City of Yuma
City Council Meeting
Agenda

Wednesday, October 2, 2024 | **5:30 PM** | **Yuma City Hall Council Chambers**
One City Plaza, Yuma

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

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

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

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

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

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.

- Live Stream – Residents can watch meetings on their computer or mobile device at www.yumaaz.gov/telvue. Previous Council meetings are also available on-demand.

- Virtual – Residents can watch meetings via Teams on their computer or mobile device at www.yumaaz.gov/publicmeetings. Click on "Calendar" then select the City meeting and click "Join".

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL

PRESENTATIONS

- *Reading of Proclamation: Domestic Violence Awareness Month*
- *Downtown Yuma Merchants Association Update*
- *Planning Department Update*

I. MOTION CONSENT AGENDA

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

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

1. TMP-3718 **Regular Council Meeting Draft Minutes August 21, 2024**

Attachments: 2024 08 21 RCM Minutes

2. TMP-3751 **Regular Council Meeting Draft Minutes September 4, 2024**

Attachments: 2024 09 04 RCM Minutes

B. Executive Sessions

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

C. Approval of staff recommendations:

1. MC 2024-143 **Bid Award: Fertilizer and Chemicals for Grounds Maintenance**

Award to the lowest responsive and responsible bidders, a one-year contract for Fertilizers and Chemicals for Grounds Maintenance, with the option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance at an estimated annual expenditure of $150,000.00 to: Heritage Landscape Supply Group, Inc., McKinney, Texas, SiteOne Landscape Supply, Cleveland, Ohio, and Wilbur Ellis Co. LLC, Tempe, Arizona. (Parks & Recreation-RFB-25-050) (Eric Urfer/Robin R. Wilson)

2. MC 2024-144

Bid Award: Brass Fittings and Miscellaneous Items

Authorize an award to purchase brass fittings and miscellaneous supportive items for an estimated annual expenditure of $68,000 to Yuma Winnelson, Yuma, AZ (Utilities RFB-25-018) (Jeremy McCall/Robin R. Wilson)

3. MC 2024-145

Bid Rejection: Avenue 3E and 32nd Street Median Landscape

Pursuant to Yuma City Code § 36-36, reject all bids received for the Avenue 3E and 32nd Street Median Landscape project due to the bid exceeding the allocated amount for the project. (Engineering RFB-24-265) (Dave Wostenberg/Robin R. Wilson)

4. MC 2024-146

Rental/Lease Contract: Kaiser (Aquastar) Sewer Recycler Truck

Authorize a 6-month rental/lease contract for a specialized recycling sewer cleaning truck with a budgeted expenditure of $126,000.00 to Kaiser Premier, Ft Morgan, CO. (Utilities CA-25-115) (Jeremy McCall/Robin R. Wilson)

5. MC 2024-147

Rejection of Request for Qualifications: Job Order Contracting (JOC) for Utility Infrastructure Services

Pursuant to Yuma City Code §36-36, staff recommends rejection of the responses received for the JOC for Utility Infrastructure Services. (Engineering-RFQ-24-291) (David Wostenberg/Jeremy McCall/ Robin R. Wilson)

6. MC 2024-148

Ratification of Purchase Order: Las Casitas Storm Sewer and Roadway Emergency Repair

Ratify and approve a Purchase Order issued to Gutierrez Canales Engineering, P.C., Yuma, Arizona in the amount of $1,278,785.91 for the emergency repair of a damaged section of the storm sewer system and failing roadway on 28th Drive in the Las Casitas subdivision. (Engineering/Utilities EM-24-194) (David Wostenberg/ Joel Olea/Robin R. Wilson)

Attachments: 1. Timeline Las Casitas repairs

7. MC 2024-149

Sole Source: Advanced Traffic Management System

Authorize the purchase of an Advanced Traffic Management System (ATMS) web-based software and communication equipment (System) from Econolite, Anaheim, California, for an initial expenditure of $321,942 and an annual expenditure of $35,820 for years two through five. (Engineering-SS-25-117) (David Wostenberg/Robin R. Wilson)

8. MC 2024-150

Cooperative Purchase Agreement: Intelligent Transportation System/Traffic Signal Equipment

Authorize the Purchase and Delivery of traffic signal equipment needed for a functioning Intelligent Transportation System on four roadway corridors: 16th Street Corridor (from Pacific Ave to Avenue C), 4th Ave Corridor (from 1st Street to 32nd Street), Avenue B Corridor (from 8th Street to 32nd Street), and 24th Street Corridor (from Arizona Avenue to Avenue B) to Econolite - Anaheim, California utilizing Maricopa County Contract (200125-C) for an expenditure of $501,670.64 (Engineering) (Dave Wostenberg)

Attachments: 1. QUOTE-Transportation Management Center-Traffic Signal Equipment

9. MC 2024-151

Final Plat: Saguaro Unit No. 6 Subdivision

Approve the final plat for the Saguaro Unit No. 6 Subdivision, located at the southeast corner of Avenue 7E and 44th Street. (SUBD-43168-2024) (Community Planning) (Alyssa Linville)

Attachments: 1. P&Z RPT Final Plat Saguaro Unit. No 6

2. PLAT Final Plat: Saguaro Unit No. 6

10. MC 2024-152

Authorize Settlement: Aguilera Notice of Claim

Authorize settlement of the Aguilera Notice of Claim. (City Attorney) (Richard Files)

II. RESOLUTION CONSENT AGENDA

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

1. R2024-051

Intergovernmental Agreement: City of San Luis, Arizona

Authorize the City Administrator to enter into an intergovernmental agreement with the City of San Luis for the indefinite use of specialized border fencing emergency access and rescue equipment. (Yuma Fire Department) (Dustin Fields)

Attachments: 1. RES IGA Border Fencing Equipment

2. AGMT IGA Border Fencing Equipment

2. R2024-052

Ratification of Intergovernmental Agreement: Crane School District - School Resource Officer

Ratify execution of a three-year Intergovernmental Agreement (IGA) with the Crane School District for School Resource Officer (SRO) services that require the SROs to be present on District school campuses which could include at District events before and after school hours. The district approves funding under section 9 of the agreement. (Police/Patrol) (T. Garrity)

Attachments:
1. RES IGA: Crane School District SRO
2. AGMT IGA: Crane School District SRO

3. R2024-053

Resolution: Amend City of Yuma American Rescue Plan Act Project List

Adopt a Resolution authorizing project budget amendments to obligate and expend the City's Coronavirus State and Local Fiscal Recovery Funds allocation of $23,071,661 before the grant expires. (Administration) (Jay Simonton/Douglas Allen)

Attachments:
1. RES Amend ARPA Project List
2. SUPP DOC Amend ARPA Project List

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. O2024-029

Rezoning of Property: 2050 S. 10th Avenue

Rezone approximately .17 acres located at 2050 S. 10th Avenue from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District (ZONE-42650-2024) (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

Attachments:
1. P&Z RPT Rezoning of Property: 2050 S. 10th Ave
2. ORD Rezoning of Property: 2050 S. 10th Ave

2. O2024-030

Declare Real Property Surplus and Authorize Sale: 2495 South Sierra Vista Avenue

Declare vacant City of Yuma owned real property surplus and authorize the sale of the surplus property located at 2495 South Sierra Vista Avenue. (City Attorney) (Richard W. Files)

Attachments:
1. MAP Declare Surplus and Authorize Sale
2. ORD Declare Surplus and Authorize Sale

3. O2024-031

Rezoning of Property: 1651 S. Arizona Avenue

Approve the rezoning of an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, located at 1651 S. Arizona Avenue. (ZONE-42890-2024)(Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:
1. P&Z RPT Rezoning of Property: 1651 S. Arizona Ave
2. ORD Rezoning of Property: 1651 S. Arizona Ave

4. O2024-032

Amendment: Ordinance O2022-032

Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for Rezoning Ordinance O2022-032, and introduce an ordinance to amend O2022-032 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:
1. MAP Amend O2022-032 NWC Avenue 10E and 37th Street Alignment
2. ORD Amend O2022-032 NWC Avenue 10E and 37th Street Alignment

IV. INTRODUCTION OF ORDINANCES

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

1. O2024-033

Rezoning of Property: 733 S. Clifford Way

Approve the rezoning of three parcels, totaling approximately 48,207 square foot in size, from the Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District, located at 733 S. Clifford Way, Yuma, AZ. (ZONE-42944-2024)(Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments: 1. P&Z RPT Rezone of Property: 733 S. Clifford Way
2. ORD Rezone of Property: 733 S. Clifford Way

2. O2024-034

Text Amendment: Outdoor Lighting Standards

Amend Title 15, Chapter 154, to update development standards for outdoor lighting. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: 1. P&Z RPT Text Amendment: Outdoor Lighting
2. ORD Text Amendment: Outdoor Lighting

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 September 19, 2024 through October 2, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

2. Scheduling:

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

VI. SUMMARY OF CURRENT EVENTS

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

VII. CALL TO THE PUBLIC

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

VIII. EXECUTIVE SESSION

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

A. Discussion, consultation with and/or instruction to legal counsel regarding a contract matter. (A.R.S. 38-431.03 A3, A4 & A7)

B. Discussion, consultation with and/or instruction to legal counsel regarding the following legal matters (ARS 38-431.03 A3, A4 and A7):

1) BJA v. COY
2) Mohave County, et al. v. BOR, et al.
3) Quinn v. Yuma County, et al.
4) Jaramillo, et al. v. COY
5) Tortora v. COY
6) Candela v. COY
7) Blankenship v. Allo, et al.
8) Castillo v. Yuma County, et al
9) Claims

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 #: TMP-3718 **Agenda Date:** 10/2/2024 **Agenda #:** 1.

Regular Council Meeting Draft Minutes August 21, 2024

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

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:34 p.m.

INVOCATION/PLEDGE

Pastor Vince Harman, Christ Lutheran Church, gave the invocation. **Karla Bailey**, Assistant Director of Finance, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Morales, Smith, McClendon (via telephone), Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton Director of Finance, Douglas Allen Chief of Police, Thomas Garrity Assistant Director of Engineering, Steve Wilson Various Department Heads or their representative City Attorney, Richard W. Files City Clerk, Lynda L. Bushong

FINAL CALL

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

Presentation

Douglas Allen presented the Quarterly Financial Briefing for the 4th Quarter of Fiscal Year (FY) 2024 as follows:

FY 2024: Financial Status – Major Revenues

- City's Major Revenues
  - There are 12 Major Operating Revenues for the City
  - The benchmark shows the City should be collecting 100% of revenue at this point in time
  - When comparing the benchmark percentage in column "F" to the actual budget percentage in column "E", the benchmark is over budget by a total of 3.3%
  - The percentage change from last FY is a total of 7.8%

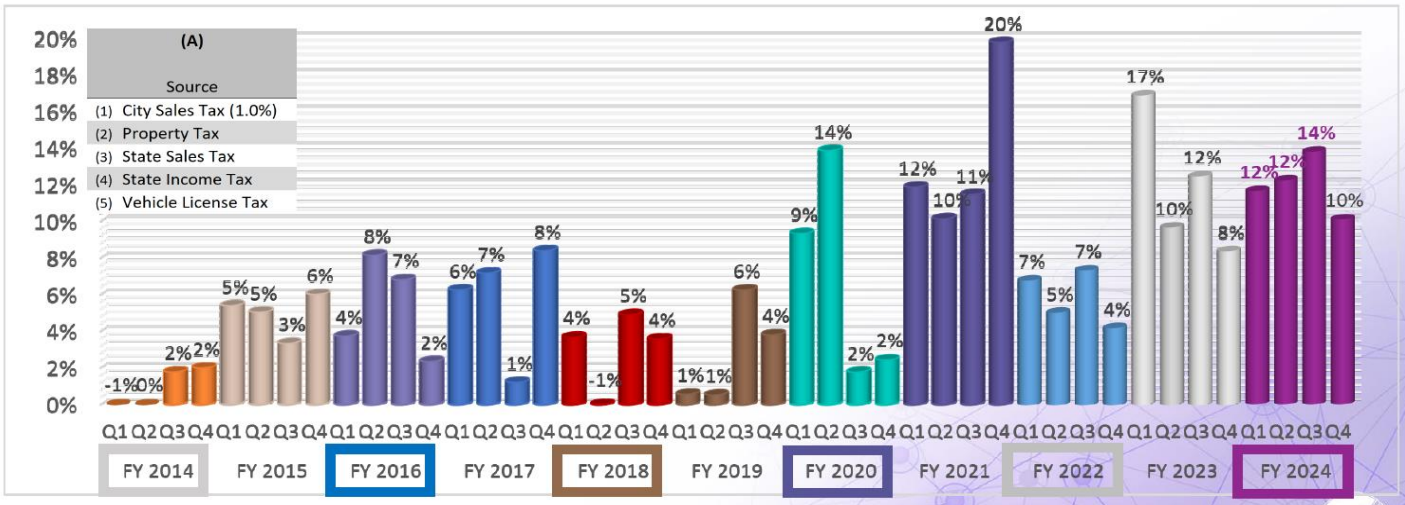
DRAFT

MAJOR REVENUES

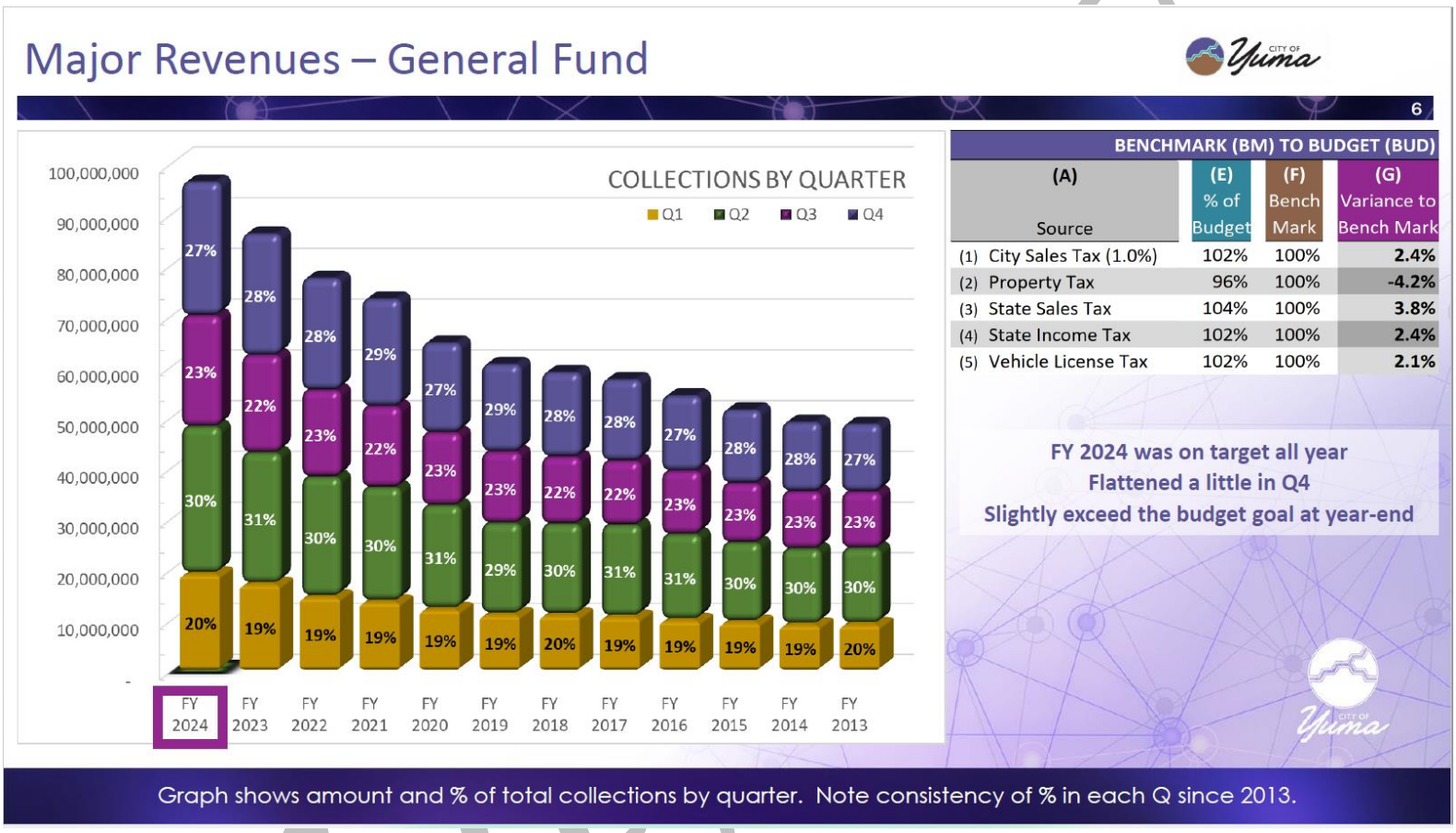
MAJOR OPERATING REVENUE				BENCHMARK (BM) TO BUDGET (BUD)					YEAR OVER YEAR
(A) Source	(B) Fund	(C) FY 2024 July-June	(D) FY 2024 Total Budget	(E) % of Budget	(F) Bench Mark	(G) Variance to Bench Mark	(H) FY 2023 July-June	(I) Amount Change	(J) % Change
(1) City Sales Tax (1.0%)	General	$ 34,390,132	$ 33,600,000	102%	100%	2.4%	$ 32,890,150	$ 1,499,982	4.6%
(2) Property Tax	"	15,612,274	16,290,776	96%	100%	-4.2%	15,213,991	398,283	2.6%
(3) State Sales Tax	"	14,913,219	14,371,000	104%	100%	3.8%	14,352,376	560,843	3.9%
(4) State Income Tax	"	26,108,820	25,500,000	102%	100%	2.4%	18,418,692	7,690,128	41.8%
(5) Vehicle License Tax	"	5,488,540	5,375,400	102%	100%	2.1%	5,408,721	79,819	1.5%
(6) Gasoline Tax (0.5%)	HURF	9,949,741	9,614,190	103%	100%	3.5%	9,460,371	489,370	5.2%
(7) Road Tax (0.5%)	Road Tax	17,192,143	16,809,600	102%	100%	2.3%	16,442,282	749,861	4.6%
(8) Public Safety Tax (0.2%)	Public Safety	6,874,519	6,711,600	102%	100%	2.4%	6,574,677	299,842	4.6%
(9) Two Percent Tax	Two Percent	8,875,826	8,925,000	99%	100%	-0.6%	8,986,334	(110,508)	-1.2%
(10) Water Sales	Water	29,036,545	26,889,250	108%	100%	8.0%	28,131,484	905,061	3.2%
(11) Wastewater Operating	Wastewater	20,030,274	19,044,800	105%	100%	5.2%	19,026,028	1,004,246	5.3%
(12) Solid Waste Fees	Solid Waste	6,004,121	5,661,785	106%	100%	6.0%	5,489,040	515,081	9.4%
(13) TOTAL MAJOR OPERATING REVENUE		$194,476,154	$ 188,793,401	103%	100%	3.3%	$180,394,146	$ 14,082,008	7.8%

- Major Revenues - General Fund
  - State income tax increased 41% from FY 2023; it is expected to decrease over the next two years due to allocation changes
  - The graph shows each FY by quarter and what the year-to-year has looked like since FY 2014
  - FY 2024 each quarter ranged between 10% and 14% increase over last year

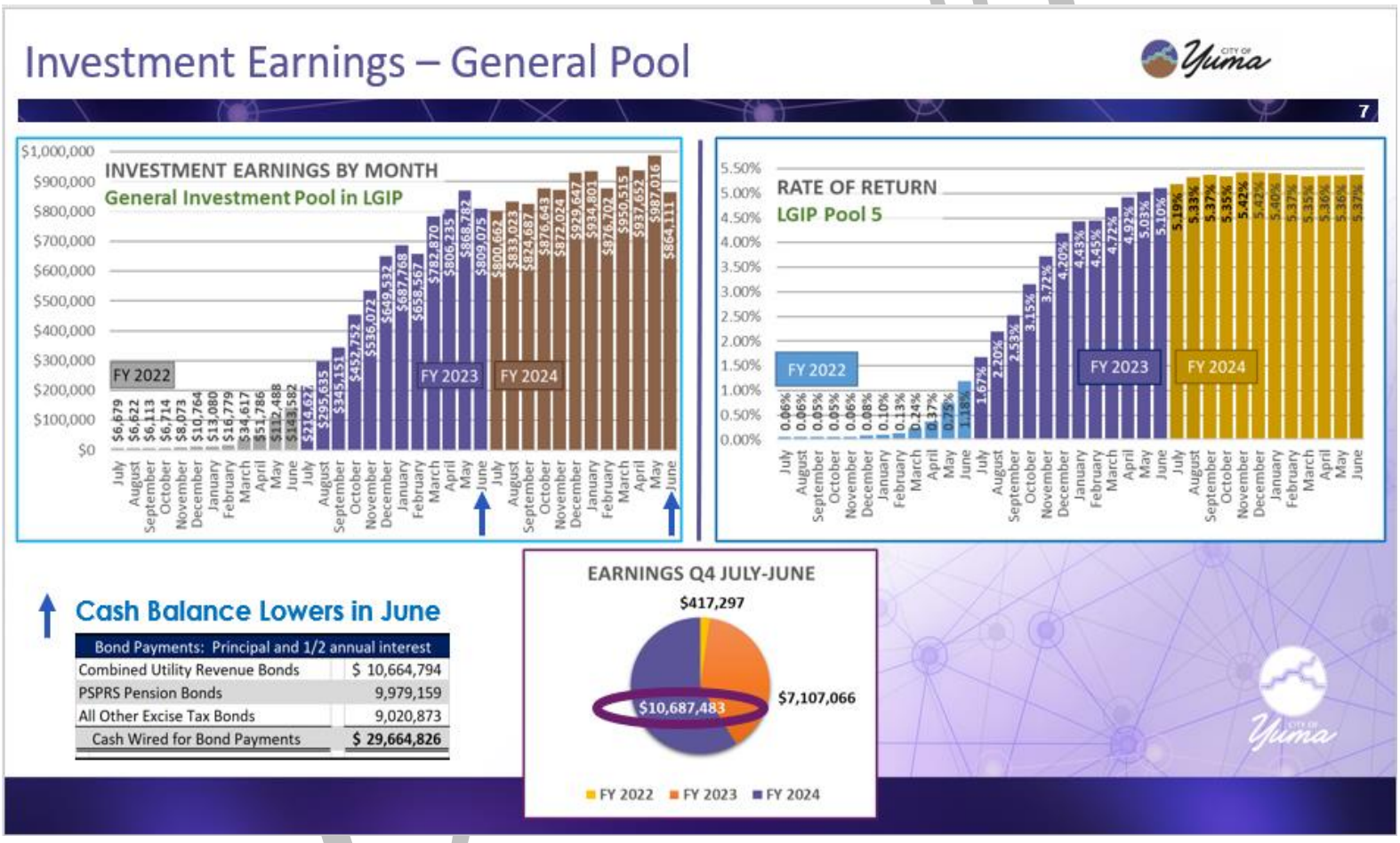
Major Revenues – General Fund



- The graph below shows how consistent the City of Yuma has been over the years, which is helpful in identifying inaccuracies in the revenue source
- 19% to 20% of revenue is collected within the first quarter each year, 30% to 31% in the second quarter, 22% to 23% in the third quarter and 26% to 29% in the fourth quarter
- In FY 2024 City Sales Tax revenue collected was 2.4% over the budget schedule
- FY 2024 was on target all year, flattened a little in Quarter 4, and slightly exceeded the budget goal at year-end



- Investment Earnings
  - The City has invested in the Local Government Investment Pool (LGIP)
  - The pool has increased significantly over the past three years due to the rate of return also increasing significantly
  - The chart shows investment earnings going down every year in June due to bond payments; bond payments were almost $30,000 this year, which lowered the investment earnings
  - Earnings in Quarter 4 from July to June were:
    - $10,687,483 in FY 2024,
    - $7,107,066 in FY 2023, and
    - $417,297 in FY 2022



- Spotlight: City Sales Tax
  - FY 2024 City sales tax is 4.6% more than FY 2023, which exceeded the budget goal of 2.2%
  - Two Percent Tax decreased by 1.2% in comparison with FY 2023

Spotlight: City Sales Tax

CITY'S 1.7% SALES TAX (1.0% General; 0.5% Road; 0.2% Public Safety)

Category as Reported by ADOR	July-June FY 2024	July-June FY 2023	July-June FY 2022	Change in FY24/FY23 $	Change in FY24/FY23 %
Retail	$ 30,250,235	$ 29,599,446	$ 28,415,599	$ 650,789	2.2%
Restaurants and bars	6,324,468	6,279,049	5,818,497	45,419	0.7%
Internet sales *	2,470,224	2,086,809	1,819,060	383,415	18.4%
Hotels	1,230,342	1,372,421	1,382,398	(142,079)	-10.4%
Utilities	2,844,571	2,681,639	2,784,152	162,932	6.1%
All other	3,436,773	3,135,856	3,050,266	300,917	9.6%
Sub-Total Recurring	**$ 46,556,613**	**$ 45,155,220**	**$ 43,269,972**	**$ 1,401,393**	**3.1%**
*Grocery ** *	7,091,646	6,821,060	5,705,262	*270,586*	*4.0%*
Residential rental leasing	552,362	562,535	343,235	*(10,173)*	*-1.8%*
At-Risk or Ending	**$ 7,644,008**	**$ 7,383,595**	**$ 6,048,497**	**$ 260,413**	**3.5%**
Construction	4,256,174	3,368,292	4,001,825	887,882	26.4%
Total City's 1.7% Tax	**$ 58,456,795**	**$ 55,907,107**	**$ 53,320,294**	**$ 2,549,688**	**4.6%**

* Internet Sales = Marketplace facilitated or remote retail sales of food for home consumption
** Grocery = Food for home consumption

TWO PERCENT TAX (2.0%)

Category as Reported by ADOR	July-June FY 2024	July-June FY 2023	July-June FY 2022	Change in FY24/FY23 $	Change in FY24/FY23 %
Restaurants and bars	$ 7,461,869	$ 7,416,879	$ 7,003,557	$ 44,990	0.6%
Hotels	1,413,955	1,569,453	1,555,799	(155,498)	-9.9%
Total Two Percent Tax	**$ 8,875,824**	**$ 8,986,332**	**$ 8,559,356**	**$ (110,508)**	**-1.2%**

Total 2% Tax for Parks is **1.2%** **lower** in FY 2024 as compared to FY 2023. After hyper growth in FY 2021 and FY 2022; estimates for FY 2024 and FY 2025 are leve PA updated Budget Goal of **0.7%** **decrease** was lower.

Overall, FY 2024 **Total City 1.7% Taxes** are **4.6%** or $2.5 million **more** than FY 2023 for the full 12 months of July-June. The FY 2024 post-audit (PA) updated Budget Goal **2.2%** **increase** was exceeded.

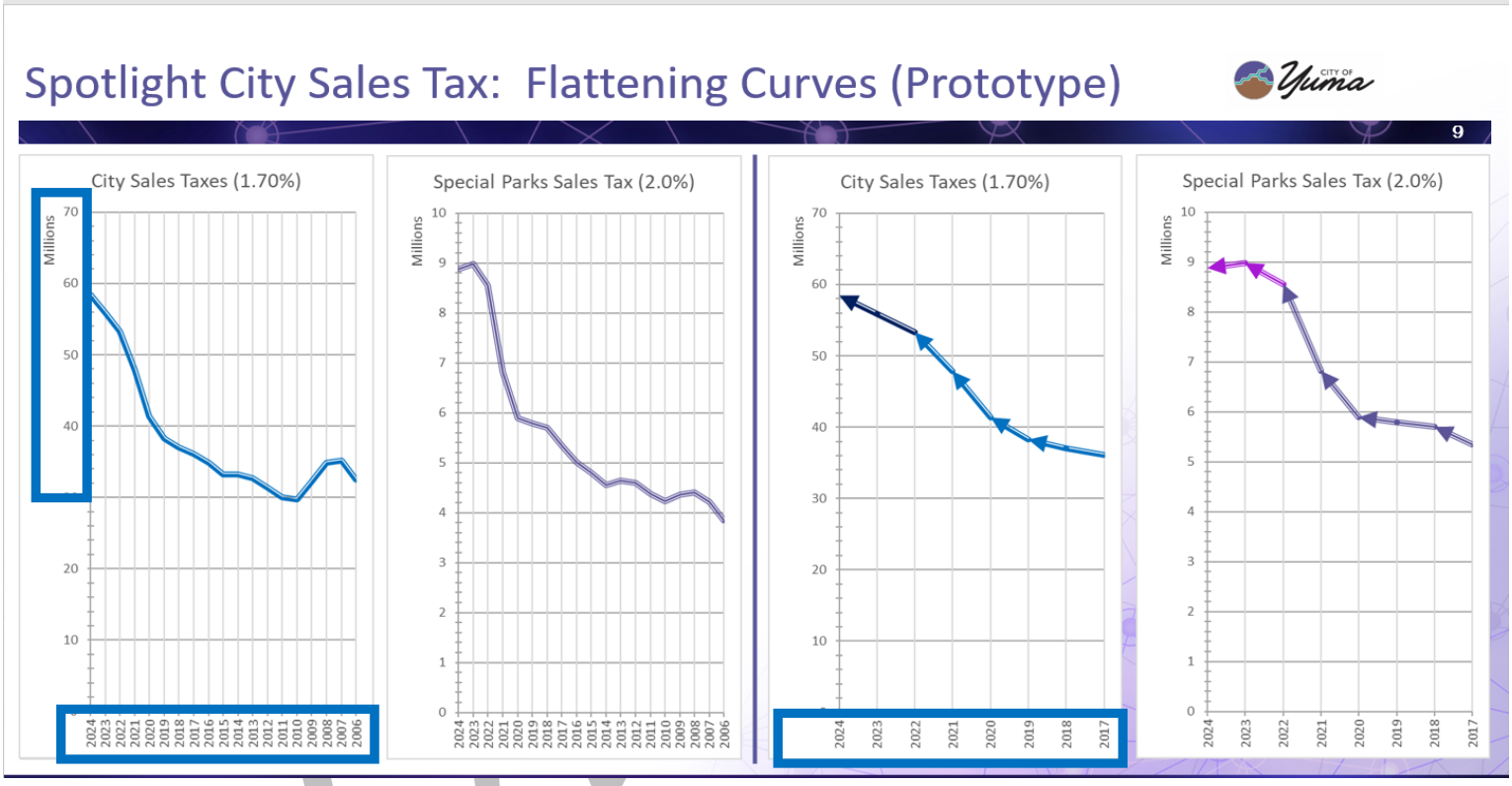
Sub-Total Recurring tax revenues, in the General, support the City's core on-going operations, personnel, small equipment, contracts, commodities and debt service.

"All other" consists of 14 categories primarily driving by Commercial Leasing, Equipment rental and Communications accounting for most of the activity.

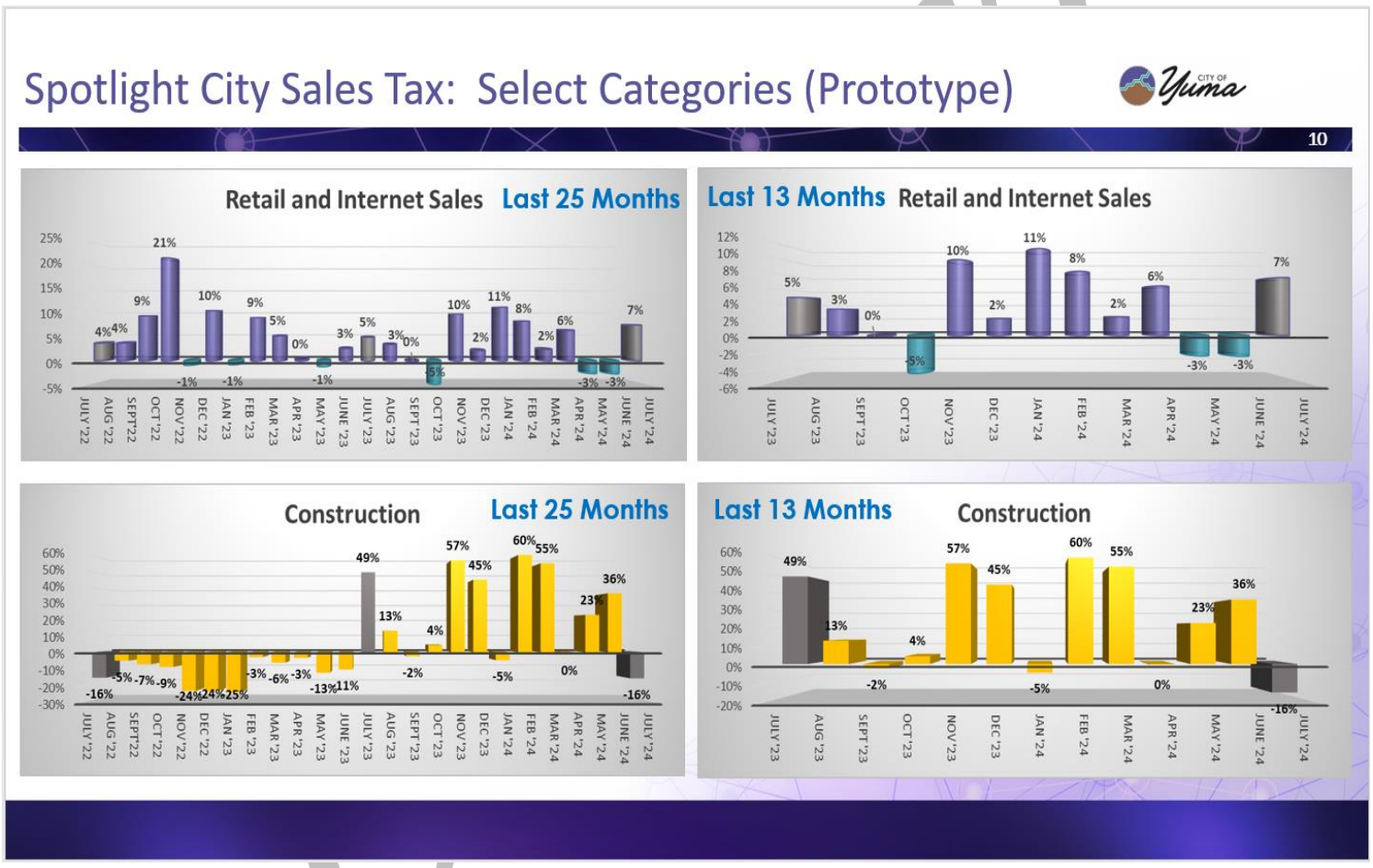
At-risk or Ending *categories have either been or are at risk of being discontinued as taxable activities.* The year-over-year change for "Food for home consumption" (Grocery) has been stabilizing. Last fiscal year FY 2023 recorded a 20% increase compared to FY 2022. Collections from *residential rental leasing* activities will cease midway through FY 2025.

Construction revenue is allocated for capital expenditures or other one-time type purchases, not core operations. This is an indicator of growth in the tax base for future property and sales taxes.

- Spotlight City Sales Tax: Flattening Curves
  - This prototype focuses on retail, restaurants and bars, internet sales, and hotel revenue; the graph gives an understanding of what it means when revenues are going flat throughout yearly budget cycles.
  - Going back to 2006 through the current year, there was a decline in City Sales Taxes in 2010; that is referred to as revenue going flat
  - When compared, City Sales Tax (1.70%) and Special Park Sales Tax (2.0%) have different paths on the graph due to Special Park Sales Tax focusing only on bars, restaurants, and hotels.
  - Since 2017 the City Sales Tax (1.70%) kept rising, and just recently the curve started flattening; it is expected to keep flattening into the next fiscal year.
  - Special Park Sales Tax (2.0%) is being monitored closely as the curve dipped lower than flat



- Spotlight City Sales Tax: Select Categories
  - This prototype looks at the changes in retail and internet sales, restaurants and bars, and hotels for the last 25 months.
    - For a look at a more recent timeline, changes are also looked at 13 months back
  - Retail and internet sales are combined into the same category seeing that consumers either shop at a store or the internet for their purchases, making it the same dollar. This also includes food purchases
  - Retail and internet sales were monitored closely in May and June of 2024 due to a 3% drop in sales for both months. In July, sales rebounded and went up 7%
  - The Two Percent Tax was also looked at in the last 25 months. Data shows hotels have been in decline for the past couple of years, and for that reason the data is being monitored closely to make sure proper mitigation is in place if needed



- Expenditures / Expenses
  - The City's FY 2024 books are still open and additional transactions are expected up to the end of August.
  - All departments are under their FY 2024 budget
  - The City's Contingency Program was successful by:
    - Adequately funding specific needs, if materialized
    - Personnel changes, pay plans, inflationary items, etc.
    - Avoids over funding line items, programs or department
    - Most departments absorbed costs without contingencies
  - There are no recommended changes to the FY 2025 budget as result of FY 2024 spending

- ARPA (American Rescue Plan Act)
  - All funds need to be obligated by December 31, 2024 (Q2, FY 2025)
  - Funds need to be spent by December 31, 2026 (Q2, FY 2027)
  - The September 18, 2024, agenda will include a Resolution for City Council's consideration to move the budget authority
  - Currently the City has spent close to $8 million with 19 projects closed
  - There is an estimated $4.5 million obligated to six projects
  - The remaining balance is close to $11.1 million and it is obligated to two projects: 4% will go to the Readiness Center Project and 96% will go to the East Mesa Community Park
  - The project listing is broken down by what needs to be obligated and expended. It also reflects the changes that will be in the Resolution that will go before City Council for their consideration to add almost $1 million to the East Mesa Community Park project

ARPA (American Rescue Plan Act)

16

ID	Project	Project Budget: Original	Project Budget: Changes	Project Budget: Amended	Actual Spending: FY 2022	Actual Spending: FY 2022/23	Actual Spending: FY 2024	Actual Spending: TOTAL	Obligate / Encumbered	Total Spent or Obligate	Available Balance
	NEED TO OBLIGATE AND EXPEND										
4	East Mesa Community Park	$ 10,000,000	$ 928,473	$ 10,928,473	$ -	$ 26,485	$ 79,269	$ 105,754	$ 175,618	$ 281,372	$ 10,647,101
11	Readiness Center AC & Gym Enhance	750,000	(308,663)	441,337	-	-		-	-	-	441,337
	OBLIGATED; NEED TO EXPEND										
1	Jobs Education Project	200,000	-	200,000	-	-	51,422	51,422	148,578	200,000	-
8	Playground Replacement Program	500,000	200,667	700,667	-	461,855	-	461,855	238,812	700,667	-
12	Kennedy Regional Skate Park	2,500,000	-	2,500,000	-	48,093	173,972	222,065	2,277,935	2,500,000	-
15	Fire Station Alerting System	250,000	5	250,005	-	-	-	-	250,005	250,005	-
25	Intelligence Trans Sys PH 1	1,500,000	-	1,500,000	-	-	107,703	107,703	1,392,297	1,500,000	-
	COMPLETED / REPURPOSED										
2	Economic Development Marketing	100,000	-	100,000	-	85,000	15,000	100,000	-	100,000	-
3	Economic Development-Small Business	200,000	(200,000)	-	-	-	-	-	-	-	-
5	City-Wide Parks Revitalization	250,000	(38,385)	211,615	-	9,442	202,173	211,615	-	211,615	-
6	Castle Park Flooring	415,000	49,135	464,135	-	464,135	-	464,135	-	464,135	-
7	Kennedy Regional Park Improvements	500,000	59,409	559,409	-	405,509	153,900	559,409	-	559,409	-
9	Ambulance	500,000	(24,787)	475,213	61,260	105,616	308,337	475,213	-	475,213	-
10	Fire Station 7 Construction	2,000,000		2,000,000	-	898,075	1,101,925	2,000,000	-	2,000,000	-
13	Ventilation System Air Purifier	53,000	(2,732)	50,268	-	50,268	-	50,268	-	50,268	-
14	East Wetlands Park Improvements	300,000	-	300,000	-	-	300,000	300,000	-	300,000	-
16	Enterprise Document Mngmnt	80,000	(80,000)	-	-	-	-	-	-	-	-
17	EnerGov Connect Portal	20,000	(20,000)	-	-	-	-	-	-	-	-
18	Audio Upgrade Portable Conference Chamber System	25,000	15,501	40,501	-	12,168	28,334	40,501	-	40,501	-
19	Fire Station-Ambulance Medical Supplies	130,000		130,000		120,638	9,362	130,000	-	130,000	-
20	Technologies Upgrades to 190	100,000	(22,708)	77,292	-	48,288	29,004	77,292	-	77,292	-
21	COVID Overtime for Public Safety	600,000	(600,000)	-	-	-	-	-	-	-	-
22	HERO Pay Bonuses	1,000,000	-	1,000,000	1,000,000	-	-	1,000,000	-	1,000,000	-
23	Boys & Girls Club Funding	100,000	-	100,000	-	100,000		100,000	-	100,000	-
24	Public Safety Trk Rehab	800,000	-	800,000	-	800,000	-	800,000	-	800,000	-
26	HHW Awning & Repaving of Maint Yd	250,000	(7,254)	242,746	-	213,915	28,831	242,746	-	242,746	-
27	Contingency	-		-	-	-	-	-			
	TOTAL ALL ARPA PROJECTS	$ 23,123,000	$ (51,339)	$ 23,071,661	$ 1,061,260	$ 3,849,487	$ 2,589,231	$ 7,499,978	$ 4,483,245	$ 11,983,223	$ 11,088,438

Final ARPA Allocation

OBLIGATE
4 Months

28 Months
SPEND

Obligate by: December 31, 2024 (FY 2025)

Spend by: December 31, 2026 (FY 2027)

- Policies and Financing
  - Items that cost $5,000 or more and have a useful life of more than one year are considered Capital Assets, that threshold was set in 2003 as part of the changes in accounting. About twenty years later, things have changed, and inflation has raised the prices of a lot of equipment items that would not be considered Capital Assets a few years back
  - Equipment accounts are now about 51% of total assets that are very low in value; for that reason, it was decided to change the threshold from $5,000 to $10,000, with the auditor's approval
  - The CIP equipment threshold change from $25,000 to $35,000 seemed the best fit for the City based on current and past assets with a useful life of three years or more. If the asset is a two-year asset, it would not qualify as a Capital Asset unless it is a grant fund
  - These changes took effect in 2024; assets that were already "on the books" will stay there until fully depreciated
  - There will be no change to land, building, Subscription-Based Information Technology Arrangements (SBITA), infrastructure, or anything else listed on the asset schedule, only to equipment. The analytics behind this is the prospective that current inventories will not be impacted
  - If changes were made in 2020 or 2023 the total asset count would have been reduced by 1,800, so total equipment assets would be 20% of the asset total. Since the value would have been reduced to 1%, it would not impact any of the value on financial statements
  - Key points:
    - Capitalization is for Financial Reporting purposes only
    - Asset Capitalization currently requires substantial labor-intensive reporting for trivial value to Financial Statements
    - Equipment is still tracked
    - $35,000 threshold fits current asset trend and benchmarked with the city's two-tier tax structure

- Capital Improvement Plan (CIP)
  - Key Points
    - Recommend increasing project threshold to $100,000 unless project is regulatory mandated, or grant funded
      - $100,000 is the benchmark for most cities
    - All projects still go through the Engineering Department
      - Engineering makes the ultimate decision to take a project before City Council for approval
    - After looking at Capital Assets, the CIP's long standing $25,000 threshold was found to be comparatively low, and a higher threshold better fits the City's CIP
      - If City Council wishes to update the threshold with a resolution, it could be brought before City Council as early as September, which for audit purposes would be the best time to make that change
    - Like capital assets, there have been changes in construction, material, and labor costs
    - Yuma County has also had a $100,000 threshold for some time

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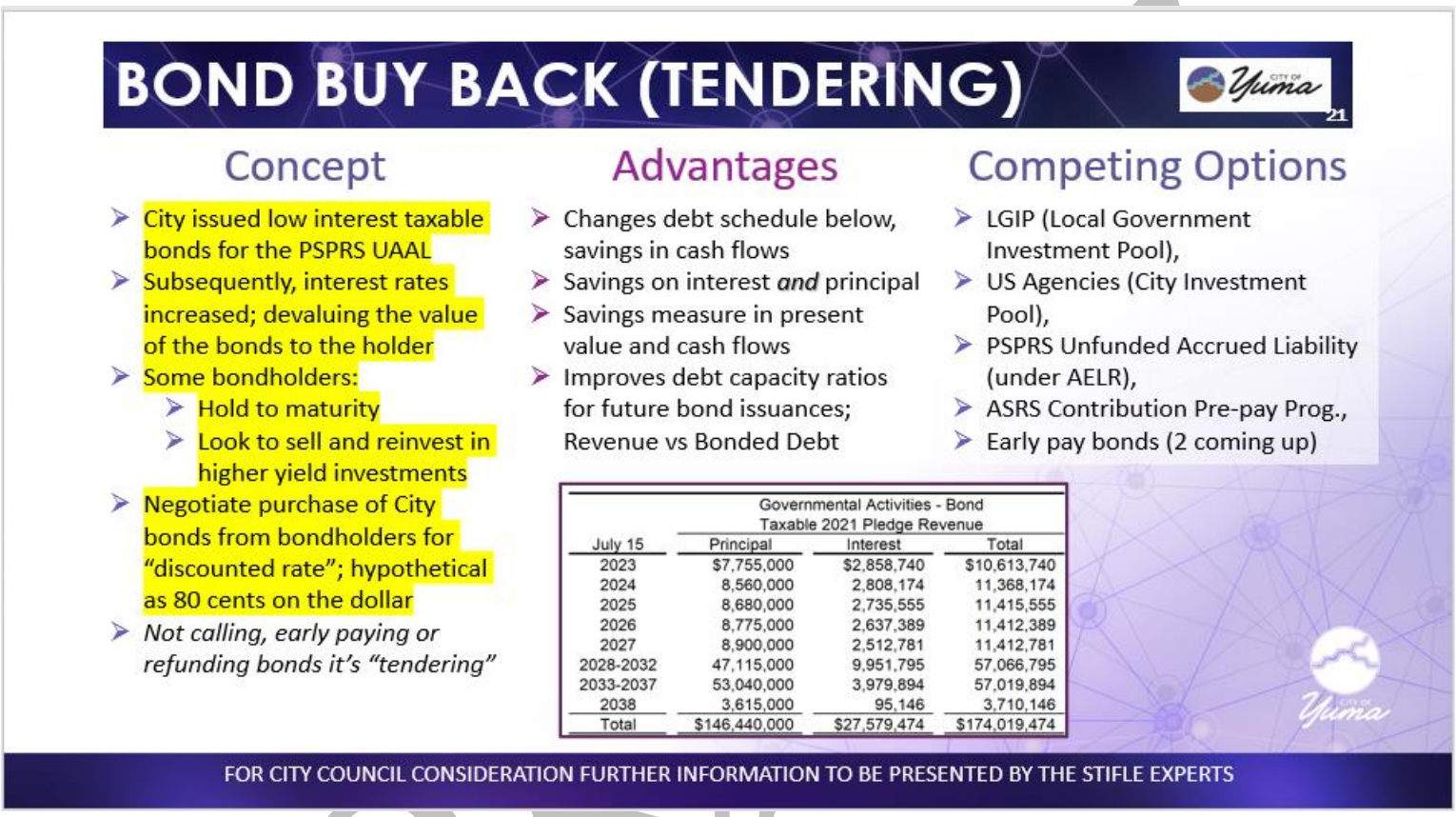
- Bond Buy Back (Tendering)
  - In 2021, the City issued low interest rate taxable bonds for the Public Safety Personnel Retirement System (PSPRS) Unfunded Actuarial Accrued (UAAL). Since then, the rates have increased which changes the value to the bond holder. With the Bond Buy-Back program the City would negotiate with bond holders to sell bonds back to the City and reinvest at a higher yield. Bond Tendering will create savings on interest and principal for the City.



	Governmental Activities - Bond Taxable 2021 Pledge Revenue		
July 15	Principal	Interest	Total
2023	$7,755,000	$2,858,740	$10,613,740
2024	8,560,000	2,808,174	11,368,174
2025	8,680,000	2,735,555	11,415,555
2026	8,775,000	2,637,389	11,412,389
2027	8,900,000	2,512,781	11,412,781
2028-2032	47,115,000	9,951,795	57,066,795
2033-2037	53,040,000	3,979,894	57,019,894
2038	3,615,000	95,146	3,710,146
Total	$146,440,000	$27,579,474	$174,019,474

Discussion

- Some of the disadvantages of the Bond Buy-Back are the competing options. If it is decided to do the Bond Buy-Back or invest with another agency, there will be a savings regardless; it is a matter of how much the savings will be compared to what they could have been. (**Mayor Nicholls/Allen**)
- Adding an inflationary adjustment to the resolution for the Asset Capitalization change is something to consider. It is a good way to move forward, get ahead, and provide fiscal efficiency by not having to come before City Council to make adjustments to the resolution. Starting the Asset Capitalization at $25,000 is a good amount to begin with, and then index year after year to stay on par with changes. (**Mayor Nicholls/Allen**)
- The drop in tax revenue was not impacted by the rental tax removal, which will take effect in January of 2025; the estimated loss due to the removal will be about half a million dollars. (**Mayor Nicholls/Allen**)
- The City of Yuma has no fiduciary responsibility for the Boys and Girls Club of the Valley. A portion of the City's ARPA money was used to assist them get up and running, but no additional

assistance is anticipated to be provided, other than the City leasing a facility to them. (**Shelton/ Simonton**)

- It was estimated that the revenue of the 2% Tax would be less in FY2025 compared to FY2024. (**Morris/Allen**)
- The construction tax is related to the Transaction Privilege Tax (TPT) or the sales tax. Property tax is collected by the Assessor's and Treasurer's Office. New construction is included in the levy that is set once a year. Property Tax compares the revenue that was collected and not the levy. When the revenue estimate is done, it is based on the levy and what the back collections have been historically to come up with the anticipated revenue. The anticipated revenue came in much lower than expected this Fiscal Year. (**Morales/Allen**)
- When going through the budget process, a Capital Contingencies and Reserves account was set up to deposit one-time money and have a reserve in the event of an economic downturn. (**Morales/Allen**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.1 – Bid Award: Yuma Police Storage Facility (authorize the City Administrator to execute a contract for Yuma Police Storage Facility construction services to the lowest responsive and responsible bidder in the amount of $6,309,361.88 for the base bid to Yuma Valley Contractors, Inc., Yuma, Arizona) (Eng/Purch)

Morales declared a conflict of interest and left the dais.

Discussion

- The Yuma Police Department currently occupies two old buildings within the City for storage. With approximately 78 cars in storage, the buildings are running out of space. The Public Safety Training Facility site gives the police department the opportunity to build a new storage building on site and expand the storage area in the future if needed. (**Smith/Garrity**)

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

Morales returned to the dais.

Motion (Smith/Morales): To approve the Motion Consent Agenda as recommended, with the exception of Item C.1, which was approved through a separate vote. Voice vote: **approved** 7-0.

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

Regular Council Worksession Minutes	June 25, 2024
Regular Council Meeting Minutes	July 17, 2024

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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. Pulled for separate consideration; see above.

2. Award a one-year contract for purchasing of Heating, Ventilation and Air Conditioning (HVAC) services, with an option to renew for four additional one-year periods, to the three responsive and responsible bidders (depending on the appropriation of funds and satisfactory performance), for an estimated annual expenditure of $345,000.00 to Polar Cooling of Yuma, Arizona, Hansberger Refrigeration of Yuma, Arizona, and Trane US, Inc. of Tucson, Arizona. (RFB-24-307) (Facl Mgmt/Purch)

3. Authorize the City Administrator to enter into a one-year janitorial supplies and services agreement with an option to renew for up to four additional years with Waxie Sanitary Supply of San Diego, California, utilizing a Cooperative Purchase Agreement through the Mohave Cooperative Agency at an estimated annual expenditure of $240,000.00. (CPA-25-013) (Facl Mgmt/Purch)

4. Authorize the use of the State of Arizona Cooperative Purchase Agreement for a three-year Small Government Enterprise Agreement (SGEA) for a total expenditure of $204,000 to: Environmental Systems Research Institute, Inc. (Esri) Redlands, California. (CPA-25-001) (IT/Purch)

5. Authorize the purchase of two annual renewals of the ClearGov CIP budgeting software subscription through ClearGov, Maynard, Massachusetts, utilizing BuyBoard Cooperative Purchase Agreement for an estimated annual expenditure of $35,000.00. (CPA-22-001) (Eng/IT/Purch)

6. Authorize the renewal of the annual software subscription for a total expenditure of $171,395.83 to: Tyler Technologies, Inc., Dallas, Texas (RFP-2011000118) (Fin/IT/Purch)

II. RESOLUTION CONSENT AGENDA

Resolution R2024-041 – Intergovernmental Agreement: Yuma County – Design Concept Report (authorize the City Administrator to sign an Intergovernmental Agreement (IGA) with Yuma County authorizing a Design Concept Report for a 40th Street minor arterial roadway between Avenue 6E and Fortuna Road) (Eng)

Mayor Nicholls declared a conflict of interest due to his firm engaging in the Design Concept Report, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

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Discussion

- This project is for the future of the 40th Street corridor. The project area is from Avenue 6E to Fortuna Road. In a joint effort with Yuma County, a Design Concept Report and an Environmental Assessment will be done to look at the costs, impacts, and to define what the project will be. (**Shelton/Wilson**)
- The project will consist of making a future arterial the length of 40th Street, from Avenue 6E to Fortuna Road, crossing over State Route 195 in a grade separated structure. The plan includes a five-lane roadway to facilitate east and west travel and help ease traffic on the Frontage Road system. This is a long-term project with a budget of $60 to $70 million. Federal monies from outside grants will be needed to fund this project and future road projects. To align with federal funding requirements, a Design Concept Report and an Environmental Assessment will be done. (**Shelton/Wilson**)
- It is expected to align this project with the Yuma Metropolitan Planning Organization's Long-Range Transportation Plan, which is looking at the year 2045 for completion. (**Shelton/Wilson**)
- A grant for $30 million for the bridge over State Route 195, and a $70 million grant for the stretch of road from 6E to Fortuna Road have been recently applied for. A response has not been received, but there are hopes of an approval to help fund the project and take some strain off Fortuna Road. (**Morris/Wilson**)

Motion (Smith/Morales): To adopt Resolution R2024-041 as recommended.

Bushong displayed the following title(s):

Resolution R2024-041

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Yuma County for the Design Concept Report of 40th Street from Avenue 6E to Fortuna Road (to improve the efficiency of movement, reliability, and safety of the traveling public) (Eng)

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

Mayor Nicholls returned to the dais.

Motion (Morris/Smith): To adopt Resolution R2024-042 as recommended.

Bushong displayed the following title(s):

Resolution R2024-042

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Assistance Agreement with Bureau of Reclamation for the Yuma East Wetlands Long Term Efficiency of Operations Project (to allow the City of Yuma, the Bureau of Reclamation, and the Yuma Crossing National Heritage area to develop planning efforts for Phase I of the Yuma East Wetlands Long Term Efficiency of Operations Project) (Eng)

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

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III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-018 – Acceptance of Historic Properties (Authorize the City of Yuma to acquire ownership of: (1) the Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma Arizona, and (2) the Molina Block located at 272 Madison Avenue, Yuma, Arizona from the Arizona Historical Society) (Admn)

Shoop called for a motion to continue Ordinance O2024-018 to a future meeting until there is more information in relation to money and the City budget. The motion died for a lack of second.

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

Bushong displayed the following title(s):

Ordinance O2024-018

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of certain historic properties (Senate Bill 1441 requires the City of Yuma to use the transferred land and buildings "for public purposes perpetually" and forbids the property from being "sold, exchanged or bartered") (Atty/Admn)

Ordinance O2024-027

An ordinance of the City Council of the City of Yuma, Arizona, amending the list of conditional uses within the General Commercial Zoning District in Chapter 154 of the Yuma City Code (to include cemeteries on a minimum area of 15 acres as a conditional use) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-1, **Shoop** voting Nay.

IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Morales/Smith): to appoint Keith "Kwadwo" Stevenson to the Parks, Arts, and Recreation Commission, with a term expiring December 31, 2025. Voice Vote: **Approved** 7-0.

Announcements

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

- Yuma Public Safety Police Board – Police Public Safety Personnel Retirement System (PSPRS) Meeting
- Greater Yuma Water Safety Alliance Meeting
- Arizona Western College Foundation Annual Retreat
- Greater Yuma Economic Development Corporation Annual Retreat
- Yuma Crossing Heritage Area Executive Committee Meeting
- Attainable Housing Committee Meeting
- Joint Land Usage Plan (JLUP) Fact Finding Meeting with Marine Corps. Air Station - Yuma
- Meet and Greet the Mayor of Puerto Peñasco in the City of Somerton
- The Yuma 50 Annual Meeting (Virtual)

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- Meeting with the San Luis Port Director, Chris Leon
- Mayor's Economic Think Tank Meeting

Scheduling – No meetings were scheduled at this time.

V. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- August 22nd and 29th, 2024 - Joint Land Usage Plan Public Open House at City Hall

Simonton informed the community the Parks & Recreation activities guide will be available this month, and of the Mayor's International Bike Ride scheduled for October 26th.

VI. CALL TO THE PUBLIC

The following people spoke regarding their opinion on public input being overlooked by City Council.

- **Cynthia Tovar**, City resident
- **Alea Hassin**, City resident

Tommy K. Morgan, City resident, spoke about City Ordinances regarding canopy shades.

VII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:37 p.m. No Executive Session was held.

_____
Lynda L. Bushong, City Clerk

APPROVED:

_____
Douglas J. Nicholls, Mayor

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

DRAFT

City of Yuma

City Council Report

File #: TMP-3751 **Agenda Date:** 10/2/2024 **Agenda #:** 2.

Regular Council Meeting Draft Minutes September 4, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 4, 2024
5:30 p.m.

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CALL TO ORDER

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

INVOCATION/PLEDGE

Samuel Loveless, Second Councilor, Yuma Arizona Stake Presidency of the Church of Jesus Christ of Latter-day Saints, gave the invocation. **Sergeant Major David Potter**, Marine Corps Air Station Yuma, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:	Morales, Smith, McClendon, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent:	None
Staffmembers Present:	Acting City Administrator, John D. Simonton
	Director of Finance, Doug Allen
	Chief Information Officer, Isaiah Kirk
	Various Department Heads or their representative
	City Attorney, Richard W. Files
	City Clerk, Lynda L. Bushong

FINAL CALL

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

PRESENTATIONS

Reading of Library Card Sign-Up Month Proclamation

Mayor Nicholls read a proclamation declaring September Library Card Sign-Up Month and encouraged everyone to sign up for their own library card.

Ashley Jones, Director of the Yuma County Library District, thanked City Council for the proclamation and highlighted some of the current and upcoming resources available at the library locations throughout Yuma and online.

Briefing on the upcoming Marine Corps Air Station-Yuma (MCAS-Yuma) WTI Exercise

Colonel Jarred Stone, Commanding Officer of MCAS-Yuma, expressed appreciation for the relationship that exists between the City and MCAS-Yuma. Use of City facilities not only provides marines with a realistic training experience but is also an opportunity for citizens to see firsthand some of the training that takes place in Yuma.

Major Sean Graham, Foreign Humanitarian Assistance (FHA) Evolution Coordinator, played a video showcasing previous Weapons and Tactics Instructor (WTI) course 2-24, and provided the following information on the upcoming WTI 1-25:

- Overview
  - From September 8th through October 28th, WTI students will conduct operations in and around Yuma
  - The flight phase will take place September 25th through October 26th
- Purpose
  - To prepare marine aviation personnel for various combat environments by exposing them to a realistic and challenging training course
- WTI Operating Area
  - As far north as Utah, east to Fort Huachuca, and west to the Pacific Ocean

- WTI Course
  - Seven-week course
    - Academic Phase – 19 days
    - Flight Phase – 30 days
  - WTI Instructors
    - Marine Air-Ground Task Force Integrator
    - Risk Manager
    - Unit Training Officer
    - Weapon System Expert

- Student Composition
  - Aviator
  - Aviation Command and Control
  - Intelligence
  - Aviation Ground Support
  - Infantry and Ground Combat Arms
  - Aircraft Maintenance / Ordnance
- FHA Evolution
  - Monday, October 7 from 6 pm – 10 pm
    - Sikorsky Ch-53E Super Stallion and CH53K King Stallion heavy lift helicopters
    - Crane Middle School and Kiwanis Park
  - Evolution Coordination
    - Passenger Movement
    - Local Agency Integration
      - Yuma Police Department
      - Yuma Fire Department
      - Parks and Recreation Department
    - All Federal Aviation Administration Regulations will be followed

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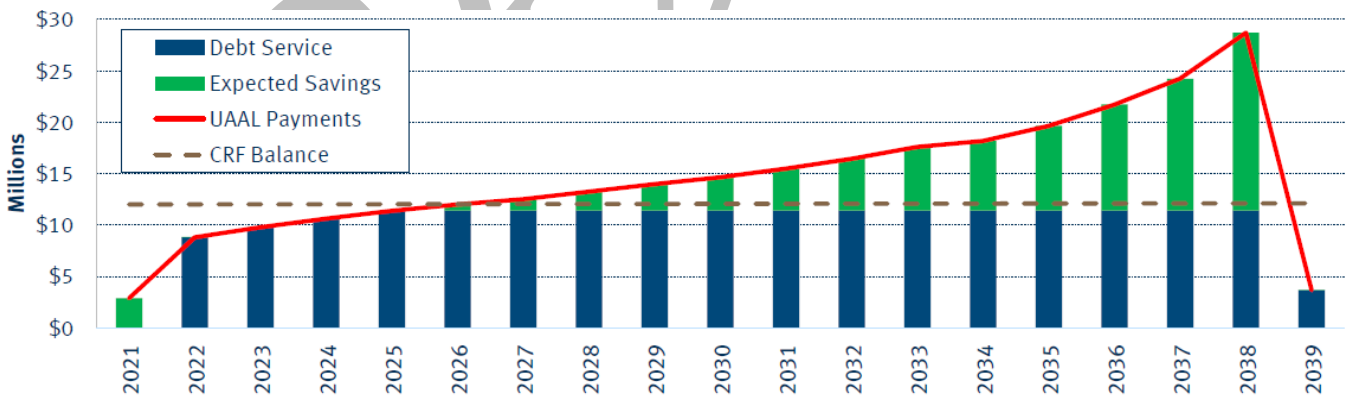
<u>Bond Buy-Back Program Presented by Stifel</u>

Allen introduced **Mark Reader**, Managing Director with Stifel Public Finance (Stifel), who presented the following overview of the potential bond buy-back program:

- Series 2021 Pledged Revenue Bonds: Summary of Financing Results
  - Due to market conditions and quick action, the City was able to borrow at a rate of 2.381%, which includes all issuing expenses
    - In comparison, the current 10 Year Treasury Rate is 3.85%
  - This led to an expected savings of 49%, or $72 million
  - The City has received an annualized return of 7.63% to date



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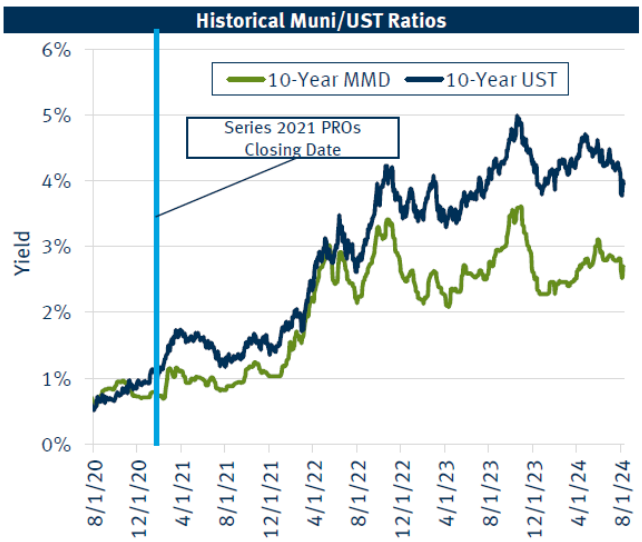
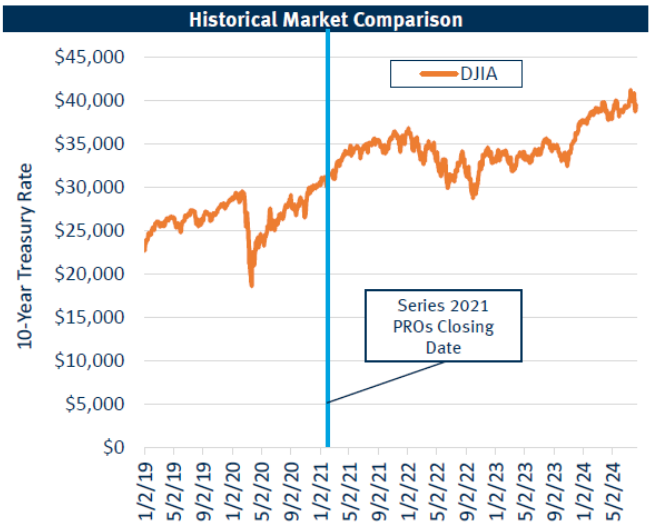
- Market Comparison: 2021 Revenue Bonds Pricing vs. Today
  - Treasury rates have increased considerably since the bonds were issued





- Potential Use of Short-Term Invested Cash: Summary
  - The City has an opportunity for significant savings through a bond buy-back
    - As rates have increased, prices have decreased
    - Investors who hold the bonds may be willing to sell them back at a lower price
      - This would allow them to minimize their loss and reinvest those funds
  - The City could potentially buy some of the bonds back at a lower price than they were initially sold
    - Must act quickly as the Federal Reserve has announced impending rate cuts
- Cash Buy-Back of Taxable Series 2021 Revenue Bonds
  - $10 million could buy back up to $11.81 million of the City's Taxable Series 2021 bonds
    - The City could go higher or lower than $10 million, but going much lower would lose the benefit of the scale needed to generate market attention
  - Interested bondholders would have the option to offer some of their bonds for sale back to the City, and the City could then select the best offers
  - There is some ability to shape how the City receives the savings
    - A long-term savings scenario would maximize the Net Present Value (NPV) the City can achieve
    - An accelerated savings scenario would achieve a smaller NPV, but the benefit would be seen more up front

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	Long Term Savings Case		Accelerated Savings Case	
Date	Cash Flow Savings	NPV @ 3.00%[4]	Cash Flow Savings	NPV @ 3.00%[4]
Today	-$10,000,000	-$10,000,000	-$10,000,000	-$10,000,000
6/30/2025	$155,354	$153,970	$102,373	$101,461
6/30/2026	$310,708	$301,196	$1,030,683	$1,005,105
6/30/2027	$310,708	$292,423	$2,183,930	$2,069,408
6/30/2028	$310,708	$283,906	$2,155,750	$1,983,404
6/30/2029	$310,708	$275,637	$2,122,770	$1,896,391
6/30/2030	$310,708	$267,609	$105,280	$90,676
6/30/2031	$310,708	$259,814	$105,280	$88,035
6/30/2032	$310,708	$252,247	$105,280	$85,471
6/30/2033	$310,708	$244,900	$105,280	$82,982
6/30/2034	$310,708	$237,767	$105,280	$80,565
6/30/2035	$2,901,163	$2,170,032	$978,633	$732,003
6/30/2036	$2,886,349	$2,096,439	$980,011	$711,811
6/30/2037	$2,894,758	$2,041,687	$980,731	$691,714
6/30/2038	$2,886,260	$1,976,773	$980,793	$671,736
6/30/2039	$927,041	$616,467	$314,080	$208,858
Total	$5,447,293	$1,470,865 / 14.71%	$2,356,154	$499,619 / 5.00%

        - The long-term savings scenario could reduce debt service by $15,447,297, while the accelerated savings scenario could reduce debt service by $12,356,154
- Considerations Associated with a Tender
    - Investor Participation
        - When an issuer initiates a tender offer, the issuer invites holders of the bonds to offer them for purchase by the issuer
        - Bondholders are not required to offer their bonds for purchase by the issuer
        - Similarly, the issuer is not required to purchase all or any bonds offered by any bondholder
    - Market Conditions
        - The potential benefit may change as market conditions change
    - Cost Incurred to Initiate Tender
        - Stifel has agreed to work at risk, meaning they will not get paid if there are no transactions
        - However, a non-refundable $5,000 cost for the Tender and Information Agent will be required to begin the process

<u>Discussion</u>

- This opportunity was created by rates almost doubling since the bonds were issued in 2021; the market is expecting a rate reduction of 100 basis points, or 1%, by the end of the year (**Mayor Nicholls/Reader**)
- Based on current conditions, it is likely that there will be enough bondholders willing to sell their bonds back to create competition, allowing the City to choose the best offers; conditions may change as time passes, so acting soon is in the City's best interest (**Morales/Reader**)
- If the City were to act immediately, the lead time for the bond buy-back would be about three weeks; City Council could direct staff to begin preparing the required documents pending a decision, which would shorten that window a bit in the event they decide to proceed (**Morris/Reader**)

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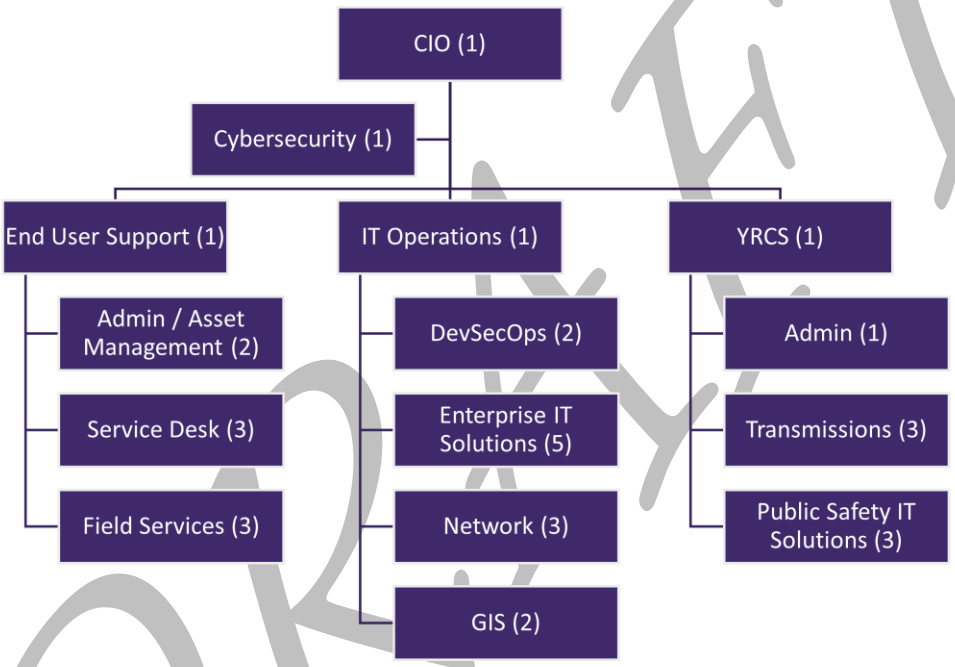
- The information presented tonight was based on the assumption that the City allocates $10 million for the bond buy-back; if that amount were doubled, the benefit to the City would also double (**Morris/Reader**)
- As various investments mature, the City has money coming in that can be used for the bond buy-back; information on how much money is available will be provided to City Council (**Mayor Nicholls/Allen**)

Information Technology Department Update

Kirk presented Information Technology's Fiscal Year (FY) 2024 update as follows:

- Organizational Structure
  - 24 full-time employees
  - One additional full-time employee will be added in January 2025



- Service Uptime/Availability Overview
  - Goal of 99.8% service availability has been exceeded the past two years
    - FY 2023 – 99.9%
    - FY 2024 – 99.96%
      - This equates to only three hours and 28 minutes of downtime throughout the year, or four minutes per week
- Tickets Created and Completed
  - Over 7,300 tickets were completed in FY 2024
    - Decrease of 25% from FY 2023 due to changes made to how requests are processed
    - Efforts are being made to be proactive and reduce red tape to allow employees to do more for themselves without IT's involvement
  - Achieved average resolution time to 11.25 hours in FY 2024
    - Decreased 55.5% from average resolution time of 24 hours in FY 2023
  - Ratio of requests to incidents is 6:1

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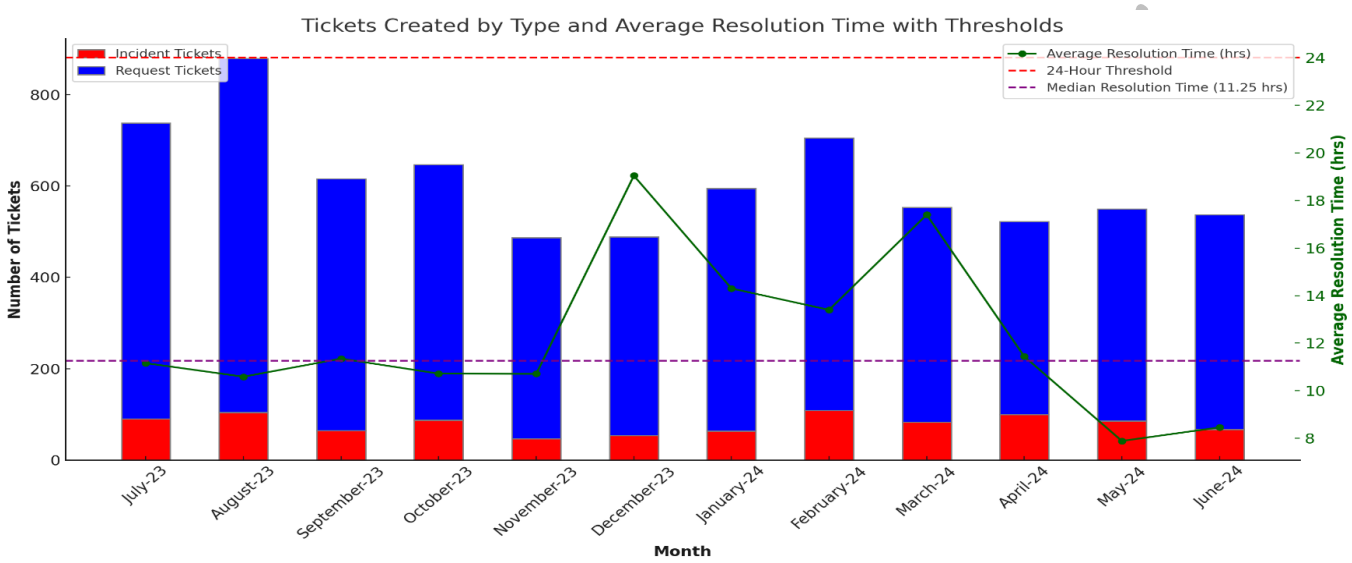
        - Requests include the need for new products and services, employee onboarding and offboarding, etc.
        - Incidents include issues with products and services not working properly
    - Goals in FY 2025 are to decrease tickets by 20% and work towards a request to incident ratio of 4:1



- Tickets by Department and Time of Day
    - One Technician moved into the Yuma Police Department (YPD)
        - While YPD accounts for almost 25% of the tickets submitted, they account for about 30% of equipment
        - Dedicated technician located at YPD helps to quickly resolve tickets by eliminating travel time
    - IT Liaisons established in every department to empower departments to take care of simple fixes themselves and provides information to IT on their department's needs

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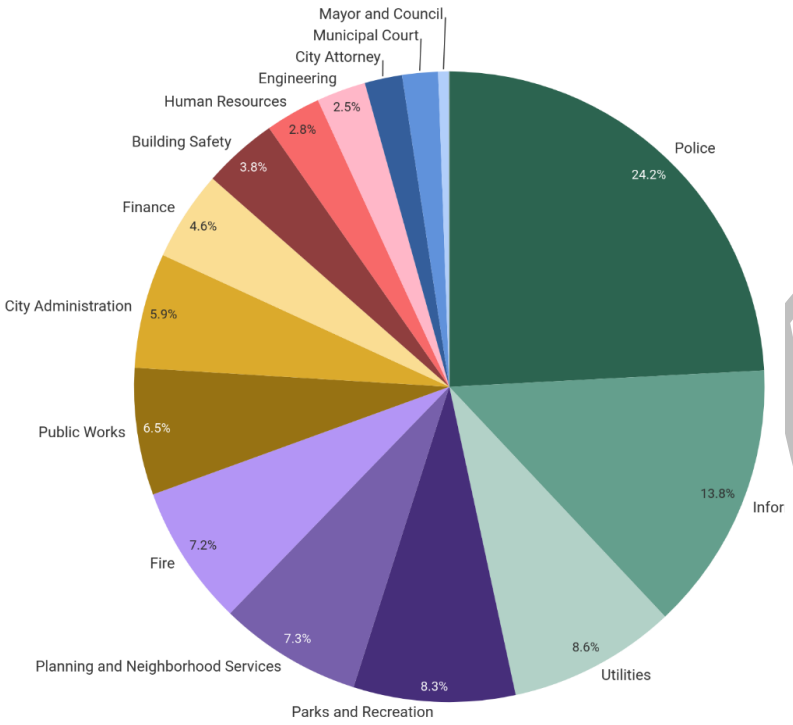

- Deployment of New Services
  - Windows 11
    - Deployed to all systems in 2023
      - Microsoft identified Windows 10 as being end-of-life in 2025 and will no longer provide software updates, technical assistance, or security fixes
    - Turned on Advanced Features, which allows IT to deploy new features as they are released by Microsoft, as opposed to being months behind
  - Microsoft 365
    - All Microsoft Office products are now in the cloud, allowing employees to access them from any location
  - One Drive
    - Enabled the migration of 3.3 million files, or 35.3 terabytes, from the City's servers to the cloud
    - Employees can access their files from any computer at any location
  - Microsoft Teams
    - Replaced Zoom for virtual meetings and allows collaboration across the City
    - Added a chat feature, which has reduced the number of emails and voicemails
    - Allows for employees to collaboratively edit documents in real time
- Inbound Email Protection
  - Of the 7.3 million emails that hit the City's gateway, only 2.3 million are delivered
  - 99.95% pre-delivery protection
    - Threats are detected and eliminated prior to arriving at the user's inbox
  - 0.045% post-delivery protection
    - Security continues to be monitored and threats can be identified after delivery
  - 0.005% manually protected
    - End users identify and report suspicious emails
- Modernize Applications and Integrations

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- Automation of routine processes
  - Including employee onboarding and offboarding and ordering of approved products
- Single Sign-On (SSO)
  - Users can access multiple applications and websites without logging in to each one individually
- Creation of DevSecOps Team
  - Integration of Development, Security, and Operations teams for faster, more efficient deployment of products

Discussion

- Multi-factor authentication helps to keep the City secure as more products become cloud-based; the version of Microsoft 365 that the City uses is only available within the United States, so access will be denied to users who try to log in from another country (**Mayor Nicholls/Kirk**)
- iPads are replaced every four to five years; while an iPad may continue to work for 10 years or more, Apple stops providing updates for iPads after five years (**Shoop/Kirk**)
- IT was able to get all City systems up and running in less than 24 hours after the recent CrowdStrike incident, with public safety dispatch being the first area that was addressed (**Simonton**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.4 – Cooperative Purchase Agreement: Freshworks Freshservice Enterprise IT Ticketing Software (authorize a three-year subscription for a total estimated expenditure of $260,000.00) (CPA-25-04) (IT)

Discussion

- If approved, this software subscription will help manage and automate the request and incident tickets submitted to IT (**Mayor Nicholls/Kirk**)

_____

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

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

Special Council Meeting Minutes	August 13, 2024
Regular Council Worksession Minutes	August 20, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

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1. Approve a Series #12: Restaurant Liquor License application submitted by Feifei Zhao, agent for Oriental House located at 2951 S. 4th Avenue. (LL24-11) (Admn/Clk)

2. Approve a Series #06: Bar Liquor License application submitted by Maria Stefanakos, agent for A Swanky Place LLC located at 3950 W. 24th Street. (LL24-10) (Admn/Clk)

3. Authorize the purchase of HDPE Pipe to the lowest responsive and responsible bidder, Ferguson Waterworks of Yuma, Arizona in an amount of $189,777.00 (excluding tax) for the Desert Hills Golf Course irrigation upgrades. (RFB-25-024) (Eng/Purch)

4. Authorize the use of the State of Arizona Cooperative Purchase Agreement for a three-year IT Ticketing Software subscription for a total estimated expenditure of $260,0000.00 to: CDWG, Chicago, IL. (CPA-25-094) (IT/Purch)

5. Authorize the City Administrator to execute a one-year contract for pavement preservation services with the option to renew for four additional one-year periods, one year at a time, depending on the appropriation of funds and satisfactory performance, to the following contractors: Cactus Asphalt, Tolleson, Arizona; Holbrook Asphalt Company, St. George, Utah; Sunland Asphalt & Construction, LLC., Phoenix, Arizona and VSS International, Inc., West Sacramento, California, for an estimated annual expenditure of $2,354,000.00. (RFQ-24-350) (Pub Wks/Purch)

6. Authorize the City Administrator to sign a participation letter allowing the Yuma Police Department to participate in the Department of Defense Law Enforcement Support Office (LESO) Program, otherwise known as the 1033 Program. (YPD/Admn)

7. Authorize the City Administrator to execute five subrecipient Agreements for fiscal year 2024-2025, totaling $317,824.0, awarding CDBG and HOME funding in accordance with the Annual Action Plan adopted by City Council on June 26, 2024. (Plng & Nbhd Svcs/Nbhd Svcs)

8. Approve an Infrastructure and Services Report for Annexation Area No. ANEX-42924-2024, identified as the Irwin Trust Annexation, located in the vicinity of E. 28th Street and S. Rebecca Avenue. (Plng & Nbhd Svcs/Cmty Plng)

II. RESOLUTION CONSENT AGENDA

Resolution R2024-044 – Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (to provide the framework for achieving equal access to the City's facilities, programs, services, and activities within a reasonable timeframe) (Eng)

Mayor Nicholls declared a conflict of interest regarding Resolution R2024-044 as his firm works with the consultant performing the contract, turned the meeting over to Deputy Mayor Morris, and left the dais.

Motion (Smith/Morales): To adopt the Resolution R2024-044 as recommended.

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Bushong displayed the following title:

Resolution R2024-044

A resolution of the City Council of the City of Yuma, Arizona, adopting the 2023 Americans with Disabilities Act (ADA) Self -Evaluation and Transition Plan (approved plan will serve as a guide for the City of Yuma to improve access to the City's facilities, programs, and services to individuals with disabilities) (Eng)

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

Mayor Nicholls returned to the dais.

Motion (Morales/Smith): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2024-044 which was adopted through a previous vote.

Bushong displayed the following titles:

Resolution R2024-045

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing the execution of an addendum to the Real Property Exchange and Development Agreement with Southgate Mall, LLC (to allow for the location of a new freestanding sign in a manner which is safe for pedestrians and motorists and supports the needs of the area businesses) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-047

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing a Lease and Operating Agreement with the Yuma County Historical Society for the City-Owned properties located at 240 South Madison Avenue and 272 Madison Avenue (the partnership ensures that Yuma's historical sites are not only preserved for future generations, but also remain accessible and engaging for both residents and visitors) (Admn)

Resolution R2024-048

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the City of Yuma, Title VI Implementation Plan 2025-2028 (to ensure the City of Yuma does not discriminate based on race, color or national origin and establishes mechanisms for identifying and addressing any such Title VI complaints) (Eng)

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

III. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2024-028

An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 6, Township 9 South, Range 22 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Heavy Industrial (HI) Zoning District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona revised

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statutes as amended (two parcels and adjacent 28th street right-of-way consisting of approximately 29.4 acres located in the vicinity of East 28th Street and South Rebecca Lane) (Plng & Nbhd Svcs/Cmty Plng)

IV. INDUSTRIAL DEVELOPMENT AUTHORITY HOSPITAL REVENUE BOND SERIES 2024A

Resolution R2024-048 – Industrial Development Authority Hospital Revenue Bonds Series 2024A (approve the issuance of bonds by the Industrial Development Authority not to exceed $310,000,000 for Yuma Regional Medical Center) (City Atty)

Smith and **Morales** declared conflicts of interest on Resolution R2024-048 and left the dais.

Files reminded City Council that the proposed resolution includes an emergency clause, which requires an affirmative vote of at least five Councilmembers to make the resolution effective immediately.

Trevor White, attorney for the Industrial Development Authority (IDA), presented the following information:

- The IDA is a subcommittee of the City of Yuma comprised of five members who have been appointed by City Council
- The Series 2024A bonds, which shall not exceed $310 million, will allow Yuma Regional Medical Center (YRMC) to finance various projects in the City of Yuma and the City of San Luis
- The bonds do not constitute any indebtedness of the State of Arizona, the IDA or the City of Yuma; neither the City nor the IDA will be held liable for payment of the principal or interest on these bonds
- The bonds will be underwritten by the Bank of America and JP Morgan Chase and will be sold through a public offering
- The IDA has held two Special Meetings at which the issuance of the bonds was approved unanimously
- A public hearing was held as required by law, at which no comments or objections were made
- If approved, the bonds will provide for:
    - The construction of a health professions building, site improvements, and surface parking on property owned by YRCM on the southeast corner of Avenue A and West 24th Street
    - The acquisition of land and construction of a micro hospital in San Luis
    - The construction of a behavioral health building on property owned by YRMC at 7214 East 31st Place
    - The replacement of clinical laboratories, expansions and improvements of certain departments, and renovations in a number of facilities
    - The refund of roughly $50 million of previously issued Series 2014A bonds
- These long-term, fixed-rate, fully amortizing securities will have a proposed maturity of 30 years and will have a rating of at least "A" by both Standard and Poor's (S&P) and Fitch

Discussion

- These bonds will be secured by YRMC's revenue, which includes both current revenue and anticipated future revenue increases (**Mayor Nicholls/White**)

Vernon Moore, Chief Financial Officer at YRMC, joined White at the podium.

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Continuing Discussion

- The behavioral health building will be utilized for an adult intensive outpatient program; YRMC will also have a new psychiatry residency program starting in a few years (**Mayor Nicholls/Moore**)
- The health professionals building is a classroom space; the first floor will be a simulation lab, and the second floor will belong to Arizona Western College (**Mayor Nicholls/Moore**)
- The Mayor of San Luis signed off on the land acquisition and construction of the micro hospital because it will be located in San Luis; this was facilitated through San Luis' City Administrator and City Attorney (**Mayor Nicholls/White**)
- Approval of the emergency clause would allow for quicker issuance of the bonds; the plan is to go to market on September 19th (**Mayor Nicholls/White/Moore**)
- YRMC currently has about 24 adult inpatient mental health beds and no juvenile inpatient beds; the psychiatry residency program should help increase the number of psychiatrists available in Yuma and allow YRMC to expand its facilities and operations to potentially include juveniles in the future (**Shelton/Moore**)
- By working with the IDA, YRMC receives the benefits associated with tax free municipal bonds; should anything go wrong with the bonds, the City and the IDA will be indemnified and held harmless (**McClendon/White**)
- The bonds will have no impact on the City's budget; when the bonds are purchased, the IDA receives the proceeds and then loans them to YRMC, subject to a loan agreement (**McClendon/ White**)
- Bond rates are expected to increase as the November 2024 election approaches; advisors from the Bank of America would like the bonds to go to market as soon as possible after the Federal Reserve meeting on September 18th (**Morris/Moore**)
- Approval of the emergency clause requires five affirmative votes, regardless of any conflicts of interest that have been declared; the resolution can be adopted without the emergency clause, but will go into effect 30 days later instead of immediately (**Moore/Files**)
- YRMC will be expending tens of millions of dollars this year just to prepare for these projects and will not be able to reimburse themselves until the bonds are sold (**Douglas Nicholls/Moore**)
- The Tax Equity and Fiscal Responsibility Act (TEFRA) notice posted prior to the public hearing held on August 21, 2024, explains specifically how the bond proceeds will be spent; any expenditures outside of those listed in the TEFRA notice will not be reimbursed by the trustee that holds the bond proceeds (**Mayor Nicholls/Moore**)
- The qualifying reimbursements listed in the TEFRA notice are only for equipment and buildings; there will be no reimbursement for overhead relating to the management of the bonds, and any funding for employees to staff the new facilities will come out of YRMC's operating budget (**Mayor Nicholls/Moore**)

Phil Clark, non-resident, expressed concern that Yuma Hospital District (YHD) #1, which owns the properties on which YRMC operates as a tenant, has not weighed in on this matter. The prior agreement between YRMC and YHD#1 stated that any improvements exceeding a certain dollar amount would require the approval of YHD#1. The prior agreement also included scenarios where YHD#1, and by extension the taxpayers of Yuma County, would be financially obligated in the event of default on the part of YRMC. While a new agreement was put into place because of a recent lawsuit, the details of the new agreement have not been disclosed.

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Continuing Discussion

- A new lease agreement is in place and soon there will be a press release from YHD#1 and YRMC explaining the new agreement (**Mayor Nicholls/Moore**)
- The City Attorney's Office has not had any conversations or received any correspondence from YHD#1 regarding this matter (**Mayor Nicholls/Files**)
- The IDA has not received any objections, concerns, or questions; the details of the new agreement will be disclosed in an official statement, and information on the litigation between YRMC and YHD#1 is a public court record (**White**)
- Many lease agreements include a provision that allows a tenant to make improvements or other changes that would not be considered waste or detrimental to the value of the property (**White**)
- Non-communication is not the same as approval; including a memo or something showing that YHD#1 does not object to issuing the bonds would have aided City Council in making this decision (**Mayor Nicholls**)
- Delaying the approval of the proposed resolution will delay the projects and cause further expense to YRMC (**Mayor Nicholls/White**)
- The bonds being discussed are revenue bonds and will not directly result in increased taxes to pay for the bonds (**Mayor Nicholls/Shoop**)

Mayor Nicholls recessed the meeting at 7:27 p.m.

The meeting reconvened at 7:54 p.m.

Shelley Aronson, President of First River Advisory and financial advisor to YRMC, appeared via teleconference.

Continuing Discussion

- It will take approximately four to six weeks from the time of City Council approval to the actual sale of the bonds (**Mayor Nicholls/Aronson**)
- City Council is approving the capacity to fund the projects, but not the projects themselves; if YHD#1 does not approve of any of the projects, the associated funds will be refunded back to the bondholders (**Mayor Nicholls/Moore**)
- The emergency clause in the proposed resolution is standard practice for bond issuances (**Mayor Nicholls/Files**)
- The new agreement between YRMC and YHD#1 was extended to 2055 specifically to enable these bonds to be issued; the previous agreement's expiration of 2043 would not have provided sufficient time to pay back the bonds (**Aronson**)
- Notice was provided to YHD#1 when the new agreement was signed; additionally, over the last several months members of the board were given tours of the hospital to show them what was planned (**Mayor Nicholls/Moore**)
- The new agreement states that YHD#1 must approve any proposed improvement exceeding $1.5 million; YRMC would not invest millions of dollars if it was not wanted by the property owner (**McClendon/Moore**)
- Notice was not personally provided to YHD#1 board members; the TEFRA notice was posted on the websites for the City of San Luis and the City of Yuma inviting anyone to attend the hearing and provide input (**Shelton/Moore/White**)

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- If the resolution is adopted with fewer than five affirmative votes, it will go into effect in 30 days; staff could be directed to place it on a future agenda for reconsideration (**Mayor Nicholls/Files**)

Motion (Morris/McClendon): To adopt Resolution R2024-048 as presented.

Bushong displayed the following title:

Resolution R2024-048

A resolution of the City Council of the City of Yuma, Arizona, approving the issuance of Hospital Revenue Bonds (Yuma Regional Medical Center), Series 2024A, of the Industrial Development Authority of the City of Yuma, Arizona; and declaring an emergency (to help ensure that Yuma remains a Safe and Prosperous City in accordance with City Council's desired strategic outcome) (City Atty)

Roll call vote: **adopted** 4-1-2, **Shoop** voting nay and **Smith** and **Morales** abstaining due to conflict of interest.

Smith and **Morales** returned to the dais.

V. ANNOUNCEMENTS AND SCHEDULING

Announcements

Smith, **McClendon**, **Shelton**, **Morales**, and **Mayor Nicholls** reported on the following meetings attended and upcoming events:

- Yuma Regional Medical Center National Breastfeeding Month Event
- League of Arizona Cities and Towns Annual Conference
- Governor's Conference on Tourism
- Dedication of the Taylor Dean McBride Auditorium at Yuma High School
- Yuma Metropolitan Planning Organization Executive Board Meeting
- Visit Yuma "Eat In Yuma" Video Recording at La Casa Deli
- Church for the City and Harvest Preparatory Academy Beautification Project Meetings
- Elevate Southwest Board Meeting
- Arizona Commanders Summit at MCAS-Yuma
- Conversation with the Arizona Secretary of State's Office on the United States 250th Anniversary

Scheduling – No meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- September 6th - Yuma Rocks at the Historic Yuma Theatre

VII. CALL TO THE PUBLIC – No speakers were signed up at this time.

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VIII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 8:27 p.m. No Executive Session was held.

_____
Lynda L. Bushong, City Clerk

APPROVED:

_____
Douglas J. Nicholls, Mayor

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

City of Yuma

City Council Report

File #: MC 2024-143 **Agenda Date:** 10/2/2024 **Agenda #:** 1.

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

TITLE:
Bid Award: Fertilizer and Chemicals for Grounds Maintenance

SUMMARY RECOMMENDATION:
Award to the lowest responsive and responsible bidders, a one-year contract for Fertilizers and Chemicals for Grounds Maintenance, with the option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance at an estimated annual expenditure of $150,000.00 to: Heritage Landscape Supply Group, Inc., McKinney, Texas, SiteOne Landscape Supply, Cleveland, Ohio, and Wilbur Ellis Co. LLC, Tempe, Arizona. (Parks & Recreation-RFB-25-050) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:
This motion supports the City Council's strategic outcome of Active and Appealing and Respected and Responsible. Awarding this purchase will provide the fertilizer and chemicals needed for the City golf courses and City parks in a responsible manner.

REPORT:
This contract will be used to obtain a variety of fertilizers and chemicals as needed for use by the Parks grounds maintenance personnel and the golf course maintenance personnel. This bid is an estimated quantities contract, based on previous usage of operational materials by Parks and Recreation.

Staff is recommending purchasing from the lowest bid from the three responsive bidders.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 150,000.00	BUDGETED:	$ 150,000.00
STATE FUNDS:	$ 0.00	AVAILABLE TO TRANSFER:	$ 0.00
FEDERAL FUNDS:	$ 0.00	IN CONTINGENCY:	$ 0.00
OTHER SOURCES:	$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL$150,000.00

Various Funds		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:
Sufficient budget authority is provided in the FY 2025 City Council approved budget.

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

None

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

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

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

City of Yuma

City Council Report

File #: MC 2024-144 **Agenda Date:** 10/2/2024 **Agenda #:** 2.

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

TITLE:
Bid Award: Brass Fittings and Miscellaneous Items

SUMMARY RECOMMENDATION:
Authorize an award to purchase brass fittings and miscellaneous supportive items for an estimated annual expenditure of $68,000 to Yuma Winnelson, Yuma, AZ (Utilities RFB-25-018) (Jeremy McCall/Robin R. Wilson)

STRATEGIC OUTCOME:
This contract award supports the City Council's strategic outcome of Safe and Prosperous by ensuring the reliability and quality of the City's water distribution system.

REPORT:
This contract will be used to replace damaged or worn brass fittings on an as needed basis. The award will be based on a percentage off discount offered for catalog items per category.

Bids were received by a single supplier, Yuma Winnelson Co., which staff recommends for the award.

FISCAL REQUIREMENTS:

CITY FUNDS:	$68,000.00	BUDGETED:	$68,000.00
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$ 0.00

421 Water Fund		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:
Sufficient budget capacity is provided in the FY 2025 City Council approved budget 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 2024-145 **Agenda Date:** 10/2/2024 **Agenda #:** 3.

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

TITLE:
Bid Rejection: Avenue 3E and 32nd Street Median Landscape

SUMMARY RECOMMENDATION:
Pursuant to Yuma City Code § 36-36, reject all bids received for the Avenue 3E and 32nd Street Median Landscape project due to the bid exceeding the allocated amount for the project. (Engineering RFB-24-265) (Dave Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:
This item supports the City Council's strategic outcome of Respected and Responsible by rejecting all bids which exceed the budgeted amount.

REPORT:
Yuma City Code § 36-36 permits the City Council to reject all bids received in response to a solicitation "if it is determined by the Council that such action is taken in the best interests of the City."

The project was budgeted in the Capital Improvement Program in the amount of $800,000.00. The single bid received exceeded the allocated amount for this project and no additional funding is available for this project this fiscal year. The solicitation will be revised, readvertised, and resolicited.

Approving this motion will reject the bid received.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 0.00	BUDGETED:	$ 800,000.00
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$ 0.00

102-97-777-8120-40-T-PR		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:
N/A
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 2024-146 **Agenda Date:** 10/2/2024 **Agenda #:** 4.

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

TITLE:
Rental/Lease Contract: Kaiser (Aquastar) Sewer Recycler Truck

SUMMARY RECOMMENDATION:
Authorize a 6-month rental/lease contract for a specialized recycling sewer cleaning truck with a budgeted expenditure of $126,000.00 to Kaiser Premier, Ft Morgan, CO. (Utilities CA-25-115) (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 Wastewater Treatment and Collections Systems.

REPORT:
This vehicle is a heavy-duty specialized piece of equipment built for cleaning large-diameter sewer lines. A specialized feature is the equipment recycles sewer water as the main source of water for cleaning wastewater lines. This water recycling allows deployment in the field without repeated offsite refilling and dumping during the workday, increasing productivity and minimizing operational downtime.

The equipment is designed to maintain and clean sanitary sewer Interceptor lines greater than 18 inches and can remain onsite for periods of several hours without having to refill with domestic water. This is an essential tool, needed to maintain large diameter sewer lines, remove system sediment and organics, and to reduce dangerous hydrogen sulfide gasses in the wastewater interceptor sewer lines.

FISCAL REQUIREMENTS:

CITY FUNDS:	$126,000.00	BUDGETED:	$126,000.00
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 431 Waste\	

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
Sufficient budget capacity is provided in the FY 2025 City Council approved budget to enter this agreement.

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 2024-147 **Agenda Date:** 10/2/2024 **Agenda #:** 5.

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

TITLE:
Rejection of Request for Qualifications: Job Order Contracting (JOC) for Utility Infrastructure Services

SUMMARY RECOMMENDATION:
Pursuant to Yuma City Code §36-36, staff recommends rejection of the responses received for the JOC for Utility Infrastructure Services. (Engineering-RFQ-24-291) (David Wostenberg/Jeremy McCall/ Robin R. Wilson)

STRATEGIC OUTCOME:
This item supports the City Council's strategic outcome of Respected and Responsible by rejecting the responses.

REPORT:
Yuma City Code § 36-36 permits the City Council to reject all bids (responses) received in response to a solicitation "if it is determined by the City Council that such action is taken in the best interests of the City."

The responses received are not advantageous to the City due to information inadvertently not included in the solicitation. The City was to include a project schedule and project final budget for design and construction or life cycle budget for a procurement that includes maintenance services or operations services, per A.R.S. 34-603F. Also, the City will add grant stipulations to the solicitation and contract where permissible.

Approving this motion will reject the responses received. The solicitation will be revised, re-advertised, and resolicited.

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

To total; right click number & choose “Update Field”		

FISCAL IMPACT STATEMENT:
NONE

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

NONE

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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 2024-148 **Agenda Date:** 10/2/2024 **Agenda #:** 6.

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

TITLE:
Ratification of Purchase Order: Las Casitas Storm Sewer and Roadway Emergency Repair

SUMMARY RECOMMENDATION:
Ratify and approve a Purchase Order issued to Gutierrez Canales Engineering, P.C., Yuma, Arizona in the amount of $1,278,785.91 for the emergency repair of a damaged section of the storm sewer system and failing roadway on 28th Drive in the Las Casitas subdivision. (Engineering/Utilities EM-24 -194) (David Wostenberg/ Joel Olea/Robin R. Wilson)

STRATEGIC OUTCOME:
The damaged stormwater system at Las Casitas Subdivision caused an unsafe situation in the neighborhood. The sunk areas caused a rupture in the asphalt pavement surface, which is dangerous and unsafe for pedestrians and motorists. This emergency repair aligns with the City's strategic outcomes of Safe and Prosperous as well as Respected and Responsible.

REPORT:
Las Casitas has a history of multiple failures in their storm sewer going back to February 2020.

On November 2023, a collapse of the asphalt pavement surface in the Las Casitas subdivision was reported. After the initial inspection, it was determined that the sinkhole and collapse of the pavement was caused by the settlement of a stormwater manhole and loss of sand and gravel into the storm sewer by infiltration into bad joints and ruptured pipes.

The Engineering Department conducted an evaluation of the stormwater manhole failure and contacted three qualified contractors to support the City with the repairs. Gutierrez Canales Engineering was the sole response and was selected to proceed with the repairs based on meeting the responsive and responsible bidder criteria.

In order to perform the repairs, the contractor needed to dewater due to high groundwater levels. During construction and repair of the storm sewer and manholes, additional failures were identified. The additional repairs and dewatering raised the costs and duration of the full repairs.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 1,278,785.91	BUDGETED:	$ 0.00
STATE FUNDS:	$ 0.00	AVAILABLE TO TRANSFER:	$ 1,278,785.91
FEDERAL FUNDS:	$ 0.00	IN CONTINGENCY:	$ 0.00
OTHER SOURCES:	$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL$ 0.00

102-City Road Tax Fund		
To total; right click number & choose “Update Field”		

FISCAL IMPACT STATEMENT:
Sufficient budget capacity and unencumbered cash available to transfer is provided in the FY 2025 City Council approved budget and Capital Improvement Plan contingency programs, without impacting current operations or services.

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:

Las Casitas Subdivision storm drain sinkhole timeline

City of Yuma

City Council Report

File #: MC 2024-149 **Agenda Date:** 10/2/2024 **Agenda #:** 7.

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

TITLE:
Sole Source: Advanced Traffic Management System

SUMMARY RECOMMENDATION:
Authorize the purchase of an Advanced Traffic Management System (ATMS) web-based software and communication equipment (System) from Econolite, Anaheim, California, for an initial expenditure of $321,942 and an annual expenditure of $35,820 for years two through five. (Engineering-SS-25-117) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:
Awarding this contract meets the desired strategic outcomes of Safe and Prosperous, and Respected and Responsible by optimizing traffic signal timing. The system will lower pollution, lower transit times, and reduce traffic accidents. The System also meets the Connected and Engaged strategic outcome by evaluating real-time traffic conditions on constantly varying roadway conditions attributable to construction, time of year, time of day, weather conditions, accidents, etc.

REPORT:
Recently, the City developed an Intelligent Transportation Systems (ITS) Strategic Plan, ITS Infrastructure Plan, and Transportation Management Center (TMC) Concept of Operations. The City is acquiring ATMS software and communications equipment that allows the traffic engineer and technicians to view live traffic, the ability to upload signal timings remotely, receive data analytics (road user classifications, volumes, turning movements, speeds, and signal performance metrics), produce performance-based traffic signal timings, and a cloud base server within the software for up to 100 intersections.

The system is needed for a functioning Intelligent Transportation System on four corridors, which includes: 16th Street Corridor (from Pacific Ave to Avenue C), 4th Ave Corridor (from 1st Street to 32nd Street), Avenue B Corridor (from 8th Street to 32nd Street), 24th Street Corridor (from Arizona Avenue to Avenue B). The System is needed to successfully meet the need of the ITS. Econolite technicians will perform training with City staff on the web-based software and assist in setting up a traffic management dashboard specifically tailored to the City's traffic performance measures.

The City has the largest number of traffic signals and other traffic management equipment within the Yuma region but the City does not have the ability to monitor or actively operate the network remotely. There could be significant safety, efficiency, and public benefits when the City has the ability to monitor and operate traffic

signals and other ITS devices in real-time from a centralized location.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 143,280.00	BUDGETED:	$ 1,500,000.00
STATE FUNDS:	$ 0.00	AVAILABLE TO TRANSFER:	$ 0.00
FEDERAL FUNDS:	$ 321,942.00	IN CONTINGENCY:	$ 0.00
OTHER SOURCES:	$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL$465,222.00

ARPA 187 City Road Tax 102		
To total; right click number & choose “Update Field”		

FISCAL IMPACT STATEMENT:
Sufficient budget capacity is provided in the FY 2025 City Council approved budget.

This project’s initial funding is from the American Rescue Plan Act (ARPA) for necessary improvements in the City of Yuma’s Traffic Infrastructure with a cost $321,942

City Road Tax will pay for the annual price of $35,820 for years two through five.

What is ARPA: The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements. Recipients must obligate the funds by December 31, 2024, and spend them by December 31, 2026.

On April 6, 2022, City Council adopted Resolution R2022-012 that approved the City’s ARPA Project List, which outlines the City’s intended uses for the funds. This project was one of the originally adopted ARPA funded in the FY 2023 City Council approved budget.

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

None

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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 2024-150 **Agenda Date:** 10/2/2024 **Agenda #:** 8.

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

TITLE:
Cooperative Purchase Agreement: Intelligent Transportation System/Traffic Signal Equipment

SUMMARY RECOMMENDATION:
Authorize the Purchase and Delivery of traffic signal equipment needed for a functioning Intelligent Transportation System on four roadway corridors: 16th Street Corridor (from Pacific Ave to Avenue C), 4th Ave Corridor (from 1st Street to 32nd Street), Avenue B Corridor (from 8th Street to 32nd Street), and 24th Street Corridor (from Arizona Avenue to Avenue B) to Econolite - Anaheim, California utilizing Maricopa County Contract (200125-C) for an expenditure of $501,670.64 (Engineering) (Dave Wostenberg)

STRATEGIC OUTCOME:
Awarding this contract meets the strategic outcomes of Safe and Prosperous and Respected and Responsible by optimizing traffic signal timing. It also meets the Connected & Engaged desired outcome by evaluating real-time traffic conditions and optimizing traffic based on the ever-variable roadway conditions (e.g. construction, time of year, accidents, etc.)

REPORT:
Recently, the City developed an Intelligent Transportation Systems (ITS) Strategic Plan, ITS Infrastructure Plan, and Transportation Management Center (TMC) Concept of Operations. The City is acquiring ITS sensors, video and equipment needed for multiple intersections on the following four corridors: 16th Street, 4th Avenue, Avenue B, and 24th Street. Public Works staff will install the equipment in the Traffic Signal Cabinets. A separate contract will be utilized with Westmoor Electric for installing the Vehicle Detection Cameras at each intersection that does not already have them.

The City of Yuma has the largest number of traffic signals and other traffic management equipment within the Yuma region but does not have the ability to monitor or actively operate its network remotely. There should be significant safety, efficiency, and public benefits if the City Engineering Department staff has the ability to monitor and operate traffic signals and other ITS devices in real-time from a centralized location. An ITS will allow for this centralization and real-time operations for the City of Yuma network. The implementation of an ITS is a strategy to increase the City's ability to operate and manage a safe and efficient transportation network.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 0.00	BUDGETED:	$ 1,500,000.00
STATE FUNDS:	$ 0.00	AVAILABLE TO TRANSFER:	$ 0.00
FEDERAL FUNDS:	$ 501,670.64	IN CONTINGENCY:	$ 0.00
OTHER SOURCES:	$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	$501,670.64	187-97-77.8160	
To total; right click number & choose “Update Field”			

FISCAL IMPACT STATEMENT:
This project will be using funding received from the American Rescue Plan Act (ARPA) to make necessary improvements in the City of Yuma’s Infrastructure.

What is ARPA: The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and to mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements. Recipients must obligate the funds by December 31, 2024, and spend them by December 31, 2026.

On April 6, 2022, City Council adopted Resolution R2022-012 that approved the City’s ARPA Project List, which outlines the City’s intended uses for the funds. This project was one of the originally adopted ARPA funded in the FY 2023 City Council approved budget.

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

NONE

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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:

Quotation

9/04/2024

To:

Peter Olea / Alex Tripton Yuma, AZ; City of *Ship To Address to be verified URO	Quote Name: Yuma Cobalts Vision & MMU Project Reference: Pricing used from Maricopa County Shared Contract #200125-C. Econolite Reference: Q-45891-8465 Quote #: SWQ-090424

Item #	Part	Qty	Description	Tariff	Price per	Extended
1	AVISION	56	SENSOR, VIDEO, VISION	$0.00	$5,850.00	$327,600.00
2	33406P23 AMBKTM16S	56	TRITON BRKT, VISION, VISION,62" 7" DIA MAX, SP-4126-74-62-PNC	$0.00	$212.00	$11,872.00
3	A700-1166-01 AVCM	14	ASSY, ACP, PRIMARY MODEL AVCM	$0.45	$3,713.00	$51,982.00
4	33550G5	14	ASSY,CABLE, CNTRLR TO A/SCOPE TS2-RS485	$0.00	$83.00	$1,162.00
5	1133-141	4	MMU	$0.00	$943.00	$3,772.00
6	COBCRM21100 000000000	15	COBALT C-SERIES RM EOS POWER CORD NO DATAKEY NO COMM	$0.00	$4,398.75	$65,981.25

Subtotal	$462,369.25
Shipping & Handling*	
Taxes** 8.5%	$39,301.39
Tariffs**	$0.00
TOTAL	$501,670.63

Unless specifically requested or noted on this quotation, the product(s) quoted herein may or may not comply with any Buy America requirements.
Cabinet designs are considered final at time of order. Changes requested after date of order may result in additional fees and extended shipping lead times.
The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or legally privileged material. Any review, retransmission, dissemination, or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited except as required by law.

1250 N. Tustin Ave. Anaheim, Ca. 92807

econolite.com/feedback

Quotation

Quote Valid For Days: 30
FOB: Econolite Factory
Terms: NET30
*Ship Terms:
**Taxes and Tariffs Estimated (if included)

Lori MacIntyre

Lori MacIntyre, Account Manager, Senior
Mobile: 714-392-2318
lmacintyre@econolite.com

Shipping Date: To be determined at time of receipt of order

City of Yuma

City Council Report

File #: MC 2024-151 **Agenda Date:** 10/2/2024 **Agenda #:** 9.

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

TITLE:
Final Plat: Saguaro Unit No. 6 Subdivision

SUMMARY RECOMMENDATION:
Approve the final plat for the Saguaro Unit No. 6 Subdivision, located at the southeast corner of Avenue 7E and 44th Street. (SUBD-43168-2024) (Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
This subdivision furthers the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible by supporting the development of new housing opportunities that will be responsibly constructed and will meet all City codes and development requirements.

REPORT:
The subdivision property is located at the southeast corner of 7E and 44th Street, west of Saguaro Unit No. 5. The property was annexed into the City of Yuma on January 2, 1998. Since the annexation, the property has been subject to a general plan amendment and a rezone, with the intention of developing the site for single-family development.

With this 6th phase, the applicant is proposing to construct 124 single-family residences on approximately 33.1 acres. The development is planned for single-family residential lots ranging in size from 7,696 square feet to 16,413 square feet, meeting the minimum lot size requirements for the Low Density Residential (R-1-6) District.

As specified in the Yuma City Code §154-05.04, the following are some of the development standards required of a development with the Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-6) District shall not exceed 50% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Approval of the final plat for the Saguaro Unit No. 6 Subdivision shall be subject to the following conditions:

1. The conditions 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 rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.

4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:

    a. pay to cross the easement to reach any structure on the lot;
    b. prevent the utilities from providing service to any structure on a lot; or
    c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.

5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.

7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.

8. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Saguaro Units 5 & 6 was approved by the Planning and Zoning Commission on January 9, 2023. In addition, a Municipal Improvement District (MID) was established for the maintenance of required subdivision landscaping on June 6, 2024.

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

Questions for Staff:
"Branden Freeman, Planning and Zoning Commissioner asked why the comments from Arizona Game and Fish, provided on the report, were so long.

"**Alyssa Linville, Director of Planning and Neighborhood Services** replied that Arizona Game and Fish notifies property owners if they are in an area that might disturb a natural habitat.

Public Comments:
None

Motion:
"Motion by Branden Freeman - Planning and Zoning Commissioner, second by Ashley Pendleton - Planning and Zoning Commissioner, to APPROVE SUBD-40779-2022, subject to the Conditions of Approval in Attachment A.

"Motion carried unanimously (6-0, with Edgar Olvera - Planning and Zoning Commissioner absent).'

Planning Commission Preliminary Plat Staff Report - Attached

The City Council's approval of this motion accepts the final plat of the Saguaro Unit No. 6 Subdivision as submitted, including the conditions of approval written above.

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
NOT APPLICABLE

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

NONE

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

☐ Department
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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:

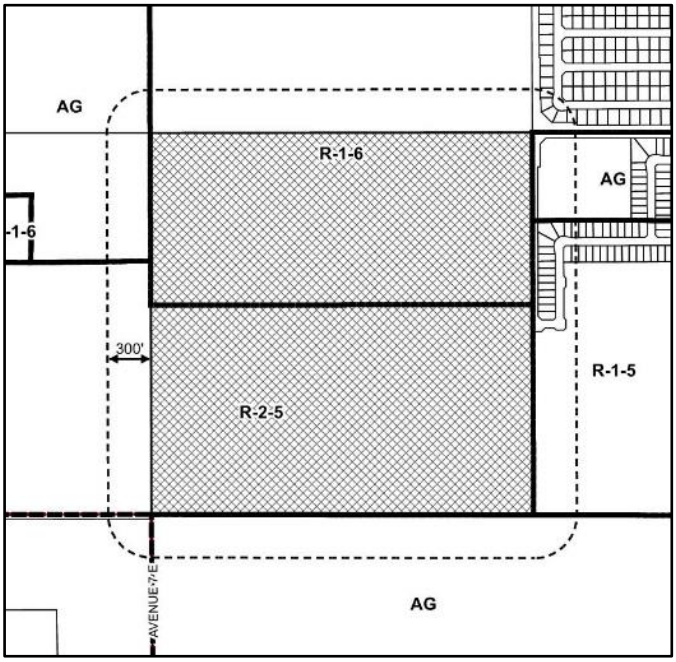
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: AMELIA DOMBY

Hearing Date: January 9, 2023 **Case Number:** SUBD-040779-2022

Project Description/Location: This is a request by Dahl, Robins & Associates, on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, for approval of the preliminary plat for the Saguaro Unit No. 5 and 6 Subdivision. This subdivision will contain approximately 69.4 acres and is proposed to be divided into 243 residential lots, ranging in size from approximately 7,592 square feet to 16,413 square feet, for the property located at the southwest corner of S. Mississippi Avenue (Avenue 7 ½E) and E. 44th Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
South	Medium Density Residential (R-2-5)	Undeveloped	Medium Density Residential
East	Medium Density Residential (R-2) / Low Density Residential (R-1-5)	Multi-family and Single-family Residential	Mixed Use / Low Density Residential
West	Agriculture (AG) / Medium Density Residential (R-2-5)	Undeveloped	Public\Quasi Public / Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Resolution R2019-044 (October 16, 2019); Rezone: Ordinance No. O2019-040 (December 4, 2019)

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Saguaro Unit No. 5 and 6 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-40779-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of the Saguaro Unit No. 5 & 6 Subdivision which includes 243 residential lots ranging in size from 7,592 square feet to 16,413 square feet, for the property located at the southwest corner of S. Mississippi Avenue (Avenue 7 ½ E) and 44th Street, Yuma, AZ subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property was annexed into the City of Yuma on January 2, 1998. Since the annexation, the property has been subject to a general plan amendment and a rezone, with the intention of developing the site for single-family development. This preliminary plat request is for the Saguaro Unit No. 5 and 6 Subdivision and will consist of 243 residential lots.

The subject property consists of approximately 69.4 acres with frontage along S. Mississippi Avenue, 44TH Street, and Avenue 7E. This development is planned for single-family residential lots ranging in size from 7,592 square feet to 16,413 square feet. Further specified in §154-05.04, the following are some of the development standards required of a development with the Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-6) District shall not exceed 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

With this phase of development, Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes.

2. Does the subdivision comply with the subdivision code requirements?

Yes.

Standard	Subdivision						Conforms			
Lot Size	Minimum:	7,592		Maximum:	16,413		Yes	X	No	
Lot Depth	Minimum:	104’		Maximum:	119.92’		Yes		No	
Lot Width/Frontage	Minimum:	62’		Maximum:	81’		Yes		No	
Setbacks	Front:	20’ FT	Rear:	10 FT	Side:	7 FT	Yes		No	
District Size	69.4	Acres					Yes		No	
Density	3.5	Dwelling units per acre					Yes		No	
Issues: None										

Requirements	Conforms						
General Principles	Yes	X	No		N/A		
Streets	Conforms						
Circulation	Yes	X	No		N/A		
Arterial Streets	Yes		No	X	N/A		
Existing Streets	Yes	X	No		N/A		
Cul-de-sacs	Yes		No		N/A	X	
Half Streets	Yes		No		N/A	X	
Stub Streets	Yes		No		N/A	X	
Intersections	Yes	X	No		N/A		
Easements	Yes	X	No		N/A		
Dimensional Standards	Yes	X	No		N/A		
Issues: None							
Blocks	Conforms						
Length	Yes	X	No		N/A		
Irregular Shape	Yes	X	No		N/A		
Orientation to Arterials	Yes		No		N/A	X	
Business or Industrial	Yes		No		N/A	X	
Issues: None							
Lots	Conforms						
Minimum Width	Yes	X	No		N/A		
Length and Width Ratio	Yes	X	No		N/A		
Fronting on Arterials	Yes		No		N/A	X	
Double Frontage	Yes	X	No		N/A		
Side Lot Lines	Yes	X	No		N/A		
Corner Lots	Yes	X	No		N/A		
Building Sites	Yes	X	No		N/A		
Street Frontage	Yes	X	No		N/A		
Issues: None							

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Land Use Element:	
Land Use Designation:	Low Density Residential
Issues:	None

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X

Historic Buildings on Site:	Yes		No	X

Transportation Element:

FACILITY PLANS

TRANSPORTATION MASTER PLAN	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 7 E – 2-Lane Collector	40 FT H/W ROW	0 FT				
Mississippi Avenue/Avenue 7 ½ E – 2-Lane Collector	40 FT H/W ROW	0 FT				
44th Street – 2- Lane Collector	40 FT H/W ROW	0 FT				

Bicycle Facilities Master Plan	Proposed Bike Lane – Mississippi Avenue (Avenue 7 ½ E)
YCAT Transit System	None
Issues:	None

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan

Neighborhood Park:	Existing: Saguaro Park	Future: Saguaro Park
Community Park:	Existing: Kennedy Park	Future: South Mesa Park
Linear Park:	Existing: East Main canal Linear Park	Future: Gila Valley Main Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	N/A					
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X
Conforms:	Yes		No		N/A	

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X
Renewable Energy Source	Yes		No	X
Issues:	N/A			

Public Services Element:

Population Impacts
Population projection per 2016-2020 American Community Survey
Police Impact Standard:
1 officer for every 530 citizens;
2020 Conservation Plan
Water demand: 207 gallons/day/person;
Wastewater generation:
70 gallons per day per person

Single Family		Population	Impact	Consumption		Generation
Proposed	Per Unit		Officers	GPD	AF	GPD
243	3.0	729	1.38	150,903	169.0	51,030

Fire Facilities Plan:	Existing: Fire Station No. 5					Future: Fire Station No. 7	
Water Facility Plan:	Source:	City	X	Private		Connection	
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	
Issues:	None						

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes		No	X

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

Public Comments Received: None Received.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: December 15, 2022

Final staff report delivered to applicant on: December 30, 2022

X	Applicant agreed with all of the conditions of approval on: December 28, 2022
	Applicant did not agree with the following conditions of approval: (list #'s)
	Conditions provided to agent, no response received.

Attachments

A	B	C	D	E	F	G
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Amelia Domby* **Date: December 28, 2022**

Amelia Domby
Senior Planner Amelia.Domby@yumaaz.gov (928)373-5000, x3034

Approved By: *Alyssa Linville* **Date: December 30, 2022**

Alyssa Linville,
Assistant Director Community Planning

ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

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

1. The conditions 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.

City Attorney Comments: (928) 373-5058:

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.

4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:

    a. pay to cross the easement to reach any structure on the lot;
    b. prevent the utilities from providing service to any structure on a lot; or
    c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.

5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

6. City staff will evaluate the need for construction of 7E between 40th St and 44th St at the Final Plat stage for Unit 6 of Saguaro Subdivision.

7. The Owner/Developer shall design and construct 44th street as a mid-section collector street with 40 feet half width.

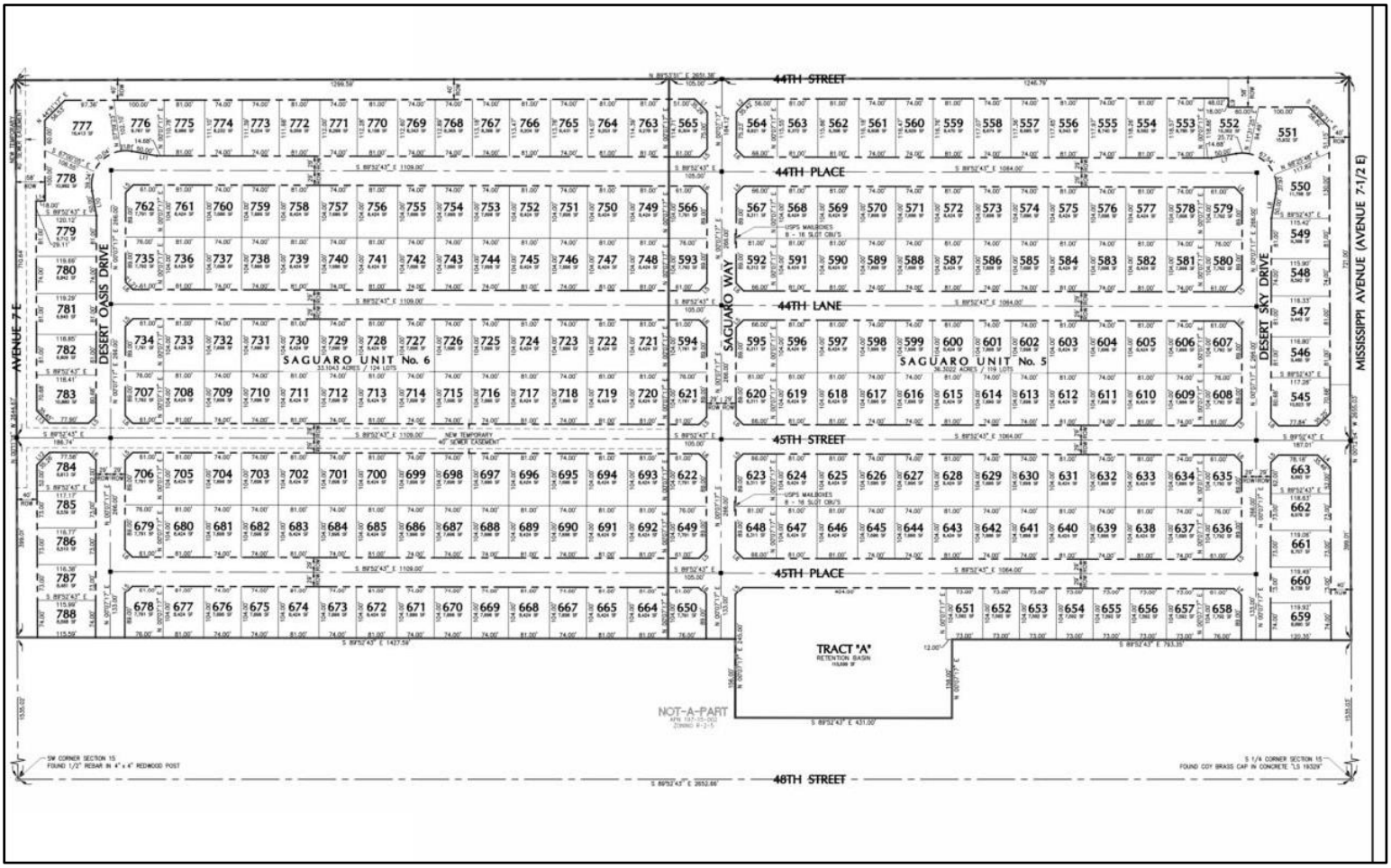
8. The Owner/Developer shall provide the City of Yuma an easement for the north half right-of-way along 44th Street, for public roadway access and utility purposes that adjoin each subdivision phase, at the time of each phase recordation.

Community Planning Conditions: Amelia Domby, Senior Planner, (928) 373-5000 ext. 3034

9. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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
PRELIMINARY PLAT MAP



ATTACHMENT C
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (12/16/22)
- **300' Vicinity Mailing:** (11/21/22)
- **34 Commenting/Reviewing Agencies noticed:** (11/23/22)
- **Site Posted on:** (1/3/23)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (12/09/22)
- **Comments due:** (12/05/22)

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	YES	11/28/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	11/23/22	X		
Yuma County Water Users' Assoc.	YES	11/28/22	X		
Yuma County Planning & Zoning	YES	11/30/22	X		
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.	YES	11/30/22	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	12/07/22		X	X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	11/28/22	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	12/1/22		X	
Building Safety	YES	11/28/22	X		
City Engineer	YES	12/06/22		X	
Traffic Engineer	NR				
MCAS / C P & L Office	YES	11/28/22			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

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

Enter conditions here: Subject parcel is located approximately 1 mile from the Barry M. Goldwater Range (BMGR) West northern boundary. If not already in place, it is requested that Avigation easement and Range Disclosure Statements be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, BMGR–W and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment

DATE:	28 Nov 2022	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Amelia Domby Amelia.Domby@YumaAZ.gov				

Arizona Environmental Online Review Tool Report

Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:
Saguaro Unit 5 and 6 Subdivision

Project Description:
Preliminary plat request for the Saguaro Unit No. 5 and 6 Subdivision. This subdivision will contain approximately 69.4 acres and is proposed to be divided into 243 residential lots, ranging in size from approximately 7,592 square feet to 16,413 square feet, for the property located at the southwest corner of S. Mississippi Avenue (Avenue 7 ½E) and E. 44th Street, Yuma, AZ.

Project Type:
Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Contact Person:
Teigan Williams

Organization:
Arizona Game and Fish Department

On Behalf Of:
OTHER

Project ID:
HGIS-17876

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
   Project Evaluation Program, Habitat Branch
   Arizona Game and Fish Department
   5000 West Carefree Highway
   Phoenix, Arizona 85086-5000
   Phone Number: (623) 236-7600
   Fax Number: (623) 236-7366
   Or
   PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Saguaro Unit 5 and 6 Subdivision

USA Topo Basemap With Locator Map

Buffered Project Boundary

Project Boundary

Project Size (acres): 161.40

Lat/Long (DD): 32.6448 / -114.5081

County(s): Yuma

AGFD Region(s): Yuma

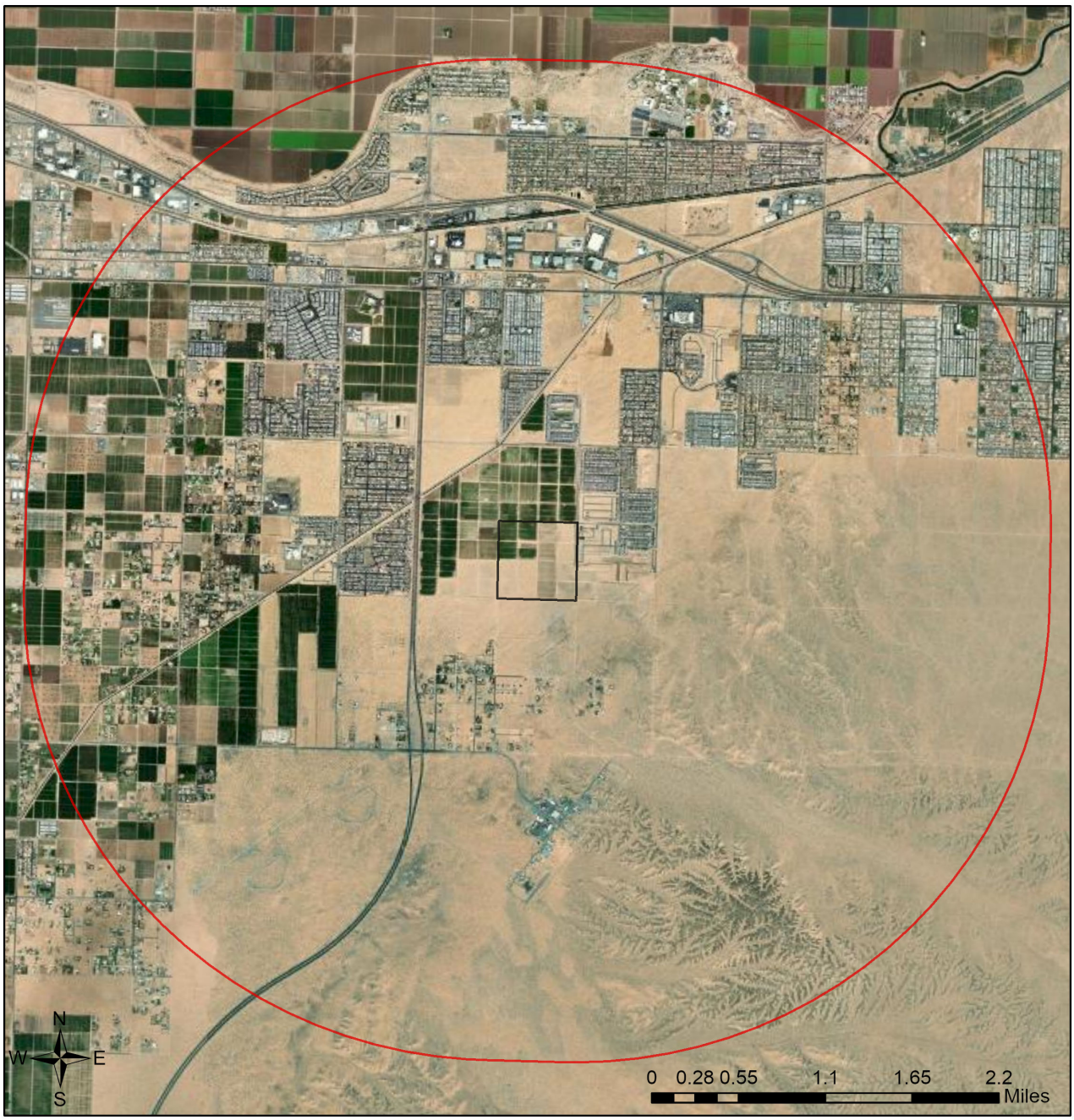
Township/Range(s): T9S, R22W

USGS Quad(s): YUMA EAST

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Saguaro Unit 5 and 6 Subdivision

Web Map As Submitted By User



Buffered Project Boundary

Project Boundary

Project Size (acres): 161.40

Lat/Long (DD): 32.6448 / -114.5081

County(s): Yuma

AGFD Region(s): Yuma

Township/Range(s): T9S, R22W

USGS Quad(s): YUMA EAST

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Saguaro Unit 5 and 6 Subdivision

Important Areas

- Buffered Project Boundary
- Project Boundary
- Important Bird Areas
- Critical Habitat
- Pinal County Riparian
- Important Connectivity Zones
- Wildlife Connectivity

Project Size (acres): 161.40

Lat/Long (DD): 32.6448 / -114.5081

County(s): Yuma

AGFD Region(s): Yuma

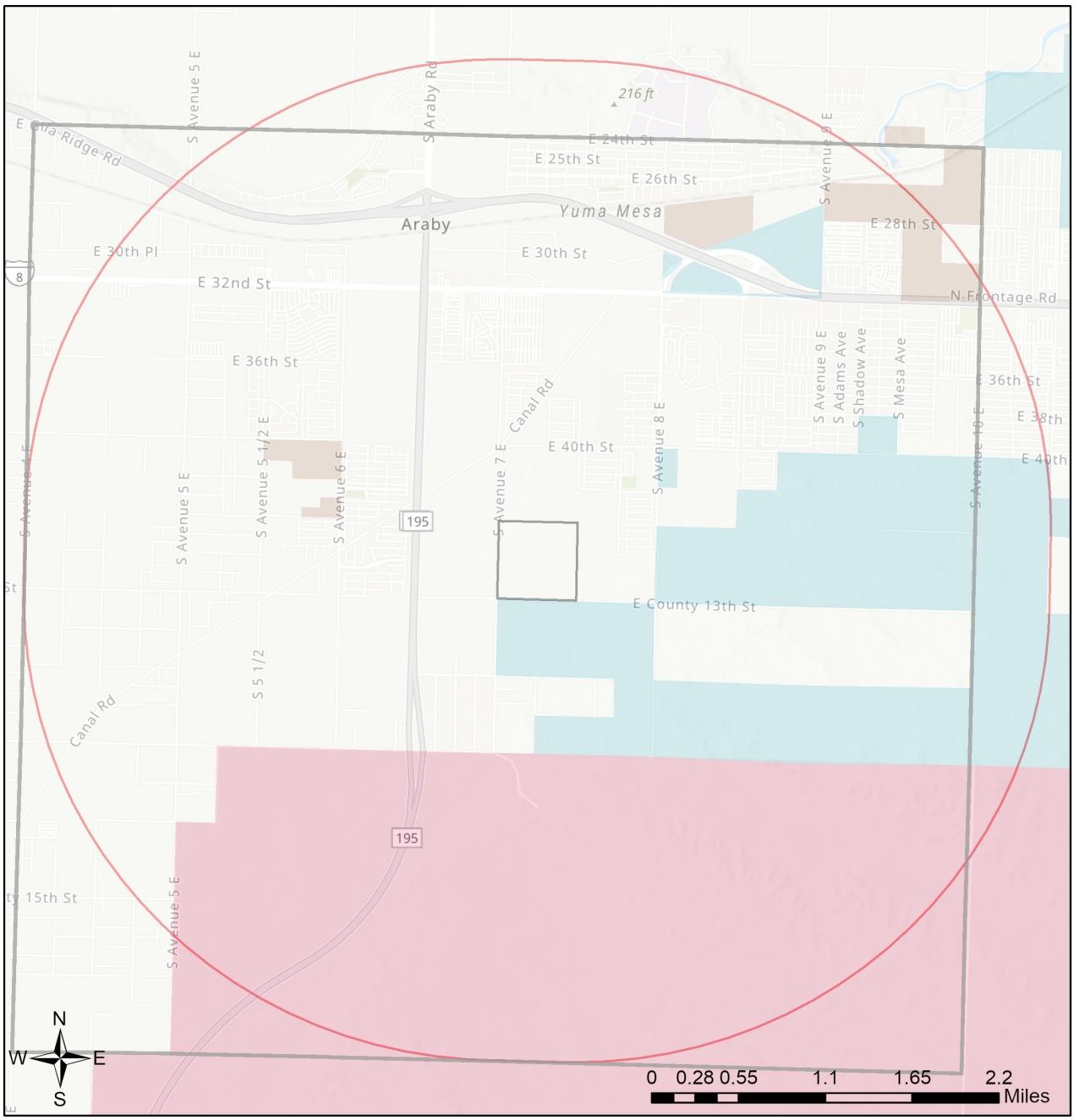
Township/Range(s): T9S, R22W

USGS Quad(s): YUMA EAST

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Saguaro Unit 5 and 6 Subdivision

Township/Ranges and Land Ownership



- Buffered Project Boundary
- Project Boundary
- AZ Game & Fish Dept.
- BLM
- BOR
- Indian Res.
- Military
- Mixed/Other
- National Park/Mon.
- Private
- State & Regional Parks
- State Trust
- US Forest Service
- Wildlife Area/Refuge
- Township/Ranges

Project Size (acres): 161.40

Lat/Long (DD): 32.6448 / -114.5081

County(s): Yuma

AGFD Region(s): Yuma

Township/Range(s): T9S, R22W

USGS Quad(s): YUMA EAST

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Antilocapra americana sonoriensis	Sonoran Pronghorn	LE		S		1A
Chionactis annulata	Resplendent Shovel-nosed Snake					1C
Helianthus niveus ssp. tephrodes	Algodones Sunflower	SC				
Phrynosoma mcallii	Flat-tailed Horned Lizard	CCA		S		1A
Triteleiopsis palmeri	Blue Sand Lily			S	SR	
Uma rufopunctata	Yuman Desert Fringe-toed Lizard	SC		S		1B

Note: Status code definitions can be found at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/
.

No Special Areas Detected
No special areas were detected within the project vicinity.

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Ammospermophilus harrisii	Harris' Antelope Squirrel					1B
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1B
Euderma maculatum	Spotted Bat	SC	S	S		1B
Eumops perotis californicus	Greater Western Bonneted Bat	SC		S		1B
Heloderma suspectum	Gila Monster					1A
Incilius alvarius	Sonoran Desert Toad					1B
Perognathus longimembris	Little Pocket Mouse	No Status				1B
Phrynosoma goodei	Goode's Horned Lizard					1B
Phrynosoma mcallii	Flat-tailed Horned Lizard	CCA		S		1A
Toxostoma lecontei	LeConte's Thrasher			S		1B
Uma rufopunctata	Yuman Desert Fringe-toed Lizard	SC		S		1B
Vulpes macrotis	Kit Fox	No Status				1B

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Phasianus colchicus	Ring-necked Pheasant					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Project Type Recommendations:
Fence recommendations will be dependent upon the goals of the fence project and the wildlife species expected to be impacted by the project. General guidelines for ensuring wildlife-friendly fences include: barbless wire on the top and bottom with the maximum fence height 42", minimum height for bottom 16". Modifications to this design may be considered for fencing anticipated to be routinely encountered by elk, bighorn sheep or pronghorn (e.g., Pronghorn fencing would require 18" minimum height on the bottom). Please refer to the Department's Fencing Guidelines located on Wildlife Friendly Guidelines page, which is part of the Wildlife Planning button at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at https://www.invasivespeciesinfo.gov/unitedstates/az.shtml and the Arizona Native Plant Society https://aznps.com/invas for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at https://imap.natureserve.org/imap/services/page/map.html.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select “See What’s Here” for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g., bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (https://azstateparks.com/).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

Design culverts to minimize impacts to channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Reduce/minimize barriers to allow movement of amphibians or fish (e.g., eliminate falls). Also for terrestrial wildlife, washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found on the home page of this application at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (http://www.azdeq.gov/).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (https://new.azwater.gov/).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (http://www.usace.army.mil/)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at PEP@azgfd.gov or
at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/ and https://www.azgfd.com/Wildlife/LivingWith.

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:
HDMS records indicate that one or more native plants listed on the **Arizona Native Plant Law and Antiquities Act** have been documented within the vicinity of your project area. Please contact:
Arizona Department of Agriculture
1688 W Adams St.
Phoenix, AZ 85007
Phone: 602.542.4373
https://agriculture.az.gov/sites/default/files/Native%20Plant%20Rules%20-%20AZ%20Dept%20of%20Ag.pdf starts on page 44

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at https://www.fws.gov/office/arizona-ecological-services or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

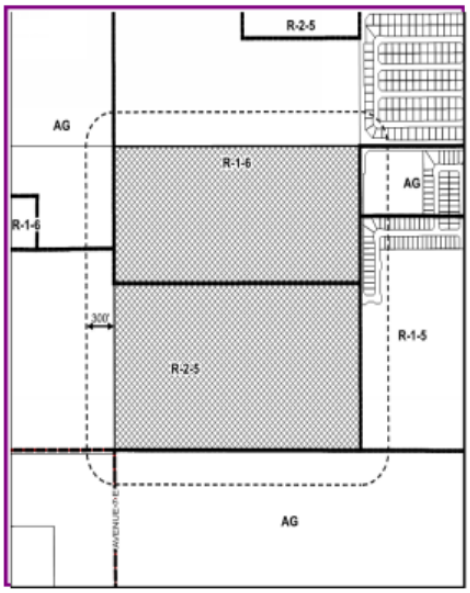
Property Owner	Mailing Address	City/State/Zip Code
DN DEVELOPMENT YUMA LLC	3064 S AVE B	YUMA AZ 85364
TAPIA LUIS & JENNA L	7520 E 45TH ST	YUMA AZ 85365
CAMACHO NEFTALI & FRANCISCA	7512 E 45TH ST	YUMA AZ 85365
SAGUARO DESERT DEVELOPMENT AZ LLC	3064 S AVENUE B	YUMA AZ 85364
BLUE SKY LAND INVESTMENTS LLC	3064 S AVE B	YUMA AZ 85365
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA AZ 85364
COX JACOB MATTHEW & ERIN NICOLE	7549 E 43RD LN	YUMA AZ 85365
COPELAND CHRISTIAN & GENEVIEVE	4550 S SUNFLOWER DR	YUMA AZ 85365
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA AZ 85365
GRANITE YUMA DE LLC ETAL	214 W 39TH ST STE 1200	NEW YORK NY 10018
STATE OF ARIZONA	1616 W ADAMS ST	PHOENIX AZ 85007

ATTACHMENT F
NEIGHBOR MAILING

This is a request by Dahl, Robins & Associates, on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, for approval of the preliminary plat for the Saguaro Unit No. 5 and 6 Subdivision. This subdivision will contain approximately 69.4 acres and is proposed to be divided into 243 residential lots, ranging in size from approximately 7,592 square feet to 16,413 square feet, for the property located at the southwest corner of S. Mississippi Avenue (Avenue 7 ½E) and E. 44th Street, Yuma, AZ.

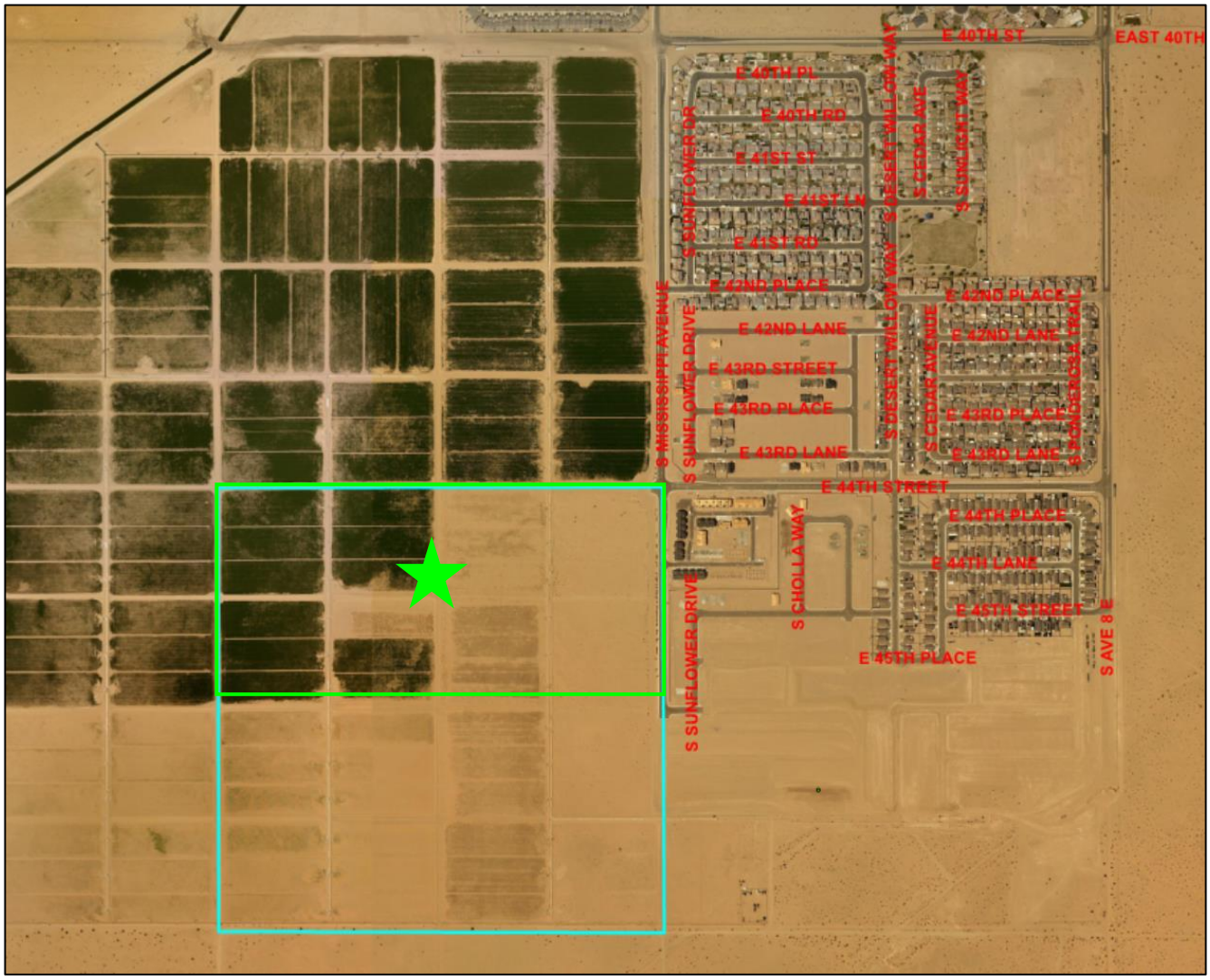
MEETING DATE, TIME & LOCATION
FOR CASE #
SUBD-40779-2022

PUBLIC HEARING
01/09/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the South West Corner of South Mississippi and East 44th Street, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Domby by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Domby@YumaAz.gov

ATTACHMENT G
AERIAL PHOTO



SAGUARO UNIT No. 6

A SUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA

DATE OF PREPARATION: AUGUST 2024 NUMBER OF LOTS: 124 ACREAGE: 33.1043 ACRES

DEDICATION

STATE OF ARIZONA }SS
COUNTY OF YUMA }
KNOW ALL MEN BY THESE PRESENTS:
THAT SD DEVELOPMENT YUMA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED THE FOLLOWING DESCRIBED PROPERTY; THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS AND STREETS UNDER THE NAME OF "SAGUARO UNIT No. 6" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAID "SAGUARO UNIT No. 6" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER AND THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT SD DEVELOPMENT YUMA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY DEDICATES THE STREETS SHOWN HEREON TO THE CITY OF YUMA FOR THEIR USE AND BENEFIT. THE EASEMENTS ARE DEDICATED TO THE CITY OF YUMA FOR THE PURPOSES SHOWN HEREON. A THREE FOOT NON-CONSTRUCTION AND NO OBSTRUCTION EASEMENT FROM THE FURTHEST PROJECTION ON ANY SIDE OF ALL FIRE HYDRANTS IS HEREBY GRANTED.

IN WITNESS WHEREOF SD DEVELOPMENT YUMA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS COMPANY NAME TO BE SIGNED AND ITS COMPANY SEAL TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF BRIAN L. HALL, ITS MANAGER, THEREUNTO DULY AUTHORIZED ON THIS_____ DAY OF_____, 2024

BRIAN L. HALL, MANAGER
SD DEVELOPMENT YUMA, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

STATE OF ARIZONA }SS
COUNTY OF YUMA }
ON THIS _____ DAY OF _____, 2024
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED BRIAN L. HALL, WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGER OF SD DEVELOPMENT YUMA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND THAT HE, AS SUCH OFFICER BEING DULY AUTHORIZED TO DO SO, EXECUTED THE DEDICATION INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF SAID COMPANY BY HIMSELF AS SUCH OFFICER

IN WITNESS WHEREOF

I HEREUNTO SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC
MY COMMISSION EXPIRES

APPROVED

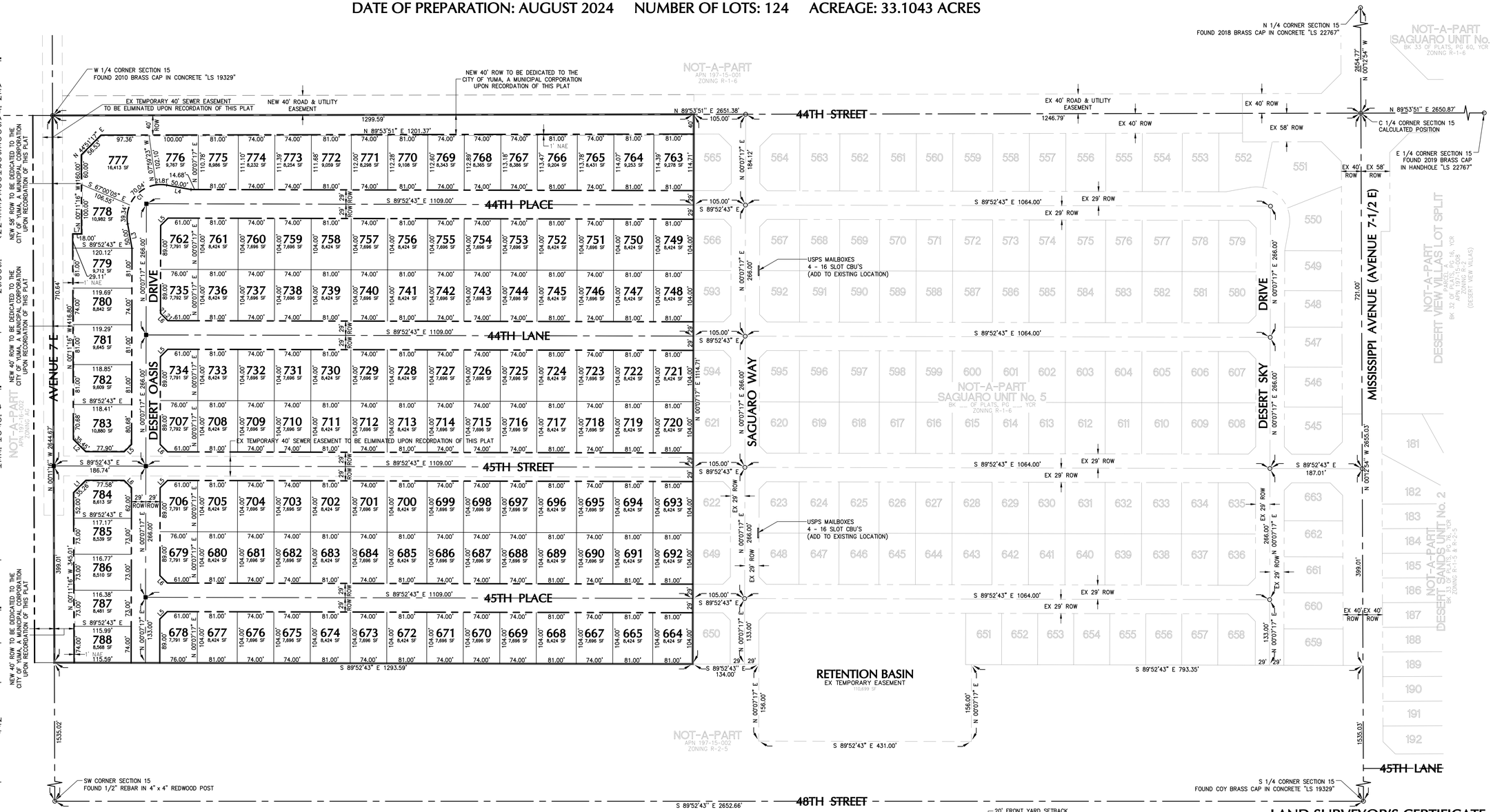
DEPARTMENT OF COMMUNITY DEVELOPMENT

CITY OF YUMA ENGINEER

STATE OF ARIZONA }SS
COUNTY OF YUMA }
THIS SUBDIVISION, AS SHOWN HEREON, HAS BEEN APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUMA, ON THIS _____ DAY OF _____, 2024

MAYOR
ATTEST:

CITY CLERK



LEGEND

	CENTERLINE / SECTION LINE
	SUBDIVISION BOUNDARY
	RIGHT OF WAY LINE
	SETBACK LINE
	EASEMENT LINE (TYPE AS SHOWN)
600	NEW LOT NUMBER
8,000 SF	NEW LOT AREA
■	NEW STREET MONUMENT SET 1/2" REBAR W/CAP "RLS 31018"
O	EXISTING MONUMENT (TYPE AS NOTED)
ROW	RIGHT OF WAY
NAE	NON ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
APN	ASSESSOR'S PARCEL NUMBER
BK	BOOK
PG	PAGE
YCR	YUMA COUNTY RECORDS

N

100' 0 100' 200' 300'
SCALE: 1" = 100'

OWNER/DEVELOPER

SD DEVELOPMENT YUMA, LLC
3064 S. AVENUE B, YUMA, AZ 85364
(928) 782-3072

CURRENT ZONING

R-1-6 LOW DENSITY RESIDENTIAL

BASIS OF BEARINGS

1983 US STATE PLANE COORDINATE SYSTEM (ARIZONA WEST) AS MEASURED BY KINEMATIC GPS OBSERVATIONS

FLOOD ZONE DESIGNATION

THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE X DESIGNATION (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), COMMUNITY PANEL NUMBER 04027C1545E DATED AUGUST 28, 2008, WHICH IS THE FLOOD INSURANCE RATE MAP (PANEL NOT PRINTED) FOR THE COMMUNITY IN WHICH THIS PROJECT IS SITUATED

MAILBOX NOTES

- 4 - 16 SLOT CBU'S TO BE LOCATED ON SAGUARO WAY BETWEEN LOTS 567 AND 592 (ADD TO EXISTING LOCATION)
- 4 - 16 SLOT CBU'S TO BE LOCATED ON SAGUARO WAY BETWEEN LOTS 623 AND 648 (ADD TO EXISTING LOCATION)

LINE DATA

NUMBER	BEARING	DISTANCE
L1	N 44°58'00" E	35.26'
L2	N 45°02'00" W	35.45'
L3	N 10°08'42" W	50.00'
L4	S 79°36'44" E	50.00'
L5	N 45°07'17" E	21.21'
L6	S 44°52'43" E	21.21'
L7	N 89°53'51" E	18.00'

CURVE DATA

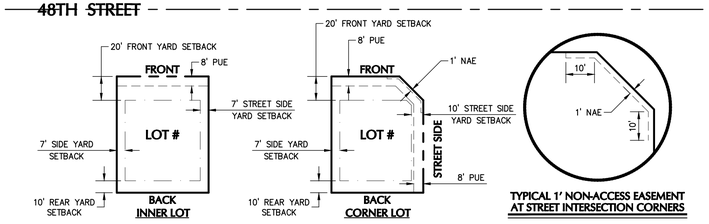
No.	LENGTH	RADIUS	DELTA
C1	131.18'	68.00'	110°31'58"

RESTRICTIVE COVENANTS

HAVE BEEN RECORDED CONCURRENTLY AND ARE A PART OF THIS PLAT

SURVEYOR'S NOTE

1. ALL NEW PROPERTY CORNERS TO BE SET 1/2" REBAR WITH CAP "LS 31018"



TYPICAL LOT LAYOUTS R-1-6

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING AUGUST 2024 AND THAT THIS SUBDIVISION CONFORMS TO ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA, ARIZONA.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
31018
KEVIN A.
DAHL
Date Signed 8/21/2024
ARIZONA, U.S.A.

KEVIN A. DAHL RLS No. 31018

LAND SURVEYOR

1560 S. 5th Avenue
Yuma, AZ 85364
Phone: (928) 819-0825
Fax: (928) 819-0826
www.dahlrobins.com
DRA Job. 24189

DAHL, ROBINS & ASSOCIATES, INC.

SHEET 1 OF 1

City of Yuma

City Council Report

File #: MC 2024-152 **Agenda Date:** 10/2/2024 **Agenda #:** 10.

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

TITLE:
Authorize Settlement: Aguilera Notice of Claim

SUMMARY RECOMMENDATION:
Authorize settlement of the Aguilera Notice of Claim. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:
The resolution of this claim supports the City Council's Respected and Responsible strategic outcome.

REPORT:
This settlement involves a personal injury claim stemming from an injury to a minor child on September 2, 2021, at Carver Park. Attorneys for the family initially sought $450,000 to resolve the claim, but later amended to $150,000.

The minor was using a slide and sustained a deep cut to his arm. Some months prior to the incident, City Parks staff closed this slide and ordered a replacement. Approximately two (2) days prior to the incident, unknown vandals ripped off the safety panels closing the slide and left several screws exposed.

A review of records confirms City Parks staff worked on the slide and Park landscaping the day before the incident. The vandalism is believed to have taken place at night, most likely the night before injury occurred.

The City Attorney's Office engaged in early settlement negotiations with Plaintiff's counsel prior to litigation and has reached a settlement of $25,000 with Plaintiff's counsel placing the funds in a conservatorship for the benefit of the minor.

The amount reflects a fair resolution to the matter given it was caused at a public park by unknown vandals at night. Recent changes to Parks operation and City Council's amendments to operation hours should assist in precluding opportunities for vandals to cause injury to the public in the future.

The City Attorney's Office recommends approval of this settlement to obtain a full and final release of all claims alleged by the Claimant.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 25,000.00	BUDGETED:	$ 25,000.00
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	$25,000.00	502-20-10.6305	
To total; right click number & choose “Update Field”			

FISCAL IMPACT STATEMENT:
NONE

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

NONE

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

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

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

City of Yuma

City Council Report

File #: R2024-051 **Agenda Date:** 10/2/2024 **Agenda #:** 1.

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

TITLE:
Intergovernmental Agreement: City of San Luis, Arizona

SUMMARY RECOMMENDATION:
Authorize the City Administrator to enter into an intergovernmental agreement with the City of San Luis for the indefinite use of specialized border fencing emergency access and rescue equipment. (Yuma Fire Department) (Dustin Fields)

STRATEGIC OUTCOME:
This action supports the City Council's strategic outcome of Respected and Responsible and Safe and Prosperous by providing the needed resources to first responders to best service the greater regional community.

REPORT:
On June 18, 2024, the Department of Emergency and Military Affairs (DEMA) approved a grant amendment for the City of Yuma to procure and retain ownership of specialized border fencing emergency rescue equipment for individuals stuck on the US-Mexico border fence. This equipment package includes a rescue-load capable ascender/winch kit; patented magnetic anchors; line and rope launching equipment; and rated, scalable, collapsible, and ultralight ladders designed for use in an austere environment. This equipment has distinct relevance to above-grade rescues such as those off the border fencing.

The DEMA grant amendment stipulates that the City of Yuma will retain ownership of the equipment, but it will be provided to the City of San Luis for its use indefinitely. Under this intergovernmental agreement, the City of San Luis will be responsible for use, inventory, care, and maintenance of the equipment and is not authorized to surplus, sell, or otherwise dispose of the equipment.

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. 2024- 051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA APPROVING AND AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SAN LUIS, ARIZONA, REGARDING A SPECIALIZED LADDER AND RESCUE EQUIPMENT PROCURED BY THE CITY OF YUMA THROUGH A DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS GRANT AND DESIGNATED FOR USE BY THE CITY OF SAN LUIS FIRE DEPARTMENT

WHEREAS, on June 18, 2024, the Arizona Department of Emergency and Military Affairs (DEMA) approved a grant amendment for the City of Yuma to procure and retain ownership of specialized border fencing access equipment; and,

WHEREAS, the purpose for acquiring the equipment is to provide first responder emergency access for rescue of individuals stuck on the U.S.-Mexico border fence; and,

WHEREAS, both the City of San Luis and the City of Yuma desire to render assistance to one another to provide the highest level of services and most effective use of local fire department resources working collaboratively through intergovernmental cooperation.

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

SECTION 1: The Yuma City Council has the legal authority to enter into an intergovernmental agreement with the City of San Luis stipulating that once procured, the City of Yuma will transfer the specialized ladder and rescue components to the City of San Luis as an indefinite loan. Until such time as San Luis no longer requires the equipment or upon the termination of the Intergovernmental Agreement, the equipment shall be returned to the City of Yuma.

SECTION 2: The City of San Luis will be responsible for the use, inventory, care, and maintenance of the transferred equipment and is not authorized to surplus, sell, or otherwise dispose of the equipment.

SECTION 3: The City of Yuma shall work with the City of San Luis to meet established roles, responsibilities, and deadlines for compliance with DEMA requirements.

SECTION 4: The City Administrator, on behalf of the City of Yuma, is authorized to execute the attached Intergovernmental Agreement which is approved in accordance with its terms.

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTEST:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SAN LUIS, ARIZONA, REGARDING A SPECIALIZED LADDER AND RESCUE COMPONENTS PROCURED BY THE CITY OF YUMA AND DESIGNATED FOR USE BY THE CITY OF SAN LUIS, ARIZONA FIRE DEPARTMENT (SLFD)

This Intergovernmental Agreement ("Agreement") is entered into by and between the City of Yuma, an Arizona municipal corporation ("Yuma") and the City of San Luis, also an Arizona municipal corporation ("San Luis"). Yuma and San Luis are sometimes referred to collectively as the "Parties."

RECITALS

WHEREAS, on June 18, 2024, the Arizona Department of Emergency and Military Affairs (DEMA) approved a grant amendment for the City of Yuma to procure and retain ownership of specialized border fencing access equipment; and,

WHEREAS, DEMA stipulated that once procured, the City would transfer the equipment to San Luis as an indefinite loan until such time as San Luis no longer requires the equipment, and the equipment shall then be returned to the City of Yuma; and,

WHEREAS, San Luis will be responsible for the use, inventory, care, and maintenance of the transferred equipment and is not authorized to surplus, sell, or otherwise dispose of the equipment; and,

WHEREAS, the Parties intend to provide first responder emergency access for rescue of individuals stuck on the border fence with Mexico; and,

WHEREAS, the Parties desire to render assistance to one another in accordance with the terms of this Agreement to provide the highest level of services and most effective use of local fire department resources working collaboratively through intergovernmental cooperation;

NOW, THEREFORE, in consideration of the recitals and the mutual terms and conditions of this Agreement, the Parties agree as follows:

AGREEMENT

1. **Purpose**. The purpose of this Agreement is to outline the roles, responsibilities, and indemnities for the City of Yuma and the City of San Luis.

2. **Equipment Procurement and Ownership.**

2.1. Yuma shall act as the procuring agency and retain ownership rights to the equipment shown below (collectively, "Equipment").

DESCRIPTION	QTY	UNIT PRICE	PRICE
AK-APA-5-U (Ascender STANDARD Kit)	1	97,430.10	97,430.10
AK-LNCR=COMPACT-TAC (Launcher Kit COMPLETE)	1	63,119.20	63,119.20
AK-UPL-S-10.0HK-B (Monopole STANDARD VBSS Med Kit)	1	67,608.44	67,608.44
UPL (Ladder Section)	4	8,579.32	34,317.28
ATL-150ft-10.5mm (Rope)	2	714.29	1,428.58
AK-ATLAS-APP (Magnets STANDARD Kit)	1	24,461.51	24,461.51
AT-NET-LVL-1 (Training/Student)	24	.00	.00
AT-TRAVEL-CUSTOM	2	1,650.00	3,300.00
SALES TAX (AZ 8.412%)	1	24,257.27	24,257.27
Subtotal			315,922.38
Total USD Including Tax			315,922.38

2.2 Yuma shall use accepted procurement methods to obtain the equipment.

2.3 Yuma shall seek and obtain reimbursement for the equipment from DEMA.

2.2. Yuma shall transfer the equipment to San Luis as an indefinite loan.

3. <u>Responsibilities of San Luis.</u>

3.1. San Luis shall be responsible for the use, inventory, care, and maintenance of the transferred equipment.

3.2. Loss, damage, or malfunction of the equipment shall be promptly reported to the Yuma Fire Department.

3.3. San Luis is not authorized to surplus, sell, or otherwise dispose of the equipment.

3.4. Should San Luis no longer require the equipment or in the event of termination of this Agreement, notification shall be made to the Yuma Fire Department and the Equipment shall be returned to the City of Yuma within 30 days.

4. <u>Responsibilities of the City.</u>

4.1. Compliance and Reporting. Yuma Fire Department shall submit quarterly compliance reports to DEMA on behalf of San Luis.

4.2 Training.

4.1.1. Yuma shall include designated members of the SLFD in the New Equipment Training delivered by the vendor.

4.1.2. Trained SLFD employees shall be responsible for delivering the training to all members of the SLFD.

5. <u>Indemnification and Liability</u>.

5.1 Yuma shall not be liable for any damage, injury, or death arising from the use, including improper use of the Equipment, malfunction, or failure of the Equipment, or any other circumstances arising from the use of the Equipment. San Luis shall indemnify Yuma against any and all claims relating to the use of the Equipment.

5.2. San Luis shall maintain no less than $1,000,000.00 liability and worker's compensation insurance to cover claims arising from damage or injury incurred while using the Equipment. Such insurance shall contain endorsements naming the City of Yuma and Arizona DEMA as additional insureds, shall be primary, and shall include an endorsement waiving any right of subrogation against the additional insureds.

6. <u>Termination.</u> This Agreement may be terminated by either Party upon thirty (30) days written notice to the other Party.

7. <u>Miscellaneous.</u>

7.1. This Agreement constitutes the entire Agreement between the Parties and supersedes all prior negotiations, representations, or Agreements, whether written or oral.

7.2. Any amendments or modifications to this Agreement must be in writing and signed by an authorized representative of both Parties.

8. <u>Notice</u>. All notices or other communications must be in writing and are deemed duly delivered upon personal delivery, or as of the second business day after mailing by United States mail, postage prepaid, registered or certified, return receipt requested, addressed as follows:

YUMA:	City of Yuma Attn: Fire Chief One City Plaza Yuma, AZ 85364
San Luis:	City of San Luis Attn: Fire Chief P. O. Box 445 San Luis, AZ 85349

If either Party changes address, the Party must give written notice to the other Party. Notice of change of address is deemed effective five (5) days after mailing by the Party changing its address.

9. **Headings**. The headings of this Agreement are for reference only and shall not limit or define the meaning of any provision of this Agreement.

10. **Authority**.

14.1. The Yuma City Council enters into this Agreement pursuant to its power to adopt intergovernmental Agreements as granted in Article III, Section 13 of the City of Yuma Charter and A.R.S. § 11-952.

14.2. The San Luis City Council enters into this Agreement pursuant to its power to adopt intergovernmental Agreements as granted and A.R.S. § 11-952.

11. **Anti-Deficiency Act**. Nothing in this Agreement shall be construed as requiring the Parties to act in violation of any applicable state, federal, or local statute, rule, or regulation including, but not limited to, the Anti-Deficiency Act.

12. **Jurisdiction/Venue/Applicable Law**. The Parties must institute and maintain any legal actions or other judicial proceedings arising from this Agreement in a court of competent jurisdiction in Yuma County, Arizona. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.

13. **Workers Compensation**. The employees, agents, officials, or representatives of the Parties will not for any purpose be considered employees, agents, officials, or representatives of the other. Each Party assumes full responsibility for the actions of its personnel while performing services under this Agreement, and shall be solely responsible for their supervision, daily direction and control, and payment of salary (including withholding income taxes, etc.).

Solely for the purposes of A.R.S. § 23-1022 and the Arizona Workers' Compensation laws, an employee of either Party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue.

Each Party shall post a notice pursuant to the provisions of A.R.S. § 23-1022 in substantially the following form:

> "All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental Agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purpose of worker's compensation."

14. **Conflict of Interest**. This Agreement is subject to the conflict of interest and cancellation provisions of A.R.S. § 38-511, as amended, the provisions of which are incorporated by reference.

15. **Attorneys' Fees and Costs**. If either Party brings an action or proceeding for failure to observe any of the terms or provisions of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and costs.

16. **Independent Contractor/No Partnership**. It is clearly understood that each Party will act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. Nothing in this Agreement constitutes a partnership or joint venture between the Parties and neither Party is the principal or agent of the other.

17. **E-Verify.** To the extent applicable under A.R.S. § 41-4401, the Parties warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). Failure by any Party to comply with such warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement. To the extent authorized under A.R.S. § 44-4401, each Party shall have the right to inspect the documents of any employee who performs work under this Agreement for the purpose of ensuring that the other Party is in compliance with the warranty in this provision.

18. **Compliance with All Laws.** Each Party shall comply with all applicable federal, state, and local laws, rules, regulations, Arizona DEMA grant provisions, and Executive Orders. The laws and regulations of the State of Arizona will govern the rights of the Parties, the performance of the Agreement and any disputes hereunder. Any changes in the governing laws, rules, and regulations during the terms of this Agreement will apply but do not require an amendment of this Agreement.

19. **Boycott of Israel.** The Parties certify that they are not currently engaged in and agree for the duration of this Agreement that they will not engage in a "boycott," as that term is defined in A.R.S. § 35-393, of Israel.

20. **Provisions Required by Law.** Each provision of law and any clause required by law to be in the Agreement will be read and enforced as though it 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.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, this Agreement has been executed on the dates and year herein below.

Date: _____, 2024

CITY OF YUMA

_____
John D. Simonton
City Administrator

ATTEST:

_____
Lynda L. Bushong
City Clerk

Date: _____, 2024

CITY OF SAN LUIS

_____
Jenny Torres
City Manager

ATTEST:

_____
Sonia Cornelio
City Clerk

Pursuant to A.R.S. § 11-952, the foregoing Agreement has been submitted to the undersigned City Attorney for the City of Yuma, Arizona. The undersigned has determined this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona and the City Charter to the City of Yuma.

_____
Richard W. Files, City Attorney

Pursuant to A.R.S. § 11-952, the foregoing Agreement has been submitted to the undersigned City Attorney for the City of San Luis, Arizona. The undersigned has determined this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the City of San Luis.

_____
Kay Marion Macuil, City Attorney

City of Yuma

City Council Report

File #: R2024-052 **Agenda Date:** 10/2/2024 **Agenda #:** 2.

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

TITLE:
Ratification of Intergovernmental Agreement: Crane School District - School Resource Officer

SUMMARY RECOMMENDATION:
Ratify execution of a three-year Intergovernmental Agreement (IGA) with the Crane School District for School Resource Officer (SRO) services that require the SROs to be present on District school campuses which could include at District events before and after school hours. The district approves funding under section 9 of the agreement. (Police/Patrol) (T. Garrity)

STRATEGIC OUTCOME:
This IGA supports the City Council's strategic outcome of Safe and Prosperous by assisting one of the City's regional partners and providing a uniformed officer presence on school campuses, which enhances security and provides resources to deter and investigate criminal activity.

REPORT:
The City of Yuma Police Department provides policing services to Crane School District, which include classroom instruction, mentoring and coaching of students, enhanced security on campuses, criminal investigations, and response to criminal activity. This IGA is for a three-year term commencing July 31, 2024 - June 30, 2027.

Upon reviewing all of the schools agreements it was learned the expiration of the Crane IGA was occurring in a short period of time. The IGA was routed through the legal channels in both the schools and City which took time. Procedures have been put in place to ensure this type of delay does not occur in the future. There has been no disruption of services between the police department and schools.

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 0.00	BUDGETED:	$ 92,458.40
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	$92,458.40	-	
To total; right click number & choose “Update Field”			

FISCAL IMPACT STATEMENT:
This is a cost neutral program. The District reimburses the City up to the budgeted amount of $47,121.81 for salary, $41,936.59 for employee related expenses and benefits, and $3,400 for training, travel, and supplies, per year.

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. R2024-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND CRANE ELEMENTARY SCHOOL DISTRICT NO. 13, PROVIDING A SCHOOL RESOURCE OFFICER ON SCHOOL GROUNDS TO CONTRIBUTE TO A SAFE SCHOOL ENVIRONMENT CONDUCIVE TO TEACHING AND LEARNING

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

WHEREAS, the School Safety Program was established by A.R.S. § 15-154 in 1994 for the purpose of placing School Resource Officers ("SRO") and Juvenile Probation Officers ("JPO") on school grounds to contribute to safe school environments conducive to teaching and learning; and,

WHEREAS, the Crane Elementary School District No. 13 ("District") and the City are authorized by A.R.S. § 11-952 et seq., Article III, Section 13, of the Yuma City Charter, and A.R.S. § 15-342.13 to enter into agreements for the joint exercise of any power common to the contracting parties as to governmental functions necessary for the public health, safety and welfare, and the proprietary functions of such public agencies; and,

WHEREAS, the District and the City desire to work in cooperation with one another to further the goals of the approved School Safety Program and shall accept the roles and responsibilities established in the School Safety Program guidelines; and,

WHEREAS, through this Agreement, the Yuma Police Department ("YPD") will assign one SRO for successive 10-month periods to the District to perform the services listed in the agreement.

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

SECTION 1: The City Council finds entering into an intergovernmental agreement with Crane Elementary District No. 13 for the purpose of placing an SRO on school grounds is in the public interest by promoting a safe and prosperous learning environment.

SECTION 2: The document titled *School Safety Program Intergovernmental Agreement between Crane Elementary School District No. 13, Centennial Middle School and Crane Middle School, and The City of Yuma through the Yuma Police Department*, attached and incorporated into this Resolution by reference, is approved for signature on behalf of the City of Yuma.

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

SCHOOL SAFETY PROGRAM

INTERGOVERNMENTAL AGREEMENT

BETWEEN

CRANE ELEMENTARY SCHOOL DISTRICT NO. 13

Centennial Middle School and Crane Middle School

AND

THE CITY OF YUMA THROUGH THE YUMA POLICE DEPARTMENT

2024 - 2027

INTERGOVERNMENTAL AGREEMENT
FOR SCHOOL SAFETY PROGRAM

This INTERGOVERNMENTAL AGREEMENT (this "Agreement") for a School Safety Program is entered into this 31th day of July, 2024, by and between the Crane Elementary School District No. 13 ("District"), on behalf of Centennial Middle School and Crane Middle School, and the City of Yuma ("City") through the Yuma Police Department ("YPD") each of which is a public agency of the State of Arizona as that term is defined in Arizona Revised Statutes ("A.R.S.") § 11-951.

WHEREAS, the School Safety Program was established by A.R.S. § 15-154 in 1994 for the purpose of placing School Resource Officers ("SRO") and Juvenile Probation Officers ("JPO") on school grounds to contribute to safe school environments conducive to teaching and learning; and.

WHEREAS, through comprehensive prevention and intervention approaches, School Safety Program funded officers maintain a visible presence on campus, deter delinquent and violent behaviors, serve as an available resource to the school community, and provide students and staff with law-related education, instruction, and training; and,

WHEREAS, SROs develop positive interactive relationships with the students, the staff, and the community that they serve. This proactive, prevention-based program is cultivated through collaborative working partnerships between SROs, school administration, teachers, police and juvenile probation departments; and

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

WHEREAS, the District and the City desire to work in cooperation with one another to further the goals of the approved School Safety Program and shall accept the roles and responsibilities as established in the School Safety Program guidelines; and,

WHEREAS, through this Agreement, YPD will assign one SRO for successive 10-month periods to the District to perform the services listed in Section 4 herein.

NOW THEREFORE, in consideration of the mutual promises and undertakings contained herein, the parties hereby agree as follows:

1. DURATION OF AGREEMENT

This Agreement shall begin on the 31th day of July, 2024, and shall terminate on the 30th day of June 2027, provided the District's School Safety Program is approved for funding by the District for fiscal years 2024-2025. 2025-2026 and 2026-2027.

2. RECOMMENDENDED QUALIFICATIONS OF OFFICER (S)

The recommended qualifications for the SRO(s) selected for this position are as follows:

- Desire to work with students, parents. and educators.
- Willingness to teach law-related education.
- Supportive of and committed to prevention strategies.
- Satisfactory employment history with supporting documentation.
- Demonstrated effectiveness in working with youth.
- Oral and written communication skills.
- Ability to effectively interact and communicate with diverse set of individuals.
- Supportive of and committed to the philosophy of the School Safety Program.
- Willingness to attend law-related education basic and advanced training to implement and maintain Law-Related Education ("LRE") programs to meet the needs of the students.
- Member of a law enforcement agency.
- AZPOST certified general instructor.

The City will undertake in good faith to select the SRO(s) based on the qualifications above but may waive one or more qualifications in the best interest of the District and the City.

3. SELECTION PROCESS

The selection of the right officer is one of the most important aspects of making the School Safety Program successful. Therefore. the selection process should identify officers who are best suited to the work as SROs.

Involving the District administration in the selection process after the final candidates have been selected by YPD is important because:

- The District administrator can identify the needs of the school.
- The District administrator can identify the type of personality that will work best in a specific school environment.
- The District administrator can provide insights into what is required to be effective in the school community.
- The District administrator can provide a critical understanding of the School Safety Program.

Notwithstanding anything to the contrary in this Agreement, YPD shall select the SRO, and may, but is not required to, involve the District in selecting the SRO. In all cases, YPD shall consider the best interests of the District in the selection of an SRO.

4. SERVICES TO BE PERFORMED

The District shall provide office space that provides privacy for the SRO(s) to conduct confidential business. The office shall include the necessary equipment for an SRO to effectively perform their duties, i.e., telephone, desk, chair, filing cabinet, up-to-date computer and printer.

The role of SRO(s) at Crane Elementary School District No. 13:

The SRO(s) support of the School Safety Program is vital to the success of the program. SRO(s) are expected to spend approximately 80% of their time on a District middle school site. SRO(s) must be present and accessible on the school campus to which they are assigned for 40 hours per week. This time will be split between Crane Middle School and Centennial Middle School as mutually determined by both parties.

Absent an emergency, the SRO(s) shall not be called away from his/her designated schools. If an SRO is called away for police business (excluding mandatory training, meetings, or crisis), the District shall not be invoiced for any time the SRO is away.

The SRO has three basic roles: (1) serve as a law enforcement officer/public safety specialist, (2) serve as a law-related educator, and (3) act as a positive role model. The duties of each role are set forth below.

A. LAW ENFORCEMENT OFFICER/PUBLIC SAFETY SPECIALIST

The following duties pertain to the SRO's role as a law enforcement officer/public safety specialist:

- The SRO's first and foremost responsibility is to serve as a sworn law-enforcement officer. When necessary, the SRO has the authority to intervene as a law-enforcement officer. Once order is restored, however, the SRO's other roles as law-related educator and role model are the more typical day to day roles.
- Administrators shall take the lead on school policy violations. The SRO shall only be involved when a student's conduct violates a law. If possible, the SRO should assist in an arrest rather than acting as the principal law-enforcement officer. However, the SRO may make arrests for clear violations of law if necessity dictates.
- As partners in school safety. SRO(s) and District administrators shall work together to develop procedures for ongoing communication to ensure timely and uniform reporting of criminal activities.
- The SRO serves as a member of the School Safety Assessment and Prevention Team.
- The SRO utilizes expertise and agency resources for intervention and prevention of potential crime.
- The SRO collaborates and communicates with school personnel on school-wide safety strategies (e.g. staff trainings, emergency response planning, needs assessment, and prevention planning).
- The SRO builds relationships with students, parents and staff that promote a positive image of law enforcement.

B. LAW-RELATED EDUCATOR

- The SRO speaks to classes and assemblies regarding the law, law enforcement, and public safety upon invitation from District administrator or teaching staff.
- The SRO takes a proactive approach and finds opportunities to educate students about laws and procedures related to law enforcement and the role of law enforcement in the community.
- The SRO stays up-to-date on law enforcement related topics and changes in the law so as to more effectively interact and educate students.

C. POSITIVE ROLE MODEL

As a positive role model for students and the school community, the SRO should:

- Set limits by being clear about what is acceptable and what is not.
- Educate students about the consequences of unacceptable behavior and the rewards of acceptable behavior.
- Set an example by modeling how to handle stress, resolve conflicts, celebrate successes, and how to be a friend.
- Be honest and provide accurate information.
- Be consistent in applying rules and regulations with students, staff, and parents.
- Encourage responsibility by helping students consider options and consequences of decisions, set personal goals, and develop plans to make desired changes.
- Treat students with respect and express high expectations for them.
- Always strive to be a positive role model knowing students learn from every observation of or interaction with the SRO.

5. WHEN SCHOOL IS NOT IN SESSION DURING SUMMER BREAK AND INTERSESSION

The SRO(s) will be assigned to the District for a 10-month period, as specified below. During summer break, as set forth on the District's school calendar. when summer school or summer school planning is not in session, and during intersession the SRO(s) will return to the YPD for assignment.

6. OFFICER ASSIGNMENT PERIODS:

The SRO's time will be split between Centennial Middle School and Crane Middle. The District administration will collaboratively work with all stakeholders to develop a schedule that is mutually acceptable to the schools and the SRO.

7. OFFICER TRAINING

The Arizona Foundation for Legal Services and Education is the contracted agency for LRE. Training in LRE is essential to successfully implement the LRE requirements in the classroom.

SROs new to the School Safety Program will be required to attend new SRO training, and all other SROs will be required to continue the development of their skills by annually attending advanced LRE workshops. If such training is not available to the SROs, the District and the City will work to secure alternative SRO training in order to comply with this provision along with how the training shall be funded.

8. PERFORMANCE EVALUATION

A performance evaluation shall be conducted each semester by a District administrator and shared with the SRO's supervisor. The evaluation is meant to assist the SRO and his/her supervisor in effectively carrying out the SRO's duties. It is not meant to supplant the official evaluation process used by YPD or the City. It is at the discretion of YPD and the City to include the school's evaluation in the SRO's official folder. Only SROs that have performed in a satisfactory manner should be considered for further service in the School Safety Program.

The following evaluation factors may help the SRO's supervisor evaluate the SRO's effectiveness in his/her role:

- Does the SRO have a clear sense of his/her role?
- Does the SRO understand the operational policies and procedures of the school necessary to perform effectively in the position?
- Has the SRO attended or scheduled to take a law-related education class in the current year?
- How does the SRO relate to staff, students, and parents?
- Does the SRO work well independently?
- Has the SRO attempted to meet the requirements of this Agreement?
- Does the SRO perform his/her duties effectively?
- How effective is the SRO with classroom presentations?

The District should conduct frequent informal evaluations that provide the SRO and his/her supervisor with feedback regarding the SRO's performance.

Any problem at a school between the SRO and the school, should first be addressed between the SRO and District administration. If a resolution is not reached, the District and SRO's department shall attempt to resolve the problem in good faith as set forth in Section 19 of this Agreement.

9. FINANCE AND BUDGET

Upon the District receiving the approved funding for fiscal year 2024-2025 the District shall budget and pay the SROs as follows:

A. District Payment to Y.P.D.

Salary	$ 47,121.81
ERE/Benefits	$ 41.936.59
Total	$ 89.058.40

The District will pay up to the budgeted amount for the position as per the budget schedule set forth this Section.

B. Payment Terms

The District shall remit quarterly payments consisting of four payments of $22,264.60 (for salary, and employee related expenses) to City of Yuma for a total of **$89,058.40**. In addition, the District may be billed up to an additional $3,400.00 for training, travel, and supplies for a total cost of $92,458.40. However, quarterly payments will be reduced to reflect any period during which SROs are not assigned to all schools.

Annual funding for this position will not increase during the term of this Agreement. Therefore, if any salary increases are granted by the City to its police officers during the life of this Agreement, the cost of those increases for the SRO(s) covered in this Agreement will be paid by the City.

10. FUND ACCOUNTING

Funds distributed to the City shall be handled and accounted for in accordance with the regular operating procedures established by the City. Any interest earned on these monies while in the possession of the City shall accrue to the City and may be used by the City for the Safe Schools Program. The District shall pay within thirty (30) days of receipt of the invoice from the City and shall pay late fees as established between the District and the City.

11. REPORTING AND RECORDS

All books, accounts, reports, files, and other records relating to this Agreement shall be kept for five (5) years after termination of this Agreement. The assigned SRO(s) shall establish and maintain procedures and controls that are acceptable to the City for the purpose of ensuring no information contained in the SRO's records or obtained from YPD or from others carrying out its functions shall be disclosed by the SRO(s), or anyone under his supervision, except as is necessary in the performance of the SRO's duties as described herein.

12. MODIFICATION AND TERMINATION

A. Termination

This Agreement may be terminated by either party if in its judgment such action is necessary due to: (a) funding availability; (b) statutory changes in the program; (c) either party's failure to implement or operate the approved Safe Schools Program; or (d) either

party's non-compliance with this Agreement. Any termination shall be in writing, stating the reason therefore, sent by certified mail, and is effective upon thirty (30) days' notice, as set forth in Section 22 of this Agreement, to the other party. Upon termination of this agreement, the parties shall return any property to its original owner.

B. Modification

Any modification to this Agreement shall be by mutual written consent signed by both parties.

13. EMPLOYMENT STATUS OF SRO(S)

Except as otherwise provided by law, in the performance of this Agreement and the School Safety Program, the parties are acting in their individual governmental capacities and not as agents, employees, partners, joint ventures, or associates of the other. The employees, agents, or subcontractors of one party shall not be deemed or construed to be the employees or agents of the other party.

YPD will have the sole authority over: (1) the assignment of the police officer(s); (2) the determination of the SRO's hours; (3) discipline of the SRO(s); and (4) the implementation of policies and procedures in the handling of law enforcement matters.

Notwithstanding the above, in acknowledgement of the SRO's need to interact with students and to meaningfully participate in the educational and supervisory roles of an SRO, the District shall designate each SRO as a "school official with a legitimate need" pursuant to the terms of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). This designation shall allow the SRO to inspect any student records required by the SRO to carry out his/her duties. The SRO shall not secondarily disclose such student records to the Yuma Police Department.

14. ENTIRE AGREEMENT

This Agreement, together with all applicable Arizona laws and the District's Governing Board Policies and Administrative Regulations, contains the entire understanding of the parties. There are no representations or other provisions other than those contained herein, and any amendment or modification of this Agreement shall be made only in writing and signed by the parties to this Agreement.

15. INDEMNIFICATION

To the extent allowable by law, each party (the "Indemnitor") agrees to indemnify, defend, and hold harmless the other party, and the other party's departments, agencies, agents, officials, officers, directors, employees, and volunteers (collectively "Indemnitee") for, from and against any and all claims, liabilities, demands, fines, judgments, damages, losses, and expenses, including attorneys' fees and litigation expenses, to which Indemnitee may become subject,

under any theory of liability whatsoever, (collectively "Claims") whether real or asserted, resulting from and/or arising out of Indemnitor's intentional, reckless, or negligent acts, directives, mistakes, errors, or omissions in performance or non-performance of any provisions of this Agreement, except to the extent such Claims arise out of or are based upon the acts, mistakes, errors, or omissions of Indemnitee. This indemnification provision shall apply to any and all any reckless, or negligent acts, mistakes, directions, errors, or omissions of Indemnitor's departments, officers, employees, contractors, and independent contractors

16. INVALIDITY OF PART OF THE AGREEMENT

The parties agree that should any part of this Agreement be held to be invalid or void, the remainder of the Agreement shall remain in full force and effect and shall be binding upon the parties.

17. GOVERNING LAW

This Agreement shall be construed and interpreted solely in accordance with the laws of the State of Arizona and shall incorporate by reference all laws governing the intergovernmental agreements and mandatory contract provisions of state agencies required by statute or executive order. Any action to enforce any provision of this Agreement or to obtain any remedy with respect this Agreement shall be brought exclusively in the Superior Court, Yuma County, Arizona (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona or in the United States District Court for the District of Arizona, if, and only if, the Superior Court lacks jurisdiction over such action). The parties waive all provisions of law for a change of venue in such proceeding to any other county.

18. COMPLIANCE WITH NON-DISCRIMINATION LAWS

YPD and the District shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. YPD and the District shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, and the Americans with Disabilities Act.

19. DISPUTE RESOLUTION

If there is a dispute, the parties shall make a good faith effort to resolve the dispute.

20. CONFLICT OF INTEREST

The parties acknowledge that this Agreement is subject to cancellation provisions pursuant to A.R.S. § 38-511, the provisions of which are incorporated and made a part of this Agreement by reference.

21. STUDENT CONFIDENTIALITY

Both parties will ensure that the dissemination and disposition of educational records complies at all times with the FERPA and any subsequent amendments .

22. COMPLIANCE WITH IMMIGRATION LAWS

The parties warrant, and represent to each other, that they are in compliance with A.R.S. §§ 41-4401 and 23-214, the Federal Immigration and Nationality Act (FINA), and all other immigration laws and regulations.

23. COMPLIANCE WITH FINGERPRINTING REQUIREMENTS

The parties shall comply with the fingerprinting requirements of A.R.S. § 15-512 unless otherwise exempted.

24. WORKER'S COMPENSATION

An employee of either party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for the purposes of Ariz. Rev. Stat. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue.

Each party shall post a notice pursuant to the provisions of Ariz. Rev. Stat. § 23-1022 in substantially the following form:

> "All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purpose of worker's compensation."

25. NOTICE AND REQUESTS

Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given and received if:

A. Personally delivered to the representatives at the addresses set forth below; or

(i) B. Deposited in the U.S. Mail, postage prepaid, certified, return receipt requested, to the addresses set forth below; or

(ii) C. Prepaid and given to a recognized and reputable overnight delivery service, such as UPS or FedEx, for delivery.

If a copy of a notice is also given to a party's counsel or other authorized recipient, the notice is

deemed to have been received on the date on which the below representative received the notice, not the date its counsel or other authorized recipient received the notice.

City of Yuma	Crane Elementary School District No. 13
Attn: Chief of Police	Attn: Superintendent
One City Plaza	4250 W. 16th St
Yuma, AZ 85364	Yuma, AZ 85364

26. RIGHTS/OBLIGATIONS OF PARTIES ONLY

The terms of this Agreement are intended only to define the respective rights and obligations of the parties. Nothing expressed herein shall create any rights or duties in favor of any potential third party beneficiary or other person, agency, or organization. Nothing expressed herein shall affect the legal liability of either party to this Agreement by imposing any standard of care different from the standard of care imposed by law.

27. NON-APPROPRIATION

Notwithstanding any other provision of this Agreement, this Agreement may be terminated if for any reason the District's governing body does not appropriate sufficient monies for the purpose of maintaining this Agreement. A failure to appropriate sufficient monies will not, however, relieve the District of its statutory responsibilities under Arizona law.

28. NO JOINT VENTURE

This Agreement does not create any partnership, joint venture, or employment relationship between District and City employees. Neither party shall be held liable for any debts, accounts, obligations nor other liabilities whatsoever of the other, including, without limitation, the other party's obligation to withhold social security and income taxes for itself or any of its employees.

[***signatures on the following page***]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date written below.

District: Crane Elementary School District No. 13

Dated: 8/13/2024

By: _____
Laurie Doering

Title: Superintendent

City of Yuma

Dated: _____

By: _____
Jay Simonton

Title: Interim City Administrator

Agency: Yuma Police Department

Dated: 7/22/24

By: _____
Thomas Garrity

Title: Chief of Police

ATTEST:

_____
Lynda L. Bushong, City Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

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

Attorney for District

_____
Udall Shumway, P.L.C

Attorney for City of Yuma

_____
Richard Files

City of Yuma

City Council Report

File #: R2024-053 **Agenda Date:** 10/2/2024 **Agenda #:** 3.

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

TITLE:
Resolution: Amend City of Yuma American Rescue Plan Act Project List

SUMMARY RECOMMENDATION:
Adopt a Resolution authorizing project budget amendments to obligate and expend the City's Coronavirus State and Local Fiscal Recovery Funds allocation of $23,071,661 before the grant expires. (Administration) (Jay Simonton/Douglas Allen)

STRATEGIC OUTCOME:
By adopting budget amendments to the ARPA Project List, the City is being Respected and Responsible with City resources. The use of the funds supports all the City Council's identified strategic outcomes and ensures Yuma is a thriving, safe, and prosperous community.

REPORT:
The federal government signed the American Rescue Plan Act (ARPA) into law on March 11, 2021. The program provides support to local governments in responding to the economic and public health impacts of COVID-19 and mitigate impacts on local communities. All expenditures must comply with U.S. Department of Treasury requirements.

The City of Yuma's ARPA funding allocation is $23,071,661. All ARPA funding must be obligated (encumbered) by December 31, 2024, and expended (spent) by December 31, 2026.

On April 6, 2022, City Council adopted Resolution R2022-012 approving the City's ARPA Project List outlining the City's intended uses of ARPA funds.

Of the 26 ARPA projects:

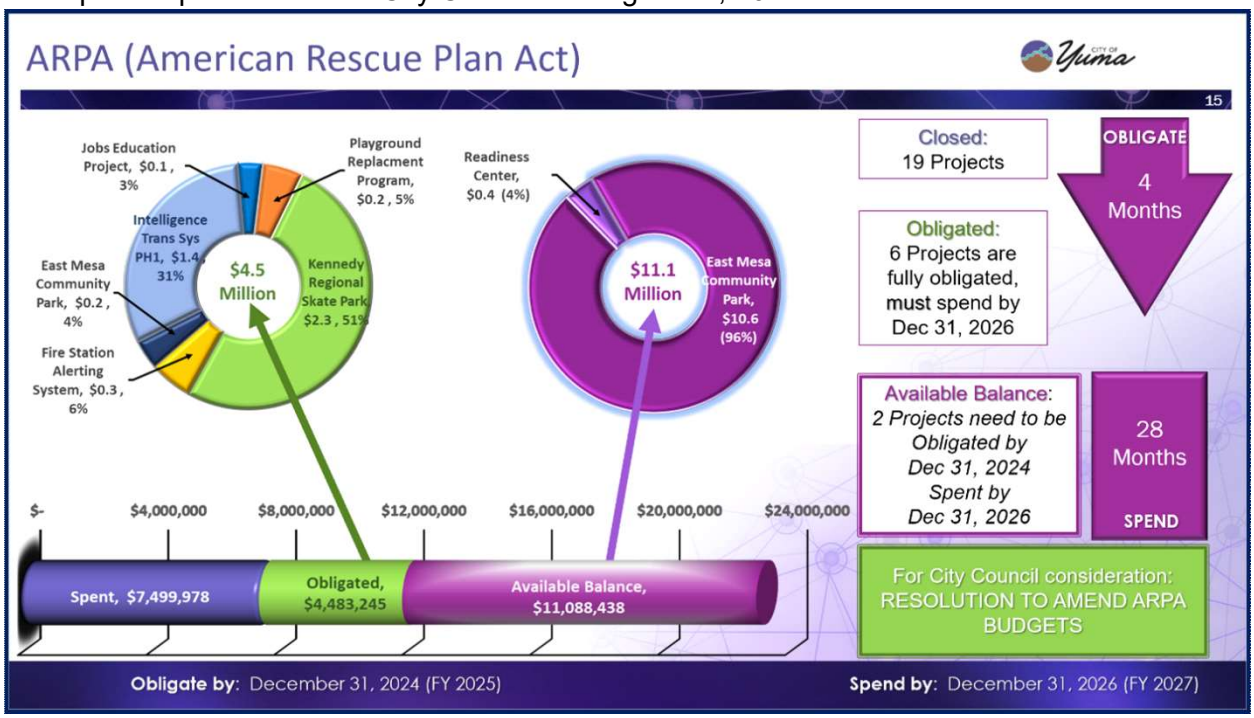
- 19 are completed and fully expended
- 5 are obligated and expect to be fully expended by December 2026
- 2 are expected to be obligated by December 2024 and expended by December 2026

The original adopted budgets included in the ARPA Project list were estimates. As projects are completed, some realized savings, others did not. After balancing all project budgets with actual costs, the accumulated residual net savings is $928,473.

This residual savings must be obligated by December 31, 2024. As presented in discussions with City Council regarding ARPA funding, the City's budget, and the Capital Improvement Plan:

- City Administration recommends allocating residual savings to ARPA project #4 East Mesa Community Park.
- This project's total costs have proven higher than originally anticipated.
- Using ARPA will augment using local City revenues from the General Fund.

Excerpt from presentation to City Council on August 21, 2024:



ARPA (American Rescue Plan Act)

ID	Project	Project Budget: Original	Project Budget: Changes	Project Budget: Amended	Actual Spending: FY 2022	Actual Spending: FY 2022/23	Actual Spending: FY 2024	Actual Spending: TOTAL	Obligate / Encumbered	Total Spent or Obligate	Available Balance
	NEED TO OBLIGATE AND EXPEND										
4	East Mesa Community Park	$ 10,000,000	$ 928,473	$ 10,928,473	$ -	$ 26,485	$ 79,269	$ 105,754	$ 175,618	$ 281,372	$ 10,647,101
11	Readiness Center AC & Gym Enhance	750,000	(308,663)	441,337	-	-		-	-	-	441,337
	OBLIGATED; NEED TO EXPEND										
1	Jobs Education Project	200,000	-	200,000	-	-	51,422	51,422	148,578	200,000	-
8	Playground Replacement Program	500,000	200,667	700,667	-	461,855	-	461,855	238,812	700,667	-
12	Kennedy Regional Skate Park	2,500,000	-	2,500,000	-	48,093	173,972	222,065	2,277,935	2,500,000	-
15	Fire Station Alerting System	250,000	5	250,005	-	-	-	-	250,005	250,005	-
25	Intelligence Trans Sys PH 1	1,500,000	-	1,500,000	-	-	107,703	107,703	1,392,297	1,500,000	-
	COMPLETED / REPURPOSED										
2	Economic Development Marketing	100,000	-	100,000	-	85,000	15,000	100,000	-	100,000 ✓	-
3	Economic Development-Small Business	200,000	(200,000)	-	-	-	-	-	-	- ✓	-
5	City-Wide Parks Revitalization	250,000	(38,385)	211,615	-	9,442	202,173	211,615	-	211,615 ✓	-
6	Castle Park Flooring	415,000	49,135	464,135	-	464,135	-	464,135	-	464,135 ✓	-
7	Kennedy Regional Park Improvements	500,000	59,409	559,409	-	405,509	153,900	559,409	-	559,409 ✓	-
9	Ambulance	500,000	(24,787)	475,213	61,260	105,616	308,337	475,213	-	475,213 ✓	-
10	Fire Station 7 Construction	2,000,000		2,000,000	-	898,075	1,101,925	2,000,000	-	2,000,000 ✓	-
13	Ventilation System Air Purifier	53,000	(2,732)	50,268	-	50,268	-	50,268	-	50,268 ✓	-
14	East Wetlands Park Improvements	300,000	-	300,000	-	-	300,000	300,000	-	300,000 ✓	-
16	Enterprise Document Mngmnt	80,000	(80,000)	-	-	-	-	-	-	- ✓	-
17	EnerGov Connect Portal	20,000	(20,000)	-	-	-	-	-	-	- ✓	-
18	Audio Upgrade Portable Conference Chamber System	25,000	15,501	40,501	-	12,168	28,334	40,501	-	40,501 ✓	-
19	Fire Station-Ambulance Medical Supplies	130,000		130,000		120,638	9,362	130,000	-	130,000 ✓	-
20	Technologies Upgrades to 190	100,000	(22,708)	77,292	-	48,288	29,004	77,292	-	77,292	-
21	COVID Overtime for Public Safety	600,000	(600,000)	-	-	-	-	-	-	- ✓	-
22	HERO Pay Bonuses	1,000,000	-	1,000,000	1,000,000	-	-	1,000,000	-	1,000,000 ✓	-
23	Boys & Girls Club Funding	100,000	-	100,000	-	100,000		100,000	-	100,000 ✓	-
24	Public Safety Trk Rehab	800,000	-	800,000	-	800,000	-	800,000	-	800,000 ✓	-
26	HHW Awning & Repaving of Maint Yd	250,000	(7,254)	242,746	-	213,915	28,831	242,746	-	242,746 ✓	-
27	Contingency	-	-	-	-	-	-	-	-	- ✓	-
	TOTAL ALL ARPA PROJECTS	$ 23,123,000	$ (51,339)	$ 23,071,661	$ 1,061,260	$ 3,849,487	$ 2,589,231	$ 7,499,978	$ 4,483,245	$ 11,983,223	$ 11,088,438

To ensure the City meets all compliance, spending limitations, and reporting requirements, the City Administrator worked with City leadership to identify potential projects, and to develop the "City of Yuma ARPA Project List" which includes the City's intended uses for ARPA funds. The list includes projects that are eligible for State and Local Fiscal Recovery Funds (SLFRF) funding and are in alignment with the City's Strategic Plan. The projects address several City needs including but not limited to public safety, parks improvements, technology enhancements, enhanced service delivery, as well as economic development, small business, and job training assistance.

Those projects included in the City's ARPA Project List meet the following criteria:

- Align with the strategic outcomes set forth by Council in the Strategic Plan
- Will be fully obligated (order placed, contract made) by December 31, 2024
- Can be constructed or funds spent by December 31, 2026
- Do not add any FTEs to the City's authorized positions
- Demonstrate minimal ongoing operational costs for the City
- Minimize duplication with other federal and state programs

FISCAL REQUIREMENTS:

CITY FUNDS:	$ 0.00	BUDGETED:	$ 23,123,000.00
STATE FUNDS:	$ 0.00	AVAILABLE TO TRANSFER:	$ 0.00
FEDERAL FUNDS:	$ 23,071,661.00	IN CONTINGENCY:	$ 0.00
OTHER SOURCES:	$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL$23,071,661.00

ARPA Fund, #198		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:
Sufficient budget authority is provided in the FY 2025 City council approved budget and Capital Improvement Plan to make is budget amendment. There is no direct fiscal impact to the City of Yuma's General Fund.

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. R2024-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING PROJECT BUDGETS TO OBLIGATE AND EXPEND THE CITY'S ALLOCATION OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS IN ACCORDANCE WITH FEDERAL LAW AND GUIDANCE, TO MEET CURRENT CRITICAL NEEDS AND PRIORITIES AS IDENTIFIED IN THE CITY OF YUMA'S AMERICAN RESCUE PLAN ACT PROJECT LIST OF INTENDED USES

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program; and,

WHEREAS, the SLFRF program provides over $350 billion in emergency funding and is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 in an effort to contain impacts on communities, residents, and businesses; and,

WHEREAS, the SLFRF program provides governments across the country with the necessary resources needed to fight the pandemic; maintain vital public services, even amid declines in revenue resulting from the crisis; and to build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and,

WHEREAS, in response to the pandemic the City of Yuma has had expenditures and anticipates future expenditures consistent with the United States Department of Treasury's guidance; and,

WHEREAS, the City of Yuma has been awarded and received a total of $23,071,661; and,

WHEREAS, the City of Yuma accepted and agreed to expend its SLFRF allocation in accordance with Federal Law and guidance and to fund current critical needs and priorities; and,

WHEREAS, on April 6, 2022, City Council adopted Resolution R2022-012 approving the City's "ARPA Project List" outlining the City's intended uses of ARPA funds; and,

WHEREAS, SFLRF funds must be obligated by December 31, 2024 and spent by December 31, 2026; and,

WHEREAS, the original adopted project budgets included in the City's ARPA Project list were estimates. As projects were completed, some realized savings, others did not. After balancing all project budgets with actual costs, the accumulated residual net savings is $928,473; and,

WHEREAS, the Yuma City Council has the authority to allocate SFLRF funds and residual savings to other compliant projects in accordance with Federal Law and guidance and to fund current critical needs and priorities; and,

WHEREAS, the residual net savings must be obligated by December 31, 2024, and spent by December 31, 2026;

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

SECTION 1: The American Rescue Plan Fund was established and will continue to be maintained separately from all other City funds to account for the revenue and expenditures of all ARPA funds for eligible uses as defined by the United States Department of Treasury's SLFRF Final Rule. Expenditures in this fund will continue to comply with and adhere to additional and amended guidelines as set forth by the federal government.

SECTION 2: The City Administrator shall continue administering the fund in accordance with the intended uses shown in the attached and incorporated City of Yuma "Amended" ARPA Project list, in accordance with the City Charter and Code of the City of Yuma, the laws of the State of Arizona, and all guidelines and requirements as set forth by the United States Department of Treasury.

SECTION 3: Expenditures in the fund can only be used for projects on the City Council's Amended ARPA Project list that obligated before December 31, 2024 and spent by December 31, 2026, and for eligible uses as defined by the United States Department of Treasury's SLFRF Final Rule. Expenditures in this fund will comply with and adhere to additional and amended guidelines as set forth by the federal government.

SECTION 4: Any additional budget amendments or modifications to the projects listed on the City of Yuma Amended ARPA Project List shall be approved by Resolution of the City Council although changes to amounts allocated to a particular project or projects may be accomplished administratively by the City Administrator if the accumulated amount is less than $700,000.

Adopted this _____day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

CITY OF YUMA, AZ
ARPA PROJECT LIST, AS AMENDED
CITY COUNCIL AMENDED OCTOBER 2, 2024

ID	Project	Project Budget			Actual Spending				Obligate / Encumbered	Total Spent or Obligate	Available Balance
		Original	Changes	Amended	FY 2022	FY 2022/23	FY 2024	TOTAL			
	NEED TO OBLIGATE AND EXPEND										
4	East Mesa Community Park	$ 10,000,000	$ 928,473	$ 10,928,473	$ -	$ 26,485	$ 79,269	$ 105,754	$ 175,618	$ 281,372	$ 10,647,101
11	Readiness Center AC & Gym Enhance	750,000	(308,663)	441,337	-	-		-	-	-	441,337
	OBLIGATED; NEED TO EXPEND										
1	Jobs Education Project	200,000	-	200,000	-	-	51,422	51,422	148,578	200,000	-
8	Playground Replacement Program	500,000	200,667	700,667	-	461,855	-	461,855	238,812	700,667	-
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15	Fire Station Alerting System	250,000	5	250,005	-	-	-	-	250,005	250,005	-
25	Intelligence Trans Sys PH 1	1,500,000	-	1,500,000	-	-	107,703	107,703	1,392,297	1,500,000	-
	COMPLETED / REPURPOSED										
2	Economic Development Marketing	100,000	-	100,000	-	85,000	15,000	100,000	-	100,000 ✓	-
3	Economic Development-Small Business	200,000	(200,000)	-	-	-	-	-	-	- ✓	-
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9	Ambulance	500,000	(24,787)	475,213	61,260	105,616	308,337	475,213	-	475,213 ✓	-
10	Fire Station 7 Construction	2,000,000		2,000,000	-	898,075	1,101,925	2,000,000	-	2,000,000 ✓	-
13	Ventilation System Air Purifier	53,000	(2,732)	50,268	-	50,268	-	50,268	-	50,268 ✓	-
14	East Wetlands Park Improvements	300,000	-	300,000	-	-	300,000	300,000	-	300,000 ✓	-
16	Enterprise Document Mngmnt	80,000	(80,000)	-	-	-	-	-	-	- ✓	-
17	EnerGov Connect Portal	20,000	(20,000)	-	-	-	-	-	-	- ✓	-
18	Audio Upgrade Portable Conference Chamber System	25,000	15,501	40,501	-	12,168	28,334	40,501	-	40,501 ✓	-
19	Fire Station-Ambulance Medical Supplies	130,000		130,000		120,638	9,362	130,000	-	130,000 ✓	-
20	Technologies Upgrades to 190	100,000	(22,708)	77,292	-	48,288	29,004	77,292	-	77,292	-
21	COVID Overtime for Public Safety	600,000	(600,000)	-	-	-	-	-	-	- ✓	-
22	HERO Pay Bonuses	1,000,000	-	1,000,000	1,000,000	-	-	1,000,000	-	1,000,000 ✓	-
23	Boys & Girls Club Funding	100,000	-	100,000	-	100,000		100,000	-	100,000 ✓	-
24	Public Safety Trk Rehab	800,000	-	800,000	-	800,000	-	800,000	-	800,000 ✓	-
26	HHW Awning & Repaving of Maint Yd	250,000	(7,254)	242,746	-	213,915	28,831	242,746	-	242,746 ✓	-
27	Contingency	-	-	-	-	-	-	-	-	- ✓	-
		$ 23,123,000	$ (51,339)	$ 23,071,661	$ 1,061,260	$ 3,849,487	$ 2,589,231	$ 7,499,978	$ 4,483,245	$ 11,983,223	$ 11,088,438

Final ARPA Allocation

Obligated by December 31, 2024 (Q2, FY 2025)
Expended by December 31, 2026 (Q2, FY 2027)

City of Yuma

City Council Report

File #: O2024-029 **Agenda Date:** 9/18/2024 **Agenda #:** 1.

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

TITLE:
Rezoning of Property: 2050 S. 10th Avenue

SUMMARY RECOMMENDATION:
Rezone approximately .17 acres located at 2050 S. 10th Avenue from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District (ZONE-42650-2024) (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

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

REPORT:
The property is located on S. 10th Avenue with a single-family residence. The property owner intends to develop another single-family dwelling on this site.

Below, are some of the development standards which apply to the Medium Density Residential (R-2) District:

Medium Density Residential (R-2) District:

- The maximum lot coverage in the Medium Density Residential (R-2) District shall not exceed 55% of the lot area.
- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 5 feet; and
- A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the Medium Density Residential District is 40 feet, reduced to 20 feet (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with current City codes, applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the Medium Density Residential District (R-2) are met.

The potential residential development could contain between 1 and 2 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District is in conformance with the General Plan.

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

Questions for Staff:
None

APPLICANT/APPLICANT'S REPRESENTATIVE
None

PUBLIC COMMENT
None

"Motion by John Mahon, Planning and Zoning Commissioner, second by Joshua Scott, Planning and Zoning Commissioner to APPROVE ZONE-42650-2024 as presented.

"Motion carried unanimously, (5-0) with two absent.'

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
NONE

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

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR

ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

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

Acting City Administrator: John D. Simonton	Date: 9/9/2024
Reviewed by City Attorney: Richard W. Files	Date: 9/6/2024

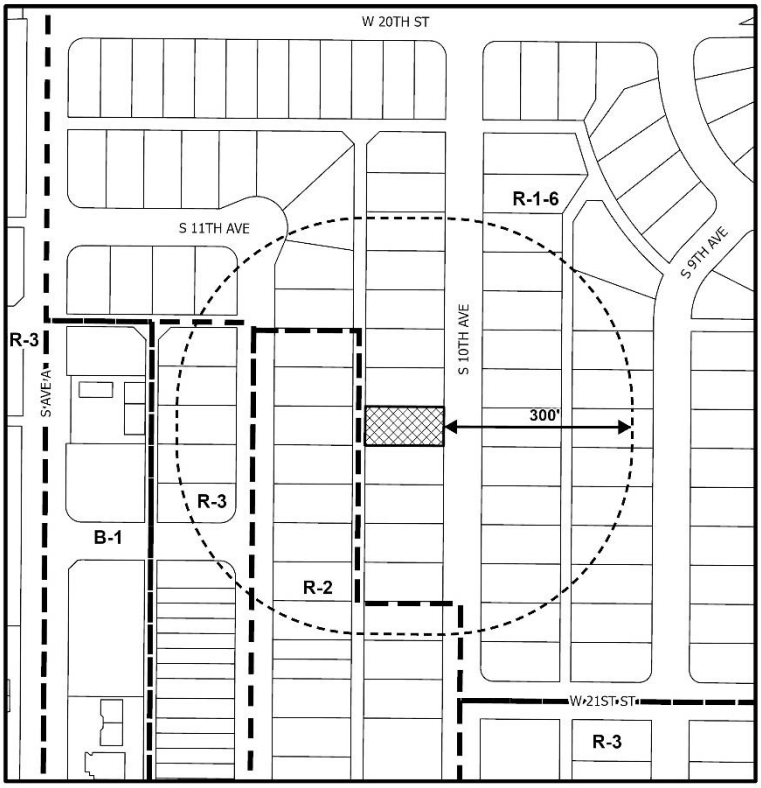
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ZENIA FIVEASH

Hearing Date: June 24, 2024 **Case Number:** ZONE-42650-2024

Project Description/ Location: This is a request by Braulio Martinez, Jr., on behalf of Braulio Martinez, Sr., to rezone one parcel, approximately .17 acres, from the Low Density Residential (R-1-6) to the Medium Density Residential (R-2) District, for the property located at 2050 S.10th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
North	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
South	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
West	Medium Density Residential (R-2) District	Duplexes	Medium Density Residential

Location Map



Prior site actions: Annexation: Ordinance 672, (July 21, 1956); Subdivision: Atmar Subdivision No. 2 (August 5, 1952)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-42650-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone the property from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District for the property located at 2050 S. 10th Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis:

The subject property is approximately 62 feet wide and 125 feet in depth, with frontage on S. 10th Avenue. This lot has a single family home.

The applicant is requesting to rezone the property from the Low Density Residential (R-1-6) District to the Medium Density Residential (R-2) District. The property owner is requesting this rezone with the intention to develop another dwelling unit on the existing property. The applicant intends to demolish the existing pool and construct a second detached dwelling unit at the rear of the property. The access and parking to the new dwelling will be from 10th Avenue along the north side of the property.

The subject property is located within the area of the City that was subdivided in the 1952. This neighborhood is a mix of residential homes, multi-family homes and commercial business uses.

The property is bordered by single-family homes to the east, north and south and duplexes on the west. This request is in conformance with the Land Use Element of the General Plan.

1. Does the proposed zoning district conform to the Land Use Element? No

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

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

FACILITY PLANS						
Transportation Master Plan	**Planned**	**Existing**	**Gateway**	**Scenic**	**Hazard**	**Truck**

10th Avenue – Local Road	30 FT H/W ROW	30 FT H/W ROW				
22nd Street – Local Road	30 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	10th Avenue – Existing Bike Route					
YCAT Transit System	Purple Route 6/6A					
Issues:	None					

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

Parks, Recreation and Open Space Element:		
Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Sanguinetti Memorial Park	Future: Sanguinetti Memorial Park
Community Park:	Existing: Smucker Memorial Park	Future: Smucker Memorial Park
Linear Park:	Existing: East Main Canal	Future: East Main Canal
Issues:	None	

Housing Element:	
Special Need Household:	N/A
Issues:	None

Redevelopment Element:						
Planned Redevelopment Area:	None					
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X
Conforms:	Yes		No			

Conservation, Energy & Environmental Element:					
Impact on Air or Water Resources	Yes		No	X	
Renewable Energy Source	Yes		No	X	
Issues:					

Public Services Element:

Population Impacts
Population projection per 2018-2022 American Community Survey
Police Impact Standard: 1 officer for every 530 citizens;
2020 Conservation Plan Water demand: 207 gallons/day/person;
Wastewater generation: 70 gallons per day per person

Dwellings & Type *2-4 Units*		Projected Population	Police Impact	Water Consumption		Wastewater Generation
Maximum	Per Unit		Officers	GPD	AF	GPD
2	2.07	4	0.01	857	1.0	290
Minimum						
1	2.07	2	0.00	428	0.5	145

Fire Facilities Plan:	Existing: Fire Station No. 2					Future: Fire Station No. 2		
Water Facility Plan:	Source:	City	X	Private		Connection:	6” Water - Alley	
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 6” Sewer - Alley
Issues:	None							

Safety Element:							
Flood Plain Designation:	X	Liquefaction Hazard Area:	Yes		No	X	
Issues:	None						

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

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

Yes

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

Yes/No The property was subdivided for single family homes in 1952. But since then the area has been identified for Medium Density development in the General Plan.

Public Comments Received

Name:	Glen Wagner				Contact Information:						
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
Mr. Wagner had no concerns with the rezone. He just wanted additional information about the rezone.											

Neighborhood Meeting Comments: See Attachment C

Proposed conditions delivered to applicant on: May 23, 2024

Final staff report delivered to applicant on: May 29, 2024

X	Applicant agreed with all of the conditions of approval on: May 23, 2024
	Applicant did not agree with the following conditions of approval: (list #'s)
	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By: Zenia Fiveash **Date:** May 29, 2024

Zenia Fiveash
Assistant Planner (928) 373-5000, x3040
Zenia.Fiveash@yumaaz.gov

Reviewed By: Jennifer L. Albers **Date:** 5/29/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 06/13/2024

Alyssa Linville
Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

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

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

ATTACHMENT B
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 5/31/24
- **300' Vicinity Mailing:** 5/06/24
- **34 Commenting/Reviewing Agencies noticed:** 5/09/24
- **Site Posted on:** 5/08/24
- **Neighborhood Meeting:** 5/15/24
- **Hearing Date:** 6/24/24
- **Comments Due:** 5/20/24

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

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: 5/15/24 **Location:** 2050 S. 10th Avenue
Attendees:
Neighbors: Fernando Esparza & Jimmy Fiser
Applicant: Braulio Martinez, Sr. & Braulio Martinez, Jr
Staff: Zenia Fiveash

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

- Fernando Esparza – He had concerns about adequate parking only.
- Jimmy Fiser – He had concerns about adequate parking only.

ATTACHMENT D
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ACEVEDO GERARDO C &	2068 S 9TH AVE	YUMA	AZ	85364
ARELLANO CRISTAL	2075 S 10TH AVE	YUMA	AZ	85364
AVILA MARCUS	2056 S 10TH AVE	YUMA	AZ	85364
BALB TRUST 12-22-2017	1915 S 39TH ST #73	MESA	AZ	85206
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	340 W 32ND ST #504	YUMA	AZ	85364
CARLITOS TRUST 11-5-2021	2050 S 9TH AVE	YUMA	AZ	85364
CASTILLO LILLIAN G	2049 S 11TH AVE	YUMA	AZ	85364
CHAVEZ MARCUS	2039 S 11TH AVE	YUMA	AZ	85364
CORRAL PEDRO & DANIA	PO BOX 779	SOMERTON	AZ	85350
DRAVEN LIVIER VALDEZ	2100 S 11TH AVE	YUMA	AZ	85364
ENOCKSON KARL L & MARY L 1999 TR 7-13-99	PO BOX 3572	MANHATTAN BEACH	CA	90266
ENOCKSON KARL L & MARY LOUISE 1999 TRUST 7-13-1999	PO BOX 3572	MANHATTAN BEACH	CA	90266
FAZZ SERGIO & JUANITA	2044 S 9TH AVE	YUMA	AZ	85364
FIGUEROA DIANA	PO BOX 462	YUMA	AZ	85366
FISER SUSAN P	2057 S 10TH AVE	YUMA	AZ	85364
FLORENCE DENNIS J & LINDA S	2038 S 10TH AVE	YUMA	AZ	85364
FRANCO RODOLFO & TERESA JT	2045 S 10TH AVE	YUMA	AZ	85364
GARCIA JACQUELINE	2026 S 10TH AVE	YUMA	AZ	85364
GARIBAY TRUST 3-12-2020	4113 W 17TH PL	YUMA	AZ	85364
JOE & FRAN COLOMBO LLC	1147 LOSTINDA ST	EL CAJON	CA	92019
LANDEROS RAMON	2020 S 11TH AVE	YUMA	AZ	85364
LE DOANH DUC	5660 W MANZANITA DR	GLENDALE	AZ	85302
LEE FAMILY TRUST UTA 1-12-05	3877 E KING RANCH DR	YUMA	AZ	85365
LEE LORREINE	2045 S 11TH AVE	YUMA	AZ	85364
LOPEZ JUAN PEDRO TORRES	2021 S 10TH AVE	YUMA	AZ	85364
MANFREDI ROBERT WARREN	400 S MAIN ST	YUMA	AZ	85364
MARTINEZ BRAULIO M SR TRUST 12-21-2018	14043 HILLSIDE DR	JAMUL	CA	91935
MARTINEZ PABLO	14105 S 4TH AVE EXT	YUMA	AZ	85365
MAXWELL REVOCABLE TRUST 3-26-79	2208 E 27TH ST	YUMA	AZ	85365
MEZA FERNANDO A ESPARZA	2032 S 10TH AVE	YUMA	AZ	85364
OLEA JESUS G	2020 S 10TH AVE	YUMA	AZ	85364
PEREZ BENJAMIN & MARIA G JT	1061 S HEREFORD	YUMA	AZ	85364
PEREZ DIDIER	2063 S 10TH AVE	YUMA	AZ	85364
PEREZ MAYRA L	2032 S 9TH AVE	YUMA	AZ	85364
PHAN PHUONG D	3851 W 25TH LN	YUMA	AZ	85364
PIMBLE MICHAEL F	2033 S 10TH AVE	YUMA	AZ	85364
RANGEL RAMIRO HECTOR & MIREYA	2044 S 10TH AVE	YUMA	AZ	85364
REYES MERCEDES S	2074 S 10TH AVE	YUMA	AZ	
SCHEETZ DARRELL L & IDA MARIE JT	2077 S 11TH AVE	YUMA	AZ	85364
SHINN IAN T	2069 S 10TH AVE	YUMA	AZ	85364
SHIPP MARIA R	645 S 9TH AVE	YUMA	AZ	85364
T3AZ LLC	5840 E 27TH PL	YUMA	AZ	85365

TRUJILLO ALFREDO TRUST 12-20-2001	13474 PIERCE STREET	SALINAS	CA	93906
VALDEZ CYRA	2062 S 9TH AVE	YUMA	AZ	85364
VELAZQUEZ ROSARIO C	2039 S 10TH AVE	YUMA	AZ	85364
VILLAPUDUA ENRIQUE ESPINOZA & DELIA V JT	2062 S 10TH AVE	YUMA	AZ	85364
WAGNER GLEN E	2027 S 10TH AVE	YUMA	AZ	85364
WARM PROPERTIES CA LLC	PO BOX 1452	LA JOLLA	CA	92038

ATTACHMENT E
NEIGHBOR MAILING

This is a request by Braulio Martinez, Jr., on behalf of Braulio Martinez, Sr., to rezone one parcel, approximately .17 acres, from the Low Density Residential (R-1-6) to the Medium Density Residential (R-2) District, for the property located at 2050 S.10th Avenue, Yuma, AZ.

MEETING DATE, TIME & LOCATION
FOR CASE #
ZONE-42650-2024

NEIGHBORHOOD MEETING
05/15/2024 @ 5PM
ON-SITE

PUBLIC HEARING
06/24/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ

Because you are a neighbor within 300' of 2050 S. 10th Avenue, Yuma, AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Zenia Fiveash by phone at (928) 373-5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT F
AERIAL PHOTO

ORDINANCE NO. O2024-029

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 LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 12, 2024 in Zoning Case no: ZONE-42650-2024 in the manner prescribed by law for the purpose of rezoning parcels of real property hereafter described to the Medium Density Residential (R-2) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on May 31, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42650-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

> *A portion of land located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 33, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;*
>
> *Block 1, Lot 8 of the Atmar Subdivision No. 2, subdivision plat, Book 3, Page 102, Dated August 5, 1952 as recorded in Yuma County Recorder's Office, City of Yuma, State of Arizona.*
>
> *Containing approximately 0.17 of an acre more or less.*

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

as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Medium Density Residential (R-2) District, and

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

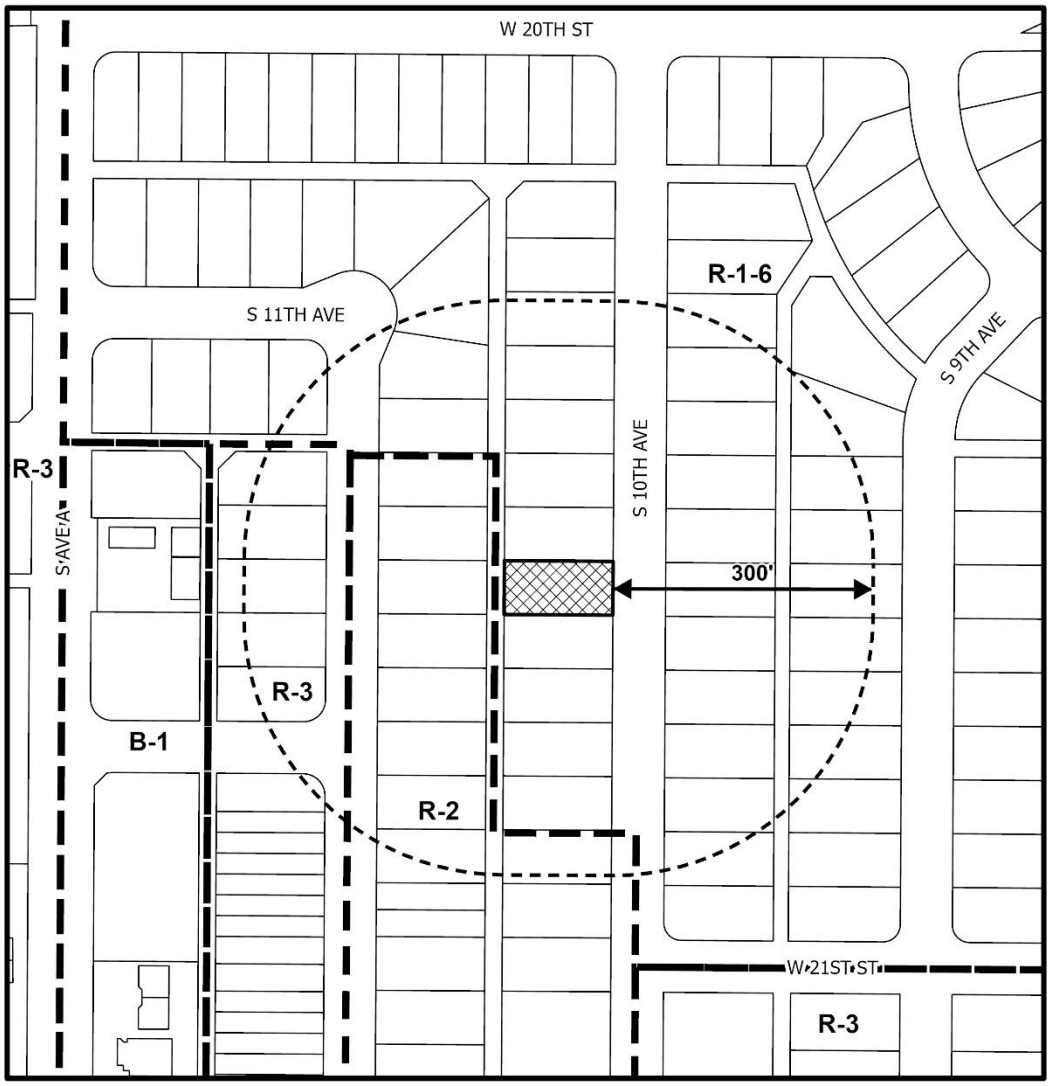
ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

LOCATION OF SUBJECT PROPERTY

N	Prepared by: DG Checked by: EP	Yuma Community Planning and Neighborhood Services GIS	Date: 4/24/2024 Revised: Revised:	Case #: ZONE-42650-2024

City of Yuma

City Council Report

File #: O2024-030 **Agenda Date:** 9/18/2024 **Agenda #:** 2.

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

TITLE:
Declare Real Property Surplus and Authorize Sale: 2495 South Sierra Vista Avenue

SUMMARY RECOMMENDATION:
Declare vacant City of Yuma owned real property surplus and authorize the sale of the surplus property located at 2495 South Sierra Vista Avenue. (City Attorney) (Richard W. Files)

STRATEGIC OUTCOME:
Sale of surplus City property supports the City Council's strategic outcome of Respected and Responsible as the sale generates City revenue, creates infill development opportunities for private development, converts unused parcels to a productive use, and generates property tax revenue for the City, school districts, and other taxing entities.

REPORT:
The City holds title to a vacant lot located at 2495 South Sierra Vista Avenue (City Parcel) south of 24th Street and east of Pacific Avenue. The subject property was a hoarder house which fell into disrepair and became a code enforcement action. The Yuma County Health Department and an independent engineering firm determined that the house was a public health and safety hazard creating danger to the surrounding neighbors and that the structure was so dilapidated it could not be saved. City Code Enforcement obtained an order to demolish the home to abate the dangers to life and health. Pursuant to Arizona Revised Statutes (A.R.S.) § 9-499 and Yuma City Code (Y.C.C.) § 150-090, the City undertook the expense to abate the dangerous conditions and filed a statutory lien for the costs of abatement against the property.

At the time the City was undertaking the expense to abate the dangerous conditions, the property taxes on the subject property were already delinquent. The property owner never paid the property tax lien and the property was subject to foreclosure. To protect the public funds used to abate the property and the statutory abatement lien, the City purchased the tax lien. The City eventually obtained title to the property through the statutory tax lien process and holds a Treasurer's Deed from the Yuma County Treasurer. Since the public health danger is abated, it is now time to return the vacant parcel to private ownership.

The City Parcel is approximately 9,284 sq. ft. It is contemplated the City Parcel will be offered for sale to the public utilizing a request for proposal or other competitive process, subject to a real property sale and development agreement to be approved by City Council. The agreement will include the terms relating to the timing of development as well as other development related terms and purchase price and closing instructions.

A General Plan Conformity Report will be prepared for the City Parcel to confirm the proposed use of the City Parcel is in conformance with the City's General Plan.

The return of the City Parcel to the tax rolls will be in the best interest of the public as the public health danger has been abated on this property. The property is not necessary for a municipal use and holding title to the City Parcel creates ongoing maintenance requirements including insurance as well as aesthetic concerns for the neighborhood.

The attached proposed ordinance declares the City Parcel surplus and authorizes City staff to proceed with the sale of the property as described.

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
The City would receive a one-time revenue of the purchase price of the City Parcel and will also realize a revenue increase associated with property tax collections. The City will realize a cost savings by no longer maintaining and insuring the City parcel.

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: 9/9/2024
Reviewed by City Attorney: Richard W. Files	Date: 9/6/2024

LEGEND

OWNER: CITY OF YUMA
2495 SIERRA VISTA AVENUE

N
W E
S

LOCATION MAP

NOTE: THIS MAP IS PREPARED TO SHOW GENERAL SITE LOCATION ONLY.

Prepared by: JOHN NYE	CITY OF YUMA ENGINEERING DEPARTMENT	Date: 8-28-2024 SCALE: N.T.S.

ORDINANCE NO. O2024-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING CERTAIN CITY-OWNED REAL PROPERTY, HEREAFTER DESCRIBED, SURPLUS FOR CITY USE AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY THROUGH A COMPETITIVE PROCESS

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

WHEREAS, the City acquired certain real property through a tax lien process and now that the public health and safety hazard has been abated, there is no further public use for the property; and,

WHEREAS, the excess parcel of real property described in Exhibit A can be returned through a competitive public sale to private ownership and placed on the property tax roll as a productive use within the City.

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

SECTION 1: The parcel of real property described in Exhibit A, attached and by this reference made a part of this Ordinance, is declared surplus for use by the City and the sale of the surplus property serves the public interest of the City and would be of public benefit.

SECTION 2: City staff is authorized and directed to perform all acts necessary to effectuate the exchange or sale of the City Property through the use of a Request For Proposal or other competitive process, with the award of the sale documented in a real property sale and disposition agreement approved by City Council that, among other things, includes conditions relating to the timing of development of the surplus parcel, and other development related considerations, all in accordance with the conditions of this ordinance.

SECTION 3: The City Administrator is authorized to execute all necessary documents on behalf of the City of Yuma to affect the sale and transfer of the City surplus property identified in Exhibit A.

Adopted this ___ day of_____, 2024.

APPROVED:

_____

Douglas J. Nicholls
Mayor

ATTESTED:

_____

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____

Richard Files
City Attorney

EXHIBIT A

Legal Description Surplus Parcel

Lot 38, Engler Estates Subdivision, Unit One, according to Book 3 of Plats, Page 154, records of Yuma County, Arizona, and Affidavit of Correction recorded in Docket 157, page 489, records of Yuma County, Arizona.

Section 02, Township 09S, Range 23 W, Yuma County, Arizona

Situs Address: 2495 S. Sierra Vista Avenue, Yuma, Arizona 85365

City of Yuma

City Council Report

File #: O2024-031 **Agenda Date:** 9/18/2024 **Agenda #:** 3.

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

TITLE:
Rezoning of Property: 1651 S. Arizona Avenue

SUMMARY RECOMMENDATION:
Approve the rezoning of an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, located at 1651 S. Arizona Avenue. (ZONE-42890-2024)(Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

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

REPORT:
The property is the site of Sun of a Gun Cigars. The 1,676 square foot building was built in 1980 for the Marine Air Federal Credit Union, which later moved to a new building to the south.

The Limited Commercial (B-1) District lists a cocktail lounge or bar as needing a Conditional Use Permit. Sun of a Gun Cigars recently applied for sign permits to advertise a "beer garden" and the promotion of wine sales.

Since the subject property is surrounded by developed General Commercial (B-2) properties, and as an alternative to a Conditional Use Permit for a specific use, the property owner decided to proceed with a rezoning to B-2 which allows a cocktail lounge or bar as a permitted use. There are no residences within 300 feet of the subject property.

The request to rezone the property from the Limited Commercial (B-1) District to the General Commercial (B-2) District is in conformance with the Commercial Land Use Category in the General Plan.

On August 12, 2024, The Planning and Zoning Commission voted to recommend **APPROVAL** of the rezoning from the Limited Commercial (B-1) District to the General Commercial (B-2) District, subject to the following conditions:

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

to this action.

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

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

Robert Blevins, Principal Planner, summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

"Motion by Joshua Scott, Planning and Zoning Commissioner, second by Ashlie Pendleton, Planning and Zoning Commissioner to APPROVE ZONE-42890-2024 as presented.

"Motion carried unanimously, (5-0) with two absent.'

Planning Commission Staff Report- Attached

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
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: 9/9/2024
Reviewed by City Attorney: Richard W. Files	Date: 9/6/2024

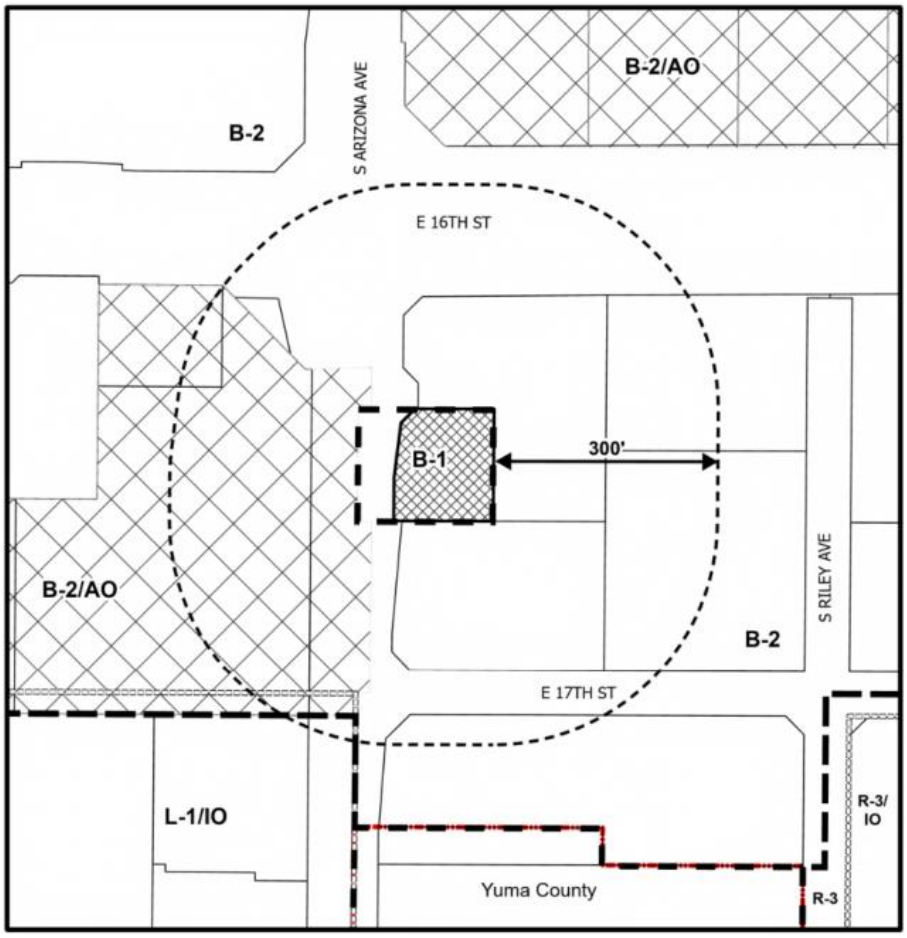
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: BOB BLEVINS

Hearing Date: August 12, 2024 **Case Number:** ZONE-42890-2024

Project Description/ Location: This is a request by Brenda Maldonado of Sun of a Gun Cigars to rezone an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Limited Commercial (B-1)	Sun of a Gun Cigars	Commercial
North	General Commercial (B-2)	Cretin's Restaurant	Commercial
South	General Commercial (B-2)	Navy Federal Credit Union	Commercial
East	General Commercial (B-2)	Cretin's Restaurant	Commercial
West	General Commercial / Aesthetic Overlay (B-2/AO)	Budgetel Hotel	Commercial

Location Map



Prior site actions: Annexation: #1649 (10/10/1977); Rezone Z78-08 from County C-2 to City Business A (Ordinance 1731, 05/03/1978).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Limited Commercial (B-1) District to the General Commercial (B-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-42890-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ., subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The property is the site of Sun of a Gun Cigars. The 1,676 square foot building was built in 1980 for the Marine Air Federal Credit Union, which later moved to a new building to the south.

Zoning & General Plan:
The Limited Commercial (B-1) District lists a cocktail lounge or bar as needing a Conditional Use Permit. Sun of a Gun Cigars recently applied for sign permits to advertise a "beer garden" and the promotion of wine sales.

Since the subject property is completely surrounded by developed General Commercial (B-2) properties, and as an alternative to a Conditional Use Permit for a specific use, it was decided to proceed with a rezoning to B-2 which allows a cocktail lounge or bar as a permitted use. Additionally- there are no residences within 300 feet of the subject property.

The request to rezone the property from the Limited Commercial (B-1) District to the General Commercial (B-2) District is in conformance with the Commercial Land Use Category in the General Plan.

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

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

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

FACILITY PLANS						
Transportation Master Plan	**Planned**	**Existing**	**Gateway**	**Scenic**	**Hazard**	**Truck**
Arizona Avenue- 2 Lane Collector Street	40 FT H/W ROW	50 FT+ H/W ROW				X
Bicycle Facilities Master Plan	Arizona Avenue – Proposed Bike Lane					
YCAT Transit System	Arizona Avenue- Green Route					
Issues:	None					

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

Parks, Recreation and Open Space Element:		
Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Joe Henry Optimist Park	Future: Joe Henry Optimist Park
Community Park:	Existing: Kennedy Memorial Complex	Future: Kennedy Memorial Complex
Linear Park:	Existing: East Main Canal	Future: East Main Canal
Issues:	None	

Housing Element:						
Special Need Household:	N/A					
Issues:	None					

Redevelopment Element:						
Planned Redevelopment Area:	N/A					
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X
Conforms:	Yes	X	No			

Conservation, Energy & Environmental Element:					
Impact on Air or Water Resources	Yes		No	X	
Renewable Energy Source	Yes		No	X	
Issues:	None				

Public Services Element:

Population Impacts
Population projection per 2018-2022 American Community Survey
Police Impact Standard: 1 officer for every 530 citizens;
2020 Conservation Plan Water demand: 207 gallons/day/person;
Wastewater generation: 70 gallons per day per person

Dwellings & Type *Non-residential*		**Projected Population**	**Police Impact**	**Water Consumption**		**Wastewater Generation**
Maximum	Per Unit		**Officers**	**GPD**	**AF**	**GPD**
0	0	0	0.00	0	0.0	0
Minimum						
0	0	0	0.00	0	0.0	0

Fire Facilities Plan:	Existing: Fire Station No. 4					Future: Fire Station No. 4		
Water Facility Plan:	Source:	City	X	Private		Connection:	16” line on Arizona Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 8” line on 16th St.
Issues:	None							

Safety Element:						
Flood Plain Designation:	X	Liquefaction Hazard Area:	Yes		No	X
Issues:	None					

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

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

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

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: N/A.

Proposed conditions delivered to applicant on: July 16, 2024

Final staff report delivered to applicant on: July 29, 2024

[X] Applicant agreed with all of the conditions of approval on: July 16, 2024
[ ] Applicant did not agree with the following conditions of approval: (list #'s)

Attachments

A	B	C	D	E
Conditions of Approval	Agency Notifications	Neighbor Notification List	Neighbor Mailing	Aerial Photo

Prepared By: Robert M. Blevins **Date:** 07/16/24
Robert M. Blevins
Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By: Jennifer L. Albers **Date:** 7/16/24
Jennifer L. Albers
Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 08/01/2024
Alyssa Linville
Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Bob Blevins, Principal Planner (928) 373-5189:

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

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

ATTACHMENT B
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 07/19/24
- **300' Vicinity Mailing:** 06/24/24
- **34 Commenting/Reviewing Agencies noticed:** 06/27/24
- **Hearing Date:** 08/12/24
- **Comments due:** 07/08/24
- **Site Posted on:** 07/09/24

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	YES	07/01/24	X		
Yuma County Engineering	YES	06/27/24	X		
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	06/27/24	X		
Yuma County Planning & Zoning	YES	06/28/24	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	07/03/24	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	07/10/24	X		
Fire	YES	08/28/24	X		
Building Safety	YES	07/08/24	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
NEIGHBOR NOTIFICATION LIST

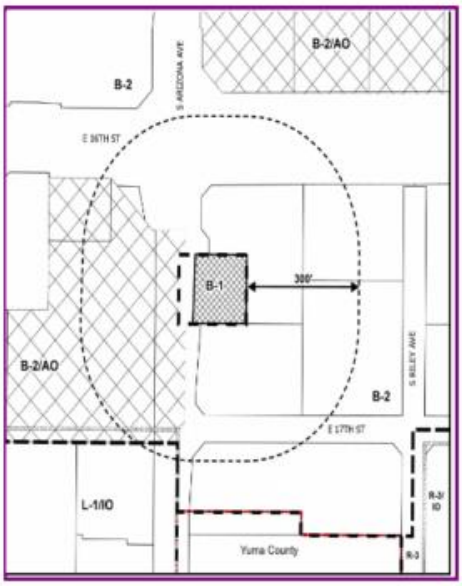
Property Owner	Mailing Address	City	State	Zip Code
FTS AUTOMOTIVE CENTER INC	1701 S ARIZONA AVE	YUMA	AZ	85364
KINGMAN HOTEL PARTNERS LLC	1700 EUREKA RD STE 160	ROSEVILLE	CA	95661
LAU KAM WO & LILY L TRUST 8-12-98	2079 ADMIRAL PL	SAN JOSE	CA	95133
NAVY FEDERAL CREDIT UNION	PO BOX 24626	MERRIFIELD	VA	22119
SOL ZEED LLC	14 CARAWAY COURT	PRINCETON	NJ	08540
UNDERHILL TRANSFER CO	PO BOX 562	YUMA	AZ	85366
WEST COAST LODGING LLC	1640 S ARIZONA AVE	YUMA	AZ	85364
WEST COAST LODGING LLC	1640 S ARIZONA AVE	YUMA	AZ	85364
WESTERN NEWS&INFO INC AZ CORP	8303 E HWY 69	PRESCOTT VALLEY	AZ	86314

ATTACHMENT D
NEIGHBOR MAILING

This is a request by Brenda Maldonado of Sun of a Gun Cigars to rezone an approximately 19,166 square foot lot from the Limited Commercial/Infill Overlay (B-1/IO) District to the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ.

MEETING DATE, TIME & LOCATION
FOR CASE #
ZONE-42890-2024

PUBLIC HEARING
8/12/2024 @ 4:30 PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1651 S. Arizona Avenue, Yuma, AZ., you are invited to attend the meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT E
AERIAL PHOTO

ORDINANCE NO. O2024-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIMITED COMMERCIAL (B-1) DISTRICT TO THE GENERAL COMMERCIAL (B-2) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 12, 2024 in Zoning Case No: ZONE-42890-2024 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the General Commercial (B-2) District as provided in Chapter 154 of the Yuma City Code; and,

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

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42890-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

Parcel 2 of the Marine Air Federal Credit Union Lot Split, except right-of-way per fee# 2009-17483, in Section 34, Township 08S, Range 23W, Gila and Salt River Base and Meridian, in the City of Yuma, according to the plat of record in Book 9 of Plats, page 62, in the office of the County Recorder of Yuma County, Arizona;

Containing 19,166 square feet, more or less

shall be placed in the General Commercial (B-2) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the General Commercial (B-2) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the General Commercial (B-2) District.

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

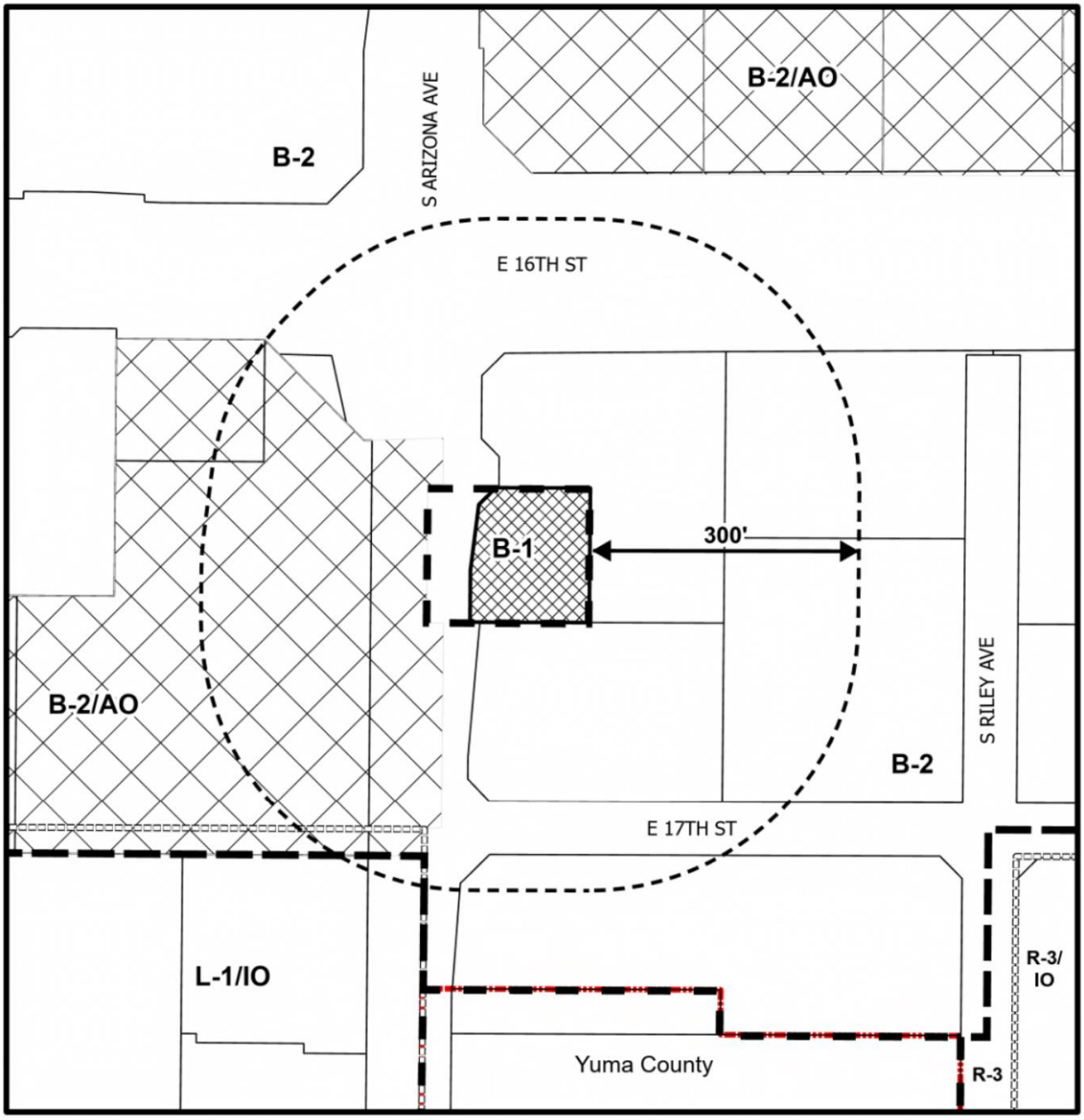
ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

LOCATION OF SUBJECT PROPERTY

N	Prepared by: DG	Yuma Community Planning and Neighborhood Services GIS	Date: 7/12/2024	Case #:
	Checked by: RB		Revised:	ZONE-42890-2024
			Revised:	

City of Yuma

City Council Report

File #: O2024-032 **Agenda Date:** 9/18/2024 **Agenda #:** 4.

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

TITLE:
Amendment: Ordinance O2022-032

SUMMARY RECOMMENDATION:
Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for Rezoning Ordinance O2022-032, and introduce an ordinance to amend O2022-032 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
This statutory compliance hearing and ordinance will validate the zoning for existing and future residential development that will be responsibly constructed, meeting all codes and requirements. This statutory compliance hearing furthers the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:
On August 17, 2022, the City Council adopted Ordinance O2022-032, authorizing the property located at the northwest corner of 37th Street and Avenue 10E to be rezoned from the Low Density Residential (R-1-40) District to the Medium Density Single-Family Residential (R-2-5) District. Ordinance O2022-032 required that the following conditions be completed within two years of approval:

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement and Range Disclosure on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

4. The Owner/Developer shall dedicate right-of-way for a total of 50 feet half-width on Avenue 10E.

5. The Owner/Developer shall construct the half-width of Avenue 10E per Yuma County Standard 2-220 with a five-foot sidewalk.

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

The property was rezoned as a single zoning case (ZONE-39444-2022) in which conditional zoning to the Medium Density Single-Family Residential (R-2-5) District was approved based upon the completion of the six conditions of approval within two years. The Medium Density Single-Family Residential (R-2-5) District zoning expired because the owner of the parcel had yet to complete the required easement, paving, and right-of-way dedications. The current property owner will satisfy the remaining conditions required to validate the zoning through the subdivision process. The subdivision preliminary plat for Butler Estates Unit 2 (SUBD-40583-2022) was approved in 2023 with a three-year deadline.

DETERMINATION:
Arizona Revised Statutes § 9-462.01(E) states that if the time for completion of a condition has expired, the City shall notify the owner, schedule a public hearing, and take administrative action to "extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification." In this case, the property owner will complete all conditions of approval required under Zoning Case ZONE-39444-2022 and still wants the property rezoned to the Medium Density Single-Family Residential (R-2-5) District.

RECOMMENDATION:
At the close of the public hearing, staff recommends that City Council introduce the attached ordinance which amends Ordinance O2022-032 by extending the deadline for compliance from two years to four years. A location map is attached.

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
NONE

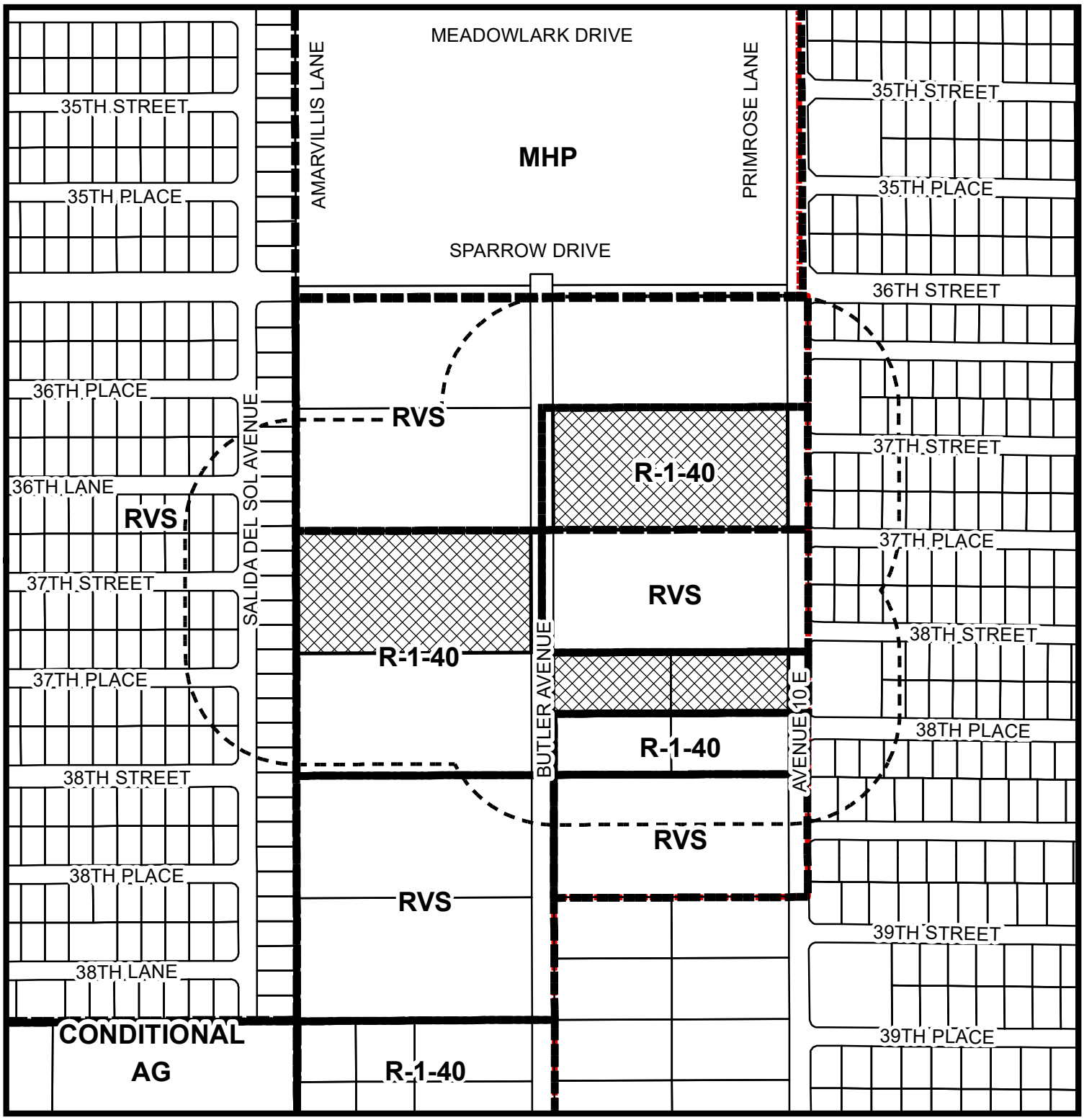
ADDITIONAL INFORMATION:
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 9/9/2024
Reviewed by City Attorney: Richard W. Files	Date: 9/6/2024



LOCATION MAP

LOCATION OF SUBJECT PROPERTY

N W E S	Prepared by: GIS	Yuma Information Technology Services Enterprise GIS	Date: 04-28-2022	Case #:
	Checked by:		Revised:	ZONE-039444-2022
			Revised:	

ORDINANCE NO. O2024-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING ORDINANCE O2022-032 TO EXTEND THE TIME FOR COMPLIANCE WITH CONDITIONS FOR THE REZONING OF CERTAIN PROPERTY FROM THE LOW DENSITY RESIDENTIAL (R-1-40) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL (R-2-5) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City Council adopted Ordinance O2022-032 on August 17, 2022, rezoning certain properties subject to conditions which have not been fully met; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.01 and Ordinance No. O2022-032, a statutory compliance hearing was held on September 18, 2024, and this amendment to Ordinance No. O2022-032 was introduced; and,

WHEREAS, the City seeks to resolve the outstanding conditions to bring the property into compliance with the rezoning to the Medium Density Residential (R-2-5) District,

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

SECTION 1: That the words "two (2) years" in Section 3 of Ordinance O2022-032 is amended to "four (4) years."

SECTION 2: Subject to this amendment, Ordinance No. O2022-032 shall remain in full force and effect.

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

City of Yuma

City Council Report

File #: O2024-033 **Agenda Date:** 10/2/2024 **Agenda #:** 1.

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

TITLE:
Rezoning of Property: 733 S. Clifford Way

SUMMARY RECOMMENDATION:
Approve the rezoning of three parcels, totaling approximately 48,207 square foot in size, from the Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District, located at 733 S. Clifford Way, Yuma, AZ. (ZONE-42944-2024)(Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

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

REPORT:
The property was annexed in 2008 as one parcel. The Manufactured Housing Subdivision (MHS) Zoning District was assigned upon annexation. The three parcels were created in 2011.

- Parcel A is 14,725 sq. ft. and is vacant;
- Parcel B is 12,049 sq. ft. and is vacant;
- Parcel C is 21,433 sq. ft. and contains residences, and storage buildings.

The property owner wishes to rezone in anticipation of the construction of new site-built residences.

Yuma City Code §154-07.01 describes the following as some of the development standards required of a development with the Medium Density Residential (R-2) District:

1. The minimum lot size is 4,500 sq. ft.;
2. The maximum lot coverage shall not exceed 55% of the lot area;
3. A minimum front yard setback is 20 feet:
4. A minimum side yard setback is 5 feet;
5. A minimum rear yard setback is 10 feet; and

6. A maximum building height of 40 feet (20 ft. when adjacent to AG).

The request to rezone the property from the Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District is in conformance with the Medium Density Residential Land Use Category shown in the General Plan.

On August 26, 2024, The Planning and Zoning Commission voted to recommend **APPROVAL** of the rezoning from the Manufactured Housing Subdivision (MHS) District to the Medium Density Residential (R-2) District, subject to the following conditions:

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

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

"Robert Blevins, Principal Planner summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

"Maria Del Rosario Gonzalez, **733 S. Clifford Way, Yuma, AZ** was available for questions and stated that she agreed with the conditions.

PUBLIC COMMENT

None

"Motion by Gregory Counts, Planning Commissioner, second by John Mahon, Planning Commissioner, to APPROVE ZONE-42944-2024 as presented.

"Motion carried unanimously, (7-0).'

Planning Commission Staff Report- Attached

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

-		
To total; right click number & choose “Update Field”		

FISCAL IMPACT STATEMENT:
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:

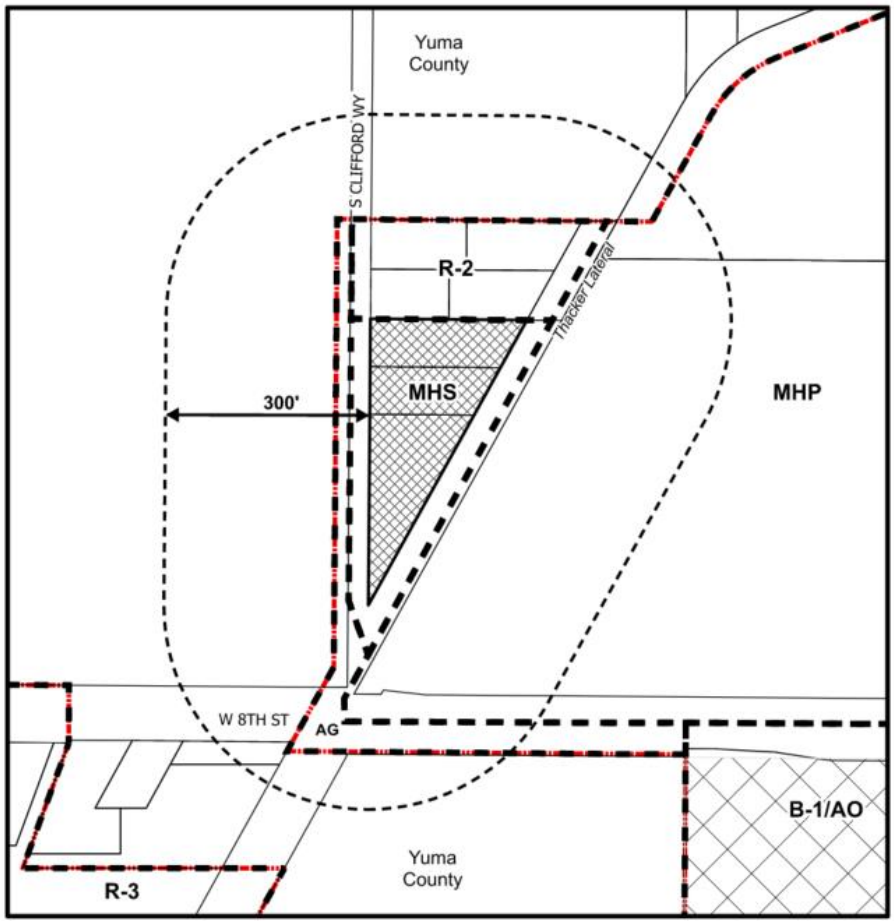
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: BOB BLEVINS

Hearing Date: August 26, 2024 **Case Number:** ZONE-42944-2024

Project Description/ Location: This is a request by Maria Gonzalez to rezone an approximately 48,207 square foot property from the Manufactured Home Subdivision (MHS) District to the Medium Density Residential (R-2) District, for the property located at 733 S. Clifford Way, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Manufactured Home Subdivision (MHS)	Residences	Medium Density Residential
North	Medium Density Residential (R-2)	Residences	Medium Density Residential
South	Agriculture (AG)	Thacker Lateral Canal	Medium Density Residential
East	Manufactured Home Park (MHP)	Winter Gardens Co-op	Medium Density Residential
West	County Medium Density Residential (R-2)	Field in Agriculture	Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. 2008-032 (10/03/2008); Lot Split: Gonzalez Lot Split (Fee # 2011-21828).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Manufactured Home Subdivision (MHS) District to the Medium Density Residential (R-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-42944-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone an approximately 48,207 square foot property from the Manufactured Home Subdivision (MHS) District to the Medium Density Residential (R-2) District, for the property located at 733 S. Clifford Way, Yuma, AZ., subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The property was annexed in 2008 as one parcel. The Manufactured Home Subdivision (MHS) Zoning District was assigned upon annexation. The three parcels were created in 2011.

Parcel A is 14,725 sq. ft. and is vacant;
Parcel B is 12,049 sq. ft. and is vacant;
Parcel C is 21,433 sq. ft. and contains residences, and storage buildings.

The property owner wishes to rezone in anticipation of the construction of new site-built residences.

Zoning & General Plan:

Further specified in §154-07.01, the following are some of the development standards required of a development with the Medium Density Residential (R-2) District:

1. The minimum lot size is 4,500 sq. ft.;
2. The maximum lot coverage shall not exceed 55% of the lot area;
3. A minimum front yard setback is 20 feet:
4. A minimum side yard setback is 5 feet;
5. A minimum rear yard setback is 10 feet; and
6. A maximum building height of 40 feet (20 ft. when adjacent to AG).

The request to rezone the property from the Manufactured Home Subdivision (MHS) District to the Medium Density Residential (R-2) District is in conformance with the Medium Density Residential Land Use Category in the General Plan.

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

Land Use Element:	
Land Use Designation:	Medium Density Residential
Issues:	None

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X
Historic Buildings on Site:	Yes		No	X				

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

FACILITY PLANS						
Transportation Master Plan	**Planned**	**Existing**	**Gateway**	**Scenic**	**Hazard**	**Truck**
Clifford Way: Local Street- Residential	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	Thacker Lateral Canal- Proposed Bike Path					
YCAT Transit System	Avenue B- Green Route					
Issues:	None					

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

Parks, Recreation and Open Space Element:		
Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Kiwanis Park	Future: Kiwanis Park
Community Park:	Existing: Joe Henry Memorial Park Complex	Future: Joe Henry Memorial Park Complex
Linear Park:	Existing: East Main Canal Linear Park	Future: Thacker Lateral Canal Linear Park
Issues:	None	

Housing Element:							
Special Need Household:	N/A						
Issues:	None						
Redevelopment Element:							
Planned Redevelopment Area:	N/A						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes	X	No				
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			

Public Services Element:

Population Impacts
Population projection per 2018-2022 American Community Survey
Police Impact Standard:
1 officer for every 530 citizens;
2020 Conservation Plan
Water demand: 207 gallons/day/person;
Wastewater generation:
70 gallons per day per person

Dwellings & Type *Single Family*		**Projected Population**	**Police Impact**	**Water Consumption**		**Wastewater Generation**
Maximum	Per Unit		**Officers**	**GPD**	**AF**	**GPD**
10	2.7	27	0.05	5,589	6.3	1,890
Minimum						
5	2.7	14	0.03	2,795	3.1	945

Fire Facilities Plan:	Existing: Fire Station No. 4					Future: Fire Station No. 4		
Water Facility Plan:	Source:	City	X	Private		Connection:	6” line on Clifford Way	
Sewer Facility Plan:	Treatment:	City	X	Septic		Connection:	8” line on Clifford Way	
Issues:	None							

Safety Element:							
Flood Plain Designation:	X	Liquefaction Hazard Area:	Yes		No	X	

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

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

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

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment C.

Proposed conditions delivered to applicant on: July 25, 2024

Final staff report delivered to applicant on: August 12, 2024

X	Applicant agreed with all of the conditions of approval on: July 25, 2024
	Applicant did not agree with the following conditions of approval: (list #'s)
	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By: Robert M. Blevins **Date:** 07/25/24
Robert M. Blevins
Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By: Jennifer L. Albers **Date:** 7/25/24
Jennifer L. Albers
Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 08/15/2024
Alyssa Linville
Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

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

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Bob Blevins, Principal Planner (928) 373-5189:

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

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

ATTACHMENT B
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 08/02/24
- **300' Vicinity Mailing:** 7/08/24
- **34 Commenting/Reviewing Agencies noticed:** 07/11/24
- **Neighborhood Meeting:** 07/22/24
- **Hearing Date:** 08/26/24
- **Comments due:** 07/22/24
- **Site Posted on:** 07/10/24

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	YES	07/15/24	X		
Yuma County Engineering	YES	07/12/24	X		
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	07/12/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	07/11/24	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	07/15/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	07/11/24	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: 07/22/24 **Location:** 733 S. Clifford Way
Attendees: Maria Gonzalez, property owner; City Staff: Bob Blevins, Community Planning.
No other persons in attendance.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT: NONE

ATTACHMENT D
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City	State	Zip Code
CORONADO ADRIAN	2550 W COUNTY 14TH ST	YUMA	AZ	85365
DWR INVESTMENTS LLC	3266 S PINTO WAY	YUMA	AZ	85365
FRIENDLY ACRES MOBILE HOME & RV PARK AZ LLC	77 W CHICAGO ST #4	CHANDLER	AZ	85225
GARDEN OASIS ESTATES LLC	9454 WILSHIRE BLVD STE 920	BEVERLY HILLS	CA	90212
GONZALES MARIA DEL ROSARIO	733 S CLIFFORD WAY	YUMA	AZ	85364
GONZALES MARIA DEL ROSARIO	733 S CLIFFORD WAY	YUMA	AZ	85364
GONZALES MARIA DEL ROSARIO	733 S CLIFFORD WAY	YUMA	AZ	85364
KOSNAC RYANE MARIE	709 S CLIFFORD WAY	YUMA	AZ	85364
ORCHARD GARDENS CO-OPERATIVE AN AZ CORP	650 S AVENUE B LOT SP 58	YUMA	AZ	85364
SOTO PEDRO URIAS	695 S CLIFFORD WAY	YUMA	AZ	85364
VALENZUELA ROSA &	7221 ALLOT AVE APT 4	VAN NUYS	CA	91405
WINTERGARDENS CO-OPERATIVE	2700 W 8TH ST	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
ZARAGOZA ROBERTO R & CAROLINA JT	412 S 22ND AVE	YUMA	AZ	85364
ZARAGOZA ROBERTO R & CAROLINA JT	412 S 22ND AVE	YUMA	AZ	85364

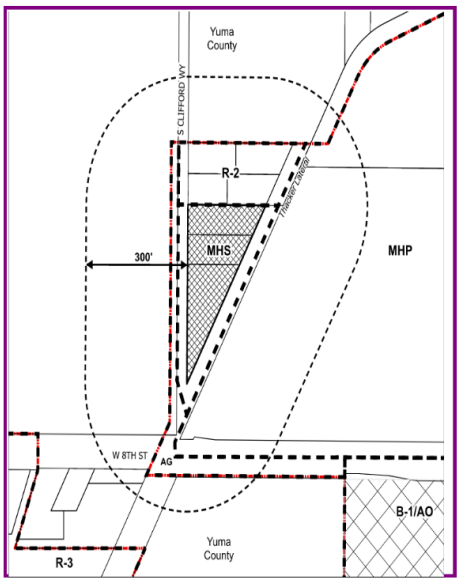
ATTACHMENT E
NEIGHBOR POSTCARD

This is a request by Maria Gonzalez to rezone an approximately 48,207 square foot property from the Manufactured Home Subdivision (MHS) District to the Medium Density Residential (R-2) District, for the property located at 733 S. Clifford Way, Yuma, AZ.

MEETING DATE, TIME & LOCATION
FOR CASE #
ZONE-42944-2024

NEIGHBORHOOD MEETING
07/22/2024 @ 5PM ON-SITE

PUBLIC HEARING
8/26/ 2024 @ 4:30 PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 733 S. Clifford Way, Yuma, AZ., you are invited to attend the meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT F
AERIAL PHOTO

ORDINANCE NO. O2024-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE MANUFACTURED HOUSING SUBDIVISION (MHS) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 26, 2024 in Zoning Case No: ZONE-42944-2024 in the manner prescribed by law for the purpose of rezoning three parcels of real property, hereafter described, to the Medium Density Residential (R-2) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on August 2, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42944-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

Parcels A, B, and C of the Gonzalez Lot Split, a lot split of the south 589.00 feet of the southeast quarter of the southeast quarter of Section 19, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona; except the west 30.00 feet thereof, lying west of the centerline of the Thacker Canal, in Book 26, Page 12 of Plats in the Office of the Yuma County Recorder;

Containing 48,207 square feet, more or less

shall be placed in the Medium Density Residential (R-2) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Medium Density Residential (R-2) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Medium Density Residential (R-2) District.

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

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

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

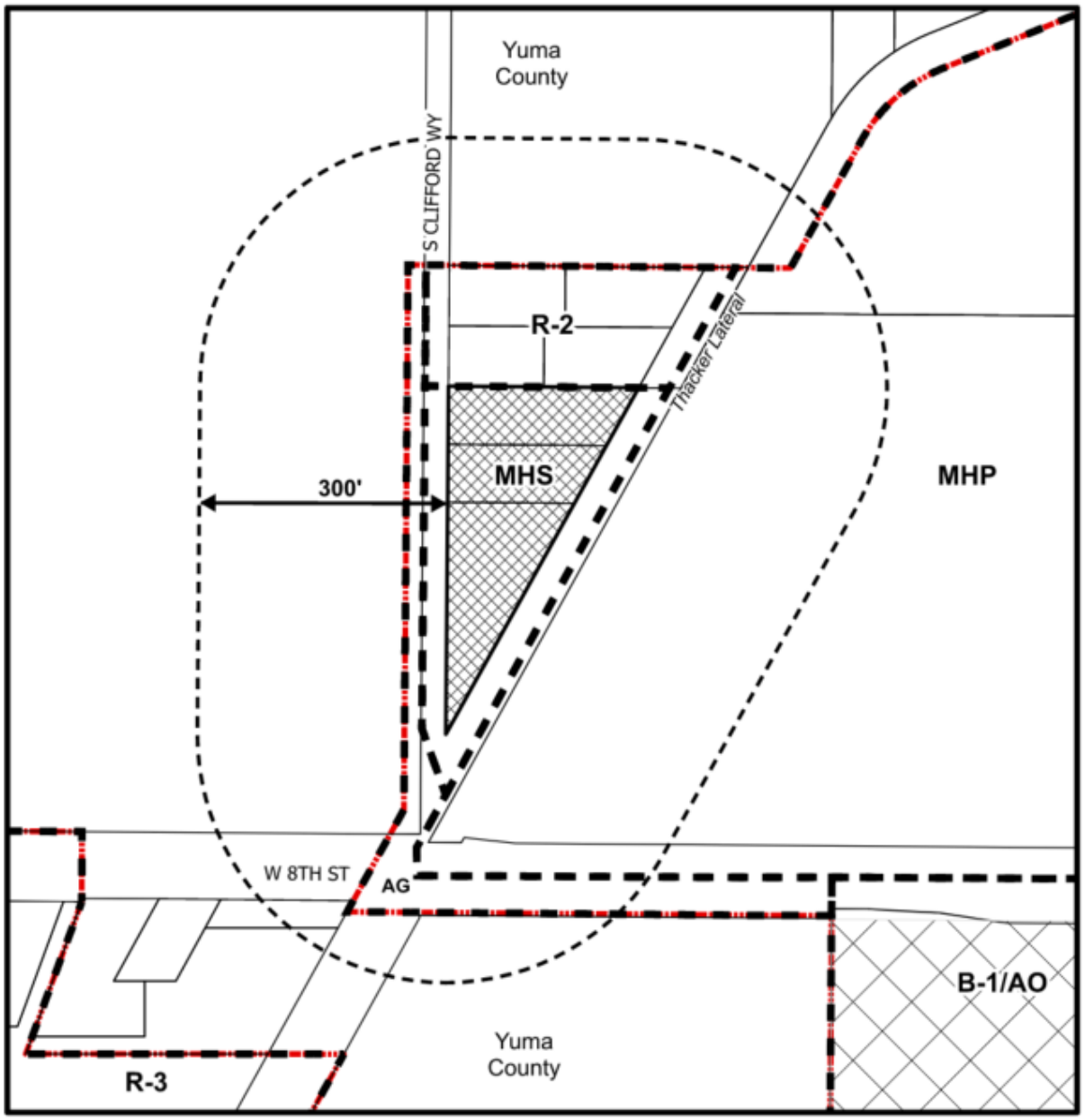
ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

LOCATION OF SUBJECT PROPERTY

N	Prepared by: DG	Yuma Community Planning and Neighborhood Services GIS	Date: 6/26/2024	Case #:
	Checked by: RB		Revised:	ZONE-42944-2024
			Revised:	

City of Yuma

City Council Report

File #: O2024-034 **Agenda Date:** 10/2/2024 **Agenda #:** 2.

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

TITLE:
Text Amendment: Outdoor Lighting Standards

SUMMARY RECOMMENDATION:
Amend Title 15, Chapter 154, to update development standards for outdoor lighting. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
The proposed text amendment to update lighting standards will foster an increase in safety for outdoor activities and improve energy efficiency. Appropriate building and parking lot lighting methods supports the City Council's strategic outcome of Active and Appealing and Safe and Prosperous.

REPORT:
The Yuma City Code is continually adapting to improve development within the community. The goal of this text amendment is to provide adequate lighting while limiting excessive, unnecessary light trespass onto neighboring properties. With the advent of LED lighting and its unique characteristics, the City Code needs to acknowledge advances in lighting fixtures, methods to measure lighting, and positioning on the property for the most efficient coverage while keeping the light on the subject property

Below is a description of each proposed amendment:

Article 1 Definitions: Moving and updating definitions relating to outdoor lighting. The definitions will now be in Article 18- Outdoor Lighting Regulations.

Article 14 Aesthetic Overlay District: Updates the minimum and average footcandles required for properties located in the Aesthetic Overlay District. This is in keeping with current techniques for measuring light.

Article 16 Improvement of Parking Lots: Updates the minimum and average footcandles required for parking lots in keeping with current techniques for measuring light and the most efficient layout of light fixtures to limit wasted energy and for safety and visibility.

Article 18 Outdoor Lighting Regulations: Clarifies and updates: definitions for shielding, and bottom-mounted fixtures; adds LED lighting to the mix of light sources; updates some terminology and techniques for measuring and containing light; adds light trespass to the code and its limitations and exceptions; update of photometric survey requirements; and the design of under canopy lighting.

In order to involve and address industry issues and concerns with outdoor lighting, two rounds of stakeholder review were accomplished.

Round One: On April 23rd, 2024, the City hosted a Stakeholder Meeting to discuss lighting code issues for commercial projects. The conversation focused on a number of identified areas. Thirteen local electrical contractors, engineers, and suppliers where directly invited and 15 interested persons attended plus City Staff.

Round Two: A summary of the discussion and a review of the proposed changes was sent out after the Stakeholder Meeting to gather further input and any needed clarification. This outreach enhanced the code update by bringing out situations encountered by the contractors, and suppliers who deal directly with their customers when creating site plans for new parking lots, work areas, and other outdoor venues and/or for energy-efficient upgrades to old light fixtures/luminaires.

On August 26, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (7-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154: Article 01- Definitions; Article 14- Overlay Zoning Districts; Article 16- Off-Street Parking and Loading Regulations; and Article 18- Outdoor Lighting Regulations, all to update provisions related to outdoor lighting.

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

"Robert Blevins - Principal Planner summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

"Chris Hamel -Planning and Zoning Commission, said that he noticed the increase of light shields on street poles in residential areas and noted that the Marine Corps Air Station is also adopting similar light measures to address concerns about light invasion.

"Gregory Counts - Planning and Zoning Commissioner, asked who would be the most affected by the text amendment request, and asked if property owners would be grandfathered in.

"Blevins said that it would benefit everyone and mentioned that the City held a stakeholder meeting where a number of contractors were in attendance and were pleased with the proposed text amendment.

"Counts said he was concerned about the mom-and-pop shops having to replace their lighting.

"Jennifer Albers - Assistant Director of Neighborhood Services, added that comments from contractors at the stakeholder meeting were taken into consideration and that this request is focused on new commercial development and no retrofit would be required. **Albers** also said that one of the benefits of having contractors in the stakeholder meeting is that they consult with clients to determine the best lighting options and added that one of the issues that arose was light trespass, which the contractors can help address by advising customers to ensure that their lighting stays within their own property. **Albers** clarified that the current code does not provide a mechanism to address this issue noting that this text amendment would change that.

"Counts asked if signs would have to meet certain light requirements as well.

"Albers said that signs also have certain lighting and timing requirements they must meet.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

"Motion by Chelsea Malouff - Planning and Zoning Commissioner, second by Lori Arney - Planning and Zoning Commissioner to APPROVE ZONE-42943-2024 as presented.

"Motion carried unanimously (7-0).'

FISCAL REQUIREMENTS:

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

TOTAL$ 0.00

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

FISCAL IMPACT STATEMENT:
NONE

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

NONE

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

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

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

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

Hearing Date August 26, 2024 **Case Number:** ZONE-42943-2024

Project Description: This is a request by the City of Yuma for Zoning Code Text Amendments to amend Title 15, Chapter 154: Article 01- Definitions, Article 14- Overlay Zoning Districts, Article 16- Off-Street Parking and Loading Regulations, and Article 18- Outdoor Lighting Regulations, all to update provisions related to outdoor lighting.

Staff recommendation: Staff recommends **APPROVAL** of the text amendments to Title 15, Chapter 154: Article 01- Definitions, Article 14- Overlay Zoning Districts, Article 16- Off-Street Parking and Loading Regulations, and Article 18- Outdoor Lighting Regulations, all to update provisions related to outdoor lighting

Suggested Motion: Move to **APPROVE** the text amendments in ZONE-42943-2024 as presented in the staff report.

Effect of the Approval: By approving the text amendments, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154: Article 1- Definitions, Article 14- Overlay Zoning Districts, Article 16- Off-Street Parking and Loading Regulations, and Article 18- Outdoor Lighting Regulations, all to update provisions related to outdoor lighting.

Staff Analysis: The text amendments update the existing outdoor lighting regulations to:

- Add LED (light emitting diode) lighting to the code for shielding and color temperature.
- Bring photometric survey standards in line with modern practices.
- Clarify the bottom-mounted/ground-mounted light fixture angles.
- Extend the area for a photometric survey beyond the property line.
- For new fuel canopies: flush/recessed fixtures to reduce glare.
- Clarify limits on light trespass.

The goal of these text amendments is to provide adequate lighting while limiting excessive, unnecessary light trespass onto neighboring properties. With the advent of LED lighting and its unique characteristics, the City Code needs to acknowledge advances in lighting fixtures, methods to measure lighting, and positioning on the property for the most efficient coverage while keeping the light on the subject property.

Background:

Watts vs. Lumens
With more efficient lighting choices, there is a need to reconsider how the brightness of a “bulb” is rated in order for the consumer to make an accurate and educated selection. When shopping for lighting, you will notice the packaging lists “watts”, “watts equivalent”, and/or “lumens”.

For more than a century, most all lighting was incandescent, where a filament inside a bulb was heated by electricity with the by-product being light. In simple terms, the more electricity- the more light. It was easy to estimate the brightness of an incandescent bulb: the higher the wattage, the more light emitted. We all know that a 100 watt bulb is far brighter than a 40 watt bulb. Now with LED, halogen, or fluorescent lighting, the wattage is not an accurate way to measure output since these alternatives are vastly more energy-efficient and use less wattage.

To help better compare light output from different types of bulbs/fixtures, the lumen rating is included to help compare. Lumens measure the total amount of light emitted by the bulb, while watts measure the amount of power consumed by the bulb. Adding the more accurate lumens number on the bulb packaging gives a precise scale to compare how bright the light will be. The wattage is of course still of interest especially when comparing how little energy is used when comparing, for example, an incandescent bulb with an LED bulb.

Unique Characteristics of LED Lighting:
While this code update does not require LED outdoor lighting, most new and retrofit installations are LED due to the benefits of smaller fixtures, cost-savings, energy-efficiency, and controllable output of color and the ability to direct the light in precise ways.

LEDs emit very little heat. In comparison, incandescent bulbs release 90% of their energy as heat and fluorescent lights release about 80% of their energy as heat. The cooler LED light helps in the design of more efficient and creative light fixtures (luminaires).

The human eye may see warmer light is “not as bright” so considerations are needed to adjust the output to a higher lumen/footcandle for optimum coverage at night. A 3,000K light can have a variety of lumen outputs depending on the need.

LEDs can be designed for a variety of Correlated Color Temperatures (CCT). The color temperature of a light source is not necessarily the brightness of the light, but the color of the light ranging from a harsh blue (10,000K) to a warm yellow/orange (1,000K). The “K” stands for Kelvin, relating to the Kelvin Scale which is an industry-standard of measuring the characteristics of the light output, specifically in the code for LED lighting.

Typical LED outdoor lighting ranges from 2,700K to 5,000K. The City of Yuma uses street light fixtures of 3,000K which is also the goal of this text amendment. The warmer 3,000K lighting is proposed to uphold the Arizona Revised Statutes, Title 49, Chapter 7 with regard to light pollution and the “Dark Sky” goals of reducing waste, glare, light trespass, interference of artificial light, and adverse effects on wildlife; therefor increasing safety, and the visibility of the night sky. Additionally, the 3,000K standard will provide a seamless transition from the public right-of-way to private outdoor lighting.

A survey of other jurisdictions, focusing on Arizona, was done to see what their code standards require for new and retrofits of outdoor lighting.

Research found includes:

- Phoenix, Flagstaff, Coconino County and Sedona have 2,600K-2,700K maximums;
- Fountain Hills, Camp Verde, and Glendale has a 3,000K maximum;
- Goodyear has a 3,200-3,500K maximum;
- Tucson, Sahuarita, Pima County, and Prescott Valley have a 3,500K maximum;
- Chandler has a 4,000K maximum.

Parking Lots and Other Needs and Retrofits:
Public outreach brought forth the concern of how to deal with specific parking lot and other outdoor lighting (nighttime car dealer display, industrial outdoor manufacturing, outdoor spectator events, as examples) in relation to industry standards. The text amendment reflects a closer match to the industry standard for parking lot lighting and to minimize light trespass on residential properties. A process has been developed as part of this text amendment for exceptions from City lighting standards to accommodate particular lighting situations.

Light Trespass:
With increases in population and housing density, the use of outdoor lighting can cause conflicts when it spills over onto neighboring properties. Since LED lighting can be perceived to be brighter, and LEDs emit light in a specific direction - this Code update includes some shielding, height, and distance standards to moderate the unique LED attributes.

Public Outreach:
In order to involve and address industry issues and concerns with outdoor lighting, two rounds of stakeholder review were accomplished.

Round One: On April 23rd, 2024, the City hosted a Stakeholder Meeting to discuss lighting code issues for commercial projects. The conversation focused on a number of identified areas. Thirteen local electrical contractors, engineers, and suppliers where directly invited and 15 interested persons attended plus City Staff.

Round Two: A summary of the discussion and a review of the proposed changes was sent out after the Stakeholder Meeting to gather further input and any needed clarification. (See Attachment D)

This outreach enhanced the code update by bringing out situations encountered by the contractors, and suppliers who deal directly with their customers when creating site plans for new parking lots, work areas, and other outdoor venues and/or for energy-efficient upgrades to old light fixtures/luminaires.

Detailed Description of each Proposed Amendment:

Article 1 Definitions: Moving and updating definitions relating to outdoor lighting. The definitions will now be in Article 18- Outdoor Lighting Regulations.

Article 14 Aesthetic Overlay District: Updates the minimum and average footcandles required for properties located in the Aesthetic Overlay District. This is in keeping with current techniques for measuring light.

Article 16 Improvement of Parking Lots: Updates the minimum and average footcandles required for parking lots in keeping with current techniques for measuring light and the most efficient layout of light fixtures to limit wasted energy and for safety and visibility.

Article 18 Outdoor Lighting Regulations: Clarifies and updates: definitions for shielding, and bottom-mounted fixtures; adds LED lighting to the mix of light sources; updates some terminology and techniques for measuring and containing light; adds light trespass to the code and its limitations and exceptions; update of photometric survey requirements; and the design of under canopy lighting.

Criteria Questions:

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

Yes.

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

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

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

No. The proposed amendment will change certain lighting standards and requirements for particular uses, but will have no impact on the range of uses permitted within the zoning code.

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

Yes. The proposed amendment will modify certain development standards of the lighting requirements within the zoning code.

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

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include lessening of Light Pollution by upholding the Arizona Revised Statutes "Dark Sky" goals of reducing waste, glare, light trespass, interference of artificial light, and adverse effects on wildlife; therefor increasing safety, and the visibility of the night sky.

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

Yes.

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

Yes.

Public Comments Received: See Attachment D .

External Agency Comments: None Received.

Attachments:

A	B	C	D
Draft Text	Agency Notifications	List of all Stakeholders	Stakeholder Comments

Prepared By: Robert M. Blevins **Date:** 07/26/24

Robert M. Blevins
Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By: Jennifer L. Albers **Date:** 7/26/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 08/15/2024

Alyssa Linville
Director, Planning and Neighborhood Services

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 01 Section 07, Definitions, be amended to delete the strike through text:

~~***FULLY SHIELDED.*** That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

~~***MAINTAINED FOOTCANDLE***. Predicted footcandles, at a given location, calculated through application of a light loss factor.~~

~~***PARTIALLY SHIELDED.*** That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.~~

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 14, Section 01 Aesthetic Overlay District (AO), Subsection D be amended to insert the bolded text and delete the strike through text:

(6) *Lighting.* Minimum standards for lighting for properties located within the Aesthetic Overlay District are as follows.

(a) Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of **an average of 0.5** ~~a minimum of one maintained~~ footcandle**s** at the ground level and at seven feet vertical between sunset and sunrise.

(b) Open parking lots shall be illuminated with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and at seven feet vertical between sunset and sunrise.

(c) All exterior entrances shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise, with a minimum 15-foot radius from the center point of the entrance.

(d) Closed and covered parking structures and carports shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise; during daylight hours, the area shall be illuminated with a minimum of ten footcandles.

(e) Greenway trails, pathways, linear parks, multi-use trails and similar facilities shall be illuminated with a minimum of **0.5** ~~one-half~~ ~~maintained~~ **average** footcandle at ground level and at seven feet vertical between sunset and sunrise.

Table No. 8 - Shielding Requirements	
Fixture Lamp Type	***Shielding Requirements***
Any light source of 70W or less	None
Fluorescent	Fully shielded (3)

Glass tubes filled with neon, argon, krypton	None
High pressure sodium	Fully shielded
Incandescent 150W or less	None

Table No. 8 - Shielding Requirements	
Fixture Lamp Type	***Shielding Requirements***
Low pressure sodium (1)	Partially shielded
Metal halide (2)	Fully shielded
Quartz (4)	Fully shielded

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Article 16, Section 03, Subsection B Improvement of Parking Lots be amended to insert the bolded text and delete the strike through text:

(6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of **the** parking area shall be required for all parking areas with five or more parking spaces. Open parking lots **shall incorporate the requirements of Article 18 and** shall illuminate parking stalls with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and seven feet vertical between sunset and sunrise.

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 18 Outdoor Lighting Regulations**,** Sections 01 through 04, be amended to insert the bolded text and delete the strike through text:

§ 154-18.01 Purpose.

The principal purpose of the outdoor lighting regulations is to create standards for outdoor lighting which do not conflict with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intention of this subchapter to encourage the conservation of energy while increasing night-time safety, utility, security and productivity, through regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices, lighting practices and systems. **The provisions of Arizona Revised Statutes, Title 49- The Environment, Chapter 7- Light Pollution, shall be followed to uphold the "Dark Sky" goals of reducing waste, glare, light trespass, interference of artificial light, and adverse effects on wildlife; therefor increasing safety, and the visibility of the night sky.**

§ 154-18.02 General Requirements.

(A) ***Definitions:***

FULLY SHIELDED. **That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.**

PARTIALLY SHIELDED. **That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.**

***FOOTCANDLE, AND LUMEN*: The footcandle and lumen measure light, although in different ways for different lighting situations. Light output is measured in lumens. The number of lumens measures the total amount of visible light emitted by a light source. It gauges the brightness of the light. The footcandle measures how much light falls upon a certain spot.**

***LIGHT TRESPASS:* A condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the light source is visible from any other property.**

(B) *Top-mounted.* Outdoor advertising sign lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements **noted in this section** ~~in Table No. 8~~.

~~(1) This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.~~

~~(2) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).~~

~~(3) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.~~

~~(4) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.~~

(C) *Bottom-mounted.* ***(ground-mounted, up-lighting, feature-lighting).*** An outdoor advertising sign illuminated by any type of bottom-mounted outdoor lighting system or fixture, which is installed at or on **the ground or** the lower portion of any outdoor advertising sign or fixture shall be prohibited unless said lighting fixture is shielded to confine the light to the sign face. **All such fixtures with lighting which is directed upwards shall be placed so that the angle of the lamp shall not be greater than forty-five degrees (45º) measured from a horizontal plane to a line projected through the center of the lamp.**

(D) *Mercury vapor.* Mercury vapor lamps and fixtures are prohibited for use as outdoor lighting. ~~Mercury vapor lamps in use for outdoor lighting on the effective date of this chapter shall not be used after January 1, 2011.~~

(E) *Searchlights.* Prohibited.

(F) *Recreational facilities.* Public or private recreational facilities, which are illuminated with outdoor lighting fixtures conforming to these regulations may operate any time with such illumination. Outdoor recreational facilities not conforming to these regulations shall not be illuminated after 11:00 p.m. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination; prior to 11:00 p.m.

(G) *Outdoor advertising off-site signs.* The electrical illumination of outdoor advertising off-site signs including those internally illuminated, is prohibited between the hours of 12:00 a.m. midnight and sunrise.

(H) *Flagpoles.* Outdoor lighting fixtures used to illuminate a flagpole shall be mounted on the top of the flagpole structure and adhere to the shielding requirements outlined in **this section** ~~Table No. 8~~. In cases where it is impossible to light a flagpole structure from the top, bottom-mounted lights shall be connected to a timer which extinguishes all but the minimal light source necessary to illuminate the flag between the hours of 11:00 p.m. and sunrise.

(I) The maximum light pole height is 12 feet when within 25 feet of a residential use.

(J) Light Emitting Diode (LED) and Low Pressure Sodium are the preferred light sources to minimize undesirable light emissions to neighboring properties and the night sky.

(K) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement) and this lighting requires full shielding.

(L) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.

(M) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.

(N) LED lighting must be 3,000K (Kelvin corrected color temperature (CCT)) or less for all commercial uses.

(O) Any light source of 70 watts (700 lumens) or equivalent does not require shielding.

(P) Neon, argon, and other noble gas glass tube lighting does not require shielding.

(Q) High Pressure Sodium, low pressure sodium, and quartz halogen lighting requires full shielding.

(R) Light trespass is prohibited, except for fixtures exempted from this ordinance or from shielding requirements in this section.

§ 154-18.03 ~~Permanent~~ Exemptions.

(A) *Nonconforming fixtures.* Legally installed outdoor lighting not conforming to the provisions of this chapter shall be allowed to remain, provided such fixtures are extinguished between the hours of 11:00 p.m. and sunrise by automatic shut-off device.

(B) *Fossil fuel light.* All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.

(C) *State and federal facilities.* Outdoor light fixtures installed on, and in connection with those facilities and land owned or operated by the federal government or the State of Arizona, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this chapter. Voluntary compliance with the intent of this chapter at those facilities is encouraged.

(D) Deviations from the lighting standards provided in this chapter may be approved for private properties if approved by the Zoning Administrator.

(E) Applications to deviate from the lighting standards shall include the following information:

(1) A site plan depicting the location of proposed lighting on the site;

(2) A lighting inventory that provides, at minimum:
a. The brightness (in lumens) and correlated color temperature (in Kelvin) of each luminaire;
b. The height of each fixture;
c. The directional angle of each fixture;
d. The character of shielding for each luminaire, if any;
e. Identification of luminaires that diverge from the standards of this Chapter and are subject to the deviation request;
f. Detailed description of the circumstances which necessitate the deviation;
g. Such other data and information as may be required by the Zoning Administrator.

(3) The deviation may be granted if the following findings are made:
a. There are unique circumstances affecting the subject property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.
b. The proposed deviation will achieve the intent of this chapter to the maximum extent feasible.

§ 154-18.04 Submittal of Plans.

(A) *Submittal contents*. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submittal shall contain, but shall not be limited to, the following:

(1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and

(3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions. . **For commercial projects, a Photometric Survey is required, and it shall show lit areas including 1 foot beyond the subject property to show no light trespass onto neighboring properties.**

(4) For new construction or retrofits of fuel canopy lighting: Fully-recessed fuel canopy lighting/flat lenses are required. All light fixtures mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses. Such shielding must be provided by the fixture itself. Shielding by surrounding structures such as canopy edges is not a suitable alternative.

(B) *Subdivision plat certification.* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the regulations of this chapter.

ATTACHMENT B
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 08/02/24
- **34 Commenting/Reviewing Agencies noticed:** 07/11/24
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 08/26/24
- **Comments due:** 07/22/24

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	YES	07/15/24	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	07/12/24	X		
Yuma County Water Users' Assoc.	YES	07/12/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	07/11/24	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	07/15/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	07/18/24	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
LIST OF ALL STAKEHOLDERS

Isaac Liggett of Liggett Electrical

Orlando Morin, Joe Cabrera and Gibran Carbajal of O&M Electric

Fred Dammeyer and Ernesto Morales of D&H Electric

Nate Schug and Joe Montenegro of Westmoor Electric

Keith Boyd and Glenn Stewart of Klein's Electric

Robert Goin, Gilbert Felix and Juan C. Ramos of Yuma Winlectric

Jim Adler of JOL Enterprises

David Watson, Tim Locklear and Jedidiah Ward of Sternco Engineering

Jorge Nunez, Mark DeAnda and Ariel Sanchez of Specialty Electric

Alfred Moore of One Source Wholesale

Jeff Flermoen of C.E.D. Wholesale

Scott Thomson of T41 Architects

Chris Thompson of Thompson Design Architects

ATTACHMENT D
Stakeholder Comments

Issue #1 – Clarify bottom-mounted/ground-mounted light fixture angle	
	Summary of discussion:
	▪ Concern is that uplighting is not lighting the targeted area ▪ Need to better aim the light onto the subject sign or object ▪ Protect neighbors and traffic from glare ▪ This can also be resolved by limiting lumens
	Staff recommendation:
	• Clarify within the code that any bottom-mounted lighting includes shielding to limit the lighting to the area being illuminated and the angle is no more than 45 degrees
Issue #2 – Extend area for photometric survey beyond property line	
	Summary of discussion:
	▪ Concern that light may trespass onto neighboring properties ▪ This discussion crossed over into the residential side noting concerns the code does not include a means to address light trespass from private homeowners
	Staff recommendation:
	• For commercial projects, expand the requirements for photometric surveys to within 1 foot of the property line • For residential uses, add to the code a means to address light trespass
Issue #3 – For new fuel canopies: flush/recessed fixtures	
	Summary of discussion:
	▪ Concern that current allowed lighting may be causing glare and light trespass ▪ Need to quicken the adjustment of vision for people when moving from a dark area to a very bright area.
	Staff recommendation:
	• Add to code that for new fuel canopies lighting shall be completely recessed
Issue #4 – Add LED lighting to code for shielding and color temperature for commercial projects	
	Summary of discussion:
	▪ To bring code up-to-date on modern lighting, suitable uses, and unique characteristics. ▪ LEDs are “directional” light sources, which means they emit light in a specific direction, unlike incandescent and CFL, which emit light and heat in all directions. ▪ Discussion on color of light (kelvin) and intensity of light (foot-candle) ▪ General discussion that 3,000K for color is acceptable and also what the county requires ▪ But 3,000K can be expensive and difficult to acquire ▪ Discussion on fully and partially shielded
	Staff recommendation:
	• Update Table 8 – Shielding Requirements (154-18.02) within the code to address LED’s with a maximum 3,000K color temperature • Update code to expand definitions for Fully and Partially Shielded fixtures and include examples • Staff will include a special exception process to be decided by the Zoning Administrator in cases where the color temperature should exceed 3,000K
Issue #5 – Parking Lot Lighting: 1 foot candle	
	Summary of discussion:
	▪ The 1-foot candle maintained is in conflict with accepted standards and IES recommendations ▪ Consider adjusting pole height to limit light trespass
	Staff recommendation:
	• Allow .5-foot candle average with a minimum .2-foot candle over parking space areas • Require maximum pole height of 12 feet within 25 feet of residential areas

Additional issues discussed	
	Billboards – need to clarify/enforce time limits and brightness levels
	International Energy Conservation Code – discussion about updating code from 2009. - Staff will look into this issue during scheduled code updates
	Needs to be a means to allow for exceptions to the standards based on the use - Staff will include a special exception process to be decided by the Zoning Administrator

ORDINANCE NO. O2024-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, PROVIDING FOR CHANGES TO THE ZONING CODE TO AMEND CERTAIN SECTIONS RELATING TO OUTDOOR LIGHTING

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 26, 2024 in Case no: ZONE-42943-2024 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on August 2, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-42943-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 01, Section 07, Definitions, is amended to delete the following strike through text:

~~***FULLY SHIELDED.*** That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

~~***MAINTAINED FOOTCANDLE***. Predicted footcandles, at a given location, calculated through application of a light loss factor.~~

~~***PARTIALLY SHIELDED.*** That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 14, Section 01, Aesthetic Overlay District (AO), Subsection D, is amended to insert the following bolded text and delete the strike through text:

(6) *Lighting.* Minimum standards for lighting for properties located within the Aesthetic Overlay District are as follows.

(a) Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of **an average of 0.5** ~~a minimum of one maintained~~ footcandle**s** at the ground level and at seven feet vertical between sunset and sunrise.

(b) Open parking lots shall be illuminated with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and at seven feet vertical between sunset and sunrise.

(c) All exterior entrances shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise, with a minimum 15-foot radius from the center point of the entrance.

(d) Closed and covered parking structures and carports shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise; during daylight hours, the area shall be illuminated with a minimum of ten footcandles.

(e) Greenway trails, pathways, linear parks, multi-use trails and similar facilities shall be illuminated with a minimum of **0.5** ~~one-half~~ ~~maintained~~ **average** footcandle**s** at ground level and at seven feet vertical between sunset and sunrise.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 16, Section 03, Subsection B, Improvement of Parking Lots, is amended to insert the following bolded text and delete the strike through text:

(6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of **the** parking area shall be required for all parking areas with five or more parking spaces. Open parking lots **shall incorporate the requirements of Article 18 and** shall illuminate parking stalls with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and seven feet vertical between sunset and sunrise.

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 18, Outdoor Lighting Regulations**,** Sections 01 through 04, are amended to insert the following bolded text and delete the strike through text:

§ 154-18.01 Purpose.

The principal purpose of the outdoor lighting regulations is to create standards for outdoor lighting which do not conflict with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intention of this subchapter to encourage the conservation of energy while increasing night-time safety, utility, security and productivity, through regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices, lighting practices and systems. **The provisions of Arizona Revised Statutes, Title 49- The Environment, Chapter 7- Light Pollution, shall be followed to uphold the "Dark Sky" goals of reducing waste, glare, light trespass, interference of artificial light, and adverse effects on wildlife; therefor increasing safety, and the visibility of the night sky.**

§ 154-18.02 General Requirements.

(A) ***Definitions:***

FULLY SHIELDED. **That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.**

PARTIALLY SHIELDED. **That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.**

FOOTCANDLE, AND LUMEN**: The footcandle and lumen measure light, although in different ways for different lighting situations. Light output is measured in lumens. The number of lumens measures the total amount of visible light emitted by a light source. It gauges the brightness of the light. The footcandle measures how much light falls upon a certain spot.**

LIGHT TRESPASS: **A condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the light source is visible from any other property.**

~~(A)~~ **(B)** *Top-mounted.* Outdoor advertising sign lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements **noted in this section** ~~in Table No. 8~~.

~~(1) This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.~~
~~(2) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).~~
~~(3) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.~~
~~(4) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.~~

~~(B)~~ **(C)** *Bottom-mounted.* ***(ground-mounted, up-lighting, feature-lighting).*** An outdoor advertising sign illuminated by any type of bottom-mounted outdoor lighting system or fixture, which is installed at or on **the ground or** the lower portion of any outdoor advertising sign or fixture shall be prohibited unless said lighting fixture is shielded to confine the light to the sign face. **All such fixtures with lighting which is directed upwards shall be placed so that the angle of the lamp shall not be greater than forty-five degrees (45º) measured from a horizontal plane to a line projected through the center of the lamp.**

~~(C)~~ **(D)** *Mercury vapor.* Mercury vapor lamps and fixtures are prohibited for use as outdoor lighting. ~~Mercury vapor lamps in use for outdoor lighting on the effective date of this chapter shall not be used after January 1, 2011.~~

~~(D)~~ **(E)** *Searchlights.* Prohibited.

~~(E)~~ **(F)** *Recreational facilities.* Public or private recreational facilities, which are illuminated with outdoor lighting fixtures conforming to these regulations may operate any time with such illumination. Outdoor recreational facilities not conforming to these regulations shall not be illuminated after 11:00 p.m. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination; prior to 11:00 p.m.

~~(F)~~ **(G)** *Outdoor advertising off-site signs.* The electrical illumination of outdoor advertising off-site signs including those internally illuminated, is prohibited between the hours of 12:00 a.m. midnight and sunrise.

~~(G)~~ **(H)** *Flagpoles.* Outdoor lighting fixtures used to illuminate a flagpole shall be mounted on the top of the flagpole structure and adhere to the shielding requirements outlined in **this section** ~~Table No. 8~~. In cases where it is impossible to light a flagpole structure from the top, bottom-mounted lights shall be connected to a timer which extinguishes all but the minimal light source necessary to illuminate the flag between the hours of 11:00 p.m. and sunrise.

(I) The maximum light pole height is 12 feet when within 25 feet of a residential use.

(J) Light Emitting Diode (LED) and Low Pressure Sodium are the preferred light sources to minimize undesirable light emissions to neighboring properties and the night sky.

(K) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement) and this lighting requires full shielding.

(L) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.

(M) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.

(N) LED lighting must be 3,000K (Kelvin corrected color temperature (CCT)) or less for all commercial uses.

(O) Any light source of 70 watts (700 lumens) or equivalent does not require shielding.

(P) Neon, argon, and other noble gas glass tube lighting does not require shielding.

(Q) High Pressure Sodium, low pressure sodium, and quartz halogen lighting requires full shielding.

(R) Light trespass is prohibited, except for fixtures exempted from this ordinance or from shielding requirements in this section.

Table No. 8 - Shielding Requirements

Fixture Lamp Type	***Shielding Requirements***
Any light source of 70W or less	None
Fluorescent	Fully shielded (3)
Glass tubes filled with neon, argon, krypton	None
High pressure sodium	Fully shielded
Incandescent 150W or less	None
Low pressure sodium (1)	Partially shielded
Metal halide (2)	Fully shielded
Quartz (4)	Fully shielded

§ 154-18.03 ~~Permanent~~ Exemptions.

(A) *Nonconforming fixtures.* Legally installed outdoor lighting not conforming to the provisions of this chapter shall be allowed to remain, provided such fixtures are extinguished between the hours of 11:00 p.m. and sunrise by automatic shut-off device.

(B) *Fossil fuel light.* All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.

(C) *State and federal facilities.* Outdoor light fixtures installed on, and in connection with those facilities and

land owned or operated by the federal government or the State of Arizona, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this chapter. Voluntary compliance with the intent of this chapter at those facilities is encouraged.

(D) Deviations from the lighting standards provided in this chapter may be approved for private properties if approved by the Zoning Administrator.

(E) Applications to deviate from the lighting standards shall include the following information:

1. A site plan depicting the location of proposed lighting on the site;

2. A lighting inventory that provides, at minimum:

a. The brightness (in lumens) and correlated color temperature (in Kelvin) of each luminaire;

b. The height of each fixture;

c. The directional angle of each fixture;

d. The character of shielding for each luminaire, if any;

e. Identification of luminaires that diverge from the standards of this Chapter and are subject to the deviation request;

f. Detailed description of the circumstances which necessitate the deviation;

g. Such other data and information as may be required by the Zoning Administrator.

3. The deviation may be granted if the following findings are made:

a. There are unique circumstances affecting the subject property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.

b. The proposed deviation will achieve the intent of this chapter to the maximum extent feasible.

§ 154-18.04 Submittal of Plans.

(A) *Submittal contents.* The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submittal shall contain, but shall not be limited to, the following:

(1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and

(3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions. **For commercial projects, a Photometric Survey is required, and it shall show lit areas including 1 foot beyond the subject property to show no light trespass onto neighboring properties.**

(4) For new construction or retrofits of fuel canopy lighting: Fully-recessed fuel canopy lighting/flat lenses are required. All light fixtures mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses. Such shielding must be provided by the fixture itself. Shielding by surrounding structures such as canopy edges is not a suitable alternative.

(B) *Subdivision plat certification.* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the regulations of this chapter.

SECTION 5: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2024.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney