or penalties.

12.14 Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed given if (A) delivered to the Party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below or (C) given to a recognized and reputable overnight delivery service, to the address set forth below:

If to the City:	If to Consultant:
City of Yuma	WTP America LLC
Attn: City Administrator	Matthew Brown



One City Plaza	3rd Floor, 8310 South Valley Highway
Yuma, Arizona 85364	Greenwood Village, CO 80112

or at such other address, and to the attention of such other person or officer, as any Party may designate in writing. Notices shall be deemed received (A) when delivered to the Party, (B) three (3) business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (C) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a Party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a Party shall mean and refer to the date on which the Party, and not the Party's counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

12.15 Force Majeure. A Party may be excused from performance during the time and to the extent that they are prevented from obtaining, delivering, or performing by act of God, fire, strike, loss or shortage of transportation facilities, lock-out, pandemic, commandeering of materials, products, plants or facilities by the government, when satisfactory evidence is presented to the City, that the non-performance is not due to the fault or neglect of the Party not performing.

12.16 Confidentiality of Records. The Consultant shall establish and maintain procedures and controls that are acceptable to the City for the purpose of ensuring that information contained in Consultant's records or obtained from the City or from others in carrying out Consultant's obligations under this Agreement shall not be used or disclosed by either of Consultant's agents, officers, or employees, except as required to perform Consultant's duties under this Agreement. Persons requesting such information should be referred to the City. Consultant also agrees that any information pertaining to individual persons shall not be divulged other than to employees or officers of Consultant as needed for the performance of duties under this Agreement.

12.17 E-Verify Requirements. To the extent applicable under Arizona Revised Statutes ("A.R.S.") § 41-4401, the Consultant and Consultant's sub-Consultants warrant compliance, and are contractually obligated to comply, with all federal immigration laws and regulations that relate to their employees and their compliance with the E-Verify requirements under A.R.S. § 23-214(A) ("Immigration Warranty"). Consultant's or Consultant's sub-Consultant's failure to comply with Immigration Warranty shall be deemed a material breach of this Agreement and may subject Consultant to penalties up to and including termination of this Agreement at the sole discretion of the City.

The City retains the legal right to inspect the documents of all Consultant personnel who provide services under this Agreement to ensure that Consultant or Consultant's sub-Consultants are complying with the Immigration Warranty. Consultant agrees to assist the City in regard to any such inspections. The City may, at City's sole discretion, conduct random verification of the employment records of Consultant and any sub-Consultant to ensure compliance with the Immigration Warranty. Consultant agrees to assist the City in regard to any random verification performed.

Neither Consultant nor any sub-Consultant will be deemed to have materially breached the Consultant Immigration Warranty if Consultant or sub-Consultant establishes that it has complied with the employment verification provisions prescribed by Sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. § 23-214 (A).

12.18 Conflicting Terms. In the event of any inconsistency, conflict, or ambiguity among the terms of this Agreement, the Scope of Work, any City-approved Purchase Order, the Fee



Proposal, the Consultant's Response, the documents shall govern in the order listed in this above in this Section 12.18.

12.19 Non-Exclusive Agreement. This Agreement is entered into with the understanding and agreement that it is for the sole convenience of the City. The City reserves the right to obtain like goods and services from another source when necessary.

12.20 Cooperative Purchasing. Specific eligible political subdivisions and nonprofit educational or public health institutions ("Eligible Procurement Unit(s)") are permitted to utilize procurement Agreements developed by the City, at their discretion and with the Agreement of the awarded Consultant. Consultant may, at Consultant's sole discretion, accept orders from Eligible Procurement Unit(s) for the purchase of the Materials and/or Services at the prices and under the terms and conditions of this Agreement, in such quantities and configurations as may be agreed upon between the Parties. All cooperative procurements under this Agreement shall be transacted solely between the requesting Eligible Procurement Unit and Consultant. Payment for such purchases will be the sole responsibility of the Eligible Procurement Unit. The exercise of any rights, responsibilities or remedies by the Eligible Procurement Unit shall be the exclusive obligation of such unit. The City assumes no responsibility for payment, performance or any liability or obligation associated with any cooperative procurement under this Agreement. The City shall not be responsible for any disputes arising out of transactions made by others.

12.21 Time of the Essence. Time is of the essence in this Agreement. Unless otherwise specifically provided, any consent to delay in Consultant's performance of Consultant's obligations is applicable only to the particular transaction to which it relates and is not applicable to any other obligation or transaction.

12.22 Signatory Authority. Each person signing this Agreement represents that such person has the requisite authority to execute this Agreement on behalf of the entity the person represents and that all necessary formalities have been met.

12.23 Boycott of Israel. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 35-393.01. Consultant certifies that Consultant is not currently engaged in and agrees for the duration of this Agreement that the Consultant will not engage in a boycott of Israel, as that term is defined in A.R.S. § 35-393.

12.24 Forced Labor of Ethnic Uyghurs Prohibited. Consultant shall comply with the applicable requirements of Arizona Revised Statutes § 35-394 and hereby certifies and agrees Consultant does not currently use and will not use for the term of this Contract. (i) the forced labor of ethnic Uyghurs in the People's Republic of China, or (ii) any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; or (iii) any contractors, sub-Consultants or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.

12.25 Survival. The obligations of Consultant under this Section 12 shall survive the termination of this Agreement.

12.26 Counterparts and Electronic Signatures. This Agreement may be executed in one or more counterparts, and counterparts may be exchanged by electronic transmission (including by email), each of which will be deemed an original, but all of which together constitute one and the same instrument.

OFFER AND ACCEPTANCE FORM ATTACHED (After Fully Executed)



EXHIBIT A
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF YUMA
AND
WTP AMERICA LLC

[Consultant's Response]

See following pages.



EXHIBIT B
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF YUMA
AND
WTP AMERICA LLC

Scope of Work

1. Project Purpose and Role

Consultant shall serve as the City's advisor and program manager to translate the Yuma Innovation District from concept into a realistic plan for execution.

2. Guiding Plan and Implementation

Consultant shall use the City's "Brownfields to Innovation District" site selection analysis as the baseline concept that guides the Consultant's recommendations for planning and implementation of the Innovation District in the described area.

3. District Strategy, Governance, and Program Management

Consultant shall assist the City with Innovation District strategy, practical governance, and program management, not limited to discussion, guidance, routine coordination and progress reporting, and a written plan that:

- Defines near-term priorities, longer-term milestones, phasing, decision points, and dependencies;
- Details available financing alternatives such as bonding, special districting, necessary entity formation and the advantages and disadvantages of each alternative for construction of improvements and infrastructure;
- Develops a practical governance and operating model or alternative models;
- Establishes a master action tracker and risk register.
- Consultant shall be available to make at least two presentations to City Council upon request.

4. Public-Private Partnership and Deal Development

Consultant shall support the City in evaluating public-private partnership and alternative delivery models appropriate to the Innovation District, catalyst sites, innovation assets, and operating needs. Services may include clarifying roles and responsibilities, identifying value exchange between public and private parties, testing delivery options against project objectives and market appetite, developing concept-level deal frameworks, supporting market testing, and assisting the City with partner-facing materials and decision support.

5. Tenant, Anchor, Investor, and Ecosystem Recruitment

Consultant shall assist the City with tenant, anchor, investor, and ecosystem recruitment by identifying and engaging prospective businesses, institutions, employers, developers, operators, investors, and institutional partners aligned with the Innovation District vision. Services may include market discovery, stakeholder interviews, focus groups, outreach materials, direct outreach, tracking of prospects, and assisting the City in obtaining expressions of interest or other non-binding indications of demand when appropriate.

6. Site and Project Implementation Oversight

Consultant shall assist with implementation oversight for priority sites and projects, including coordination with City staff and partners, support for site readiness and implementation sequencing, identification of obstacles and risks, targeted in-person engagement at key decision milestones, and recommendations to advance projects toward procurement, partnership, commercial close, transition, construction, or implementation, as applicable.

7. Marketing, Investor Materials, and Outreach Support

Consultant shall support preparation of market-ready materials that communicate the Innovation District vision, partnership opportunities, value proposition, implementation priorities, and potential agreement or procurement opportunities. Materials may include briefing documents, presentations, print or web-ready content, investor or partner materials, and related outreach support.

8. Reporting, Key Performance Indicators, and City Council Readiness

Consultant shall support the City in developing practical key performance indicators tied to implementation outcomes, including partnership and tenant outreach, progression, development opportunity milestones, site readiness, procurement readiness, and commitments secured. Consultant shall provide concise reporting identifying accomplishments, upcoming actions, risks, decision points, and information suitable for City leadership and City Council briefings as requested.

9. Governance and Sustainability Planning

Consultant shall assist the City in evaluating governance and sustainability approaches for the Innovation District, including roles, decision authority, committee or working group structure, operating cadence, funding and revenue options, partnership contributions, sponsorships, service agreements, and strategies for long-term operational efficiency. Sustainability planning shall account for local constraints and priorities, including water stewardship, heat mitigation, public-realm standards, and operational practicality.

10. Milestone Schedule and Task Structure

Task 1 — Mobilization & Baseline (Days 1–30)

Kickoff; confirmation of governance, roles, and communication protocols; review of existing plans, studies, asset data, and capital programming; confirmation of priority projects and success criteria; preliminary risk register; outputs including project charter and workplan, refined priority list, and initial commercial risk snapshot.

Task 2 — Portfolio & Strategy Definition (Months 1–3)

Asset and project prioritization; stakeholder and market discovery; delivery and funding strategy confirmation; governance and approval framework; success criteria summary.

Task 3 — Procurement Planning (Months 4–6)

Procurement strategy and schedule development; preparation of draft RFQ/RFP or alternative procurement documents; market engagement and proposer outreach.

Task 4 — Procurement & Selection (Months 7–9)

Support for City procurement issuance as necessary; evaluation plan and scoring tools; clarifications; shortlist presentations; negotiations; preferred proponent selection; recommendation memo.

Task 5 — Commercial Close & Transition (Months 10–12)

Support for finalization of commercial terms, risk allocation, agreement schedules, financial close support as applicable, post-close governance and reporting, transition to construction or implementation, and handover package.

11. Deliverables

Deliverables shall be developed in coordination with the City and may include workplans, governance frameworks, action trackers, risk registers, prioritization materials, procurement strategy documents, draft procurement documents, outreach and market engagement materials, evaluation support materials, recommendation memoranda, City Council briefing materials and upon request, in person briefings, Key Performance Indicator reports, and transition or handover materials.

12. City Direction and Approvals

Consultant shall coordinate with City staff and shall not bind the City to any partnership, transaction, procurement award, commercial term, or third-party commitment unless expressly authorized through the City's required approval processes.



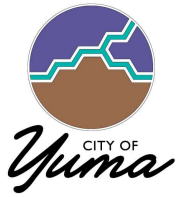
EXHIBIT C
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF YUMA
AND
WTP AMERICA LLC

Fee Proposal

Fee Schedule dated May 15, 2026. Total not-to-exceed amount: \$270,000.

Summary of Not-to-Exceed Fee by Task

Task	Description	NTE (USD)
1) Mobilization & Baseline (Days 1–30)	Kickoff; governance/roles/communications; review of plans, studies, asset data and capital programming; confirm priority projects and success criteria; preliminary risk register; project charter and workplan; refined priority list; initial commercial risk snapshot.	\$17,000
2) Portfolio & Strategy Definition (Months 1–3)	Asset/project prioritization; stakeholder and market discovery; delivery and funding strategy confirmation; governance and approval framework established.	\$96,000
3) Procurement Planning (Months 4–6)	Procurement strategy and schedule development; draft RFQ/RFP or alternative procurement documents; market engagement and proposer outreach.	\$85,000
4) Procurement & Selection (Months 7–9)	RFQ/RFP issuance and evaluation support; proposer clarifications and negotiations; preferred proponent selection.	\$36,000
5) Commercial Close & Transition (Months 10–12)	Finalization of commercial terms; financial close support as applicable; post-close governance and reporting; transition to construction/implementation.	\$36,000
TOTAL		\$270,000



City of Yuma

City Council Report

File #: R2026-036

Agenda Date: 8/5/2026

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Fire	☒ Safe & Prosperous	☐ Motion
	☐ Active & Appealing	☒ Resolution
	☒ Respected & Responsible	☐ Ordinance - Introduction
DIVISION:	☐ Connected & Engaged	☐ Ordinance - Adoption
Community Risk Reduction	☐ Unique & Creative	☐ Public Hearing

TITLE:

Resolution Terminating Letter of Appointment with the Arizona Office of the State Fire Marshal

SUMMARY RECOMMENDATION:

Approve the resolution authorizing the City of Yuma Fire Department to terminate its current Letter of Appointment (LOA) with the Arizona Office of the State Fire Marshal. (Fire Department) (John Louser)

STRATEGIC OUTCOME:

This action supports the City's Safe and Prosperous and Respected and Responsible strategic outcomes by ensuring fire prevention activities are performed under the most current and appropriate statutory authority while maintaining efficient and effective fire code enforcement throughout the City.

REPORT:

The City of Yuma Fire Department has historically performed certain fire prevention activities on behalf of the Arizona Office of the State Fire Marshal (OSFM) through a Letter of Appointment (LOA). In 2018, the OSFM terminated all existing statewide Letters of Appointment and Memoranda of Understanding in order to standardize its delegation program. In 2019, City Council adopted Resolution No. R2019-007 authorizing the City to enter into the current Letter of Appointment, which was subsequently updated in 2023 to reflect current personnel.

Recent changes to Arizona law enacted through House Bill 2324 provide an alternative mechanism for local jurisdictions to perform inspections of county-owned buildings. The legislation authorizes the Office of the State Fire Marshal, upon joint petition by a city or town and the county in which it is located, to enter into an Intergovernmental Agreement allowing the local jurisdiction to inspect county-owned buildings using the city or town's adopted fire code.

Termination of the current Letter of Appointment will not affect the City's separate Intergovernmental Agreement with the Office of the State Fire Marshal for public school inspections. Should Yuma County desire to pursue an Intergovernmental Agreement under the new statutory authority in the future, the City of Yuma Fire Department, subject to City Council approval, would support such an agreement.

Staff recommends approving the resolution terminating the current Letter of Appointment.

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:

There is no fiscal impact associated with this action. Termination of the Letter of Appointment does not require additional staffing or expenditure and does not affect the Fire Department's existing operating budget.

ADDITIONAL INFORMATION:

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

1. R2019-007
2. 2023 Letter of Appointment

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:
Reviewed by City Attorney: Richard W. Files	Date:



City of Yuma Fire Department
One City Plaza, Yuma, AZ 85364
928-373-4850

August 6, 2026

Chief Charles Dowdy

State Fire Marshal
Arizona Office of the State Fire Marshal
1110 W. Washington Street
Phoenix, AZ 85007

RE: Termination of City of Yuma Fire Department Letter of Appointment

Dear Marshal Dowdy,

On behalf of the City of Yuma Fire Department, I would like to thank the Arizona Office of the State Fire Marshal for its longstanding partnership and support of our community. The relationship between our agencies has allowed the City of Yuma to work collaboratively with the Office of the State Fire Marshal to promote fire and life safety throughout our jurisdiction for many years.

Pursuant to the terms of the current Letter of Appointment, this letter serves as formal written notification that the City of Yuma is terminating its existing Letter of Appointment with the Office of the State Fire Marshal. This action has been authorized by the Yuma City Council through Resolution No. R2026-____, adopted on _____, 2026.

This decision is administrative in nature and reflects recent changes to Arizona law that provide new mechanisms for local fire code enforcement activities. The City possesses independent statutory authority to conduct fire and life safety inspections throughout its jurisdiction where authorized by Arizona law, and House Bill 2324 provides an opportunity for cities, counties, and the Office of the State Fire Marshal to enter into Intergovernmental Agreements for the inspection of county-owned buildings using locally adopted fire codes.

Termination of this Letter of Appointment does not affect the City of Yuma Fire Department's separate Intergovernmental Agreement with the Office of the State Fire Marshal for public school inspections, and we remain committed to fulfilling our responsibilities under that agreement.

Should Yuma County elect to jointly petition the Office of the State Fire Marshal for an Intergovernmental Agreement pursuant to current Arizona law, the City of Yuma Fire Department would welcome the opportunity to work collaboratively with your office and Yuma County to continue providing high-quality fire prevention services under that framework.

We sincerely appreciate the professionalism and partnership of the Office of the State Fire Marshal and look forward to continuing our strong working relationship in the years ahead.

If you have any questions or would like to discuss this transition, please do not hesitate to contact me.

Respectfully,

John Louser
Fire Chief

RESOLUTION NO. R2026-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE TERMINATION OF THE LETTER OF APPOINTMENT WITH THE ARIZONA OFFICE OF THE STATE FIRE MARSHAL

WHEREAS, the State of Arizona maintains the authority to conduct fire inspections on State and County owned buildings under the Office of the State Fire Marshal, which is a division of the Arizona Department of Forestry and Fire Management ("OSFM"); and,

WHEREAS, the OSFM granted authority via formal letter on May 11, 1998, to the City of Yuma Fire Department to undertake fire code enforcement within the Yuma Fire Department service area; and,

WHEREAS, the OSFM and the City of Yuma entered into a Memorandum of Understanding ("MOU") on April 2, 2008, through which the OSFM granted and the City of Yuma Fire Department assumed the OSFM's authority and jurisdiction over fire code enforcement and all fire and life safety inspections, as well as plan review for new buildings within the Yuma Fire Department service area; and,

WHEREAS, in December 2018, the Office of the State Fire Marshal terminated all existing Memoranda of Understanding and Letters of Appointment throughout the State of Arizona in order to standardize its appointment program through the implementation of a revised Letter of Appointment process; and,

WHEREAS, the City Council adopted Resolution No. R2019-007 authorizing the City of Yuma Fire Department to enter a Letter of Appointment with the Office of the State Fire Marshal to continue performing delegated fire prevention activities on behalf of the State Fire Marshal; and,

WHEREAS, the Letter of Appointment was subsequently updated in 2023 to reflect revised appointees and remains in effect until terminated by written notification by either party; and,

WHEREAS, the City of Yuma Fire Department also maintains a separate Intergovernmental Agreement with the Office of the State Fire Marshal for the inspection and enforcement of fire and life safety standards within public school buildings, and termination of the current Letter of Appointment is not intended to affect, modify, or terminate that separate agreement or the authority granted thereunder; and,

WHEREAS, the Arizona Legislature subsequently enacted House Bill 2324, amending Arizona law to authorize the Office of the State Fire Marshal, upon joint petition by a city or town and the county in which it is located, to enter into an Intergovernmental Agreement authorizing the city or town to conduct fire code enforcement activities within county-owned buildings using the locally adopted fire code; and,

WHEREAS, should Yuma County request such an arrangement in the future, the City of Yuma and the City of Yuma Fire Department are willing to consider entering into an Intergovernmental Agreement with the Office of the State Fire Marshal and Yuma County, as authorized by Arizona law, to conduct fire inspections and related fire prevention activities within county-owned buildings using the City of Yuma's locally adopted fire code with amendments; and,

WHEREAS, the City of Yuma Fire Department has determined that the existing Letter of Appointment is no longer the preferred mechanism for exercising delegated fire code enforcement authority and wishes to terminate the current Letter of Appointment.

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

SECTION 1: The City Council authorizes termination of the current Letter of Appointment between the City of Yuma Fire Department and the Arizona Office of the State Fire Marshal. The Fire Chief, or his designee, is authorized to provide written notice of termination to the Office of the State Fire Marshal in accordance with the terms of the Letter of Appointment.

SECTION 2: Upon the effective date of the termination, the City of Yuma Fire Department shall cease performing those fire prevention, inspection, plan review, and related functions delegated under the current Letter of Appointment. Nothing in this Resolution shall prohibit the City of Yuma from entering into a future Intergovernmental Agreement with the Arizona Office of the State Fire Marshal and Yuma County, as authorized by Arizona law, should all parties mutually agree to do so.

Adopted this _____ day of _____ 2026.

APPROVED:

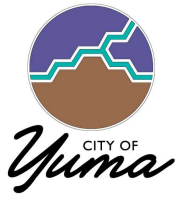
Douglas J. Nicholls
Mayor

ATTESTED:

Janet L. Pierson
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: R2026-037

Agenda Date: 8/5/2026

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
City Administration	☐ Safe & Prosperous	☐ Motion
	☐ Active & Appealing	☒ Resolution
DIVISION:	☒ Respected & Responsible	☐ Ordinance - Introduction
City Clerk	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

2026 City of Yuma Primary Election Canvass

SUMMARY RECOMMENDATION:

Declare the results of the July 21, 2026, City of Yuma Primary Election through adoption of the official canvass by resolution. (City Administration/City Clerk) (Janet L. Pierson)

STRATEGIC OUTCOME:

Canvassing the election at a public meeting aligns with City Council's Respected and Responsible strategic outcome as it provides formal notification in a public setting and is required by state law and the City Charter.

REPORT:

The City of Yuma's Primary Election was held on Tuesday, July 21, 2026, for the purpose of nominating candidates for the offices of:

- Mayor (one seat)
- City Councilmembers (three seats); and,
- Presiding Municipal Judge (one seat)

As required by the Yuma City Charter and Arizona Revised Statutes (A.R.S.) § 16-642, the City Council shall declare by resolution the results of the Primary Election not less than six days nor more than 20 days following the election. A.R.S. § 16-646 requires the official canvass to contain certain information which has been included in the resolution.

The results of the election are contained in the official canvass to be adopted by this resolution.

The resolution declares the following candidate duly elected to the office of Mayor for the full term of four years, beginning January 1, 2027:

- Douglas Nicholls

The resolution declares the following candidates are duly elected to the office of City Councilmember for the full term of four years, beginning January 1, 2027:

- Carol Smith
- Henry Valenzuela

- Ronald Van Why

The resolution further declares the following candidate duly elected to the office of Presiding Municipal Judge for the full term of four years, beginning January 1, 2027:

- Nohemy Echavarria

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:
Reviewed by City Attorney: Richard W. Files	Date:

RESOLUTION NO. R2026-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING AND ADOPTING THE OFFICIAL CANVASS OF THE RESULTS OF THE PRIMARY ELECTION HELD ON JULY 21, 2026

WHEREAS, a Primary Election was held on July 21, 2026, for the purpose of nominating candidates for the November 3, 2026, General Election; and,

WHEREAS, any candidate who receives at the Primary Election, a number of votes constituting a majority of all the ballots cast, shall be declared to be elected to the office for which he/she is a candidate effective as of the date of the General Election; and,

WHEREAS, notice of the election was duly and regularly given in time, form and manner as provided by law; voting center locations were properly established; election officers were appointed and in all respects the election was held and conducted and the votes were cast and received and the returns made and declared in the time, form and manner required by the provisions of state election law for the holding of elections in cities; and,

WHEREAS, Article IV of the Yuma City Charter and Arizona Revised Statutes §§ 16-642 and 16-646 require the City Council of the City of Yuma to canvass and declare the results of the election.

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

SECTION 1: The number of votes cast at each precinct and the number of votes cast in the City for the candidates are listed in Exhibit “A”, which is hereby declared and adopted as the Official Canvass.

SECTION 2: The total number of ballots cast in the City of Yuma Primary Election was 9,938.

SECTION 3: The names of persons voted for at the Primary Election for the office of Mayor are as follows:

- Adams, Carlos (Write-In)
- Nicholls, Douglas

SECTION 4: The names of persons voted for at the Primary Election for the office of City Councilmember are as follows:

- Egeberg, Derek (Write-In)
- Ruedas, Pricilla (Write-In)
- Smith, Carol
- Valenzuela, Henry
- Van Why, Ronald

SECTION 5: The name of the person voted for at the Primary Election for the office of Presiding Municipal Judge is as follows:

- Echavarria, Nohemy

SECTION 6: Pursuant to Yuma City Charter, Article IV, Section 5, City Council further determines and declares that the following individual received a majority of the ballots cast at the Primary Election and is elected to the position of Mayor as of the date of the General Election, November 3, 2026, for the term of four years beginning January 1, 2027:

- Douglas Nicholls

SECTION 7: Pursuant to Yuma City Charter, Article IV, Section 5, City Council further determines and declares that the following individuals received a majority of the ballots cast at the Primary Election and are elected to the position of City Councilmember as of the date of the General Election, November 3, 2026, for the term of four years beginning January 1, 2027:

- Carol Smith
- Henry Valenzuela
- Ronald Van Why

SECTION 8: Pursuant to Yuma City Charter, Article IV, Section 5, City Council further determines and declares that the following individual received a majority of the ballots cast at the Primary Election and is elected to the position of Presiding Municipal Judge as of the date of the General Election, November 3, 2026, for the term of four years beginning January 1, 2027:

- Nohemy Echavarria

SECTION 9: The City Clerk shall enter on the records of the City of Yuma a statement, known and designated as the Official Canvass, which shall recite:

1. The number of ballots cast in each precinct
2. The number of ballots rejected in each precinct
3. The titles of offices voted for and the names of each person voted for to fill the offices
4. The number of votes by precinct received by each candidate

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTEST:

Janet L. Pierson
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Resolution R2026-037
Exhibit A

		Precinct													
		001	002	003	004	006	007	008	009	010	011	012	013	014	015
	Registered Voters (Active)	100	268	3,029	2,463	457	2,555	1,977	1,246	2,700	2,707	2,323	2,472	2,103	679
	Ballots Cast	14	36	418	413	185	470	426	218	340	517	579	543	352	107
	Turnout Percentage	14.00%	13.43%	13.80%	16.77%	40.48%	18.40%	21.55%	17.50%	12.59%	19.10%	24.92%	21.97%	16.74%	15.76%
		016	017	018	019	020	021	022	023	024	030	031	032		
	Registered Voters (Active)	1,241	2,177	3,146	2,688	1,985	2,171	2,329	4,222	437	2,577	2,680	1,119		
	Ballots Cast	192	424	465	596	511	531	704	769	113	438	326	251		
	Turnout Percentage	15.47%	19.48%	14.78%	22.17%	25.74%	24.46%	30.23%	18.21%	25.86%	17.00%	12.16%	22.43%		

	Registered Voters	Ballots Cast	Turnout Percentage
Total	51,851	9,938	19.17%

Mayor

Mayor		
	Votes Cast	Percentage
Nicholls, Douglas	7,335	73.8%
Write-In: Adams, Carlos	1,348	13.6%
Write-In: Unofficial	130	1.3%
Overvotes	2	
Undervotes	1,123	
Total	9,938	

	Precinct													
	001	002	003	004	006	007	008	009	010	011	012	013	014	015
Nicholls, Douglas	9	25	285	304	160	305	307	173	224	377	422	394	251	77
Write-In: Adams, Carlos	5	7	79	65	7	89	56	21	70	83	77	58	49	18
Write-In: Unofficial	0	0	5	10	1	11	4	5	4	6	7	11	10	3
Overvotes	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Undervotes	0	4	49	34	17	64	59	19	42	51	73	80	42	9
Total	14	36	418	413	185	470	426	218	340	517	579	543	352	107
	016	017	018	019	020	021	022	023	024	030	031	032		
Nicholls, Douglas	131	283	319	418	407	401	601	621	96	342	227	176		
Write-In: Adams, Carlos	32	77	83	106	35	64	34	68	6	57	65	37		
Write-In: Unofficial	3	9	3	7	6	4	3	4	0	4	6	4		
Overvotes	0	0	0	0	0	0	1	0	0	0	0	0		
Undervotes	26	55	60	65	63	62	65	76	11	35	28	34		
Total	192	424	465	596	511	531	704	769	113	438	326	251		

Resolution R2026-037
Exhibit A

Councilmembers

Councilmembers		
	Votes Cast	Percentage
Smith, Carol	6,606	66.5%
Valenzuela, Henry	5,669	57.0%
Van Why, Ronald	5,658	56.9%
Write-In: Egeberg, Derek	1,055	10.6%
Write-In: Ruedas, Priscila	396	4.0%
Write-In: Unofficial	139	1.4%
Overvotes	12	
Undervotes	10,279	
Total	29,814	

	Precinct													
	001	002	003	004	006	007	008	009	010	011	012	013	014	015
Smith, Carol	7	26	265	258	134	308	280	137	213	362	397	368	212	58
Valenzuela, Henry	4	22	254	224	77	264	241	121	204	303	326	294	228	67
Van Why, Ronald	4	19	206	198	125	246	242	137	167	312	350	279	170	61
Write-In: Egeberg, Derek	4	0	30	46	51	27	60	36	35	83	33	61	22	11
Write-In: Ruedas, Priscila	7	2	18	21	4	25	15	4	19	17	30	28	12	3
Write-In: Unofficial	2	0	5	6	1	7	5	5	2	4	7	10	5	6
Overvotes	0	0	0	0	0	0	0	0	0	0	0	0	3	0
Undervotes	14	39	476	486	163	533	435	214	380	470	594	589	404	115
Total	42	108	1,254	1,239	555	1,410	1,278	654	1,020	1,551	1,737	1,629	1,056	321
	016	017	018	019	020	021	022	023	024	030	031	032		
Smith, Carol	111	266	284	394	338	364	508	545	86	312	212	161		
Valenzuela, Henry	109	235	280	304	298	306	414	453	67	270	166	138		
Van Why, Ronald	93	230	263	304	287	335	438	512	72	289	170	149		
Write-In: Egeberg, Derek	7	50	40	109	59	71	44	60	7	23	42	44		
Write-In: Ruedas, Priscila	9	23	18	34	9	16	7	14	2	20	25	14		
Write-In: Unofficial	4	9	5	6	4	6	4	10	1	10	7	8		
Overvotes	0	0	3	0	0	3	0	0	3	0	0	0		
Undervotes	243	459	502	637	538	492	697	713	101	390	356	239		
Total	576	1,272	1,395	1,788	1,533	1,593	2,112	2,307	339	1,314	978	753		

Presiding Municipal Judge

Presiding Municipal Judge		
	Votes Cast	Percentage
Echavarria, Nohemy	7,958	80.1%
Write-In: Not Assigned	71	0.7%
Overvotes	3	
Undervotes	1,906	
Total	9,938	

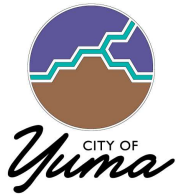
	Precinct													
	001	002	003	004	006	007	008	009	010	011	012	013	014	015
Echavarria, Nohemy	10	30	348	342	140	370	344	174	282	423	468	405	289	86
Write-In: Not Assigned	0	0	2	3	1	3	4	3	4	7	1	4	1	0
Overvotes	0	0	0	0	0	0	0	0	0	0	1	1	1	0
Undervotes	4	6	68	68	44	97	78	41	54	87	109	133	61	21
Total	14	36	418	413	185	470	426	218	340	517	579	543	352	107
	016	017	018	019	020	021	022	023	024	030	031	032		
Echavarria, Nohemy	156	333	375	449	399	406	572	635	96	367	268	191		
Write-In: Not Assigned	1	6	4	0	1	3	2	10	1	6	3	1		
Overvotes	0	0	0	0	0	0	0	0	0	0	0	0		
Undervotes	35	85	86	147	111	122	130	124	16	65	55	59		
Total	192	424	465	596	511	531	704	769	113	438	326	251		

Resolution R2026-037
Exhibit A

Rejected Ballots

Rejected Ballots		
	Total	Percentage
Provisional	25	0.3%
Early	626	6.3%
Total	651	

	Precinct													
	001	002	003	004	006	007	008	009	010	011	012	013	014	015
Provisional	1	2	1	1	1	2	2	0	1	0	0	2	0	0
Early	31	12	16	16	13	22	25	20	10	17	24	16	3	1
Total	32	14	17	17	14	24	27	20	11	17	24	18	3	1
	016	017	018	019	020	021	022	023	024	030	031	032		
Provisional	1	1	0	1	0	1	0	0	4	0	4	0		
Early	11	25	18	19	33	26	72	44	61	52	15	24		
Total	12	26	18	20	33	27	72	44	65	52	19	24		



City of Yuma

City Council Report

File #: O2026-023

Agenda Date: 8/5/2026

Agenda #: 1.

DEPARTMENT: Municipal Court	STRATEGIC OUTCOMES	ACTION
DIVISION: Administration	☐ Safe & Prosperous ☐ Active & Appealing ☒ Respected & Responsible ☐ Connected & Engaged ☐ Unique & Creative	☐ Motion ☐ Resolution ☒ Ordinance - Introduction ☐ Ordinance - Adoption ☐ Public Hearing

TITLE:

Yuma City Code Amendment: Chapter 39 - Appointed Judicial Officers within the Municipal Court

SUMMARY RECOMMENDATION:

Amend Chapter 39 of the Yuma City Code to separate Appointed Judicial Officers into categories by subsection to align with Court rules. (Municipal Court) (Del Miller)

STRATEGIC OUTCOME:

Amending Chapter 39 of the Yuma City Code to maintain distinction between the categories of Special Judicial Officers appointed by City Council (Judge Pro Tems) and administratively appointed Special Judicial Officers (Associate Judges, Court Commissioners, Special Magistrates, and Hearing Officers) furthers the City Council's strategic outcome of Respected and Responsible. The proposed code changes align with guidance established by the Administrative Office of the Arizona Supreme Court.

REPORT:

This amendment to Yuma City Code Chapter 39 categorizes the Municipal Court's appointed judicial officers to align with Arizona Office of the Court guidelines, the City Charter, and Supreme Court order.

With the proposed change, there will be two categories of Special Judicial Officers, City Council appointed Judge Pro Tems and administrative appointments made by the Presiding Municipal Judge. Pursuant to the City Charter, Judge Pro Tems must be admitted to practice law in Arizona whereas administratively appointed Special Judicial Officers (SJO), such as Associate Judges, Court Commissioners, Special Magistrates (a concurrently sitting judge or magistrate in another Municipal Court within Yuma County or a retired judge or magistrate) and Hearing Officers must meet the same requirement of a Justice of the Peace and must possess the requisite training mandated by the Arizona Supreme Court. Administrative officers of the Municipal Court are eligible for appointment as Special Judicial Officers, but other City employees are not eligible for such appointment.

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:

There are no costs associated with this proposed Ordinance. Utilization of Appointed Judicial Officers to manage caseload, conflict cases, emergency overflow and other assigned matters results in significant annual savings to the City.

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:
Reviewed by City Attorney: Richard W. Files	Date:

ORDINANCE NO. 02026-023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF YUMA, ARIZONA, AMENDING YUMA CITY CODE
TITLE 3, CHAPTER 39 ADDRESSING APPOINTED
JUDICIAL OFFICERS WITHIN THE MUNICIPAL COURT**

WHEREAS, Appointed Judicial Officers have long been utilized by the Municipal Court as they are essential to maintaining Court operations ensuring that access to justice and statutory time standards are met; and,

WHEREAS, Article XI of the Yuma City Charter, Article XI establishes that the Presiding Municipal Judge is responsible for the administration of the Municipal Court as required by the laws of the state; and,

WHEREAS, Article XI, § 4(a) of the Yuma City Charter places the authority to appoint Municipal Court Judges Pro Tempore with the Yuma City Council; and,

WHEREAS, Title III, Chapter 39 of the Yuma City Code, Arizona Code of Judicial Administration (ACJA), and state statute places the authority to appoint Court Commissioners and Hearing Officers with the Presiding Municipal Judge; and,

WHEREAS, under Arizona Supreme Court rules, the Arizona Code of Judicial Administration (ACJA) and the Administrative Office of the Courts Governance Rules, administratively appointed Special Judicial Officers include Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers; and,

WHEREAS, ACJA § 1-305 governs the selection of Special Judicial Officers; and,

WHEREAS, Arizona Rules of Criminal Procedure 4.3, Arizona Civil Traffic Rules of Procedure 6(a), and Arizona Revised Statutes 28-1553B governs the appointment of Hearing Officers; and,

WHEREAS, it is necessary to amend Title III, Section 39 of the Yuma City Code to distinguish Special Judicial Officers into separate categories of Judge Pro-Tem and administratively appointed Special Judicial Officers due to differences in appointing authority, duties, qualifications, and requisite training; and,

WHEREAS, amending Yuma City Code, Title III, Chapter 39 to categorize Special Judicial Officers separately aligns with Arizona Supreme Court rules, the application of ACJA and City Charter requirements.

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

SECTION 1: Yuma City Code §39-02, Definitions, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

MUNICIPAL JUDGE. Shall include the Presiding Judge, Municipal Judge, Municipal Judge Pro Tempore, and City Magistrate, ~~and any other person authorized to adjudicate matters for or on behalf of the Municipal Court of the City of Yuma, Arizona.~~

SECTION 2: Yuma City Code §39-02, Definitions, is amended to add the following definition (where strikethrough indicates deletions and bold indicates additions):

ADMINISTRATIVELY APPOINTED SPECIAL JUDICIAL OFFICER shall include Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers.

SECTION 3: Yuma City Code §39-14, Authority to Waive Fees, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

The Municipal Judge **or administratively appointed Special Judicial Officer** shall be authorized to waive all or part of the fees set forth in this Chapter when, in the Municipal Judge's **or administratively appointed Special Judicial Officer's** opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has not anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

SECTION 4: Yuma City Code §39-26, Commissioners, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

§ 39-26 ~~Commissioners.~~ Administratively Appointed Special Judicial Officers.

- (A) The Presiding Municipal Court Judge may select and appoint ~~Municipal Court Commissioners~~ **Special Judicial Officers inclusive of Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers** as necessary to ensure that legal time standards and responsiveness of the Municipal Court to the citizens are met.
- (B) ~~Municipal Court Commissioners~~ **Administratively appointed Special Judicial Officers** shall be selected in a manner consistent with the Arizona Code of Judicial Administration (ACJA) § 1-305: Selection of Special Judicial Officers, as amended.
- (C) ~~Municipal Court Commissioners~~ **Administratively appointed Special Judicial Officers** shall possess the requisite training as mandated by the Arizona Supreme Court and/or the Arizona Judicial Branch/Administrative Office of the Courts.
- (D) The duties, responsibilities, and assignments of ~~the Municipal Court Commissioner~~ **administratively appointed Special Judicial Officers** are at the direction and control of the Presiding Judge of the Municipal Court in accordance with the applicable laws of the State of Arizona and the rules and regulations mandated by the Arizona Supreme Court and/or the Arizona Judicial Branch/Administrative Office of the Courts.

(E) Administrative officers of the Municipal Court are eligible for consideration of appointment as ~~a Municipal Court Commissioner~~ **administratively appointed Special Judicial Officers** so long as the administrative officers possess the requisite training. Administrative officers of the Municipal Court may serve concurrently with the administrative officers' duties and employment with the Municipal Court. Other than Administrative Officers of the Municipal Court, City of Yuma employees are not eligible for consideration of appointment as ~~Municipal Court Commissioners~~ **administratively appointed Special Judicial Officers**.

SECTION 5: Yuma City Code §39-27, Hearing Officers, is deleted in its entirety.

Adopted this _____ day of _____, 2026.

APPROVED:

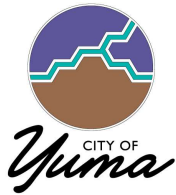
Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Janet L. Pierson
City Clerk

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: MC 2026-141

Agenda Date: 8/5/2026

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Community Development	☐ Safe & Prosperous	☒ Motion
DIVISION:	☐ Active & Appealing	☐ Resolution
Community Development	☐ Respected & Responsible	☐ Ordinance - Introduction
	☐ Connected & Engaged	☐ Ordinance - Adoption
	☐ Unique & Creative	☐ Public Hearing

TITLE:

Variance Appeal: VAR-45199-2026 - 1921 S. 6th Avenue

SUMMARY RECOMMENDATION:

The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustment pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.06 and Yuma City Code (Y.C.C.) § 154-02.02. (Community Development/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

NOT APPLICABLE

REPORT:

This appeal concerns the denial of a variance application sought by the property owners and Appellants, Leonard and Ana Manos. The variance was heard on May 28, 2026, before Hearing Officer Raymond Urias, who found that the request for a variance did not meet two of the four criteria necessary to grant a variance. The four criteria are found in A.R.S. § 9-462.06 and Y.C.C. § 154-03.04(D).

BACKGROUND

Appellants Leonard and Ana Manos sought the Hearing Officer's approval of VAR-045199-2026 to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure. The Department of Community Development staff report for Appellants' requested variance is attached to this City Council Report (Council Report) and recommends denial.

Section 154-02.02 of the Yuma City Code establishes the Hearing Officer variance procedure. Consistent with A.R.S. § 9-462.06, in order to approve an application for a variance, Y.C.C. § 154-03.04(D) requires a finding that the application satisfies all four of the criteria for the approval of a variance. Specifically, Y.C.C. § 154-03.04(D)(1) states that the Hearing Officer:

. . . shall grant a variance(s) only when findings of fact are made that all of the following conditions exist:

- (a) There is a special circumstance(s) or conditions(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.

- (b) The special circumstance was not created or caused by the property owner or applicant.
- (c) The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.
- (d) The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

As set forth in the cited Yuma City Code, each of the four (4) criteria required for the approval of a variance application must be answered in the affirmative. The inability to answer any one of the four (4) criteria in the affirmative, as a matter of law, must result in the denial of the variance application.

PROCEDURE

The public hearing on Appellants' variance application was heard by Hearing Officer Raymond Urias. After taking testimony on Appellants' variance application, Hearing Officer Urias approved the Applicants' request to reduce the side yard setback from 5 feet to 3 feet for a large accessory structure, and denied the request to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, as well as the request to increase the allowable maximum height of a large accessory structure from the total height of the primary residence because the variance application failed to meet two (2) of the four (4) criteria as required by Y.C.C. § 154-03.04(D). The minutes from the May 28, 2026 Hearing Officer Meeting are attached to this Council Report.

After the variance hearing, City staff notified Appellant of the right to appeal the decision and Appellant timely filed the appeal. The May 28, 2026, notice from the City and the June 1, 2026, response Notification of Appeal filed by the Appellants are attached to this council report.

On June 8, 2026, City Staff sent Appellants Leonard and Ana Manos the appeal date of August 5, 2026 as well as deadlines for submission of any additional material by either the Appellee Department of Community Development or by Appellants Leonard and Ana Manos. Appellants' deadline to submit any additional information was June 23, 2026. As the Appellee, Department of Community Development's deadline to submit any additional material was July 7, 2025. The appeal schedule is attached to this report.

As of the date of this Council Report, Appellants Manos opted not to submit any additional material before the Appellants' deadline and no attorney has entered an appearance on behalf of the Appellant. The Department of Community Development, as the Appellee, has been advised by an Assistant City Attorney but the City Attorney was screened from those conversations. Accordingly, the City Attorney will represent City Council in a quasi-judicial manner for the appeal hearing and decision of this matter.

On July 7, 2026, Assistant Planner, Joshua Darrow, submitted a timely brief in support of the Hearing Officer's decision. The Department of Community Development's brief is attached to this City Council Report. Assistant Planner Darrow will present City staff's position during the hearing.

STANDARD OF REVIEW

City Council will hear this appeal as a statutory board of adjustment which decides appeals from Hearing Officer decisions concerning zoning ordinance variances under the four described criteria and determines whether "special circumstances" exist to relieve an owner of property from strict application of zoning laws. A.R.S. § 9-462.06(G)(2).

The quasi-judicial body hears the appeal *de novo* (meaning, with brand new eyes), but the authority to modify zoning decisions under a variance is limited to making findings that all four criteria are met (in which case the City Council could choose to grant the variance) or any one of the four criteria are not met (in which case the

City Council would have to deny the variance). Pawn 1st, LLC v. City of Phoenix, 242 Ariz. 547, 551 ¶ 11 (Arizona Supreme Court, 2017).

Appellants Leonard and Ana Manos have the burden of persuasion to show that the application for a variance should have been granted by the hearing officer. A variance is only authorized when there is a finding that the applicant affirmatively establishes and satisfies all four (4) criteria in the Yuma City Code and Arizona Revised Statutes. Pawn 1st, LLC v. City of Phoenix, 242 Ariz. 547, 551 ¶ 11 (Arizona Supreme Court, 2017). A quasi-judicial body granting a variance without affirmatively finding that all four (4) Y.C.C. criteria are established is outside of the statutory powers and the finding is invalid as a matter of law. Arkules v. Bd. of Adjustment of Paradise Valley, 151 Ariz. 438, 440 (Arizona Court of Appeals, 1986).

The following documents are attached and submitted for City Council's review:

Hearing Officer Staff Report - Attached

Hearing Officer Minutes - Attached

May 28, 2026 Notice of Right to Appeal - Attached

June 1, 2026 Appellants' Notice of Appeal - Attached

June 8, 2026 Appeal Schedule - Attached

Appellee Department of Community Development's brief in support of the Hearing Officer's decision dated July 7, 2025 - Attached

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

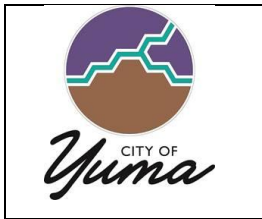
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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:
Reviewed by City Attorney: John LeSueur, Assistant City Attorney	Date:



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Joshua Darrow**

Hearing Date: May 28, 2026

Case Number: VAR-045199-2026

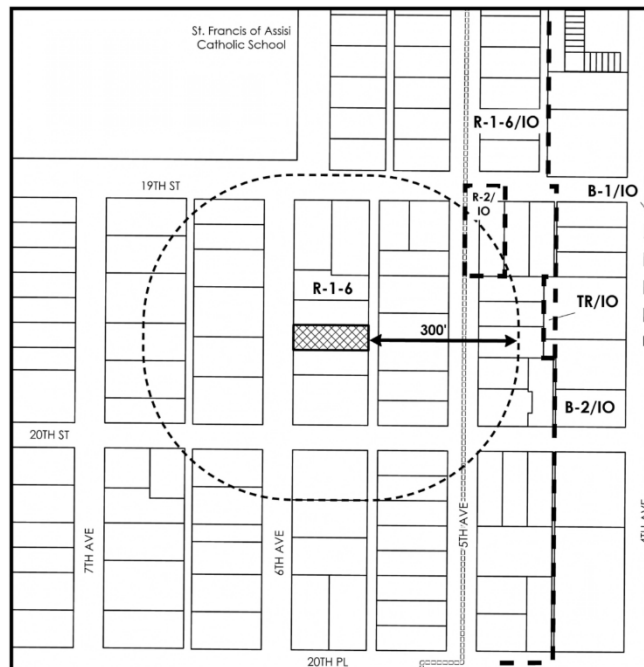
Project

Description/Location:

This is a request by Leonard and Ana Manos for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
North	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
South	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance #449 (May 29, 1946), Subdivision: La Mesa Hermosa Unit No. 3 (May 7, 1929), Pre-Development Meeting: October 28, 2025, Variance: VAR-045071-2026 (The applicant canceled this Variance to increase the allowable size of an accessory structure and reduce the side yard setback. The applicant reapplied with the addition of a request to increase the allowable maximum height)

Staff recommendation: Staff recommends **DENIAL** of the request to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and **APPROVAL** of the request to reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?				Yes
Case #	Nature of Variance Requested	Staff Recommendation	Hearing Officer Action	
VAR-34488-2021	to allow an accessory building to exceed 50% of the total square footage of the primary residence and to reduce the minimum side street driveway length of 20' to 10'	DENIAL of the request to allow an accessory building to exceed 50% of the total square footage of the primary residence and APPROVAL of the request to reduce the minimum side street driveway length	APPROVED	

Staff Analysis: The subject property is located within the La Mesa Hermosa Unit No. 3 Subdivision along S. 6th Avenue. The Subdivision was subdivided on May 7, 1929. Currently the property features an approximately 1,120 square foot single-family residence, which was constructed in 1953. The parcel is approximately 7,460 square feet in size. In addition, the subject property is zoned Low Density Residential (R-1-6) District.

The applicant is requesting a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet to construct a new detached garage. The proposed structure would be 1,056 square feet in size and 18 feet in height.

§154-15.15 – Accessory Buildings, Uses and Structures in Certain Residential Districts:

- Setback: The leading edge of such buildings, including overhangs, shall be setback at least five (5) feet from side and rear property lines*
- Height: The maximum allowable building height shall be 25 feet or the height of the principal building, whichever is less.*
- Compatibility: An accessory building or structure shall not exceed 50% of the total square footage of the primary residence.*

An existing garage, built before the adoption of the accessory structure code, is located with a 3-foot setback from the southern property line. The proposed garage

would replace the existing structure and maintain the same 3-foot setback. The applicant intends to use the garage for storage of personal items and multiple vehicles with no commercial aspect. According to the applicant, the height request is to accommodate the required garage door clearance needed for the vehicles intended to be stored. While the applicant has not altered the request, the applicant has stated that the structure has the option of being a minimum of 14 feet 6 inches. This would result in the structure being 6 inches taller than the maximum height of the principal building. The applicant intends to remove the two aluminum awnings on the property with the installation of the proposed garage.

The applicant previously applied for a Variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building (1,120 square feet) to 71 percent (880 square feet) of the primary building and reduce the side yard setback from 5 feet to 3 feet. This request had an associated Neighborhood Meeting with 3 neighbors in attendance. Two neighbors in this meeting voiced similar concerns over the potential of a commercial aspect to the structure. This Variance was canceled by the applicant to add the height element requested here, as well as to increase the amount of allowable size requested.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) *“There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”*

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: *“The property sits in an area where the rainwater floods the existing garage. Also, the front street ‘6th Ave’ setbacks do not allow for a garage at front of the home.”*

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does apply to most other properties within the district and surrounding residential development regarding the allowable size and height of accessory structures. The subject property is located within the La Mesa Hermosa Unit No. 3 Subdivision and the surrounding residences are similar in size and are required to comply with the accessory structures code. The applicant could construct an approximately 560 square foot detached garage, which is similar to detached accessory structures within the surrounding area.

The subject property features an existing accessory structure that maintains a 3-foot setback from the southern property line. Several properties within the La Mesa Hermosa Unit No. 3 Subdivision feature accessory structures with reduced setbacks that were developed within the legal limits of the time in which they were constructed. Maintaining this setback would be consistent with the character of the neighborhood.

B) *“The special circumstance was not created or caused by the property owner or applicant.”*

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: *"The existing garage sits below grade; this causes the existing garage to flood with approximately 4 inches of water."*

Staff Analysis: Regarding the side yard setback, the special circumstance was not created or caused by the property owner as the residence and surrounding neighborhood was developed prior to the current owner's purchase of the property. However, there is not a special circumstance that applies to the property regarding increasing the height and square footage of the proposed accessory structure.

C) "The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations."

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: *"The existing garage setback were correct at the time of construction for this property. The height is necessary to preserving personal property. Other properties on the same street, on the same block, have been approved for similar setbacks, for oversized steel garage building. Any restriction to this property would be the same as restricting the property owners right to improve the land, improve the neighborhood, and would also restrict the owner's ability to add value to the land. Since other property owners have built similar garages on the same block, any restriction on any other property to do the same would be discrimination or singling out of single subject. The improvements to this property have brought value and beautification to the entire block and neighborhood."*

Staff Analysis: The accessory structure mentioned above was subject to a Variance where the structure was approved despite staff recommending denial. The applicant would be able to maintain the setbacks similarly found in the neighborhood of the subject property.

D) "The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare."

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *"The granting of the variances requested, would allow for the safe storage and keeping of valuable assets such as a classic car, and other personal, valuable belongings. Granting of the Variance would improve the property, improve land values for the surrounding area, and boost the neighborhood aesthetic values."*

Staff Analysis: The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

2. Are any of the adjacent property owners opposed to this request? Yes

Public Comments Received:

Name:	Neighbor			Contact Information:						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
A neighbor contacted staff to express their concern with the size of the proposed structure and height of the structure imposing the neighborhood. The neighbor voiced concerns over the potential commercial use of the property by the property owner or by future owners of the property. Additionally, the neighbor had concerns for the safety of the structure and surrounding neighborhood from a fire and flooding perspective.										

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: 5/5/26

Final staff report delivered to applicant on:

- ☒ Applicant agreed with all of the conditions of approval on: 5/19/26
- ☐ Applicant did not agree with the following conditions of approval:

Attachments

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Neighborhood Meeting Comments
F	G	H	I	J
Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo	Similar Variance Vicinity Map

Prepared By: Joshua Darrow
 Joshua Darrow
 Assistant Planner
 Joshua.Darrow@YumaAz.gov

Date: 5/14/26

 (928) 373-5000, x3039

Approved By: *Alyssa Linville*
 Alyssa Linville
 Director of Community Development

Date: 05/21/2026

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

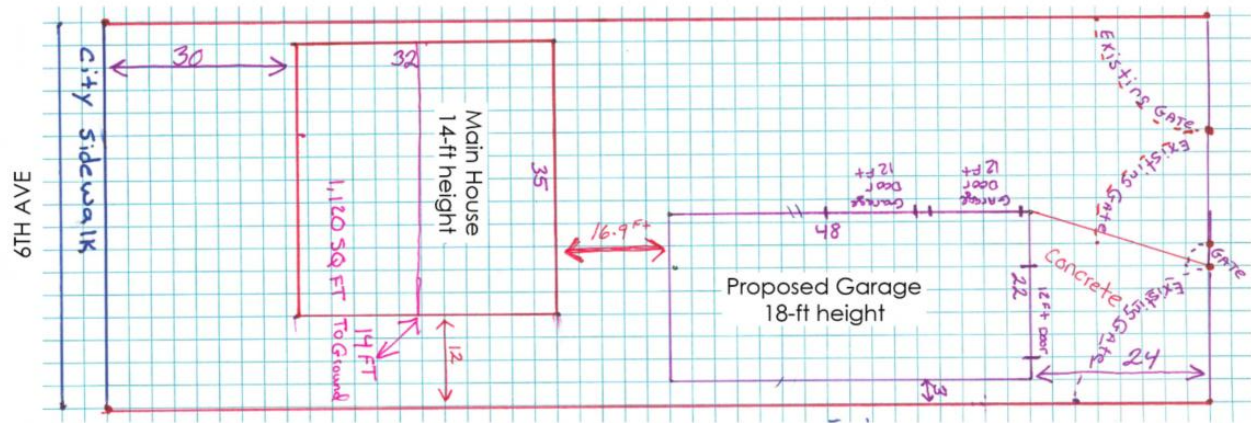
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Joshua Darrow, Assistant Planner, (928) 373-5000 x3039

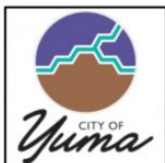
3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

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

ATTACHMENT B SITE PLAN



Note:
Garage is 48x22 with a 6" overhang on front and rear. The 6" overhang will be 3' setback from property line.
Drawing denotes wall dimensions for footing purposes.



Prepared by:
DG
Date:
4/17/2026

VAR-45199-2026
1921 S 6TH AVE
APN: 665-42-108

Site Plan

Plan/Case:
45199



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 05/08/26
- 300' Vicinity Mailing: 04/28/26
- Site Posted on: 04/28/26
- 34 Commenting/Reviewing Agencies Noticed: 04/29/26
- Neighborhood Meeting Date: 05/05/26
- Hearing Date: 05/28/26
- Comments Due: 05/11/26

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	4/30/26	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	4/30/26	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	4/30/26	X		
Building Safety	Yes	4/29/26			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

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

☐ Condition(s) ☐ No Condition(s) ☒ Comment

Enter conditions here: If this variance is approved, the south exterior wall of the new garage construction at 3 feet fire separation distance to the property line is required to have a 1-hour fire resistance rating, per the City's adopted building codes.

DATE: 4-29-2026 NAME: Alan Kircher TITLE: Deputy Building Official
CITY DEPT: DCD/Building Safety
PHONE: 928-373-5169
RETURN TO: Joshua Darrow
Joshua.Darrow@YumaAZ.gov

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 05/05/26

Location: 1921 S. 6th Ave

Attendees: Applicant: Leonard Manos; Staff: Joshua Darrow; Neighbor: Ken Doten

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

- The neighbor voiced concern over visibility with the structure being 18 feet tall.
- The applicant confirmed the size of the structure will be 1056 square feet.
- The applicant confirmed that the garage will have no commercial aspect.
- The neighbor asked why the applicant couldn't find a bigger lot for this project, to which the applicant explained that they would not want a bigger primary residence than they currently have.
- The applicant said that the garage will increase surrounding property value, to which the neighbor voiced concern over the safety and aesthetics of a garage that size.
- The neighbor asked about water retention and if the current design would flood into the southern neighbor's backyard, to which the applicant explained it would come out into the front yard.
- The applicant explained the new access through the two proposed garage doors on the property and from the alley.
- The neighbor explained their concern over the structure becoming a rental as seen with other properties in the neighborhood.

ATTACHMENT F
SITE PHOTOS



ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
ABAD ANNA CHRISTY	1927 S 6TH AVE	YUMA, AZ, 85364
ARTMAN RUFUS A JR & CAROL J 1994 TRUST 6-29-1994	460 ASTER ST	LAGUNA BEACH, CA, 92651
BARRAGAN GONZALO	680 W 20TH ST	YUMA, AZ, 85364
BRULLO DONNA K	1912 S 6TH AVE	YUMA, AZ, 85364
BURNS STEVEN D AND ALEXIS L JT	10951 SORRENTO VALLEY RD STE 2C	SAN DIEGO, CA, 92122
BURRELL THOMAS & SANDRA JT	665 W 20TH ST	YUMA, AZ, 85364
CARDIEL JOSE R & MARIA A JT	495 W 20TH ST	YUMA, AZ, 85364
CEDILLO THERESA	1928 S 5TH AVE	YUMA, AZ, 85364
CLARK ROBERT L & KELLEY J JT	1920 S 6TH AVE	YUMA, AZ, 85364
COOPER MARIE ELLEN TRUST 5-10-2016	1931 S FIFTH AVE	YUMA, AZ, 85364
COOPER MARIE ELLEN TRUST 5-10-2016	1931 S FIFTH AVE	YUMA, AZ, 85364
DOTEN DONALD BEDFORD TRUST 1-3-08	1927 S 7TH AVE	YUMA, AZ, 85364
DOTEN KENNETH A	501 W 19TH ST	YUMA, AZ, 85364
DOTEN KENNETH A	501 W 19TH ST	YUMA, AZ, 85364
DOTEN KENNETH A	501 W 19TH ST	YUMA, AZ, 85364
FELIX OCTAVIO CASTRO	1925 S 7TH AVE	YUMA, AZ, 85364
FUENTES MIGUEL F	3650 S AVENUE C	YUMA, AZ, 85365
GES INVESTMENTS LLC	141 S MADISON AVE STE 4	YUMA, AZ, 85364
GLASS GREGORY & FRANCES JT	1923 S 7TH AVE	YUMA, AZ, 85364
HAPPY FACES DAY CARE LLC	1901 S 7TH AVE	YUMA, AZ, 85364
LAUGHLIN JOSEPH PHILIP JR & VERREE DAWN LAUGHLIN	500 W 20TH ST	YUMA, AZ, 85364
MACADEAG JADE & BRANDON BRYCE FONTANILLA	1929 S 7TH AVE	YUMA, AZ, 85364
MANOS LEONARD L & ANA C	1858 S CALLE PRIMAVERA	YUMA, AZ, 85365
MARQUEZ DIEGO HUMBERTO RODRIGUEZ & DENISSE	575 W 20TH ST	YUMA, AZ, 85364
MARTINEZ PADILLA MARTIN	1927 S 5TH AVE	YUMA, AZ, 85364
MATOS EMILIA	PO BOX 6199	YUMA, AZ, 85366
MCCAIN MISTY D &	14312 S AVE 5E	YUMA, AZ, 85365
MEJIA MICHAEL J & JACLYN D JT	560 W 20TH ST	YUMA, AZ, 85364
MUREK JOSEPH A & LETICIA L JT	17715 S AVENUE B	SOMERTON, AZ, 85350
NELSON JARET A	1926 S 6TH AVE	YUMA, AZ, 85364
OJ PROPERTIES LLC	1913 S 6TH AVE	YUMA, AZ, 85364
OLAGUE CHANDRA LEANN	605 W 20TH ST	YUMA, AZ, 85364
PAILLIOTET JOHN F & FLORA TRUST 7-3-2008	UNIT 3440 BOX 373	DPO, AA, 34020
PARAMO LEONEL E	2002 S 5TH AVE	YUMA, AZ, 85364
PRUITT TRUST 11-15-2022	1906 S 6TH AVE	YUMA, AZ, 85364
SINGH GURPINDER	1901 S 5TH AVENUE	YUMA, AZ, 85364
SINGH RAJINDER & JUANA C JT	449 W 19TH ST	YUMA, AZ, 85364
STURDIVANT MATTHEW D	1908 S 5TH AVE	YUMA, AZ, 85364
THOMAS JACK BURRELL & MARY JANE JT	515 W 19TH ST	YUMA, AZ, 85364
WHITE DAVID F & TAMRA J JT	1920 S 5TH AVE	YUMA, AZ, 85364
ZEPEDA JORGE M & CONCEPTION TR 3-31-05	2460 W ARMADILLO ST	TUCSON, AZ, 85713

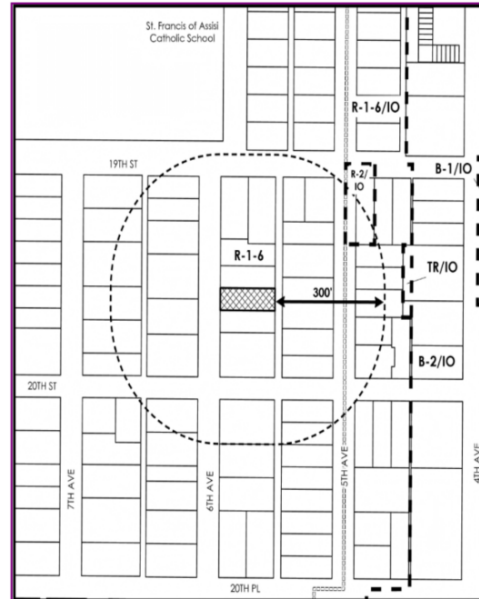
ATTACHMENT H NEIGHBOR MAILING

This is a request by Leonard and Ana Manos for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-45199-2026**

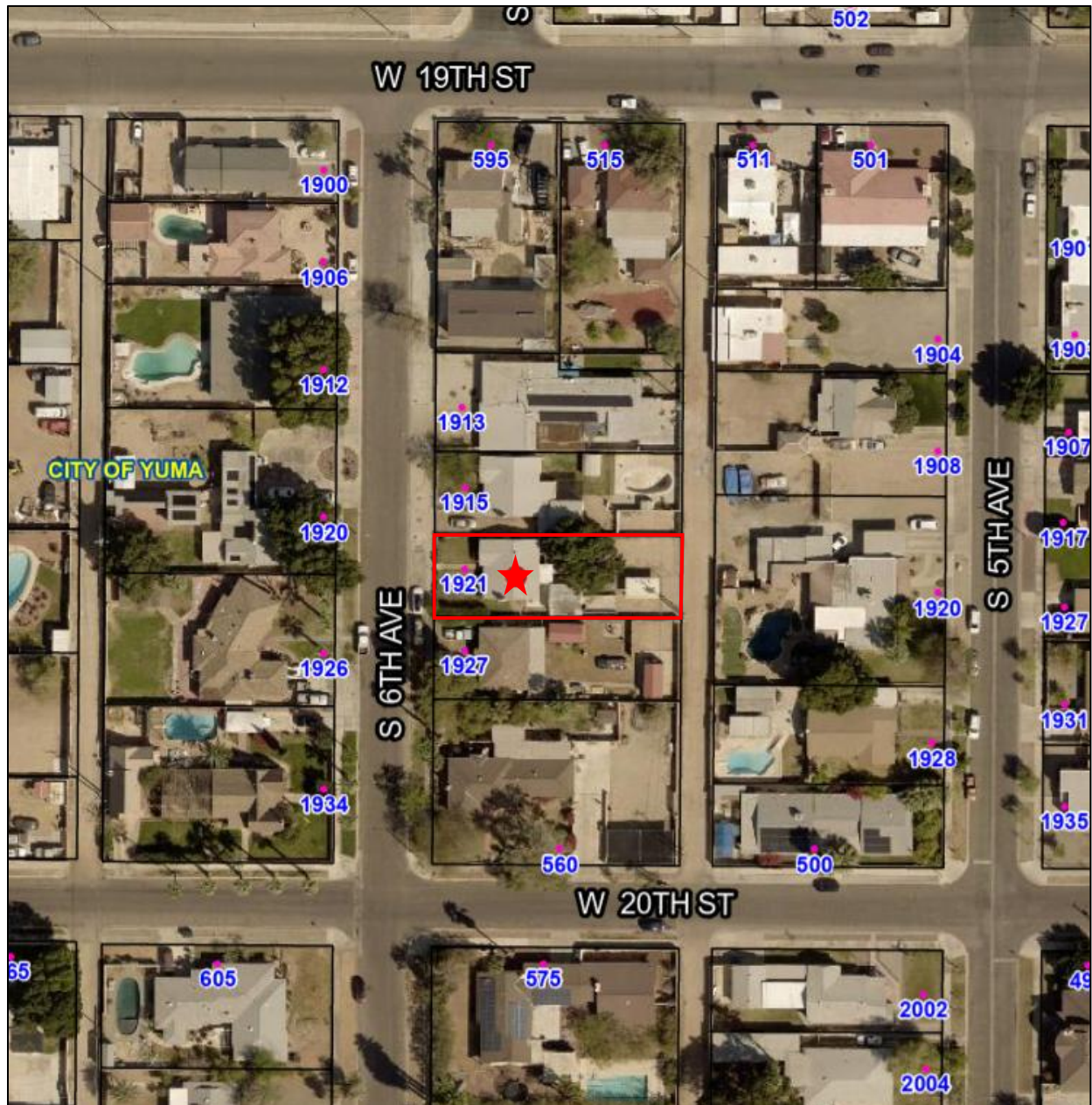
NEIGHBORHOOD MEETING
05/05/2026 @ 5:00PM
ON-SITE

PUBLIC HEARING
05/28/2026 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1921 South 6th Avenue, Yuma, Arizona, you are invited to attend the neighborhood meeting and public hearing public hearings to voice your comments. If you have questions or wish to submit written comments, please contact Joshua Darrow by phone at (928)373-5000 ext. 3039 or by email at Joshua.Darrow@YumaAz.gov. All written comments must be submitted by 4:00 pm the day before the hearing to be included in the public record for consideration during the hearing.

ATTACHMENT I
AERIAL PHOTO



Subject Property

ATTACHMENT J
SIMILAR VARIANCE VICINITY MAP



Subject Property



Variance: VAR-34488-2021

**Hearing Officer Meeting Minutes
May 28, 2026**

A meeting of the City of Yuma Hearing Officer was held on Thursday, May 28, 2026, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Ray Urias

CITY OF YUMA STAFF MEMBERS present included Jennifer Albers, Assistant Director of Planning; Amelia Domby, Principal Planner; Guillermo Moreno-nunez, Associate Planner; Joshua Darrow, Assistant Planner; John LeSueur, Assistant City Attorney and Alejandro Marquez, Administrative Specialist.

Hearing Officer Ray Urias called the meeting to order at 9:31 a.m.

CONSENT CALENDAR

Hearing Officer Ray Urias approved the minutes of April 23, 2026.

ITEMS REQUIRING COMMISSION DISCUSSION AND ACTION

VAR-45166-2026: *This is a request by Skyler and Karen Poston for a variance to reduce the minimum required parking space depth dimension from 20 feet to 18 feet 1 inch in the Low Density Residential (R-1-8) District for the property located at 5630 E. 45th Street, Yuma, AZ.*

Joshua Darrow, Assistant Planner, summarized the staff report and recommended **DENIAL**

QUESTIONS FOR STAFF

Hearing Officer Ray Urias referred to Criteria No.1 of the Yuma City Code and asked Darrow if he had found a special circumstance unique to the property. **Darrow** replied no.

Hearing Officer Urias stated that, in evaluating variance requests, he looks for special circumstances directly related to the nature of the variance being requested, he then noted that the variance under consideration sought to reduce the required parking setback distance from 20 feet to 18 feet 1 inch.

Hearing Officer Urias asked whether the subject property was level. **Darrow** answered yes it was. **Hearing Officer Urias** then asked whether the lot was a standard rectangular lot. **Darrow** replied yes

Hearing Officer Urias further noted that the property included an angled cut due to its corner-lot configuration and asked whether the modification was required to accommodate the sight-visibility triangle established by engineering department standards. **Darrow** answered yes

Hearing Officer Urias then asked whether the angled cut was located on the side of the property where the applicant was requesting the parking setback reduction. **Darrow** replied that it was not.

Hearing Officer Urias asked whether there were any unusual right-of-way dedications on the property, such as those associated with power lines or underground utilities, that would affect the area where the parking setback reduction was proposed. **Darrow** responded no.

Hearing Officer Urias then inquired about staff's findings regarding Criteria No. 3. **Darrow** stated that staff found the criterion had not been met, as the requested reduction was not necessary to allow the applicant to accomplish the intended use of the property. **Hearing Officer Urias** noted that the applicant could achieve the desired outcome without reducing the required parking setback.

Hearing Officer Urias then asked whether Criteria No. 4 had been satisfied. **Darrow** replied yes.

Hearing Officer Urias inquired whether any opposition or concerns had been received from neighboring property owners. **Darrow** stated that no opposition had been received.

APPLICANT/APPLICANTS REPRESENTATIVE

Skyler Poston, 5630 E. 45th Street, Yuma, AZ, clarified that the request applies only to the rear portion of the existing three-car, L-shaped garage where the water heater is located, and not the entire structure. **Poston** then noted that the remaining space would still accommodate a full-size vehicle.

Hearing Officer Urias then asked staff, since the applicant clarified where the office would be located, does it change the special circumstance. **Darrow** noted that there will be a utility room next to the proposed game room per the site plan on page six of the staff report. **Hearing Officer Urias** then asked if the garage accommodates three vehicles. **Darrow** replied yes. **Hearing Officer Urias** then asked if the applicant was going to change one-third of the garage space. **Darrow** answered yes. **Hearing Officer Urias** then asked whether that information would change staff's opinion regarding the special circumstance requirement. **Darrow** replied no.

PUBLIC COMMENT

None

DECISION

Hearing Officer Ray Urias denied the request to reduce the minimum required parking space depth dimension from 20 feet to 18 feet 1 inch in the Low Density Residential (R-1-8) District for the property located at 5630 E. 45th Street, Yuma, AZ.

VAR-45199-2026: *This is a request by Leonard and Ana Manos for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ.*

Joshua Darrow, Assistant Planner, summarized the staff report and recommended **DENIAL** of the request for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building and to increase the allowable maximum height of a large accessory structure from 14 feet to 18 feet, and recommended **APPROVAL** of the request to decrease the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ, subject to the Conditions of Approval in Attachment A.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias asked for confirmation as to whether multiple variance requests were associated with the case and then asked for clarification regarding whether the requests included overall height, size, and setbacks, and noted that only the setback request had been found to meet all required criteria. **Darrow** replied yes.

Hearing Officer Urias asked whether the applicant was also requesting a reduction to the height requirement for a detached accessory structure. **Darrow** responded yes. **Hearing Officer Urias** then asked for confirmation that the structure was not to exceed the height of the primary residence. **Darrow** replied yes.

Hearing Officer Urias asked if the height of the home was measured at 14 feet. **Darrow** answered yes. **Hearing Officer Urias** then asked for confirmation that the applicant also proposed that the structure could be reduced to fourteen feet six inches. **Darrow** answered yes. **Hearing Officer Urias** asked would staff have an objection to that proposal. **Darrow** stated that the purpose of the height requirement is to ensure the accessory structures do not overwhelm the height of the primary residence, he then noted that at 14 feet 6 inches, he does not believe the proposed structure would do so.

Hearing Officer Urias referred to the request for a 94 percent maximum size variance and asked whether the applicant had made any proposed changes to this request. **Darrow** answered he was not aware of a change to this request.

Hearing Officer Urias clarified that Variance Criteria Nos. 1, 2, and 3 had not been met, and Criteria No. 4 had been met with some opposition by some of the neighbors. **Darrow** replied that some of the neighbors had submitted emails in opposition to the request which were provided at the beginning of the hearing.

Hearing Officer Urias asked whether the applicant had been made aware of the emails submitted in opposition to the request. **Darrow** replied that the applicant had not, as the emails had been received only recently. **Hearing Officer Urias** then provided the applicant with copies of the emails for review.

Hearing Officer Urias asked about the size of the primary residence and what size the accessory structure would need to be to comply with City Code requirements and noted that he understood the height of the home to be 14 feet and inquired about the maximum allowable size for the proposed structure. **Darrow** stated that the primary residence is 1,120 square feet and then stated that City Code would allow a detached accessory structure of up to 560 square feet, which represents 50 percent of the home's square footage. **Hearing Officer Urias** asked if the structure was less than 50 percent would the applicant only need a building permit. **Darrow** replied that was correct but noted that approval of the setback variances would still be required.

APPLICANT/APPLICANTS REPRESENTATIVE

Leonard Manos, 1921 S. 6th Avenue, Yuma, AZ, was available for questions.

Hearing Officer Urias asked whether the property was rectangular in shape. **Manos** replied yes, it was but noted that the lot is narrow and lacks sufficient access for ingress and egress. **Hearing Officer Urias** then asked whether the property is flat and level. **Manos** answered yes.

Hearing Officer Urias asked whether the applicant was aware of any underground utilities in the area where the structure would be constructed. **Manos** replied that the proposed structure had been shifted away from the home due to the presence of underground utilities.

Manos presented improvements made to the home and stated that he had previously inquired with City staff about the possibility of constructing a garage in front of the residence but was advised that it would not comply with City requirements. **Manos** then noted that other nearby properties have similar accessory structures, and that the proposed accessory structure would be located in the rear of the property and would not be visible from the front of the residence.

Manos stated that he could potentially reduce the height of the proposed structure to 14 feet, however, doing so would require an additional 1 foot added to the length to the building because of engineering to the door. **Manos** stated that adjustments could be made to the design to reduce the height, but the structure would need to be 49 feet in length.

Hearing Officer Urias stated that while he observed similar structures in the surrounding neighborhood during a site visit, each variance request must be evaluated on its own merits.

Hearing Officer Urias noted that there was some opposition from neighbors. **Manos** replied that he did not agree with the opposition emails that were filed by some of his neighbors.

Manos reiterated that he could reduce the height of the building to 14 feet, but he would need the extra space to be able to install roll up garage doors and then stated he would need 1 hour fire rating from the wall.

Hearing Officer Urias stated that the Code does not allow a structure to exceed the maximum permitted height or size, noting that the proposed structure exceeds the allowable size by approximately 45 percent.

Hearing Officer Urias then stated that he was attempting to identify a special circumstance to justify the variance but was unable to find one.

Hearing Officer Urias then asked if there was access to the home from the alley. **Manos** stated yes and that there is no other access to the back of the home only from the alley because the lot is so narrow and that the home takes up most of the width of the lot.

Manos noted that the home had no storage and stated that there is an existing garage at the rear of the property, however because it is below grade it fills with water during rainfall so nothing would be able to be stored inside of it.

Jennifer Albers, Assistant Director of Planning stated that the standard parking space is 10 feet by 20 feet, then noted that a 400 square foot garage would accommodate two vehicles.

PUBLIC COMMENT

None

DECISION

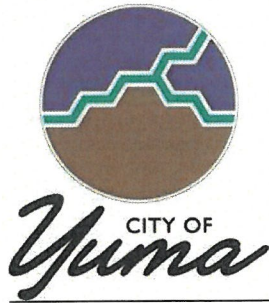
Hearing Officer Ray Urias denied the request for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building and to increase the allowable maximum height of a large accessory structure from 14 feet to 18 feet and approved the request for a variance to reduce the side yard setback from 5 feet to 3 feet, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Hearing Officer Ray Urias adjourned the meeting at 10:23 a.m.

Minutes approved this 11 day of June, 2026.



Hearing Officer



Department of Community Development

One City Plaza
Yuma, Arizona 85364
(928) 373-5175
TTY (928) 373-5149
www.YumaAZ.gov

June 1, 2026

Leonard and Ana Manos
1921 South 6th Avenue
Yuma, AZ 85364

**RE: 1921 S. 6TH AVENUE
INCREASE MAXIMUM SIZE OF A LARGE ACCESSORY STRUCTURE
CASE NO. VAR-45199-2026**

On Thursday, May 28, 2026, the Hearing Officer for the City of Yuma **APPROVED** your request for a variance to reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ.

On Thursday, May 28, 2026, the Hearing Officer for the City of Yuma **DENIED** your request for a variance to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue, Yuma, AZ.

If you have any questions, please call Joshua Darrow (928)373-5000 ext. 3039, or email at Joshua.Darrow@YumaAZ.gov.

Sincerely,

Joshua Darrow
Assistant Planner

JD/am

Enclosures (1)

1. Appeal Form
2. Conditions of Approval

NOTIFICATION OF APPEAL

PURSUANT TO ARIZONA REVISED STATUTES, SECTION 9-462.06.A

You have the right to appeal the decision of the Hearing Officer to the City Council. If you would like to appeal, please indicate in the appropriate space below by signing and dating this form.

I wish to appeal the decision of the Hearing Officer on Case No.: _____
to the City Council.

You must file the Notification of Appeal form within ten (10) business days of the decision made by the Hearing Officer to the Department of Community Development, Director, One City Plaza, Yuma, Arizona 85364, 928-373-5175.

Name

Date

Conditions of Approval
VAR-45199-2026

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

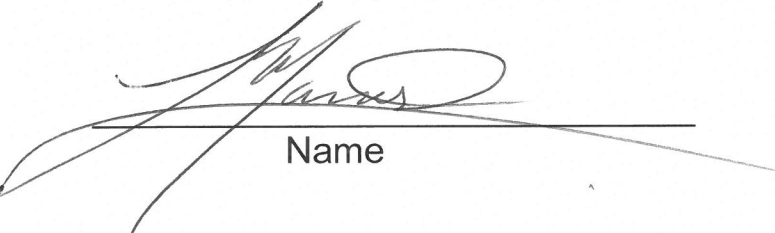
NOTIFICATION OF APPEAL

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to the City Council.

You must file the Notification of Appeal form within ten (10) business days of the decision made by the Hearing Officer to the Department of Community Development, Director, One City Plaza, Yuma, Arizona 85364, 928-373-5175.


Name

06/01/2026
Date



June 8, 2026

Leonard Manos, *Appellant*
1921 S. 6th Avenue
Yuma, AZ 85364

Re: Appeal of Denial of Request for Variance
Case No.: VAR-045199-2026

Dear Mr. Manos,

The City of Yuma's Department of Community Development has received your notice of appeal in the above-referenced matter. Appeals of variance requests are regulated by Yuma City Code (Y.C.C.) § 154-02.02(C) and Arizona Revised Statutes (A.R.S.) § 9-462.06(A). Please review that code and statute and the applicable laws cited in the denial of your request for a variance.

Your appeal is scheduled to be heard before the City Council on Wednesday, **August 5, 2026**. The City Council will receive the written materials that were presented to the Hearing Officer in this case. The parties may supplement those materials as follows:

- Appellant Manos may submit any additional material to Janet Pierson, City Clerk for the City of Yuma, at clerk@yumaaz.gov on or before **4:00 PM on June 23, 2026**.
- Appellee City of Yuma may submit a Reply to any additional material submitted by Appellant Manos on or before **4:00 PM on July 7, 2026**.

Any additional material will be shared with both parties and made part of the record submitted to the City Council.

During the appeal hearing on **August 5, 2026**. Each side will be allotted five (5) minutes to present their case. Appellant Manos will present first, followed by Appellee City of Yuma. Because Appellant Manos has the burden of persuasion, Appellant Manos may request an additional two (2) minutes for a final reply.

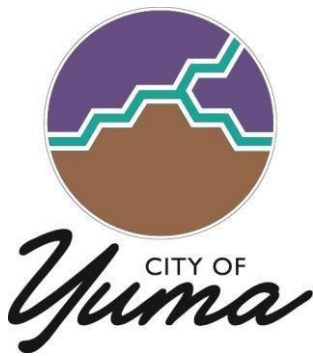
You have the right to be represented by an attorney. If you will be represented by an attorney in this appeal, please instruct your attorney to enter his or her appearance as counsel of record without delay.

The City of Yuma prohibits discrimination based on race, color, sex, national origin, age or disability in its programs and activities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the City of Yuma's ADA Coordinator at (928) 373-5125 or TTY (928) 373-5149.

Finally, if you wish to withdraw your appeal of the Hearing Officer decision, please inform the Department of Community Development in writing so the matter may be removed from the agenda.

Sincerely,

Joshua Darrow
Joshua Darrow,
Assistant Planner



**Community Planning
Community Development**
One City Plaza
Yuma, Arizona 85364
(928) 373-5050
Fax (928) 373-5053
TTY (928) 373-5149
www.YumaAZ.gov

TO: City Council
FROM: Joshua Darrow, Assistant Planner
DATE: July 7, 2026
RE: **Appeal of the May 28, 2026, Hearing Officer Denial of VAR-45199-2026 for the property located at 1921 S. 6th Avenue, Yuma, Arizona.**

Executive Summary

This appeal concerns Mr. Leonard and Mrs. Ana Manos's ("Property Owners") variance application. The Property Owners sought the Hearing Officer's approval of VAR-45199-2026 to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue ("Property"). Within this zoning district, the maximum height of an accessory structure is the height of the principal building. The accessory structures code ensures accessory buildings or structures are incidental to the principal residential use on the property. The Property is located within the La Mesa Hermosa Unit No. 3 Subdivision.

On May 28, 2026, the Hearing Officer held a hearing on the Property Owners' request for a variance. City Staff filed a report with the Hearing Officer and recommended denial of the height and size request, but approval of the side yard setback aspect. City staff noted that the Property Owners' requested variance for the height and size of the structure failed to meet the criteria of §154-03.04(D) of the Yuma City Code. After taking testimony on the variance application, the Hearing Officer denied the height and size variance request, and approved the side yard setback variance request after determining that the first two requests did not meet the required findings for approval under A.R.S. § 9-462.06 and Y.C.C. § 154-03.04(D). Specifically, no special circumstance unique to the property was identified that would warrant relief from the zoning code accessory structure height and size requirements as the variance request is based on a design preference rather than the physical characteristics of the property such as size, shape, topography, or location.

Pursuant to Yuma City Code § 154-02.02(C) the Property Owners appeal the Hearing Officer's denial of the variance request.

Timeline of Events

Oct. 28, 2025	A Pre-Development Meeting (“PDM”) was held with applicant.
Nov. 10, 2025	PDM notes and Variance application were emailed to leonardmanos@gmail.com.
Mar. 10, 2026	The applicant applied for a Variance to increase the allowable size of an accessory structure, and to reduce the required side yard setback.
Apr. 16, 2026	The applicant withdraws their request. The applicant applies for a new variance, increasing the allowable size aspect of the request, and adding the height aspect.
May 28, 2026	The hearing for the new Variance is held
Jun. 1, 2026	The Property Owner appeals against their request.

Argument

State law and City Code require four conditions for a variance. See A.R.S. § 9-462.06 and Y.C.C. § 154-03.04(D) Specifically, Y.C.C. § 154-03.04(D)(1) states that the Hearing Officer:

. . . shall grant a variance(s) *only when* findings of fact are made that *all of the following conditions exist*:

- (a) There is a special circumstance(s) or conditions(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.
- (b) The special circumstance was not created or caused by the property owner or applicant.
- (c) The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.
- (d) The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

Each of the four (4) criteria required for the approval of a variance application must be answered in the affirmative. The inability to answer any one of the four (4) criteria in the affirmative, as a matter of law, must result in the denial of the variance application.

In this case, Staff determined the Property Owners failed to meet three of the four required conditions.

I. Is there a special circumstance that does not apply to most other properties in the district?

Staff’s Position:

Staff was unable to find a special circumstance or condition that applies to the property that does not apply to most other properties in this district. After researching the property, staff was unable to identify a special circumstance that relates to the size, shape, or layout of the property which satisfies the need to recommend approval of

this variance request. The maximum allowable height for an accessory structure on this property is the height of the principal residential building – 14 feet, and the maximum allowable size for an accessory structure is 50 percent of the principal residential building – 560 square feet. Accessory structures are required to be designed with a logical hierarchy of masses regarding height, size, and volume, and the proposed structure would not meet the accessory structures development standards for this zoning district.

Staff found that an existing accessory structure that maintains a 3-foot setback on the property, as well as the accessory structures within the subdivision with reduced setbacks, constituted a special circumstance satisfying the side yard setback element of the request.

Hearing Officer's Finding:

Hearing Officer Urias identified the existing structure as a special circumstance regarding the side yard setback aspect of the request. However, after considering typical special circumstances, such as lot shape or typography, he was unable to identify a special circumstance that would apply to the height and size request.

II. Was the “special circumstance” created by the property owner or applicant?

Staff's Position:

Staff analysis determined that there is no special circumstance that relates to this property, building, or use that does not apply to most other properties in the district. This is a new 18-foot tall, 1,056 square foot garage/workshop proposed by the Property Owners. The Property Owners have an alternative solution in the form of constructing the garage/workshop to be the same height as the home and within 50 percent of the primary building's square footage.

Regarding the side yard setback, the special circumstance was not created by the Property Owners as the residence and surrounding neighborhood was developed prior to the current owner's purchase of the property.

Hearing Officer's Finding:

Hearing Officer Urias found the special circumstance for the side yard setback request to not be created by the Property Owners. For the other aspects of the request, he was unable to identify a special circumstance.

III. Would denying the variance prevent the applicant from enjoying substantial property rights enjoyed by other property owners in the vicinity?

Staff's Position:

The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. The accessory structures code was adopted in 2014 and recently amended and approved by City Council in 2025. There are existing accessory structures on the

neighboring properties, identified by the Property Owners, that were either constructed without a building permit or prior to the adoption of the accessory structures code. A similar structure to the proposed garage was constructed to the north of the subject property and was granted a Variance to allow its size.

Hearing Officer's Finding:

The Hearing Officer stated he does not know the circumstances of the other structures, but that there is no precedent set by other Variances, and that each Variance must stand on its own satisfaction with the four criteria. The Hearing Officer found that denying this request would be preventing the substantial property right of a garage and found this criterion to be met, but reiterated the lack of special circumstance allowing the approval of this request.

IV. Would granting the variance be materially detrimental to other people residing or working in the area?

Staff's Position:

Granting the variance will not be materially detrimental to any person residing or working in the vicinity, as the proposed garage/workshop meets the minimum lot coverage, and front and rear yard setback requirements in the Low Density Residential (R-1-6) District. The request for the side yard setback Variance satisfies all four criteria and will be constructed with a comment from Building Safety to accommodate for the setback's reduction.

Hearing Officer's Finding:

Hearing Officer Urias stated that, although there is neighboring opposition, this criterion was met.

Conclusion

The requirements for approval of a variance application required by Yuma City Code § 154-03.04(D) have not been satisfied by the Property Owners. The Property Owners failed to demonstrate a special circumstance applies to the Property in regard to the size and height aspect of the request. Therefore, the Property Owners are not eligible for a variance for those aspects of the request under State Law or City code. As such, the variance application for the Property must be denied.

The Property Owners have noted their intent to provide supplemental material to the Council during the meeting. Having not received these materials, staff cannot address their relevance to the case.