



City of Yuma City Council Meeting REVISED Agenda

Wednesday, August 4, 2021

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.

Consistent with the March 13, 2020 Arizona Attorney General opinion relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the August 4, 2021 Regular City Council meeting will be conducted remotely through technological means along with public, in-person access.

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

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

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

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

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

The Worksession and Citizen's Forum previously scheduled for August 3, 2021 are cancelled.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL**FINAL CALL**

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

PRESENTATIONS

- Reading of National Purple Heart Day Proclamation
- Briefing of the upcoming Marine Corps Air Station-Yuma WTI Exercise
- Presentation regarding the City's Investment Portfolio

REVISED

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 will be taken separately.

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

1. [MC 2021-089](#) **Special/Joint City Council Worksession Draft Minutes June 23, 2021**

Attachments: [2021 06 23 SWS](#)

B. Approval of staff recommendations:

1. [MC 2015-000](#) **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)

2. [MC 2021-085](#)**Declaration and Bid Award: Sale of Firearms**

Declare 87 firearms surplus and award bid for the sale of firearms to the highest responsive/responsible bidder for a total of \$16,405.00 to the following vendors: King's Firearms Online-\$6,635.00, Columbia, Tennessee; Sierra Auction-\$9,770.00, Phoenix, Arizona. (Police Department/RFB-21-193) (Susan M. Smith/Robin R. Wilson)

Attachments:

[1. RFCCA Declaration and Bid Award: Sale of Fire Arms](#)

3. [MC 2021-086](#)**Grant Award Acceptance: Southwest Border Rural and Tribal Assistance Program**

Authorize the City Administrator to accept the Southwest Border Rural and Tribal Assistance Grant from the Institute of Intergovernmental Research on behalf of the Bureau of Justice Administration in an amount up to \$149,915.00. (Police/ Administration) (Susan Smith)

Attachments:

[1. RFCCA Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)

[2. AWARD Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)

[3. SUPP DOC Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)

[4. SUPP DOC Grant Award Acceptance: SWB Rural and Tribal Assistance Program](#)

4. [MC 2021-087](#)**Declare Surplus and Transfer: Mobile Data Computers**

Authorize the City Administrator to declare surplus and transfer Operation Stonegarden grant-funded Mobile Data Computers (MDC's) to other law enforcement agencies in Yuma County. The receiving agencies will assume responsibility for reporting to the Arizona Department of Homeland Security regarding the transferred equipment. The approximate total value of the equipment is \$70,000.00. (Police Department/Susan Smith)

Attachments:

[1. RFCCA Transfer of Grant Funded Mobile Data Computers](#)

5. [MC 2021-088](#) **Final Plat: Desert Sands Subdivision Unit 3**

Approve the final plat of the Desert Sands Subdivision Unit 3. The property is located at the southeast corner of E. 45th Street and S. Avenue 8E, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA Final Plat: Desert Sands Subdivision Unit 3](#)
- [2. P&Z RPT Final Plat: Desert Sands Subdivision Unit 3](#)
- [3. PLAT Final Plat: Desert Sands Subdivision Unit 3](#)

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 will be taken separately.

1. [R2021-020](#) **Intergovernmental Agreement: Weekend and Holiday Municipal Court Coverage**

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with Yuma County to provide a Justice Court Initial Appearance Master to preside over initial appearances for the Yuma Municipal Court on weekends and City of Yuma recognized holidays. (Municipal Court) (Del Miller)

Attachments:

- [1. RFCCA IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)
- [2. RES IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)
- [3. IGA: Weekend and Holiday Yuma Municipal Court Coverage](#)

2. [R2021-021](#)**Municipal Improvement District No. 117: Desert Sands
Subdivision Unit 2 - Order Improvements**

Order Improvements for Municipal Improvement District (MID) No. 117 to serve Desert Sands Subdivision Unit 2, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 117 shall be assessed upon the properties in MID No. 117; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes (A.R.S.) Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)
- [2. RES MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)
- [3. EXH A MID 117: Order Improvements-Desert Sands Subdivision Unit 2](#)

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 will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2021-012](#)**Zoning Code Text Amendment: Corner Markets**

Amend Yuma City Code Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:

- [1. RFCCA Zoning Code Text Amendment: Corner Markets](#)
- [2. P&Z RPT Zoning Code Text Amendment: Corner Markets](#)
- [3. ORD Zoning Code Text Amendment: Corner Markets](#)

2. [O2021-020](#)**Code Text Amendment: Erosion and Sediment Control**

Amend Title 15, Chapter 156 of the Yuma City Code, to update erosion and sediment control code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments:[1. RFCCA Code Text Amendment: Erosion and Sediment Control](#)[2. ORD Code Text Amendment: Erosion and Sediment Control](#)3. [O2021-021](#)**Code Text Amendment: Stormwater Runoff in New Developments**

Amend Title 19, Chapter 192 of the Yuma City Code, to update Stormwater Runoff in New Developments code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments:[1. RFCCA Code Text Amendment: Stormwater Runoff in New Developments](#)[2. ORD Code Text Amendment: Stormwater Runoff in New Developments](#)4. [O2021-022](#)**Code Text Amendment: Illicit Discharge Detection and Elimination**

Amend Title 19, Chapter 194 of the Yuma City Code, to update Illicit Discharge Detection and Elimination code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

Attachments:[1. RFCCA Code Text Amendment: Illicit Discharge Detection and Elimination](#)[2. ORD Code Text Amendment: Illicit Discharge Detection and Elimination](#)5. [O2021-023](#)**Code Text Amendment: Traffic Rules**

Amend Title 21, Chapter 211 of the Yuma City Code, to update traffic control standards to current references and other minor editorial updates. (Engineering) (Jeffrey A. Kramer)

Attachments:[1. RFCCA Code Text Amendment: Traffic Rules](#)[2. ORD Code Text Amendment: Traffic Rules](#)

6. [O2021-024](#)**Code Text Amendment: Chapter 213**

Amend Title 21, Chapter 213 of the Yuma City Code, to remove inconsistencies and outdated processes relating to the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices.(City Attorney) (Richard W.Files)

Attachments:

- [1. RFCCA Code Text Amendment: Title 21 Chapter 213](#)
- [2. ORD Code Text Amendment: Title 21 Chapter 213](#)

7. [O2021-025](#)**Easement Acquisition: Yuma RV & Boat Storage L.L.C.**

Approve the acquisition of an easement for public sewer facilities for the Yuma RV & Boat Storage property by dedication from Yuma RV & Boat Storage L.L.C. (Engineering) (Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
- [2. MAP Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
- [3. ORD Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)
- [4. GRANT Easement Acquisition: Yuma RV & Boat Storage L.L.C.](#)

8. [O2021-026](#)**Easement: Avenue 10E South of 28th Street**

Approve an easement along the west side of Avenue 10E south of 28th Street for the purpose of a dedicated pick-up/drop-off lane and a multiuse pathway being constructed as part of a roadway improvement project. (Engineering) (Jeffrey A. Kramer)

Attachments:

- [1. RFCCA Easement: Avenue 10E South of 28th Street](#)
- [2. MAP Easement: Avenue 10E South of 28th Street](#)
- [3. ORD Easement: Avenue 10E South of 28th Street](#)
- [4. AGMT Easement: Avenue 10E South of 28th Street](#)

9. [O2021-027](#)**Rezoning of Property: 1639 S. 6th Avenue**

Rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:[1. RFCCA Rezoning of Property: 1639 S. 6th Ave](#)[2. P&Z RPT Rezoning of Property: 1639 S. 6th Ave](#)[3. ORD Rezoning of Property: 1639 S. 6th Ave](#)10. [O2021-028](#)**Rezoning of Property: Northwest Corner of Avenue A and 11th Street**

Rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the property located at the northwest corner of Avenue A and 11th Street. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

Attachments:[1. RFCCA Rezoning of Property: NW Corner of Ave A and 11th St.](#)[2. P&Z RPT Rezoning of Property: NW Corner of Ave A and 11th St.](#)[3. ORD Rezoning of Property: NW Corner of Ave A and 11th St.](#)**FINAL CALL**

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

IV. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Approve City Administrator's appointment of Finance Director

2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of July 22, 2022 through August 4, 2022. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

3. Scheduling:

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

V. SUMMARY OF CURRENT EVENTS

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

VI. CALL TO THE PUBLIC

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

VII. EXECUTIVE SESSION

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

A. Discussion, consultation with and/or instruction to legal counsel, regarding Riverfront phases, leases, Master Development and Disposition Agreement, and zoning code densities. (ARS 38-431.03 A3 and A4)

B. Discussion, consultation with and/or instruction to legal counsel, regarding modification and/or termination of existing contracts. (ARS 38-431.03 A3 and A4)

ADJOURNMENT

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

MINUTES
SPECIAL\JOINT CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL CONFERENCE ROOM #190
ONE CITY PLAZA, YUMA, ARIZONA
June 23, 2021
5:00 p.m.

CALL TO ORDER

Mayor Nicholls called the Special/Joint City Council Worksession to order at 5:05 p.m.

Councilmembers Present: Shelton (5:20 p.m), Morris, Watts, Knight, McClendon, Shoop, and Mayor Nicholls

Councilmembers Absent: none

Design & Historic Review

Commissioners Present: Rushin, Moody, Sheldahl, Rubio and Anthony

Staffmembers Present: City Administrator, Philip A. Rodriguez
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. CITY OF YUMA'S VISION AND STRATEGIC PLAN

Mayor Nicholls summarized the process of how the Strategic Plan was established and noted that public engagement and Council discussion was key in the writing of the Vision Statement. He reviewed each of the Strategic Outcomes and stated each one shares different characteristics of the City's historic areas.

Rodriguez discussed the following four current projects:

- **Drake Project**: this project is a demolition and rebuild of a 3 story building that contains 14 residential units located on 2nd Street

Rushin declared a Conflict of Interest on this project.

Discussion

- Because the building is over 100 years old the decision to demolish it was a difficult one. However, adding a condition that a new building must be ready to build (funded) and met the new health standards made the vote from members a little easier. [**Moody/Rubio**]
- Although there is no parking garage included in this plan, public/private partnerships should be considered to resolve parking inadequacies. [**Rubio/Watts/Linville**]
- There is a demand for High Density residential in this area and the current building has exceeded its lifespan of being safe to occupy. [**Moody/Knight**]
- Viable buildings in the Historical Downtown area should not be demolished just because they don't serve the needs of the occupants. The County should be asked to reconsider tearing down the building they are in, as it is prime downtown property.
 - There are foundation issues and employees that work on the 3rd floor are getting sick.
 - Citizens need to speak out, as discussions on this matter between the City and County have not been successful.

- It is agreeable that Government is a compatible use in the Downtown area.
[**Moody/Knight/Mayor Nicholls/Shoop/Rushin**]
 - No opposition to opportunities for the Multi-Modal Center; however not if it means loosing old buildings. [**Moody/Shoop**]
 - Development should maintain the historical presence in this area as well as incorporate modernization with history. The developer is utilizing some of the old bricks from the original building and proposed naming the building Drake Flats. [**McClendon/Linville**]
- Home2Suites: located in the downtown area near Pivot Point.

Discussion

- Concerns expressed that the Home2Suites was not built to aesthetically fit in to the Downtown area. However, it does fill the purpose of bringing people to the area.
 - Although the zoning is different than the neighboring Pivot Point hotel, the Home2Suites does meet the Secretary of Interior standards.
[**Moody/Rushin/Sheldahl/Mayor Nicholls**]
 - The City has done a great job with the Riverfront area and Wetlands, but each project needs to be taken independently to see if it meets the standards and fits in with the plan.
 - There is a fine line to meeting aesthetics and standards, but not discourage economic investment. [**Moody/ Rushin/Morris**]
- LaQuinta Hotel: located near the mall district next to the Pacific Avenue Athletic Complex (PAAC)

Discussion

- Design was approved by Design and Historic Review Commission (DHRC), but there is concern that the round-about is too narrow.
 - Roundabout is proposed to be widened to two full lanes once the 2nd development (same Developer) is started. [**Moody/Rubio/Kramer**]
- Puckett Building: a 3,000 square foot building located across from the Federal Court House

Mayor Nicholls declared a *Conflict of Interest on this project.*

Discussion

- The design and materials being used are impressive and the project will be an asset to the corner.
 - The design captures the City's spirit and was approved at an earlier meeting today by DHRC. [**Crist/Knight/Rushin/Sheldahl**]

Rodriguez then displayed a video Tour of Main Street

Discussion

- Signage emphasizes the Yuma brand
- Efforts of Gowan to rehabilitate buildings and keep the historic feel is appreciated

- The Historic Post Office, built in 1934, anchors the Downtown area.
 - Not sure it fits with current downtown area; it is more like the old City Hall, Court House and Heritage Library.
 - Some buildings do not match each other, yet they are unique and fit the historic area well. [**Mayor Nicholls/Rushin**]
- No opposition was stated from the DHRC members when asked about the Temporary Extension of Premises that the City has approved in the Downtown area due to COVID issues.
 - Consideration of removing the large planter boxes would create more walking room was brought forward by the businesses.
 - Perfect height for seating and some provide shade during Downtown events [**Mayor Nicholls/ Moody/Rodriguez**]

Before concluding the meeting, **Mayor Nicholls** asked if there are any parting thoughts to be shared.

- There is a need for safe pedestrian paths. [**Sheldahl**]
- Yuma has a great story and although we don't want to hold on to dilapidated buildings, we also don't want to lose the story. [**Sheldahl**]
- The connectivity of the Downtown area, the PAAC and Yuma Palms is key; we need to make it more aesthetically appealing. [**Rushin**]
- The old Kmart building is scheduled to be demolished. [**Rubio/Crist**]
- Historic and modern mix aesthetics are very Yuma [**McClendon**]
- Personal interpretation of buildings should be documented and kept at the Yuma Tourist Center; Del Sol is a defining landmark. [**Shelton**]
- Consideration needs to be given to what the younger generation sees for the future of Yuma; accommodations need to be made in the Downtown area to fill this need and keep our youth in Yuma. [**Shoop**]
- The Downtown area presents a good value of mixed uses and offers more potential opportunity for transportation and the MultiVersity. [**Morris**]
- The Magellan plans are only conceptual at this point; plans will come forward for approval to DHRC at a later date. Project will likely inspire new development. [**Moody/Knight**]
- It's a welcoming sight to see the economic development that ties the Downtown area and PAAC move forward. The beaches and Riverfront are also great successes. [**Knight**]
- If there are road blocks for developers, they are likely to invest elsewhere. [**Knight**]
- Requirements to put the best ideas forward are a must. The Downtown area has basically built itself, not the City of Yuma; however, support needs to be provided. [**Mayor Nicholls**]

ADJOURNMENT

The meeting adjourned at 7:01 p.m.

APPROVED:

Lynda L. Bushong, City Clerk

Douglas J. Nicholls, Mayor



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Finance

DIVISION

Purchasing

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Declaration and Bid Award: Sale of Firearms

SUMMARY RECOMMENDATION:

Declare 87 firearms surplus and award bid for the sale of firearms to the highest responsive/responsible bidder for a total of \$16,405.00 to the following vendors:

King's Firearms Online	\$6,635.00	Columbia, Tennessee
Sierra Auction	\$9,770.00	Phoenix, Arizona

(Police Department/RFB-21-193) (Susan M. Smith/Robin R. Wilson)

STRATEGIC OUTCOME:

Declaring these firearms as surplus and awarding to the highest/responsible vendors who have a current Federal Fire Arms License ensures our community is Safe and Prosperous and also shows the City as being Respected and Responsible by surplusizing the items in compliance with local and state laws.

REPORT:

The Police Department declared 87 firearms as surplus property and made them available for purchase by the Request for Offer process. The firearms were made available for sale in accordance with Section 38-02 of the Yuma City Code. The state and federal computer systems were checked and none of these firearms are listed as stolen or missing.

Staff received four sealed bids and two offers met all the requirements outlined in the bid. Staff recommends awarding each lot to the highest bidder.

Kings Firearms LLC	ProForce Marketing Inc	Sierra Auction Management	Sprague's
Columbia, TN	Prescott, AZ	Phoenix, AZ	Yuma, AZ

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Revenue generated from the sale of firearms will be deposited into the General Fund.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/28/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/27/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jennifer Reichelt		7/20/2021		
WRITTEN/SUBMITTED BY:		DATE:		
Mary E. Roman / Robin R. Wilson		7/19/2021		



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Police Department

DIVISION

Administration

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Grant Award Acceptance: Southwest Border Rural and Tribal Assistance Program

SUMMARY RECOMMENDATION:

Authorize the City Administrator to accept the Southwest Border Rural and Tribal Assistance Grant from the Institute of Intergovernmental Research on behalf of the Bureau of Justice Administration in an amount up to \$149,915.00. (Police/ Administration) (Susan Smith)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Safe and Prosperous by accepting grant funds to increase the number of in-car video cameras in YPD's patrol fleet thereby increasing safety for the officers and the community.

REPORT:

The Yuma Police Department (YPD) has been awarded a grant by the Institute of Intergovernmental Research on behalf of the Bureau of Justice Administration towards the expansion of YPD's in-car camera system program.

Currently YPD has 41 patrol vehicles, which are shared over the course of 24-hour shifts by four patrol shift rotations. The awarded funds will increase the number of vehicles with in-car camera systems within the patrol fleet.

The grant funds will be used to purchase original hardware and software, provide for replacement in-car cameras at year five, and will include a subscription for unlimited storage of all recovered video evidence.

By approving this Motion, City Council authorizes the City Administrator to direct YPD and City staff to accept grant funds awarded to the YPD from the Bureau of Justice Administration for the purchase of the qualified equipment and authorizes the City Administrator to execute a Subrecipient Agreement consistent with the terms of the grant award.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$149,915.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$149,915.00		
	FISCAL IMPACT STATEMENT: The \$149,915.00 in Federal funds represent the grant award total. The funding will be made available for the city through a reimbursement process.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/28/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/27/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Susan Smith		7/20/2021		
WRITTEN/SUBMITTED BY:		DATE:		
Lisa Culp		7/15/2021		

Rick S. Gregory
Chairman

Emory B. Williams
Founder

Gina W. Hartsfield
President and CEO

March 12, 2021

Lieutenant Brian Scanlan
Yuma Police Department
1500 South First Avenue
Yuma, AZ 85364

Dear Lieutenant Scanlan:

It is my pleasure to inform you that the Yuma Police Department has been selected by the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, as a candidate to receive a subaward under the **Southwest Border (SWB) Rural and Tribal Assistance Program** solicitation released by the Institute for Intergovernmental Research (IIR) on behalf of BJA and in accordance with BJA Grant Number 2019-MU-BX-K002.

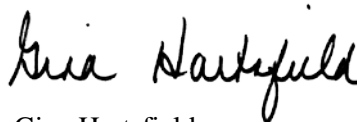
The subaward is a federal award provided by a pass-through entity, IIR, to a subrecipient, your agency, by which funding is made available through a **reimbursement process**. The amount of the subaward approved by BJA is up to **\$149,915.00** for Panasonic Toughbooks and related peripherals and docking station conversions.

This is a provisional award letter. Your final award is contingent upon executing a subaward agreement with IIR that sets forth the specific terms and conditions of this award. Review the attached Agency Documentation Checklist and submit the requested documentation to IIR so that we may prepare your subaward agreement. IIR will review the submitted information and reach out to you to address any concerns identified in the review process.

If you have any questions or need assistance as you complete and submit the requested documentation, please submit your questions through the SWB website [Contact Us](#) form, which can be found at <https://southwestborder.ncirc.gov/Contact-Us>, by email to swb@ncirc.gov, or by phone at (850) 385-0600 (specify the Southwest Border Rural Law Enforcement Assistance Program).

Congratulations! We look forward to working with you.

Sincerely,



Gina Hartsfield
President and CEO

GH:lc
Attachments

Southwest Border Rural Law Enforcement Assistance Program

Overview of Reimbursement Process

The agency will submit three comparative vendor quotes (if three vendors are available) to *IIR* for each category of equipment or resources to be purchased for this subaward with a justification as to which quote the agency has selected and, if applicable, an explanation if less than three quotes are provided. *IIR* will review the documents submitted, request additional information as necessary, and notify the agency of approval to purchase the equipment/resources. Upon notification of *IIR*'s approval to purchase equipment/resources, the agency will complete the purchasing process. Once the approved items are purchased, the agency will prepare an invoice using the invoice template provided by *IIR*. The agency's invoice will be submitted with a copy of the vendor's (vendors') invoice(s) to *IIR* for reimbursement using the submission options listed on page 3.

Agency Documentation Checklist

To meet federal subaward requirements and to help inform the content of the subaward agreement with *IIR*, the following is a checklist of documents that the agency will need to prepare and submit to *IIR* before final approval of the subaward. Included with this checklist are forms and materials to assist you in preparing the required documentation. Below the checklist are submission options.

✓	Requested Documentation	Description
	1. Agency Coordinator Designation Form	Appendix A contains a form that the agency must complete and submit to <i>IIR</i> . This form asks the agency to identify two primary points of contact within the agency—a Project Coordinator and a Financial Coordinator.
	2. Applicant Agency Certification Sample Language	Appendix B contains sample language for the agency to customize when developing the agency's certification letter.
	3. U.S. Department of Justice (DOJ) Accounting System Financial and Capability Questionnaire	Appendix C contains DOJ's financial questionnaire designed to meet certain federal requirements, including those set out in the Part 200 Uniform Requirements (2 CFR Part 200).
	4. Audited Financial Statements	A copy of the most recent financial audit should be forwarded to <i>IIR</i> . If the agency's financial statements are not audited, then internal financial statements for the most recent year (fiscal or calendar) should be forwarded to <i>IIR</i> .
	5. IRS Form W-9 <i>Request for Taxpayer ID Number</i>	Appendix D contains IRS Form W-9, which should be completed and returned to <i>IIR</i> .
	6. Automated Clearing House (ACH) Enrollment Form for Direct Deposit/Payment	Appendix E contains a direct deposit form. <i>IIR</i> offers payment by either direct deposit or check. If the agency wishes to use direct deposit, complete the form in Appendix F. For agencies using direct deposit, <i>IIR</i> will email the individual designated on the form when payments to the agency are generated. If the completed form is not returned to <i>IIR</i> , payment will automatically be made by check.

Agencies may submit the above documentation through one of the following methods.

- Online Upload Portal: <http://s.iir.com/swb-document-upload>
- Email: swb@ncirc.gov
- Fax: **IIR: SWB Rural Law Enforcement Assistance Program
Fax Number: (850) 422-3529**
- Postal Mail: **Institute for Intergovernmental Research
Attention: SWB Rural Law Enforcement Assistance Program
Post Office Box 12729
Tallahassee, FL 32317-2729**
- UPS/FedEx: **Institute for Intergovernmental Research
Attention: SWB Rural Law Enforcement Assistance Program
2050 Centre Pointe Boulevard
Tallahassee, FL 32308**

Appendix A

Agency Coordinator Designation Form

Agency Name: _____

Mailing address where notices can be sent:

Address 1: _____

Address 2: _____

City/State/ZIP: _____

The following individuals have been designated to serve as the Project Coordinator and the Financial Coordinator on behalf of the agency for the purposes of this subaward.

Project Coordinator—All official, nonfinancial-related communications related to the agency's project should come from a Project Coordinator named below who will serve as the official project coordinator of record.

Name: _____ Title: _____

Email: _____ Phone: _____

Financial Coordinator (if different from above)—All financial or reporting-related communications related to the agency's project should come from either the Project Coordinator named above or a separate designated point of contact as noted below.

Name: _____ Title: _____

Email: _____ Phone: _____

The coordinators listed on this form are designated and authorized by the following agency head:

Signature

Date

Printed Name

Title



Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.
- (3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.
- (7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.
- (8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

1. Name of Organization and Address:

Organization Name: **City of Yuma**

Street1: **One City Plaza**

Street2:

City: **Yuma**

State: **Arizona**

Zip Code: **85364**

2. Authorized Representative's Name and Title:

Prefix: First Name: **Philip**

Middle Name:

Last Name: **Rodriguez**

Suffix:

Title: **City Administrator**

3. Phone: **(928) 373-5011**

4. Fax:

5. Email: **philip.rodriguez@yumaaz.gov**

6. Year Established:

1914

7. Employer Identification Number (EIN):

866000275

8. DUNS Number:

78998184

9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)? ☐ Yes ☒ No

If "No" skip to Question 10.

If "Yes", complete Questions 9. b) and 9. c).



AUDIT INFORMATION

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?

☐ Yes ☐ No

9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?

☐ Yes ☐ No

If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide -- as an attachment to its application -- a disclosure that satisfies the minimum requirements as described by OJP.

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s) (Please check all that apply):

☒ "Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200

☐ Financial Statement Audit

☐ Defense Contract Agency Audit (DCAA)

☐ Other Audit & Agency (list type of audit):

☐ None (if none, skip to question 13)

11. Most Recent Audit Report Issued: ☒ Within the last 12 months ☐ Within the last 2 years ☐ Over 2 years ago ☐ N/A

Name of Audit Agency/Firm: Heinfeld&Meech

AUDITOR'S OPINION

12. On the most recent audit, what was the auditor's opinion?

☒ Unqualified Opinion ☐ Qualified Opinion ☐ Disclaimer, Going Concern or Adverse Opinions ☐ N/A: No audits as described above

Enter the number of findings (if none, enter "0"): 0

Enter the dollar amount of questioned costs (if none, enter "\$0"): 0

Were material weaknesses noted in the report or opinion?

☐ Yes ☒ No

13. Which of the following best describes the applicant entity's accounting system:

☐ Manual ☐ Automated ☒ Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?

☒ Yes ☐ No ☐ Not Sure

15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?

☒ Yes ☐ No ☐ Not Sure

16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?

☒ Yes ☐ No ☐ Not Sure



17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R. Part 200?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
PROPERTY STANDARDS AND PROCUREMENT STANDARDS	
20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
21. Does the applicant entity maintain written policies and procedures for procurement transactions that -- (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
TRAVEL POLICY	
24. Does the applicant entity: (a) maintain a standard travel policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (b) adhere to the Federal Travel Regulation (FTR)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SUBRECIPIENT MANAGEMENT AND MONITORING	
25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award -- (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards



26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?

☒ Yes ☐ No ☐ Not Sure
☐ N/A - Applicant does not make subawards under any OJP awards

27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?

☒ Yes ☐ No ☐ Not Sure
☐ N/A - Applicant does not make subawards under any OJP awards

DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES

28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)

☐ Yes ☒ No ☐ Not Sure

If "Yes", provide the following:

(a) Name(s) of the federal awarding agency:

[Redacted]

(b) Date(s) the agency notified the applicant entity of the "high risk" designation:

[Redacted]

(c) Contact information for the "high risk" point of contact at the federal agency:

Name:

[Redacted]

Phone:

[Redacted]

Email:

[Redacted]

(d) Reason for "high risk" status, as set out by the federal agency:

[Redacted]

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name: **Maura Luna**

Date: **2021-06-17**

Title: ☐ Executive Director ☐ Chief Financial Officer ☐ Chairman

☒ Other: **Acting Accounting I**

Phone: **(928) 373-5000**



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Police

DIVISION

Patrol

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Declare Surplus and Transfer: Mobile Data Computers

SUMMARY RECOMMENDATION:

Authorize the City Administrator to declare surplus and transfer Operation Stonegarden grant-funded Mobile Data Computers (MDC's) to other law enforcement agencies in Yuma County. The receiving agencies will assume responsibility for reporting to the Arizona Department of Homeland Security regarding the transferred equipment. The approximate total value of the equipment is \$70,000.00. (Police Department/Susan Smith)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Safe and Prosperous by allowing law enforcement member agencies of Yuma Regional Communication System (YRCS) to access regional public safety information systems and share information. The MDCs will be utilized to replace or supplement existing equipment inventories to improve and enhance public safety information management and sharing.

REPORT:

In 2018, the Yuma Police Department (YPD) was awarded Operation Stonegarden Grant #180409-03 (Grant) by the Arizona Department of Homeland Security for the purchase of 38 MDC's to replace previously Grant funded MDC's that had reached the end of their service lives. In 2019, the Grant funds were utilized to purchase Panasonic products, the City's MDC standard at the time.

In 2020, the Information Technology Department changed the MDC standard from the Panasonic product to an equivalent Dell product to reduce costs. In order to standardized all computer systems and support services, all YPD MDC's were replaced with the Dell products.

The Grant requires equipment with remaining service life, but that is no longer needed by a Grant recipient agency, to be offered to other agencies or organizations participating in the Operation Stonegarden program. The Panasonic products are estimated to have more than three years of service life remaining. In coordination with the YRCS and the Arizona Department of Homeland Security, a tentative plan has been developed to distribute the 38 Panasonic MDC's to the following agencies:

- San Luis Police Department: 15
- Somerton Police Department: 8
- Yuma County Sheriff's Office: 5
- Cocopah Police Department: 5
- Quechan Police Department: 4
- Yuma Regional Communication Service: 1

The receiving agencies will be responsible for all maintenance, support, and costs, including air card fees, relating to the MDC's received. They will also be responsible for all Grant activities related to the equipment, to include reporting, recordkeeping, and disposal for the remainder of the Grant period and equipment life.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: The estimated value of the grant funded equipment is \$70,000. There is no cost to the City for this transfer.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/28/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/27/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Susan M. Smith		07/20/2021		
WRITTEN/SUBMITTED BY:		DATE:		
Don E. Willits		07/15/2021		



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:Planning and
Neighborhood Services**DIVISION**

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Final Plat: Desert Sands Subdivision Unit 3

SUMMARY RECOMMENDATION:

Approve the final plat of the Desert Sands Subdivision Unit 3. The property is located at the southeast corner of E. 45th Street and S. Avenue 8E, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

The approval of the final plat will facilitate the new development of single-family homes, a project that will be responsibly constructed, meeting all codes and requirements for the City. This subdivision assists in furthering the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

The subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the third phase of the Desert Sands Subdivision.

The subject property consists of approximately 24.2599 acres. This subdivision will be developed with frontage along Avenue 8E, and 44th Street. The applicant is proposing to develop the area with 122 single-family homes. The applicant is proposing lot sizes to range from 5,078 square feet to 13,338 square feet. As discussed in further detail in Yuma City Code §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of 20 feet;
4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;

5. A minimum rear yard setback of 10 feet;
6. A minimum street side yard setback of 10 feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

With this development staff will be require 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.

On June 28, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (6-0), of the final plat for the Desert Sands Subdivision Unit 3, 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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The 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.
5. 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.
6. 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.
7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.
8. A time frame of build-out for the subdivision shall be submitted to the Yuma High School District to enable the districts to adequately plan for future school facilities.
9. 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.
10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.

11. 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.

PUBLIC COMMENTS – EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

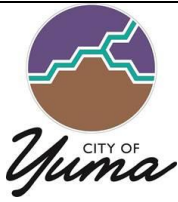
PUBLIC COMMENT

None

Motion by Branden Freeman – Planning and Zoning Commissioner, second by Lorraine Arney – Planning and Zoning Commissioner, to APPROVE SUBD-34769-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (6-0), with one absent.

The City Council's approval of this motion accepts the Planning and Zoning Commission's recommendation and approves the final plat of the Desert Sands Subdivision Unit 3 as submitted, including the conditions of approval set forth in the rezone, final plat, and preliminary plat.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		07/28/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		07/27/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		07/13/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Richard Munguia		07/13/2021	



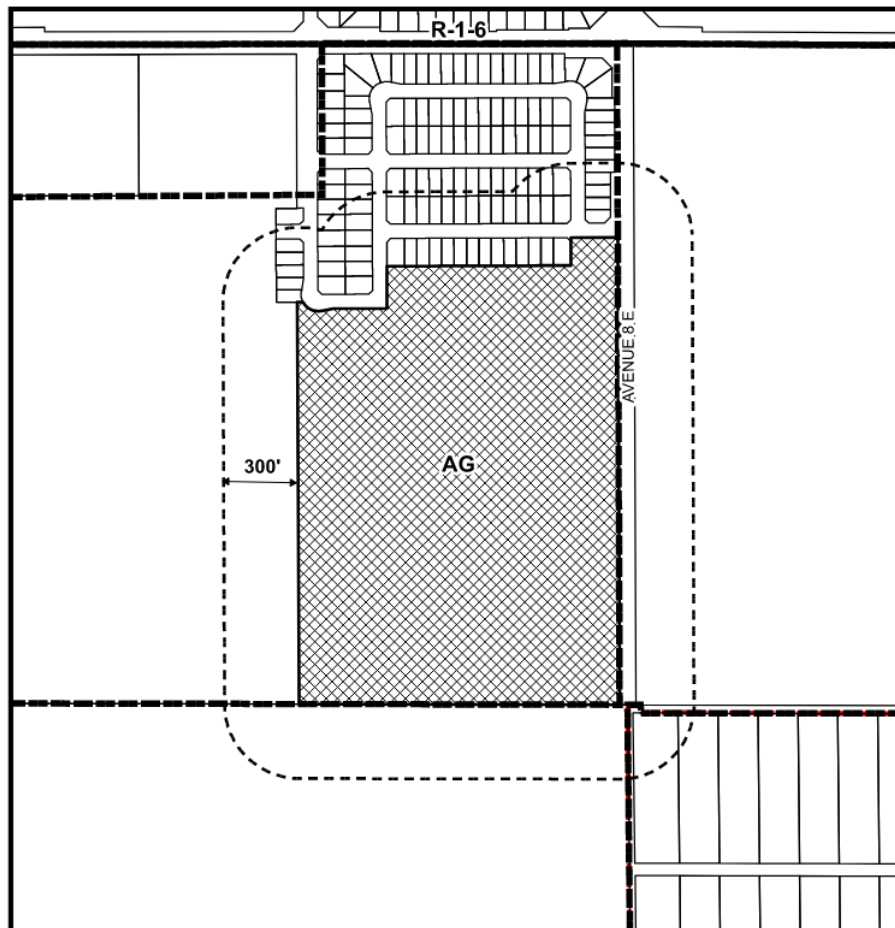
**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: RICHARD MUNGUIA**

Hearing Date: June 28, 2021 **Case Number:** SUBD-34769-2021

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for the approval of the final plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 lots, ranging in size from approximately 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and the S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
North	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential/Commercial); Rezone: Ordinance 2019-014 (March 6, 2019 – AG to R-1-5); Subdivision: Desert Sands Subdivision Unit 3 Preliminary Plat – SUBD-33735-2021 (April 12, 2021).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Desert Sands Subdivision Unit 3, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-34769-2021 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 final plat, the Planning and Zoning Commission is authorizing the design of Desert Sands Subdivision Unit 3, for the property located at the southwest corner of E. 45th Street and S. Avenue 8E subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, 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 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the third phase of the Desert Sands Subdivision.

The subject property consists of approximately 24.2599 acres. This subdivision will be developed with frontage along Avenue 8 E, and 44th Street. The applicant is proposing to develop the area with 122 single-family homes. The applicant is proposing lot sizes to range from 5,078 square feet to 13,338 square feet. As discussed in further detail in §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

With this 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?

Standard	Subdivision							Conforms				
Lot Size	Minimum:	5,078 sq ft			Maximum:	13,338 sq ft		Yes	X	No		
Lot Depth	Minimum:	102 ft			Maximum:	139.18 ft		Yes	X	No		
Lot Width/Frontage	Minimum:	50 ft			Maximum:	60 ft		Yes	X	No		
Setbacks	Front:	20'	Rear:	10'	Side:	5' on one side 9' on the other		Yes	X	No		
District Size	24.25	Acres							Yes	X	No	
Density	5.0	Dwelling units per acre							Yes	X	No	
Issues: None												

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes		No		N/A	X
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes	X	No		N/A	
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		No		N/A	X
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		No		N/A	X
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		
Historic Buildings on Site:	Yes			No			X		

Transportation Element:														
FACILITY PLANS														
TRANSPORTATION MASTER PLAN			Planned		Existing		Gateway		Scenic		Hazard		Truck	
Avenue 7 ½E			40 FT H/W ROW		50 FT H/W ROW									
40 th Street			40 FT H/W ROW		50 FT H/W ROW									
Bicycle Facilities Master Plan			E. 32 nd Street: Existing Bike Path											
YCAT Transit System			N/A											
Issues:			None											
Parks, Recreation and Open Space Element:														
Parks and Recreation Facility Plan														
Neighborhood Park:		Existing: Saguaro Park						Future: Saguaro Park						
Community Park:		Existing: None						Future: South Mesa						
Linear Park:		Existing: None						Future: A Canal Linear Park						
Issues:		Minimal access to nearby facilities.												
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:		None												
Public Services Element:														
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person			Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation			
			<i>Single Family</i>											
			Proposed	Per Unit			Officers		GPD	AF	GPD			
			122	2.8	342		0.64		102,480	114.8	34,160			
Fire Facilities Plan:		Existing: Fire Station No. 5						Future: Fire Station No. 7						
Water Facility Plan:		Source:	City	X	Private		Connection	20" PVC @ E. 45 th Street						
Sewer Facility Plan:		Treatment:	City	X	Septic		Private	12" PVC @ E. 45 th Street						
Issues:		Water and sewer lines will need to be extended to provide services for the future development.												
Safety Element:														
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:				Yes				No	X	
Issues:		None												
Growth Area Element:														
Growth Area:	Araby Rd & Interstate 8				Arizona Ave & 16 th St				Avenue B & 32 nd St.					
	North End			Pacific Ave & 8 th St				Estancia			None	X		
Issues:		None												

4. Does the subdivision comply with the conditions of the rezoning?

Yes.

5. Does the subdivision comply with the conditions of the preliminary plat?

Yes.

6. Is the final plat consistent with the preliminary plat that was approved?

Yes.

Public Comments Received:

None Received.

External Agency Comments:

See Attachment G.

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on:

June 3, 2021

Final staff report delivered to applicant on:

June 14, 2021

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on: (enter date)
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input checked="" type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply.

Attachments

A	B	C	D	E	F	G	H
Final Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Rezone Conditions	Preliminary Plat Conditions	Agency Notifications	Agency Comments	Aerial Photo

Prepared By:
Richard Munguia
Senior Planner



Date: June 9, 2021

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville,
Assistant Director Community Development



Date: 06/16/2021

**ATTACHMENT A
FINAL 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.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Attorney Comments: (928) 373-5058:

4. 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.
5. 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.
6. 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:

7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070

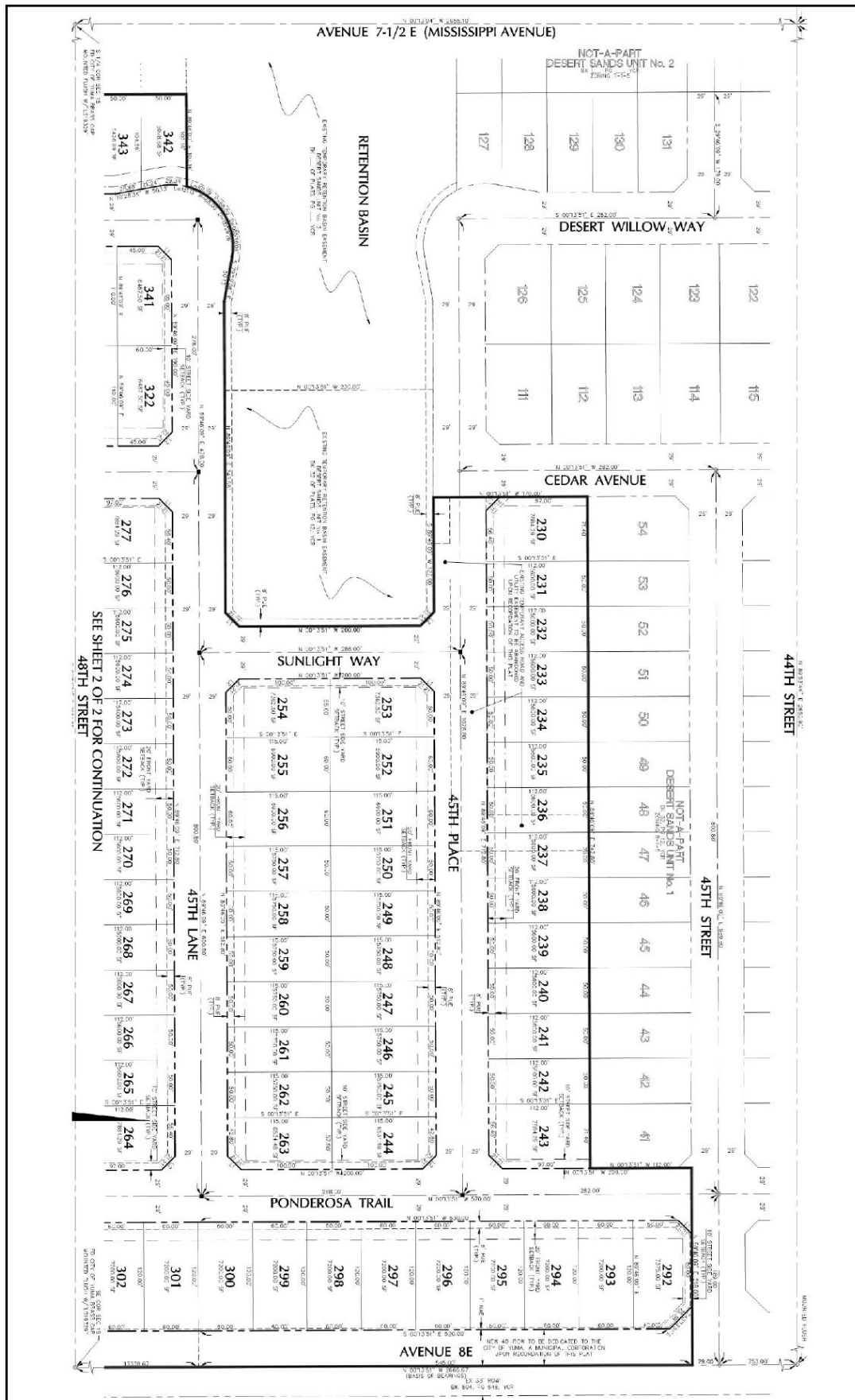
8. A time frame of build-out for the subdivision shall be submitted to the Yuma High School District to enable the districts to adequately plan for future school facilities.
9. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the 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

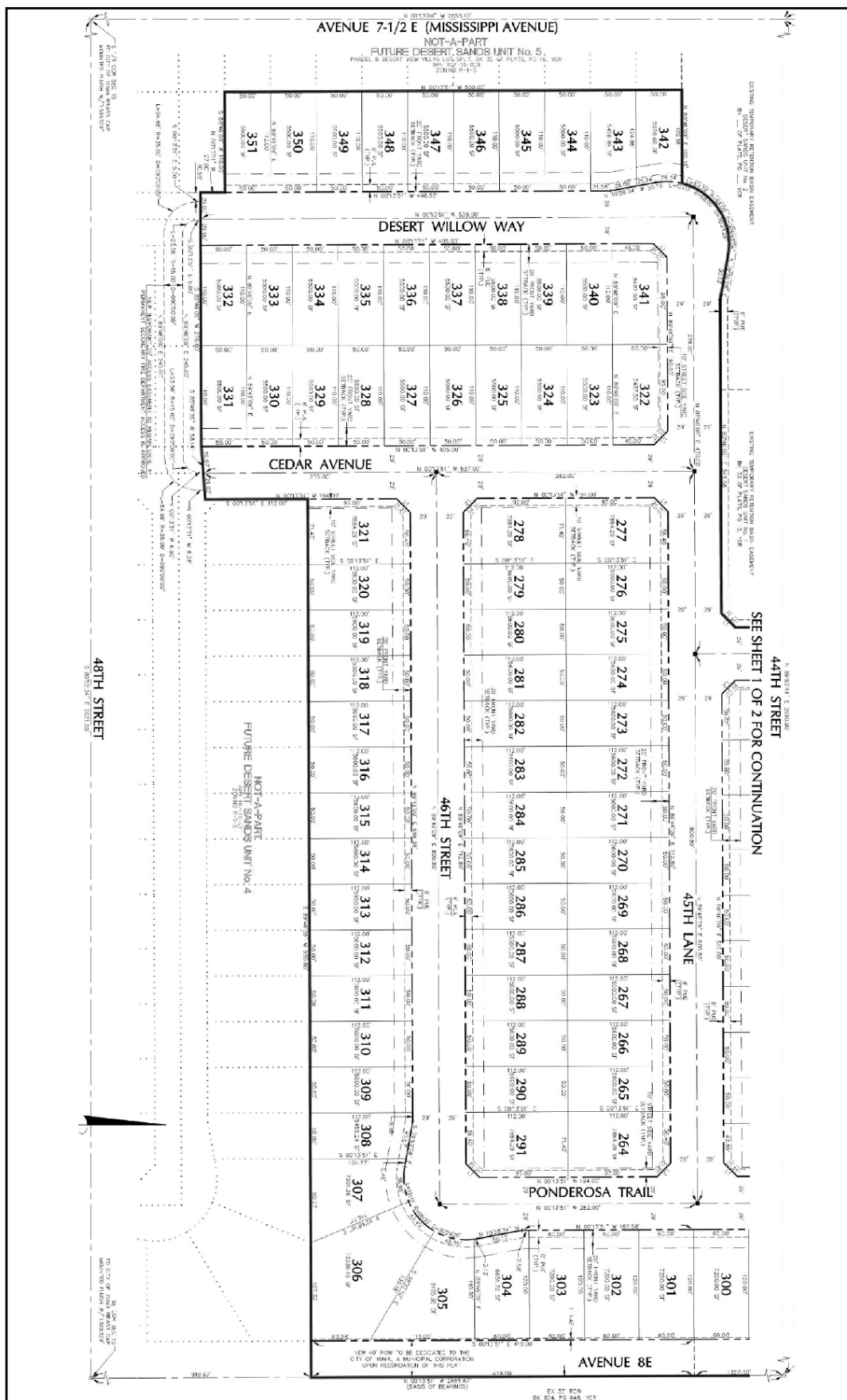
any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.

10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
11. 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.

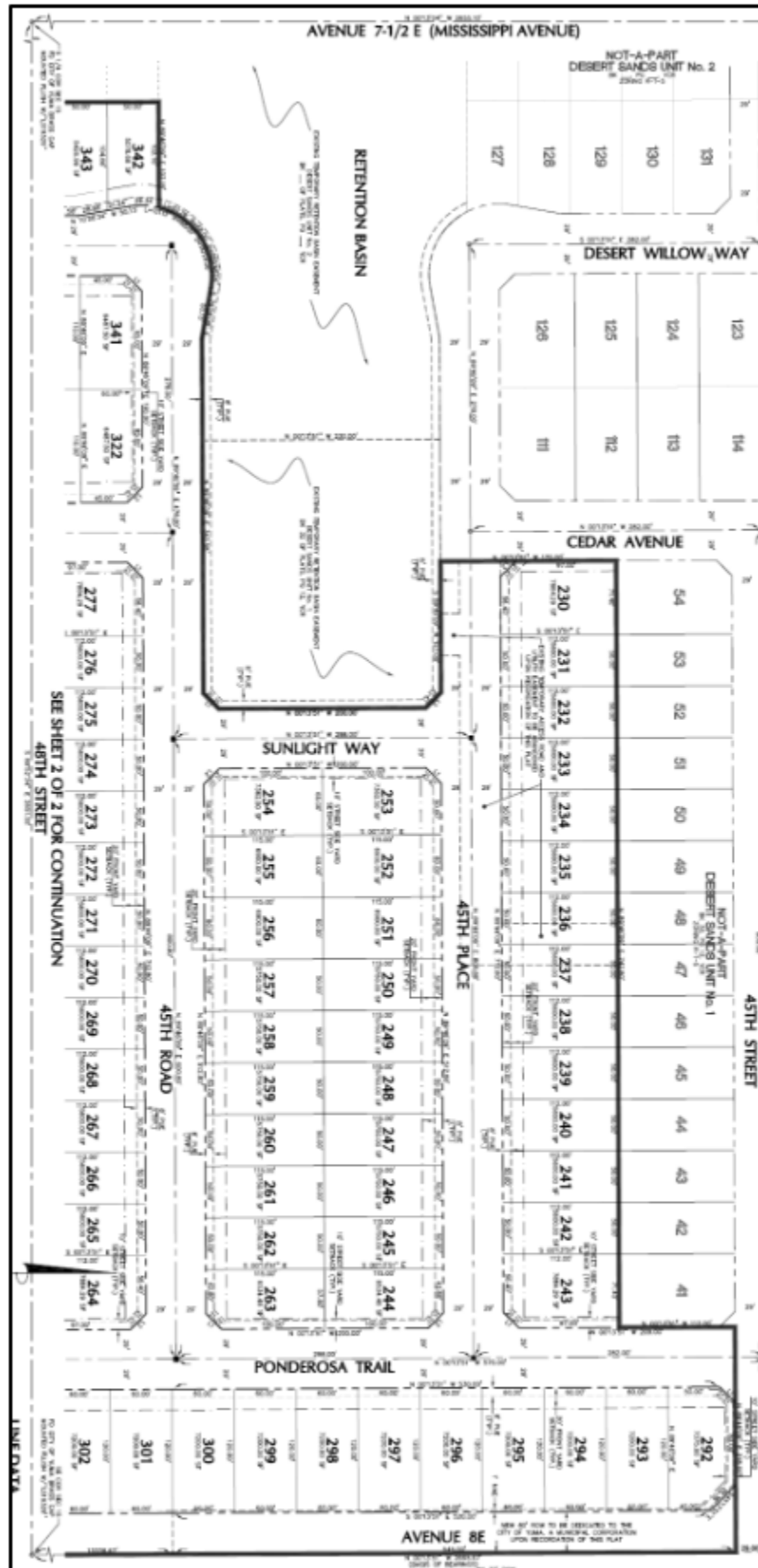
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B FINAL PLAT MAP





ATTACHMENT C PRELIMINARY PLAT MAP



**ATTACHMENT D
REZONE CONDITIONS**

**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 Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning, Alyssa Linville, Principal Planner, (928) 373-5000, ext. 3037:

4. 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 E
PRELIMINARY PLAT CONDITIONS**

**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.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

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: Agustin Cruz, Senior Civil Engineer (928) 373-5182:

6. The owner/developer and subsequent property owners shall not construct any gate or provide access locations crossing the 1 foot non-access easement (1' NAE) as listed in this subdivision plat.

Fire Department Comments: Kayla Franklin, Fire Marshal, (928) 373-4865:

7. Please submit revised drawing connecting Desert Willow Way and Cedar Avenue.

Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070:

8. 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 F AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 06/04/2021
- **300' Vicinity Mailing:** 05/10/2021
- **34 Commenting/Reviewing Agencies noticed:** 05/13/2021
- **Site Posted on:** 06/21/2021
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 06/28/2021
- **Comments due:** 05/24/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	05/17/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	05/11/2021	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	05/1/2021	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	X	05/18/2021	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	05/20/2021		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				


ATTACHMENT G
AGENCY COMMENTS

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the request for APN 197-15-011 and we offer the following conditions. The subject parcel is located approximately 1 mile from the northern boundary of the Barry M. Goldwater Range-West (BMGR-W) and as such is subject to the requirements of the BMGR Buffer Zone. 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 Range 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.

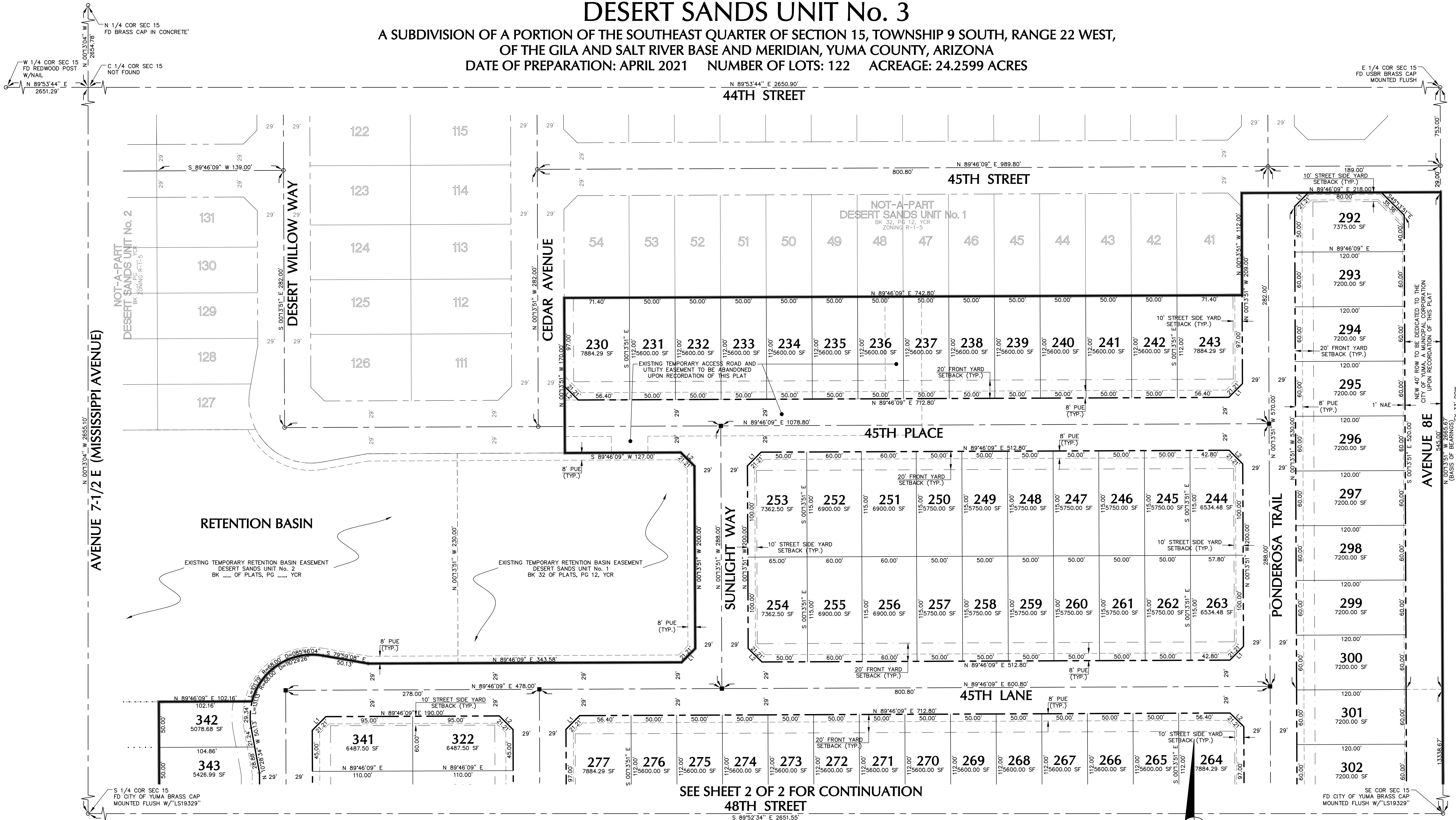
DATE:	20 May 2021	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Alyssa Linville				
	Alyssa.Linville@YumaAZ.gov				

ATTACHMENT H
AERIAL PHOTO



DESERT SANDS UNIT No. 3

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA
DATE OF PREPARATION: APRIL 2021 NUMBER OF LOTS: 122 ACREAGE: 24.2599 ACRES



DEDICATION

STATE OF ARIZONA }
COUNTY OF YUMA }
KNOW ALL MEN BY THESE PRESENTS:
THAT YUMA DESERT SANDS DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED THE FOLLOWING DESCRIBED PROPERTY; THAT PORTION OF THE SOUTHEAST 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 "DESERT SANDS UNIT No. 3" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAID "DESERT SANDS UNIT No. 3" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER AND THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT YUMA DESERT SANDS DEVELOPMENT, L.L.C., 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 YUMA DESERT SANDS DEVELOPMENT, L.L.C., 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 _____, 2021

BRIAN L. HALL, MANAGER
YUMA DESERT SANDS DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF YUMA }
ON THIS _____ DAY OF _____, 2021
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED BRIAN L. HALL, WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGER OF YUMA DESERT SANDS DEVELOPMENT, L.L.C., 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 HERETO SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

APPROVED

DEPARTMENT OF COMMUNITY DEVELOPMENT

CITY OF YUMA ENGINEER

STATE OF ARIZONA }
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 _____, 2021

MAYOR
ATTEST:

CITY CLERK

LEGEND

- CENTERLINE / SECTION LINE
 - SUBDIVISION BOUNDARY
 - RIGHT OF WAY LINE
 - SETBACK LINE
 - EASEMENT LINE (TYPE AS SHOWN)
 - NEW LOT NUMBER
 - NEW LOT AREA
 - NEW STREET MONUMENT
 - SET 1/2" REBAR W/CAP "RLS 31018"
 - EXISTING MONUMENT (TYPE AS NOTED)
 - RIGHT OF WAY
 - NON ACCESS EASEMENT
 - PUBLIC UTILITY EASEMENT
 - ASSESSOR'S PARCEL NUMBER
 - BOOK
 - PAGE
 - YUMA COUNTY RECORDS
 - UNITED STATES BUREAU OF RECLAMATION
- 300
6000.00 SF
- ROW
 - NAE
 - PUE
 - APN
 - BK
 - PG
 - YCR
 - USBR

OWNER/DEVELOPER

YUMA DESERT SANDS DEVELOPMENT, L.L.C.
3064 SOUTH AVENUE B,
YUMA, AZ 85364

CURRENT ZONING

R-1-5 LOW DENSITY SINGLE-FAMILY RESIDENTIAL

BASIS OF BEARINGS

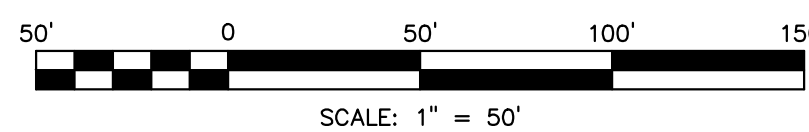
THE EAST LINE LINE OF THE SOUTHEAST QUARTER OF SECTION 15, T9S, R22W, G&SR&M AS SHOWN ON "DESERT SANDS UNIT No. 1", RECORDED BK 32 OF PLATS, PG 12, YCR, NAMELY N 001351° W

MAILBOX NOTES

4 - 16' SLOT CBU'S ON PONDEROSA TRAIL, NEXT TO LOTS 244 & 263
4 - 16' SLOT CBU'S ON 45TH ROAD NEXT TO RETENTION BASIN, ACROSS THE STREET FROM LOTS 322 & 341

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)



LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING APRIL 2021 AND THAT THIS SUBDIVISION CONFORMS TO ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA, ARIZONA.



KEVIN A. DAHL

RLS No. 31018

LINE DATA

NUMBER	BEARING	DISTANCE
L1	N 44°46'09" E	21.21'
L2	N 45°13'51" W	21.21'

RESTRICTIVE COVENANTS

HAVE BEEN RECORDED CONCURRENTLY AND ARE A PART OF THIS PLAT

SURVEYOR'S NOTE

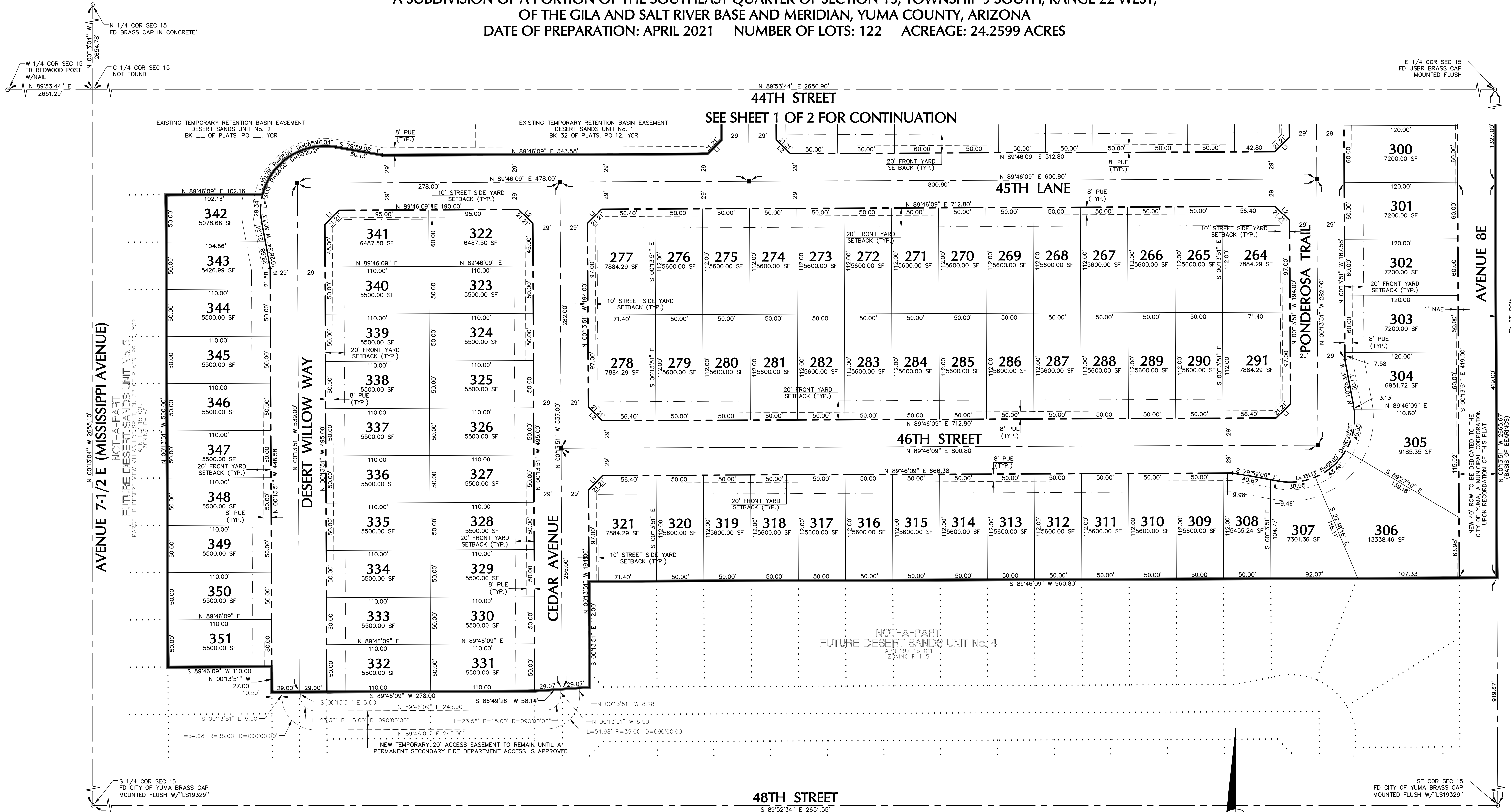
1. ALL NEW PROPERTY CORNERS TO BE SET 1/2" REBAR WITH CAP "LS 31018"

LAND SURVEYOR



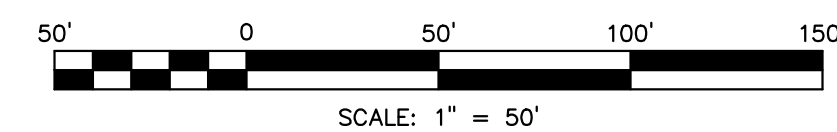
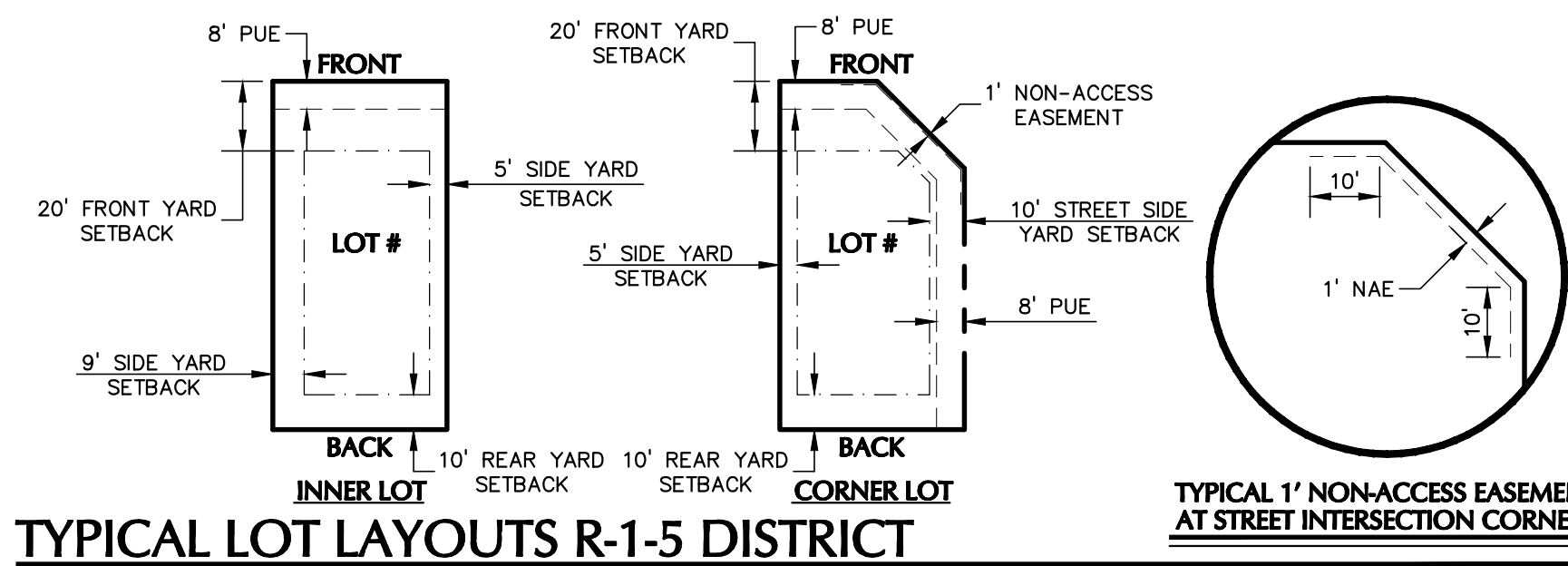
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LEGEND

- CENTERLINE / SECTION LINE
- SUBDIVISION BOUNDARY
- RIGHT OF WAY LINE
- SETBACK LINE
- EASEMENT LINE (TYPE AS SHOWN)
- NEW LOT NUMBER
- NEW LOT AREA
- NEW STREET MONUMENT SET 1/2" REBAR W/CAP "RLS 31018"
- EXISTING MONUMENT (TYPE AS NOTED)
- RIGHT OF WAY
- NON ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- APN ASSESSOR'S PARCEL NUMBER
- BK BOOK
- PG PAGE
- YCR YUMA COUNTY RECORDS
- USBR UNITED STATES BUREAU OF RECLAMATION



LAND SURVEYOR'S CERTIFICATE

HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING APRIL, 2021 AND THAT THIS SUBDIVISION CONFORMS TO ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA, ARIZONA.



KEVIN A. DAHL

RLS No. 31018

LINE DATA

NUMBER	BEARING	DISTANCE
L1	N 44°46'09" E	21.21'
L2	N 45°13'51" W	21.21'

LAND SURVEYOR





REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Municipal Court

DIVISION

Administration

STRATEGIC OUTCOMES

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Intergovernmental Agreement: Weekend and Holiday Municipal Court Coverage

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute an intergovernmental agreement (IGA) with Yuma County to provide a Justice Court Initial Appearance Master to preside over initial appearances for the Yuma Municipal Court on weekends and City of Yuma recognized holidays. (Municipal Court) (Del Miller)

STRATEGIC OUTCOME:

In accordance with the strategic outcome of Respected and Responsible, this IGA will ensure all City defendants are seen by a judge within 24 hours of arrest, as required by law, at a cost to the City that is much lower than that of funding weekend and/or holiday overtime pay for Municipal Court staff.

REPORT:

The City of Yuma desires to continue to utilize a Yuma County Justice Court Initial Appearance Master, through an IGA with Yuma County, to preside over all City of Yuma Municipal Court (YMC) initial appearances occurring on Saturdays, Sundays, and all City recognized holidays, pursuant to Arizona Rules of Criminal Procedure, Rules 4.2 and 7.2.

Pursuant to the IGA, the Yuma County Justice Court Initial Appearance Master will conduct initial appearances for all defendants required to be seen by YMC on Saturdays, Sundays and all City of Yuma recognized holidays, and will prepare and process all related paperwork. The City of Yuma shall pay Yuma County \$3,421.00 each year the IGA is in effect for court services, which includes the cost of interpreter services, supplies and forms. The payment of such fees is not contingent upon a specific number of initial appearances being conducted by the County Justice Court Initial Appearance Master on behalf of YMC.

The IGA shall be effective on July 1, 2021 and shall remain in effect until June 30, 2022 (initial term), unless terminated sooner pursuant to Section 5 of the IGA. This IGA shall be automatically renewed for up to four consecutive one-year terms. Upon renewal, this IGA remains in full force and effect.

FISCAL REQUIREMENTS	CITY FUNDS:	\$3,421.00	BUDGETED:	\$3,421.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP: 001-02-10.6201	
	TOTAL:	\$3,421.00		
	FISCAL IMPACT STATEMENT: This item falls under a budgeted line item for professional services which is included in the court's annual budget for FY2022. This budget item includes funds to pay for services such as this but also includes costs for judicial coverage by pro-tems, court appointed counsel, outside interpreter services and other costs for outside court services that are incurred annually.			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.	
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified	

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Philip A. Rodriguez	07/28/2021
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files	07/27/2021
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Del C. Miller	06/15/2021	
WRITTEN/SUBMITTED BY:	DATE:	

RESOLUTION NO. R2021-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF YUMA AND YUMA COUNTY, ARIZONA, TO UTILIZE COUNTY JUDICIAL OFFICERS FOR THE PURPOSES OF CONDUCTING INITIAL APPEARANCES FOR THE MUNICIPAL COURT DURING WEEKENDS AND CITY RECOGNIZED HOLIDAYS

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 City established a Municipal Court pursuant to A.R.S. §22-402; and,

WHEREAS, pursuant to A.R.S. §22-402(C)(1), the City may enter into an intergovernmental agreement granting Yuma County the authority to provide services to Municipal Court; and,

WHEREAS, the City desires to have a Yuma County Justice Court Initial Appearance Master preside over all Municipal Court initial appearances occurring on Saturdays, Sundays, and on all City Court recognized holidays.

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 Yuma County for the purpose of conducting initial appearances during weekends and City observed holidays is in the public interest by providing a means to conduct a legally required hearing for arrestees at a significant cost savings to the City.

SECTION 2: The document titled *Intergovernmental Agreement between Yuma County and City Of Yuma for Weekend and Holiday Municipal Court Coverage*, attached and incorporated into this Resolution by reference, is approved for signature on behalf of the City of Yuma.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

INTERGOVERNMENTAL AGREEMENT
BETWEEN
YUMA COUNTY, ARIZONA AND CITY OF YUMA
FOR
Weekend and Holiday Municipal Court Coverage

This Intergovernmental Agreement (“IGA”) is between Yuma County, a public agency of the State of Arizona (“County”), and the City of Yuma, an Arizona Municipal Corporation (“City”). The County and the City may be referred to individually as “Party” and collectively as “Parties.”

WHEREAS, County and City may contract for services and enter into agreements with one another for joint or cooperative action pursuant to Arizona Revised Statutes (“A.R.S.”) §11-952; and

WHEREAS, City has established a municipal court (“City Court”) pursuant to A.R.S. § 22-402(A); and

WHEREAS, pursuant to A.R.S. § 22-402 (C)(1), City and County may enter into an intergovernmental agreement granting County the authority to provide services to City Court; and

WHEREAS, City desires to have a County Justice Court Initial Appearance Master (“IA Master”) preside over all City Court initial appearances occurring on Saturdays, Sundays, and on all City and City Court recognized holidays.

NOW THEREFORE, City and County, pursuant to the above recitals, do mutually agree as follows:

1. **PURPOSE:** The purpose of this IGA is to provide County with the legal authority to handle City Court cases in a limited capacity, and to set forth the rights, roles, and responsibilities of the Parties.
2. **SCOPE:** The terms of this IGA provide County with the legal authority to preside over initial appearances for matters over which City Court has jurisdiction and to make necessary release determinations.
3. **TERMS:** This IGA shall commence on July 1, 2021 and shall remain in full force and effect until June 30, 2022 (“Initial Term”), unless terminated sooner as provided in Section 5. This IGA shall automatically be renewed for up to four (4) consecutive, one (1) year terms (each, a “Renewal Term”). Upon renewal, the terms and conditions of this IGA shall remain in full force and effect.
4. **COUNTY DUTIES:** County, through its Presiding Judge, shall appoint one or more IA Masters, pursuant to Arizona Rules of Criminal Procedure (“Ariz. R. Crim. P”) 4.3, to preside over initial appearances, as governed by Ariz. R. Crim. P. 4.1, et seq., A.R.S. §§ 13-3897 – 3898, and all relevant interpreting case law. Such IA Masters shall

prepare and process all paperwork necessary to conduct initial appearances, and shall preside over all initial appearances of defendants brought before the IA Master on Saturdays, Sundays and all City or City Court recognized holidays for matters over which the City Court has jurisdiction. During the initial appearances, the IA Master shall make release condition determinations in accordance with the Arizona Constitution, Article II §§ 2.1, 15, and 22, Ariz. R. Crim. P. 7.1, et seq., A.R.S. § 13-3961, et seq., and A.R.S. § 13-4422, as well as all interpreting case law relevant to questions of bail. County, through its IA Master, shall ensure a copy of all paperwork and documentation generated, reviewed, or provided during any initial appearance subject to this IGA is submitted to City Court as soon as practicably, but not later than ten (10) business days following the initial appearance.

5. PAYMENT

- a. City shall pay County a sum of Three Thousand Four Hundred and Twenty One Dollars and Zero Cents (\$3,421.00) for the Initial Term, and for each subsequent Renewal Term. This amount is equal to Twenty-One Percent (21%) of the County's cost of conducting initial appearances and providing related services, including, but not limited to, office supplies, forms, and interpreter services, on Saturdays, Sundays, and all City or City Court recognized holidays, which is reflective of the number of City Court matters handled by the IA Master during the period of July 1, 2020 through June 30, 2021
 - b. City shall submit payment to County within thirty (30) days of the Effective Date of each Term, whether Initial or Renewal Term.
6. TERMINATION: This IGA may be terminated for any reason by either Party upon sixty (60) days written notice to the other Party, or by mutual written agreement of the Parties. If this IGA is terminated, County shall prorate the fee set forth in Section 4 of this IGA and refund the City the value of the months remaining.
7. NON-RENEWAL: Either Party may provide written notice of its intent to not renew this IGA to the other Party no later than thirty (30) days prior to expiration of the then-current Term. In such an event, the IGA will remain in effect until the expiration of the then-current Term, but shall not automatically renew.
8. NOTICES: All notices required or permitted by this IGA shall be provided by registered or certified U.S mail, postage prepaid, or personally delivered, to the addresses shown below. Notices shall be deemed received upon actual receipt, evidenced by a receipted copy (in the case of notices personally delivered) or by the Postal Service receipt, or within ten (10) calendar day after mailing, whichever comes first.

CITY OF YUMA

ATTN: Municipal Court Administrator
1515 S. 2nd Avenue
Yuma, AZ 85384

YUMA COUNTY JUSTICE COURT

Attn: Justice Court Administrator
250 W. 2nd Street Suite A
Yuma, AZ 85384

9. **RESPONSIBILITIES:** Each Party agrees to be responsible for its operations, equipment, conduct and personnel and the performance of its obligations pursuant to this IGA. This IGA does not relieve either Party of any obligation or responsibility imposed on it by law. Each Party retains its immunities, as set forth in statute and case law. To the extent allowed by law, County agrees to indemnify City for all claims, liabilities, demands, damages, and losses, to include attorney fees and litigation expenses, resulting from the negligent or grossly negligent acts or omissions of the County or its departments, agents, employees, appointees, or representatives, to include the IA Master. To the extent allowed by law, City agrees to indemnify County for all claims, liabilities, demands, damages, and losses, to include attorney fees and litigation expenses, resulting from the negligent or grossly negligent acts or omissions of the City or its departments, agents, employees, appointees, or representatives.
10. **WORKER'S COMPENSATION:** An employee of either Party shall be deemed an employee of both public agencies while performing pursuant to this IGA solely for the purposes of A.R.S. § 23-1022 and the Arizona Worker's Compensation laws. The primary employer shall be solely liable for any worker's compensation benefits that may accrue.
- Pursuant to A.R.S. §§ 23-1022 and 23-906, each Party shall post a notice in substantially the following form:
- “All employees are hereby further notified that they may be required to work under the jurisdiction or control of 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 purposes of worker's compensation.”
11. **CANCELLATION FOR CONFLICT OF INTEREST:** This IGA may be cancelled pursuant to A.R.S. §38-511, which is fully incorporated by reference.
12. **NON-ASSIGNABILITY:** Neither Party may assign a duty or responsibility mandated by this IGA without the prior written consent of the other Party.
13. **COMPLIANCE WITH NON-DISCRIMINATION LAWS:** To the extent applicable, the Parties agree that no person shall, on the grounds of race, color, religion, creed, sex, gender, marital status, familial status or domestic partnership, national origin, age, mental or physical disability, sexual orientation or source of income, suffer discrimination in the performance of this IGA. The Parties agree to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. The Parties agree to comply with all laws and regulations, including,

but not limited to, Title VII of the Civil Rights Acts of 1964, the Age of Discrimination in Employment Act, Arizona's Civil Rights Act, Arizona Governor's Executive Order No. 2009-09, the Rehabilitation Act of 1973, all federal regulations regarding equal employment opportunity, relevant orders issued by the U.S. Secretary of Labor and all applicable provisions of the American with Disabilities Acts (Public Law 101-336, 42 U.S.C. 12101-12213).

14. **E-VERIFY REQUIREMENTS:** To the extent applicable under A.R.S. § 41-4401, each Party warrants compliance with all immigration laws and regulations that relate to their employees and compliance with the E-verify requirements of A.R.S. § 23-214. A breach of this warranty shall be deemed a material breach subject to penalties up to and including termination of this IGA. Both Parties retain the legal right to inspect the papers of the other Party's employees, contractors, and/or subcontractors providing services pursuant to this IGA in order to ensure compliance with this Section. Both Parties agree to assist with such inspections conducted by the other Party. Either Party may conduct, at its sole discretion, random verification of the employment records of the other Party, its employees, contractors and/or subcontractors to ensure compliance with this Section. Neither Party shall be deemed in material breach of this IGA if it is established the Party, employee, contractor and/or subcontractor has complied with the employment verification provisions in Sections 274a and 274b of the Federal Immigration and Nationality Act and the E-verify requirements of A.R.S. § 23-214.
15. **RIGHTS/OBLIGATIONS OF PARTIES ONLY:** The terms of this IGA are intended only to define the respective rights and obligations of the Parties. This IGA does not create any rights or duties in favor of any third party or other person, agency, or organization. This IGA shall not affect the legal liability of either Party by imposing any standard of care different from the standard of care imposed by law.
16. **ENTIRE IGA:** This IGA, to include any and all attachments, contains the entire agreement and understanding of the Parties with respect to the City's use of the Yuma County IA Master for weekends and holidays and supersedes all previous and contemporary agreements, oral and written, between the Parties regarding the subject matter and services set forth in this IGA. There are no representations or other provisions other than those contained in this IGA, and any amendment to or modification of this IGA shall be made in writing and signed by the Parties.
17. **SEVERABILITY:** The Parties agree if any part of this IGA is held to be invalid by a court of law, the remainder of the IGA shall remain in full force and effect.
18. **GOVERNING LAW:** The Parties shall comply with all federal, state, and local laws, rules and regulations, Executive Orders, and court opinions without limitation to those expressly referenced in this IGA. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this IGA and any disputes regarding same. In the event of a dispute related to this IGA, the Parties agree the proper venue is Yuma County, Arizona.

19. NON-APPROPRIATION: Notwithstanding any other provision of this IGA, this IGA may be terminated if the City's governing body does not appropriate sufficient monies for the purpose of maintaining this IGA. A failure to appropriate sufficient monies will not, however, relieve the City of its statutory responsibilities under Arizona law.

20. NO JOINT VENTURE: This IGA does not create any partnership, joint venture, or employment relationship between the Parties, including, without limitation, the other Party's obligation to withhold social security and income taxes for itself or any of its employees.

IN WITNESS WHEREOF, the Parties executed the IGA on the dates written below.

YUMA COUNTY:

Susan Thorpe
Yuma County Administrator

Date

CITY OF YUMA:

Philip Rodriguez
Yuma City Administrator

Date

Attest:

Lynda Bushong
Yuma City Clerk

Date

In accordance with the requirements of A.R.S. § 11-952(D), each of the undersigned attorneys acknowledge: (1) they have reviewed the above IGA on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined this IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

City of Yuma

Yuma County

Richard W. Files, City Attorney

Jon R. Smith, County Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:Planning and
Neighborhood Services**DIVISION**

Community Planning

STRATEGIC OUTCOMES

- ☐ Safe & Prosperous
- ☒ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Municipal Improvement District No. 117: Desert Sands Subdivision Unit 2 - Order Improvements

SUMMARY RECOMMENDATION:

Order Improvements for Municipal Improvement District (MID) No. 117 to serve Desert Sands Subdivision Unit 2, to operate, maintain and repair landscaping improvements within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures (Landscape Improvements); declaring the Landscape Improvements to be of more than local or ordinary benefit, and that the costs of the Landscape Improvements for MID No. 117 shall be assessed upon the properties in MID No. 117; providing that the proposed Landscape Improvements shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2. (Community Development/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

This MID assists in furthering the City Council's strategic outcomes as it relates to Respected and Responsible and Active and Appealing, as the establishment of a MID is a fiscally responsible measure intended to provide long-term maintenance for subdivision landscaping resulting in an appealing environment for neighborhood residents.

REPORT:

Arizona Revised Statute (A.R.S.) § 48-501 *et seq.* authorizes the formation of a MID for the following purposes: operations, maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention basins, and parkings and parkways. A MID provides a dedicated funding stream for MID Improvements, like landscaping improvements serving the neighborhood, and provides neighborhood input for the implementation and privatization of those Landscape Improvements.

The formation of a MID is a two-step process, both accomplished via resolution from the legislative body. First, the legislative body adopts a resolution creating the MID. By statute, the legislative body can initiate the formation or, alternatively, property owners are empowered to petition to form a MID for their neighborhood. Then, no sooner than 15 days after the creation (it can be longer, depending on the developers' schedule), the legislative body orders improvements for the MID by a second resolution.

In this case, the developer and City agreed to the formation of a MID for the statutory purposes through a development condition. The developer submitted the petition to create MID No. 117 and represented all of the

real property owners within the MID. On October 21, 2020, City Council adopted Resolution No. R2020-048 creating MID No. 117 for Landscape Improvements serving Desert Sands Subdivision Unit 2.

Following the adoption of R2020-048, property owners within the designated MID, in accordance with A.R.S. § 48-579, were given 15 days to express written protest against the proposed MID. No protests were submitted, and as such, the Mayor and City Council are authorized to adopt this second resolution, the Resolution Ordering the Improvements, which finalizes the formation of the MID process. Because the developer's petition represented all of the real property owners within the proposed MID, A.R.S. § 48-574(C) authorizes the City to adopt the resolution ordering the improvements without the necessity of publication and posting as required in other statutes.

Upon adoption of Resolution R2020-048, by City Council, City staff submitted the creation of MID No. 117 to the County Assessor. The County Assessor filed the documents with the state and the MID was created. The next step is this resolution Ordering Improvements, which will again be sent to the County Assessor to file with the state and the MID will be finalized.

Once the developer installs the landscaping in accordance with the approved landscaping plans and those landscaping improvements are accepted, the costs to maintain those Landscape Improvements will be assessed on the respective owner's property tax bill within the Boundary Map and the Legal Description. In accordance with the provisions of A.R.S. § 48-574, City Council will hold public hearings on MID No. 117's Landscape Improvements on or before the third Monday in August of each year, and shall fix, levy and assess the costs of MID No. 117's Landscape Improvements on all of the property in the MID.

It is anticipated that the developer may be ready to install the landscaping for this MID in the next calendar year. Adopting the Resolution Ordering Improvements ensures that there are no delays with finalizing the MID when the developer is ready.

Adopting this resolution finalizes the formation of MID No. 117 and orders improvements for MID No. 117's Landscape Improvements serving Desert Sands Subdivision Unit 2.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input checked="" type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		07/28/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		07/27/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		07/13/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Richard Munguia		07/13/2021	

RESOLUTION NO. R2021-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING IMPROVEMENTS FOR MUNICIPAL IMPROVEMENT DISTRICT NO. 117, SERVING DESERT SANDS SUBDIVISION UNIT 2, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF DESERT SANDS SUBDIVISION UNIT 2, AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION, AND DECLARING THE LANDSCAPE IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THE COST OF THE LANDSCAPE IMPROVEMENTS SHALL BE ASSESSED UPON MUNICIPAL IMPROVEMENT DISTRICT NO. 117; IMPROVEMENTS SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2

WHEREAS, City Council adopted Resolution R2020-048 declaring the intention to create Maintenance Improvement District (MID) No. 117 to operate, maintain, and repair certain landscape improvements within, near, and adjacent to the retention and detention basins and the parkings and parkways and related improvements (Landscape Improvements) in the Desert Sands Subdivision Unit 2 housing development; and,

WHEREAS, the petition to form MID No. 117 was signed by all of the real property owners within the proposed MID and Arizona Revised Statute (A.R.S.) § 574(C) authorizes City Council to adopt the resolution ordering the improvements, pursuant to the provision of A.R.S. § 48-581, without the necessity of publication and positing of the resolution of intention provided for in A.R.S. § 48-578; and,

WHEREAS, a legal description of the boundary for MID No. 117 and a diagram for MID No. 117 has been presented to City Council for consideration in this declaration of intention to order MID No. 117 as provided in A.R.S. § 48-576.

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

SECTION 1: City Council orders Landscape Improvements for MID No. 117 serving Desert Sands Subdivision Unit 2 in conformance with the DESERT SANDS UNIT No. 2 LANDSCAPE PLAN approved on March 19, 2020 and attached to this Resolution as Exhibit A. Once the Landscape Improvements are approved and constructed by the developer, the estimate of the cost and expenses shall be placed on file with the City Clerk and presented to City Council in accordance with the provisions of A.R.S. § 48-574.

SECTION 2: City Council finds the Landscape Improvements for MID No. 117 are of more than local or ordinary public benefit, and are of special benefit to the respective lots, parcels and pieces of land within the described real property of MID No. 117. City Council orders the cost and expense for the Landscape Improvements of MID No. 117 be chargeable upon the real and personal property within MID No. 117, as described in Exhibits B and C attached. City Council declares that MID No. 117 is benefited by the Landscape Improvements and the real and

personal properties within MID No. 117 are to be assessed the proportional share of the costs and expenses of the Landscape Improvements.

SECTION 3: All proceedings concerning the Landscape Improvements for MID No. 117, including the calculations for the costs and expenses and all assessments to pay the costs and expenses of the Landscape Improvements, shall be made in accordance with the provisions of Title 48, Chapter 4, Article 2 of the A.R.S., as amended.

SECTION 4: Any public street or alley within the boundaries of MID No. 117 are omitted from the real and personal property of MID No. 117 and shall not be included in the assessment.

SECTION 5: In no event will the City of Yuma or any officer thereof be liable for any portion of the cost of said MID nor any delinquency of persons or property assessed.

SECTION 6: City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property within MID No. 117 as provided in A.R.S. § 48- 574, as amended.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

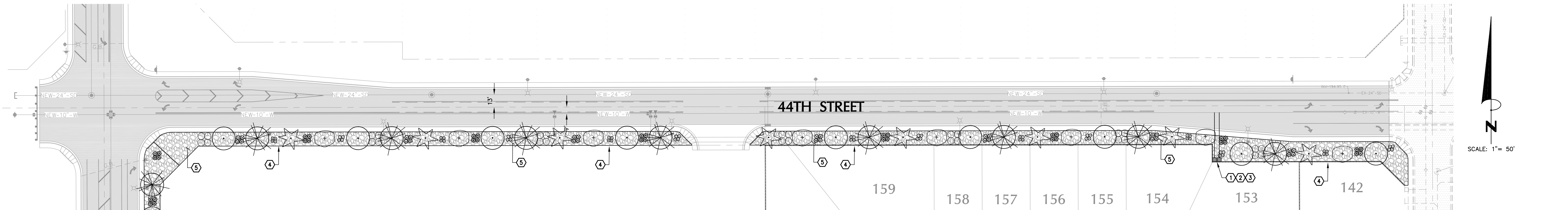
ATTESTED:

Lynda L. Bushong
City Clerk

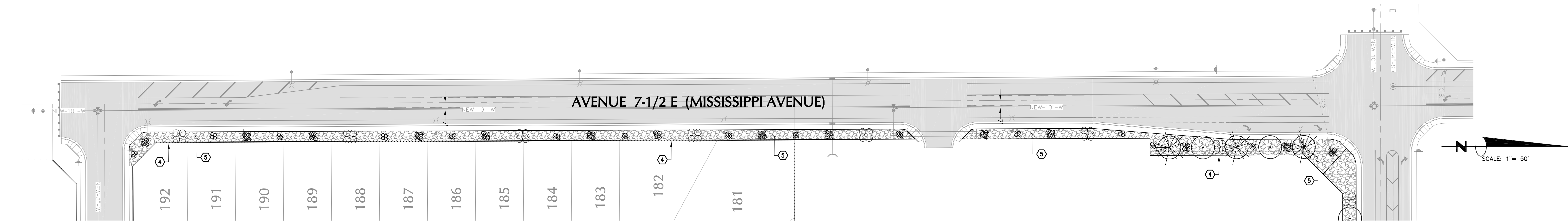
APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



44TH STREET LANDSCAPING



AVENUE 7-1/2 E / MISSISSIPPI AVENUE LANDSCAPING

LEGEND

	PROSOPIS SSP. Hybrid Mesquite
	OLNEYA TESOTA Ironwood
	EBENOPSIS EBANO Te x as Ebony
	BRACHYCHITON POPULNEUS Bottle Tree
	FRAXINUS VELUTINA Arizona Ash, "Fan -Te x "
	SHRUBS LEUCOPHYLLUM SSP. (Te x as Sage / Te x as Ranger)
	POLIOMINTHA MADERENSIS (Lavender Spice)
	ENCELIA FARINOSA (Brittlebush)
	SUCCULENTS DASYLIRION SSP. (Desert Spoon)
	NOLINA SSP. (Beargrass)
	3/4" SCREENED COLORED GRAVEL SOUTH MESA - 2" MIN. THICKNESS

SCHEDULE OF WORK

- NEW SOLAR POWERED ELECTRIC SERVICE & PEDESTAL W/ 6 STATION HARDIE CONTROLLER & 2 - 1" WATER SERVICES & 1" METERS
- NEW PRESSURE VACUUM BREAKER ASSEMBLY (ALL SIZES) W/METAL CAGE
- 1" HARDIE 700 SERIES VALVE (AS NEEDED)
- 1" PVC DRIP LINE
- 3/4" SCREENED COLORED GRAVEL SOUTH MESA - 2" MIN. THICKNESS

NOTES

- CONTRACTOR TO VERIFY ALL SITE CONDITIONS PRIOR TO STARTING WORK.
- CONTRACTOR SHALL CONFIRM LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
- GROUND COVER SHALL EXTEND UNDER SHRUBS UNLESS OTHERWISE NOTED.
- PLANTING PIT BACKFILL FOR ALL TREES AND SHRUBS SHALL BE AS FOLLOWS: TWO PARTS EXCAVATED SOIL THOROUGHLY MIXED WITH ONE PART NITROLIZED WOOD MULCH; EACH TREE SHALL RECEIVE ONE POUND OF GYPSUM AND FOUR OUNCES OF SOIL SULFUR. EACH SHRUB SHALL RECEIVE ONE-HALF POUND OF GYPSUM AND TWO OUNCES OF SOIL SULFUR.
- ALL GRADING TO PLUS OR MINUS 1/10 OF ONE FOOT BY GENERAL CONTRACTOR. FINISH GRADE AND FINE RAKING BY LANDSCAPE CONTRACTOR.
- ALL TREES TO BE THORNLESS VARIETIES.
- SHRUBS AND SUCCULENTS SHALL BE PLANTED AT RANDOM TO PREVENT PLANTS OF THE SAME TYPE APPEARING ADJACENT TO EACH OTHER.

44TH STREET PARKWAY LANDSCAPING

19,855 SF	AREA OF PARKWAY LANDSCAPED COLORED GRAVEL - 2" THICKNESS MIN.
33 TOTAL	TREES (SPACED 35' O.C.) - 1,155' WALL / 35 = 33 TREES
140 TOTAL	SHRUBS
TREE QUANTITY AND LIST - 50% 24" BOX MIN. & 50% 15 GAL.	
9	PROSOPIS SSP. (Hybrid Mesquite)
8	FRAXINUS VELUTINA (Arizona Ash, "Fan-Te x ")
8	EBENOPSIS EBANO (Te x as Ebony)
8	BRACHYCHITON POPULNEUS (Bottle Tree)
SHRUBS / SUCCULENTS QUANTITY AND LIST - 100% 5 GAL.	
SHRUBS	
28	LEUCOPHYLLUM SSP. (Te x as Sage / Te x as Ranger)
28	POLIOMINTHA MADERENSIS (Lavender Spice)
28	ENCELIA FARINOSA (Brittlebush)
SUCCULENTS	
28	DASYLIRION SSP. (Desert Spoon)
28	NOLINA SSP. (Beargrass)

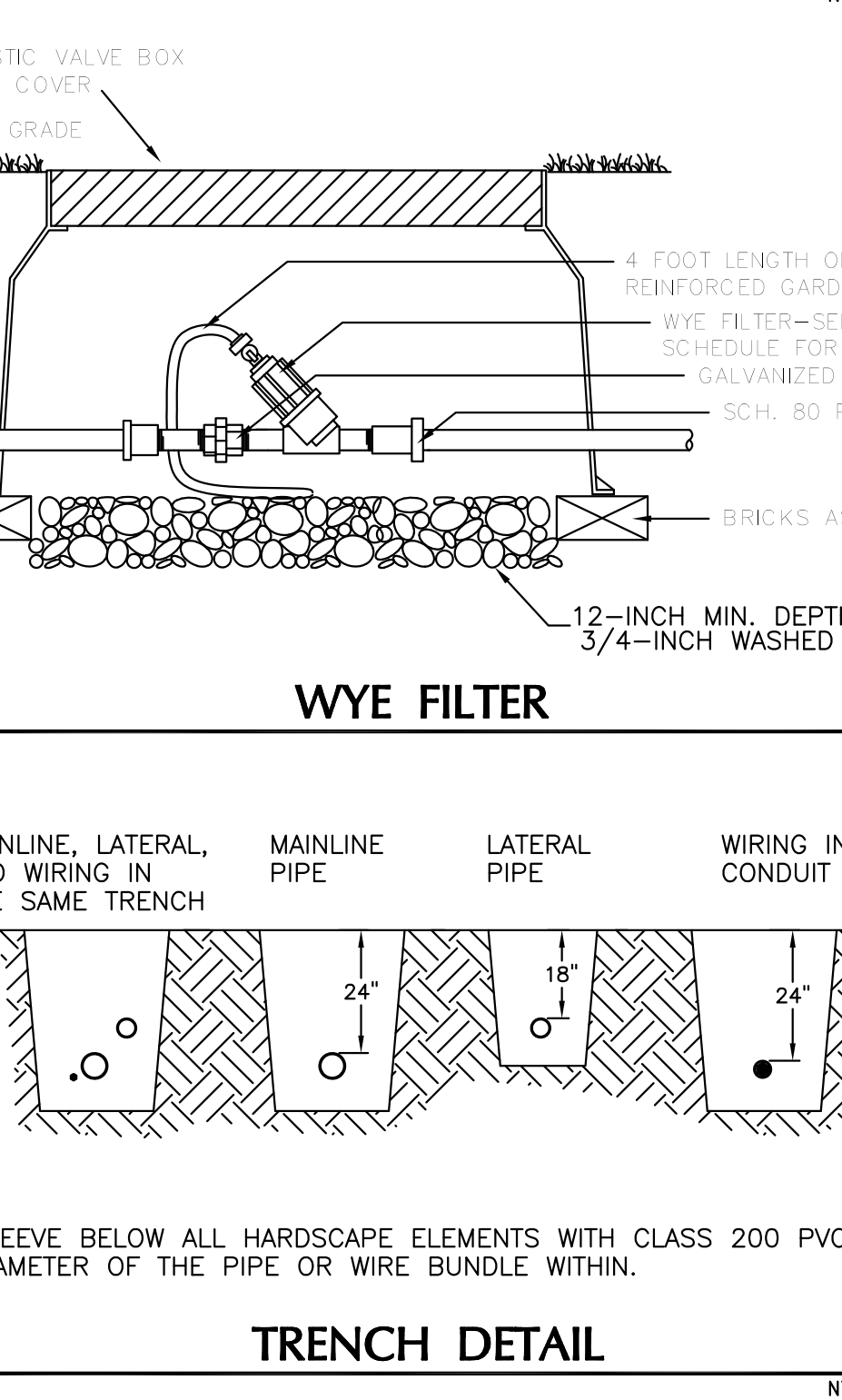
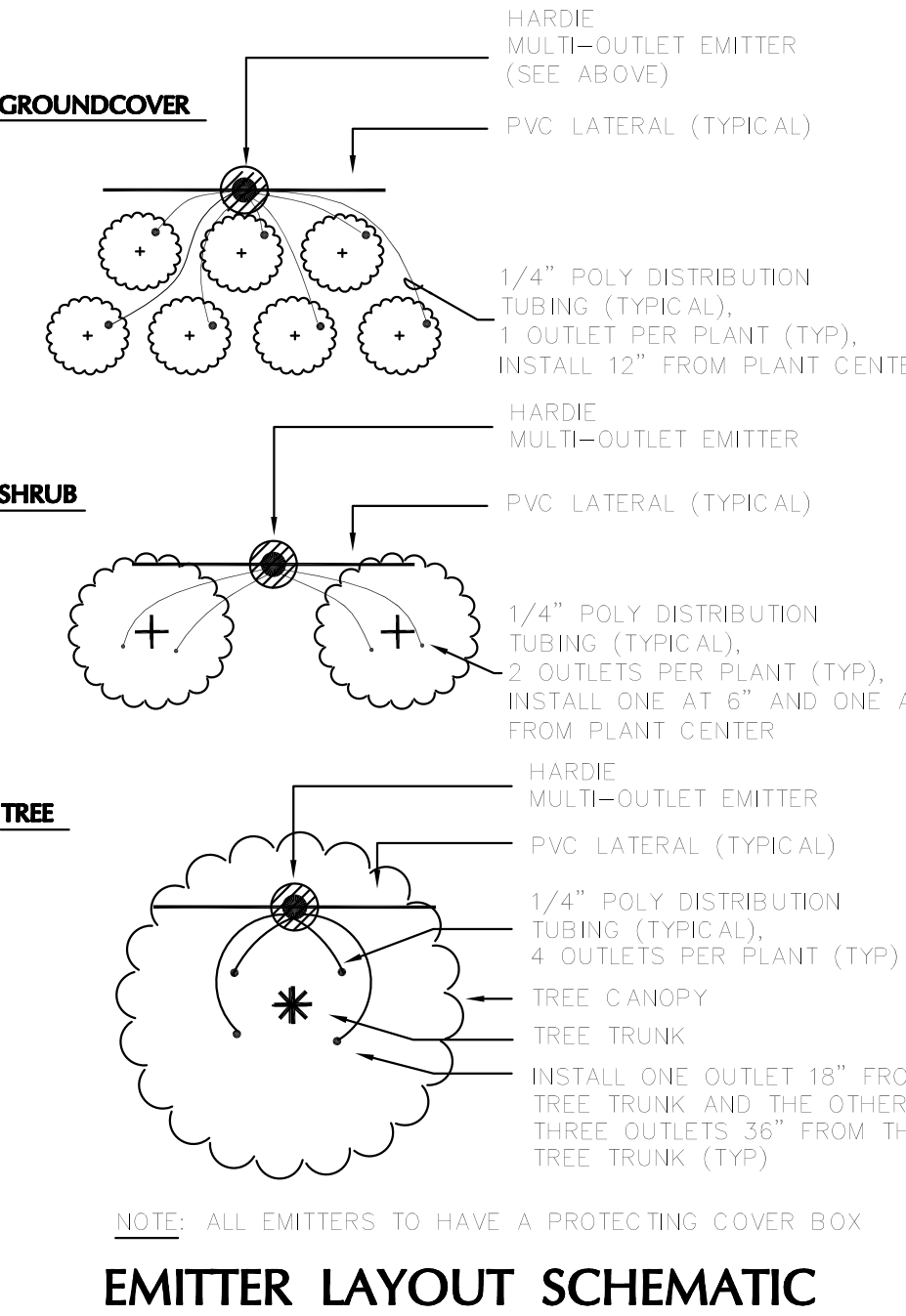
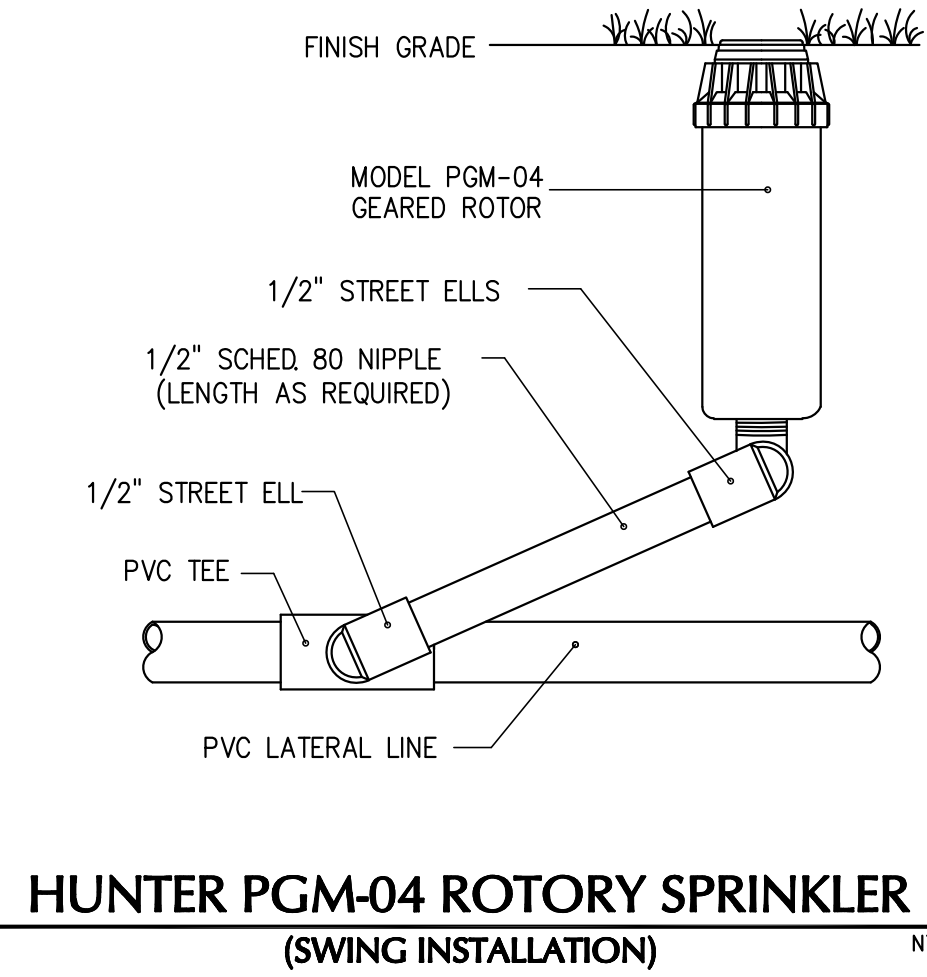
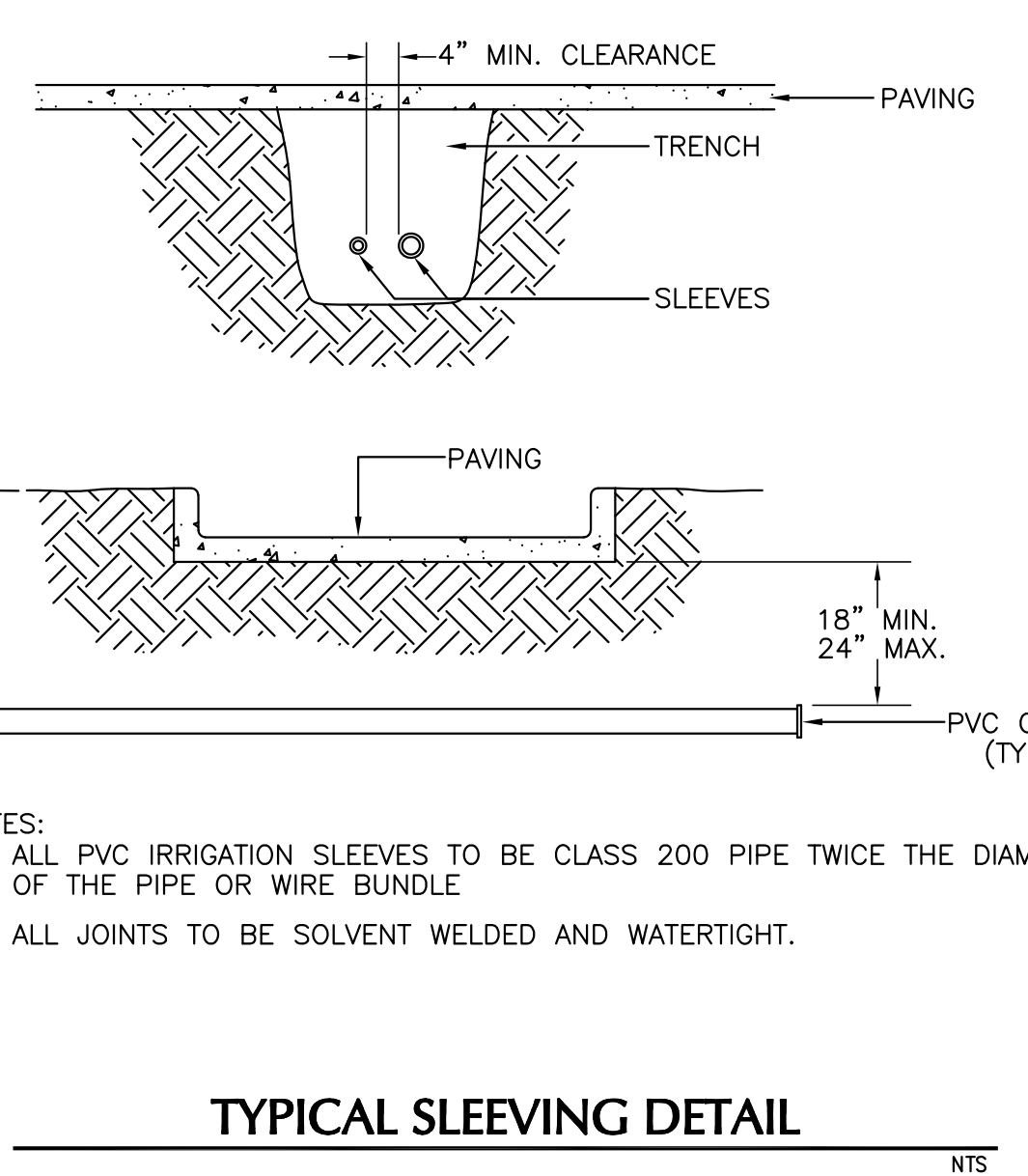
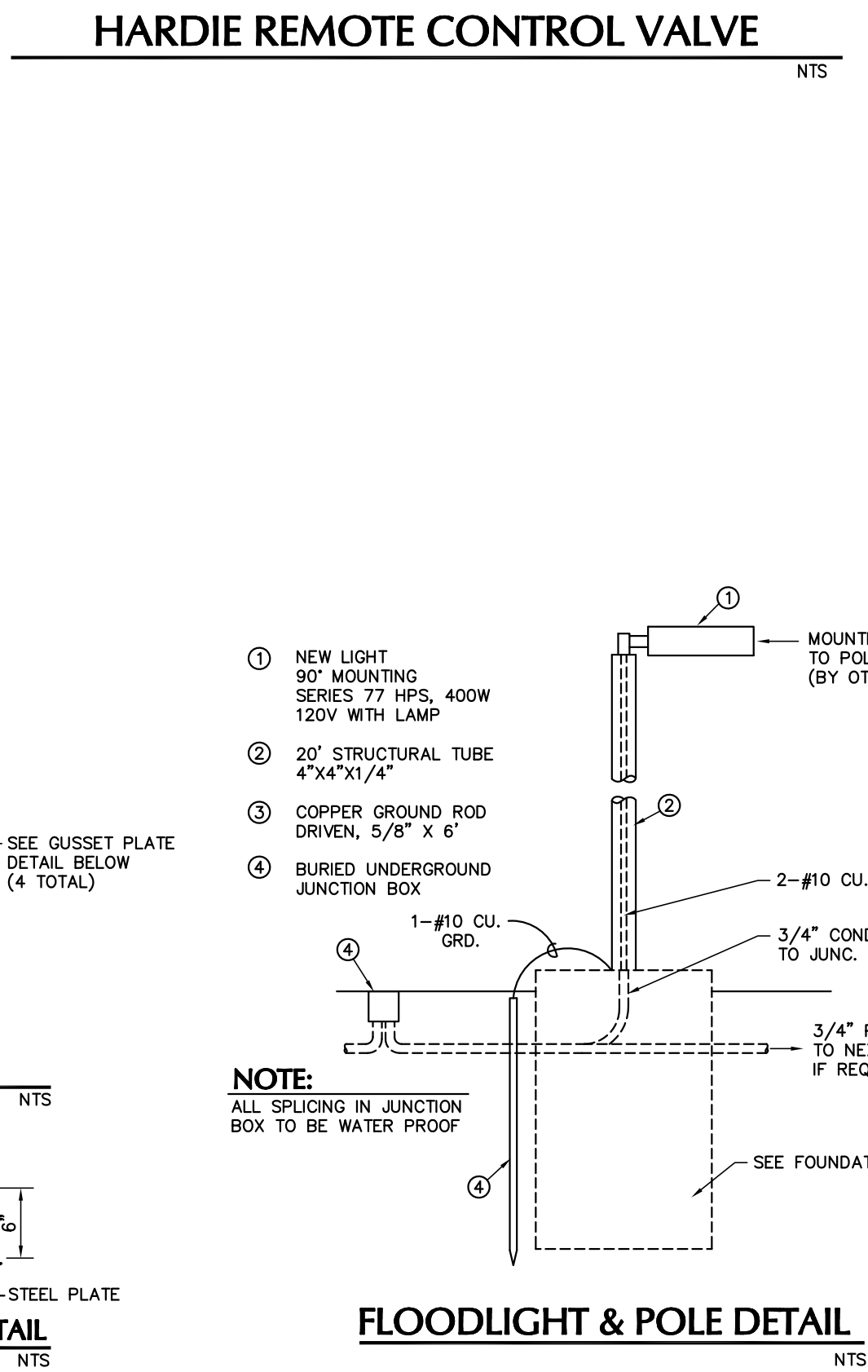
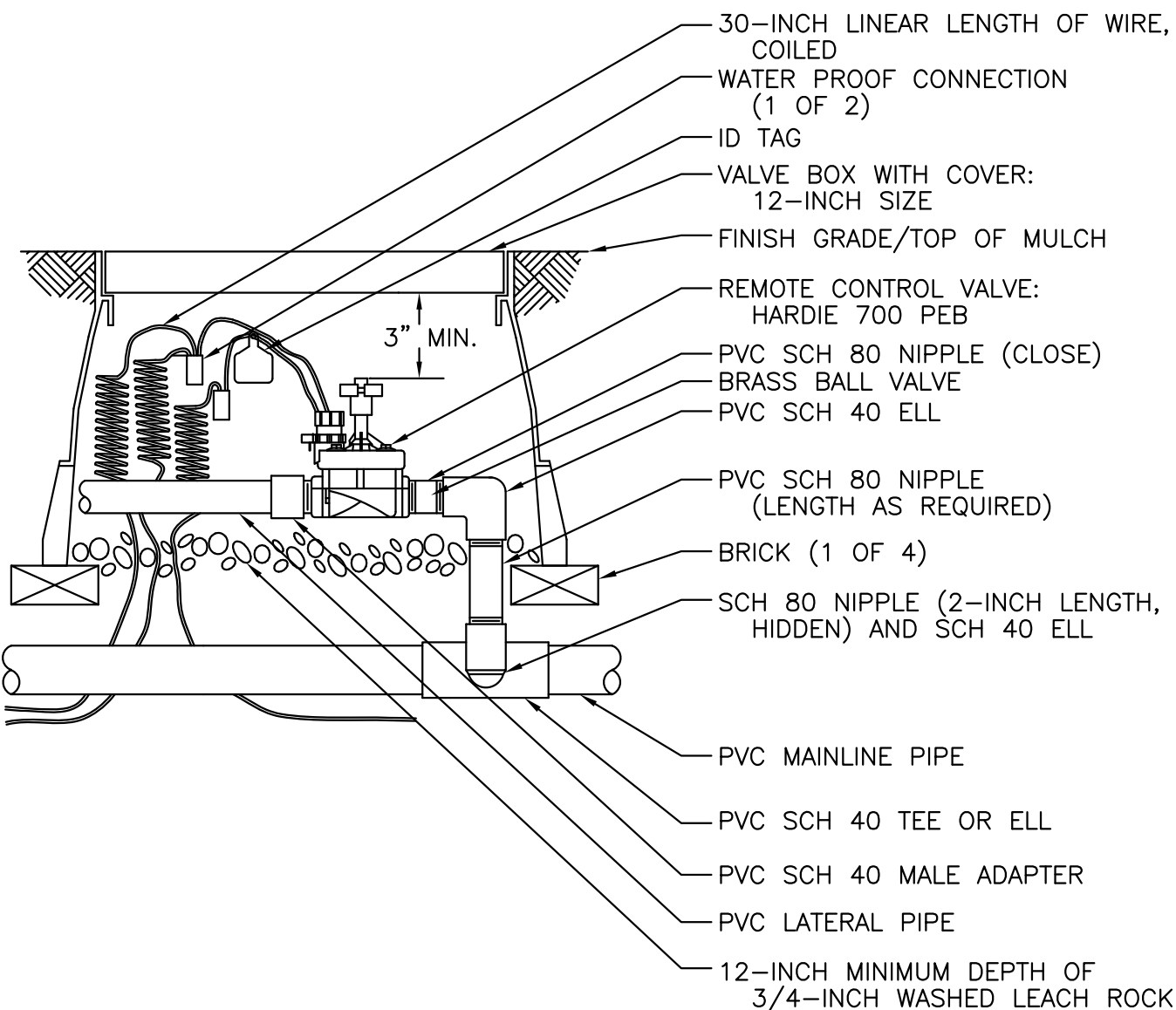
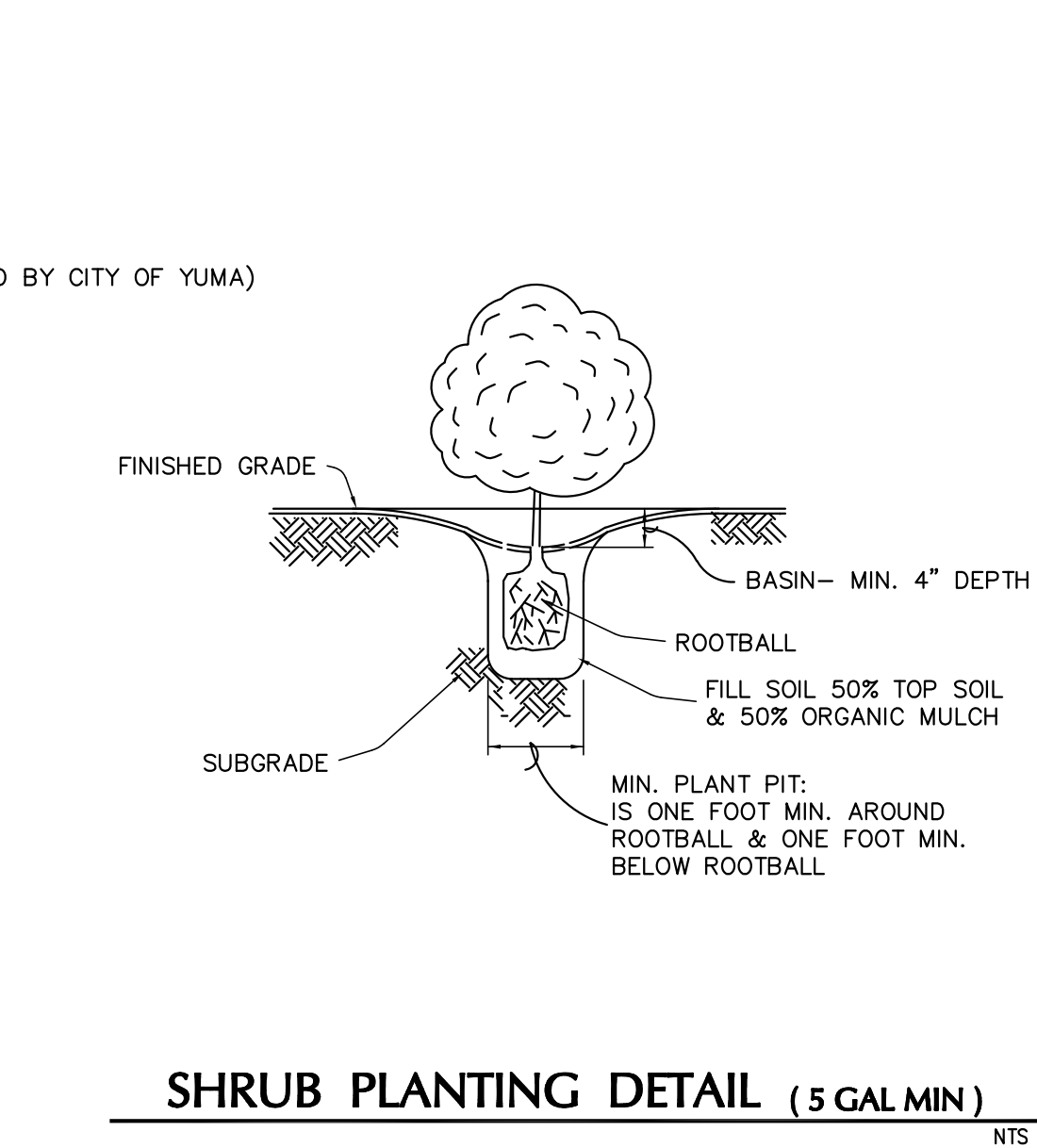
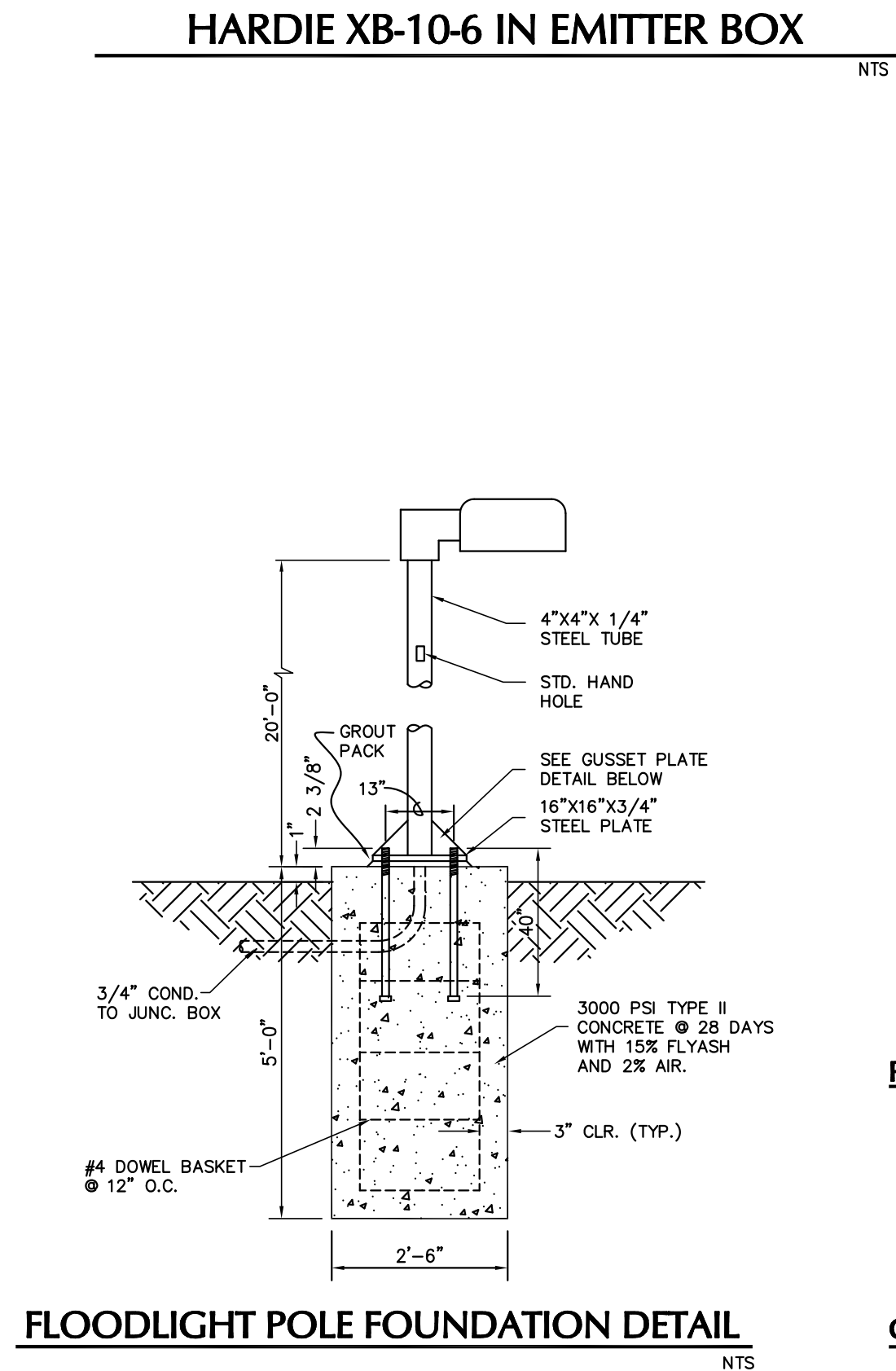
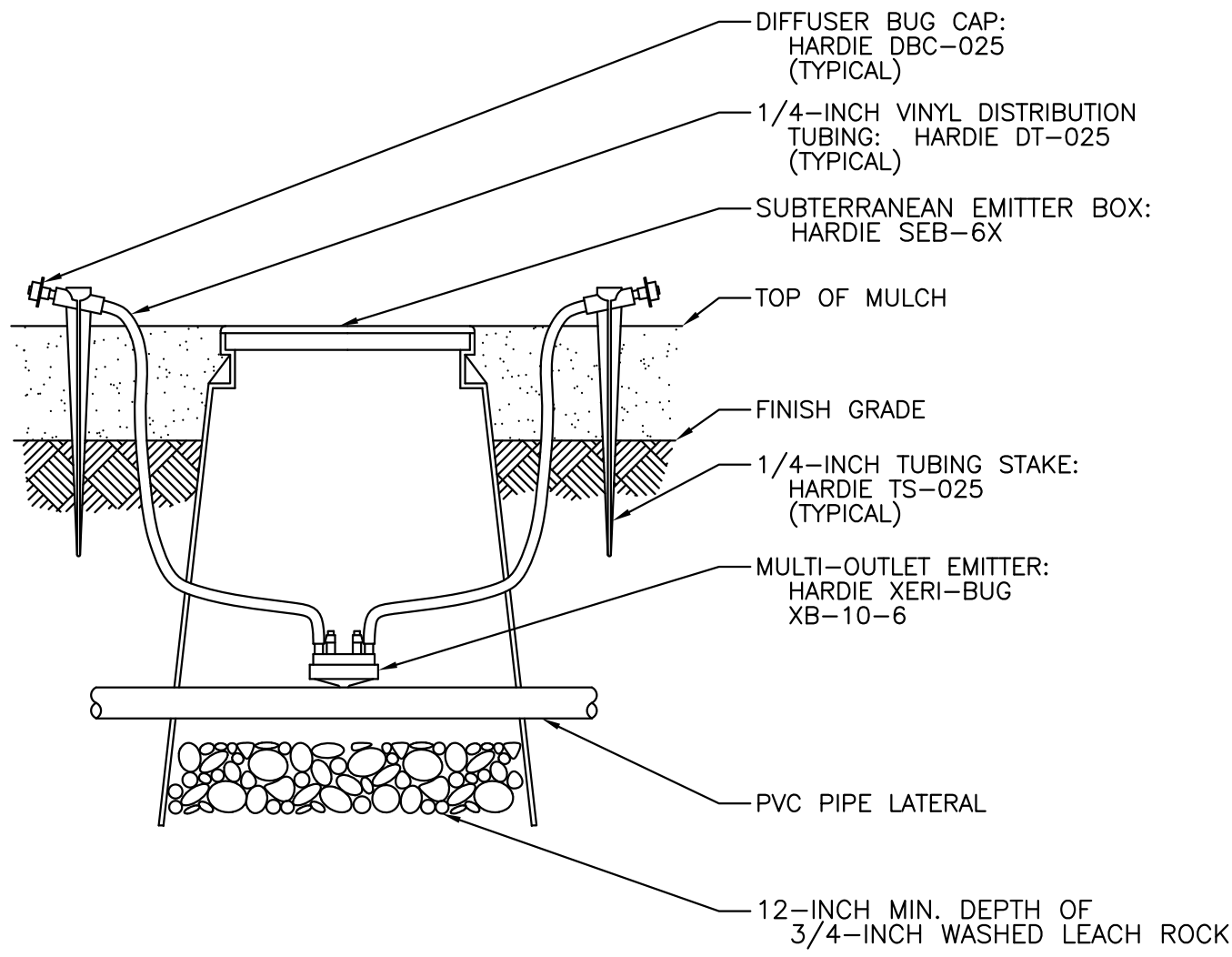
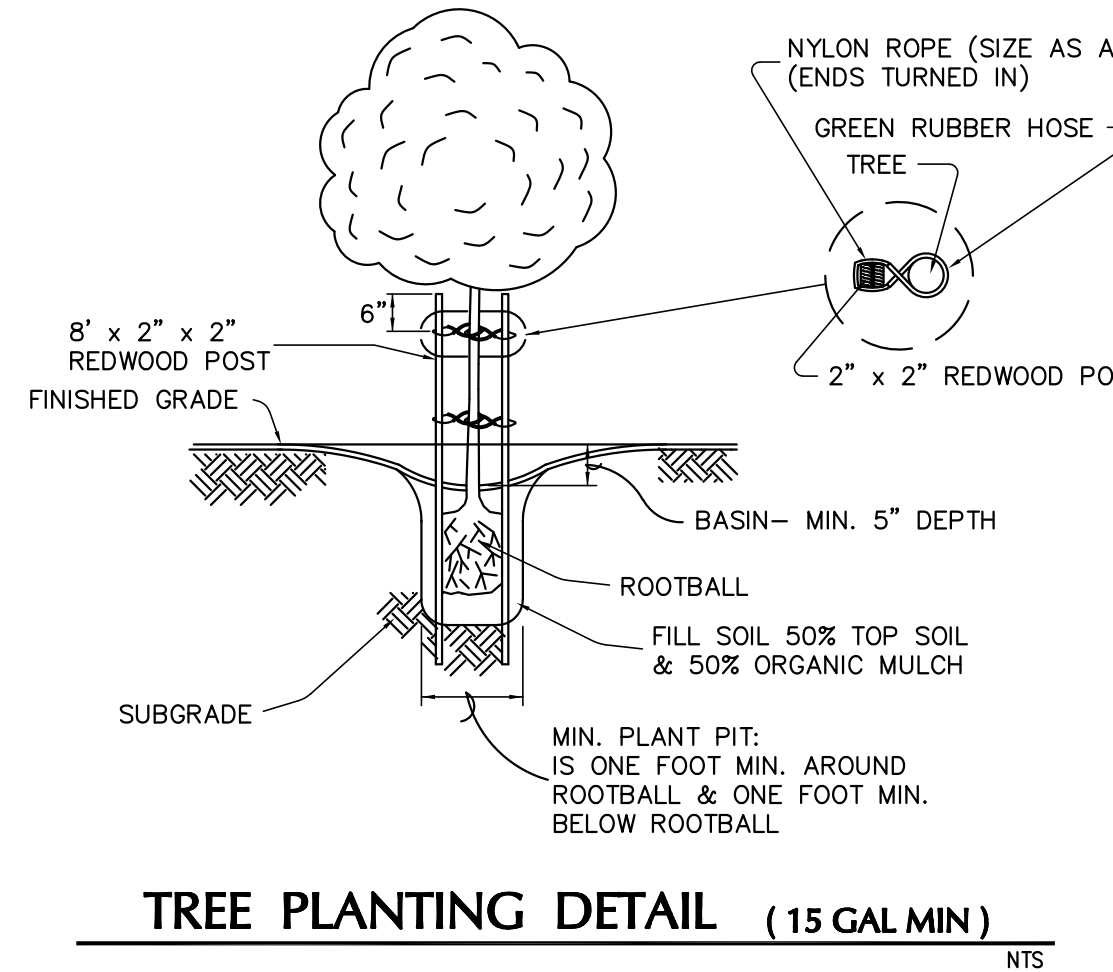
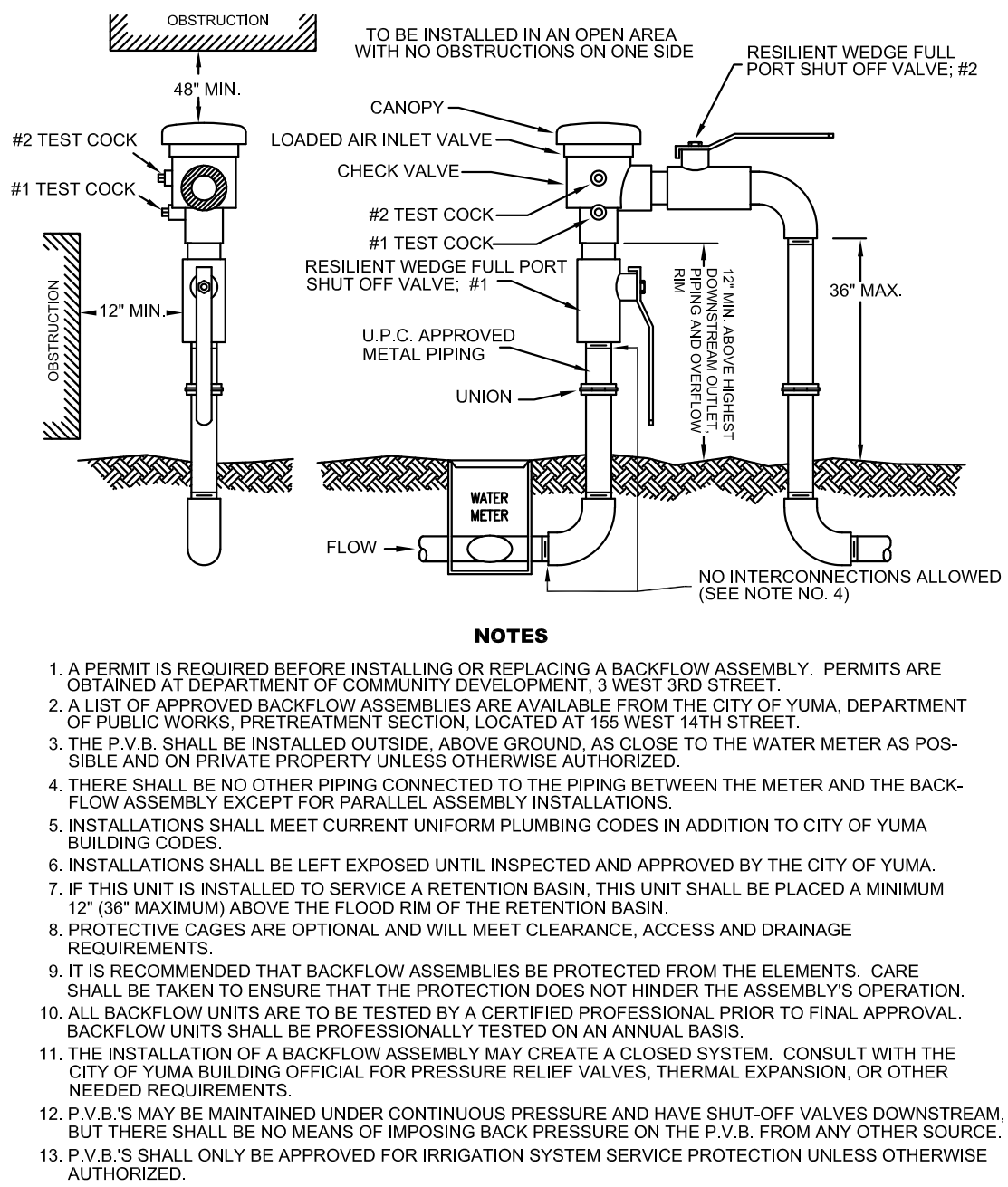
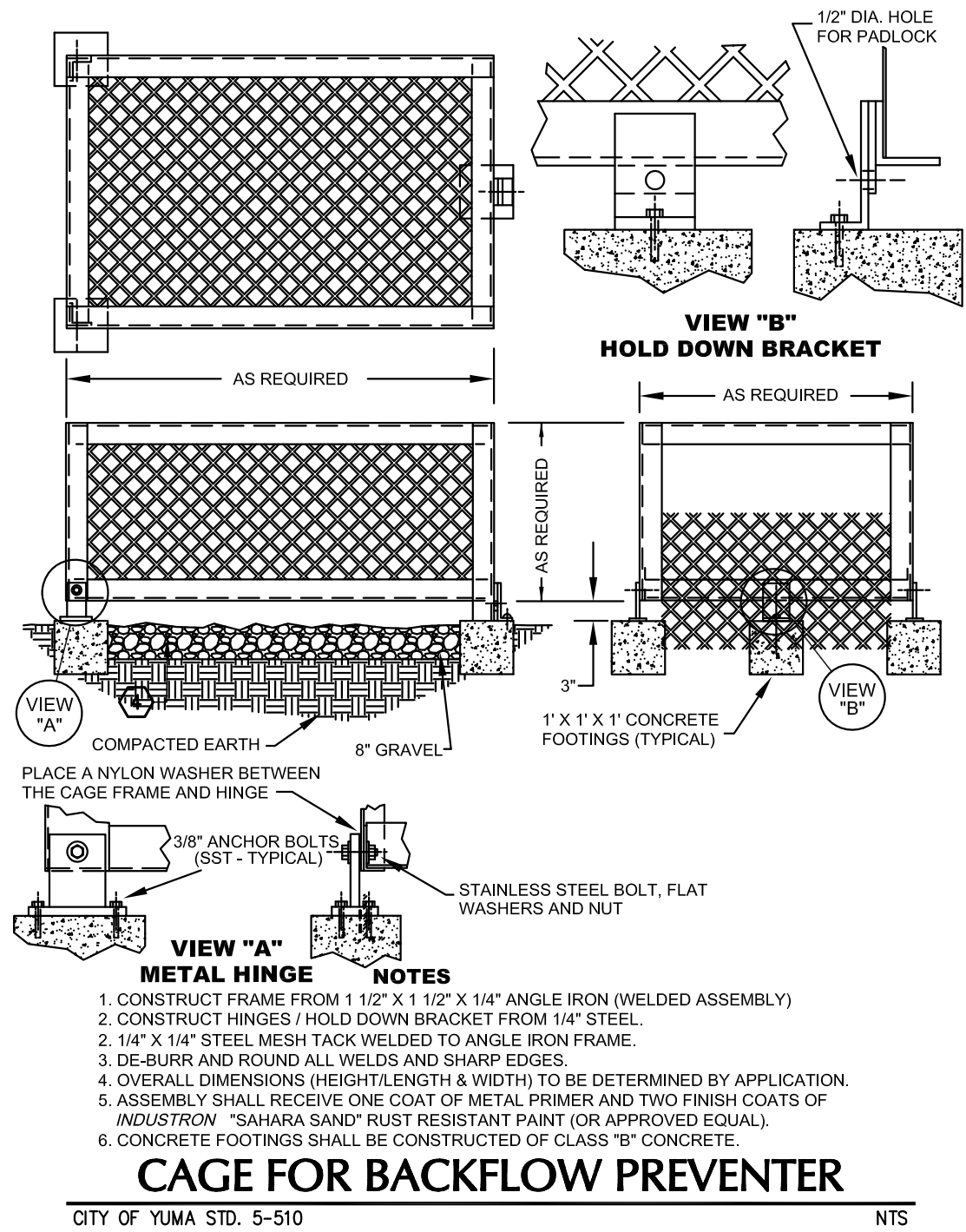
AVENUE 7-1/2 E / MISSISSIPPI AVENUE PARKWAY LANDSCAPING

14,655 SF	AREA OF PARKWAY LANDSCAPED COLORED GRAVEL - 2" THICKNESS MIN.
5 TOTAL	TREES (SPACED 35' O.C.) - 160' WALL / 35' = 5 TREES
140 TOTAL	SHRUBS
TREE QUANTITY AND LIST - 50% 24" BOX MIN. & 50% 15 GAL.	
2	PROSOPIS SSP. (Hybrid Mesquite)
3	OLNEYA TESOTA (Ironwood)
SHRUBS / SUCCULENTS QUANTITY AND LIST - 100% 5 GAL.	
SHRUBS	
28	LEUCOPHYLLUM SSP. (Te x as Sage / Te x as Ranger)
28	POLIOMINTHA MADERENSIS (Lavender Spice)
28	ENCELIA FARINOSA (Brittlebush)
SUCCULENTS	
28	DASYLIRION SSP. (Desert Spoon)
28	NOLINA SSP. (Beargrass)

UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM THE FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.





- ### GENERAL NOTES
1. ALL MAIN AND LATERAL LINES SHALL BE SNAKED FROM SIDE TO SIDE OF TRENCHES TO ALLOW FOR EXPANSION AND CONTRACTION.
 2. ALL PARTS SHALL BE "HUNTER" OR APPROVED EQUAL.
 3. SWING JOINTS SHALL BE INSTALLED FOR ANY SPRINKLER WITH 3/4" & LARGER INLET SIZE, USING STREET ELLS.
 4. PIPE TYPE:
A. MAINS AND LATERALS: SCHEDULE 40 PVC.
B. RISERS FOR SPRINKLERS AND ELECTRICAL CONTROL VALVES SHALL BE OF SCHEDULE 80 PVC PIPE.
 5. TRENCHES:
SHOULD BE CONTINUOUS AND SMOOTH, FREE OF ROCKS AND RUBBISH. AREAS WITH LEDGE ROCK, HARSPAN OR ROCKY SOIL SHALL BE PADDED WITH SAND OR FINE GRAINED SOIL. THE TRENCHES FOR THE MAINS SHALL BE 18"-24" BELOW EXISTING GRADE. THE TRENCHES FOR THE SPRINKLER LATERALS SHALL BE 6"-12" BELOW THE SURFACE.
 6. BACKFLOW PREVENTERS:
A. SHALL BE CONSTRUCTED OF BRASS AND STAINLESS STEEL, BRASS BODY AND ACCESSORY CONSTRUCTION WITH REPLACEABLE SEATS, STAINLESS STEEL TRIM AND REMOVABLE BRASS SEATS.
B. CHECK VALVE AND RELIEF VALVE ASSEMBLIES SHALL BE CONSTRUCTED WITH TIGHT SEATING RUBBER DISCS.
C. SHALL INCLUDE TWO BRASS AND STAINLESS STEEL GATE OR BALL VALVES FOR ISOLATING UNIT AND TESTING SYSTEM.
D. SHALL BE INSTALLED 12" HIGHER THAN THE HIGHEST SPRINKLER HEAD. THE BACKFLOW PREVENTERS SHALL BE SUPPORTED ABOVE GROUND WITH GALVANIZED PIPE WRAPPED WITH PIPE TAPE.
 7. MANUAL SHUT-OFF VALVES:
SHALL BE CONSTRUCTED OF BRASS AND STAINLESS STEEL, HEAVY-DUTY, AND CONTAIN ANGLE OR BALL TYPE VALVES. IF IT WILL BE INSTALLED ABOVE GROUND, IT SHALL BE SUPPORTED BY GALVANIZED PIPE WRAPPED WITH PIPE TAPE. IF INSTALLED AT GROUND LEVEL OR BELOW, IT SHALL BE SUPPORTED BY SCHEDULE 80 PVC PIPE. ALL VALVES SHALL BE ENCLOSED WITHIN HEAVY DUTY PLASTIC VALVE BOXES WITH LIDS.
 8. SOLVENTS AND PRIMERS: ONLY SOLVENTS AND PRIMERS RECOMMENDED BY THE PIPE AND FITTING MANUFACTURER SHALL BE USED. ALL EXCESS SOLVENT SHALL BE REMOVED FROM PIPE AND FITTINGS.
 9. PLASTIC FITTINGS:
THREADED FITTINGS SHALL BE TREATED WITH A NON-HARDENING PIPE DOPE ON ALL PLASTIC TO METAL THREADED JOINTS. SLIP FITTINGS SHALL BE USED WHEN INSTALLING RISERS TO THE SPRINKLERS, ALLOWING EASIER INSTALLATION OF NEW RISERS AND SPRINKLERS.
 10. ELECTRIC REMOTE CONTROL VALVES:
A. SHALL BE CONSTRUCTED OF DURABLE PLASTIC, BODY AND BONNET, CORROSION RESISTANT INTERNAL COMPONENTS.
B. MANUAL OPEN AND CLOSE CONTROL FLOW, ADJUSTABLE CONTROL, 24 VOLT SOLENOID COIL.
C. ELECTRICAL WIRING TO SOLENOID SHALL BE INSTALLED WITH EXPANSION CURLS.
D. ALL ELECTRICAL VALVES SHALL BE ENCLOSED IN HEAVY DUTY VALVE BOXES WITH LIDS. LIDS SHALL BE LEVEL WITH THE GROUND, 3/8" ROCK SHALL BE PLACED UNDER ALL ELECTRIC VALVES AT A DEPTH OF 8"-12".
E. ELECTRICAL WIRING FOR VALVES SHALL 14 GAUGE, LOW VOLTAGE, RATED FOR DIRECT BURIAL, AND WEATHER RESISTANT. ALL CONNECTIONS SHALL BE DONE WITH WIRE CONNECTORS AND PROTECTED WITH SEALANT APPROVED BY MANUFACTURER.
 11. IRRIGATION CONTROLLERS:
A. SHALL BE ELECTRO-MECHANICAL OR MICRO-ELECTRONICS SOLID STATE.
B. SHALL BE CAPABLE OF FULLY AUTOMATIC OR MANUAL OPERATION OF THE SYSTEM.
C. SHALL BE HOUSED IN A WALL OR PEDESTAL MOUNTABLE HEAVY DUTY METAL OR PLASTIC WEATHER PROOF CABINET.
D. CONTROLLERS SHALL OPERATE ON 120 VOLTS A.C. POWER INPUT AND BE CAPABLE OF OPERATING 24-VOLT A.C. ELECTRIC REMOTE CONTROL VALVES. THE CONTROLLERS SHALL HAVE A RESET CIRCUIT BREAKER TO PROTECT FROM POWER OVERLOAD.
E. THE CONTROLLERS SHALL HAVE FEATURES FOR SETTING IRRIGATION RUNNING TIMES, DAYS AND HOURS. A 14 DAY CALENDAR AND SHALL HAVE THE CAPABILITY OF BEING PROGRAMMED TO OPERATE FOR 1-60 MINUTES IN ONE MINUTE INCREMENTS.
 12. SPRINKLERS:
POP-UPS ARE TO BE SPACED FROM 5 TO 24 FEET APART FOR 15 TO 30 PSI WORKING PRESSURE. POP-UP HEIGHT SHALL BE 4" AND BE CONSTRUCTED OF PLASTIC AND STAINLESS STEEL MATERIALS WITH HEAVY DUTY STAINLESS STEEL RETRACT SPRING. NOZZLES SHALL BE INTERCHANGEABLE FOR DIFFERENT PATTERNS, HAVE A 12-15 FOOT RADIUS, HAVE ADJUSTABLE WATER FLOW, UNDER NOZZLE FILTERS, AND FULL-FLOW INLET OPENING.
 13. FULL OR PART-CIRCLE IMPACT ROTOR SPRINKLERS:
A. PRECIPITATION RATE: 18.79 INCHES PER HOUR.
B. SPACING: 28 TO 54 FEET APART.
C. OPERATING PRESSURE: 25 TO 60 PSI.
D. INTERCHANGEABLE STANDARD TRAJECTORY, HEAVY-DUTY PLASTIC CASE, 3" POP-UP HEIGHT, ADJUSTABLE ARM SPRING, STRAIGHT THROUGH FLOW, FULL OR ADJUSTABLE ARC (20 TO 340 DEGREES), AND DISTANCE CONTROL DIFFUSER PIN.
 14. ADJUSTABLE RADIUS GEAR DRIVEN SPRINKLER:
INTERCHANGEABLE NOZZLES, ADJUSTABLE PRECIPITATION RATE, AND 4" POP-UP HEIGHT. CONSTRUCTED OF HEAVY-DUTY PLASTIC AND STAINLESS STEEL MATERIALS.
 15. MISCELLANEOUS INFORMATION:
A. LOCATION OF ELECTRIC CONTROL VALVES: WHERE POSSIBLE VALVES SHALL BE LOCATED IN SERIES ALONG THE MAIN WATERLINE OR OFF A MANIFOLD NEXT TO THE WATER METER. ALL ELECTRIC VALVES SHALL BE CONNECTED TO THE MAIN WATERLINE WITH SCHEDULE 80 RISERS. ALL ELECTRIC VALVES SHALL BE 4" TO 6" BELOW THE SURFACE.
B. ALL TRENCHES SHALL BE BACKFILLED AND LEVELED. ALL MAIN AND LATERAL LINES SHALL BE SNAKED FROM SIDE TO SIDE OF TRENCHES TO ALLOW FOR EXPANSION AND CONTRACTION. ALL SPRINKLER HEADS SHALL BE LEVELED TO THE TERRAIN, ADJUSTED PROPERLY, AND PRESSURE TESTED. ALL ELECTRICAL WIRING FOR THE IRRIGATION SYSTEM SHALL BE PLACED ALONGSIDE THE MAINLINES, FREE OF CUTS AND/OR FOLDS.
 16. IRRIGATION SYSTEM IS DIAGRAMMATIC AND SHOULD BE VERIFIED IN THE FIELD BY THE CONTRACTOR. IF CHANGES ARE NOTED IN THE FIELD, THE CONTRACTOR SHALL NOTIFY ENGINEER AND OWNER PRIOR TO INSTALLATION OF IRRIGATION EQUIPMENT. CONTRACTOR TO PROVIDE ENGINEER WITH ONE SET OF "AS-BUILT'S" OF THE COMPLETE IRRIGATION SYSTEM.
 17. IRRIGATION CONTRACTOR TO COORDINATE WITH PAVING CONTRACTOR TO ENSURE THAT ALL NECESSARY UNDERGROUND PIPING, SLEEVES AND WIRES ARE INSTALLED PRIOR TO PAVING.
 18. IRRIGATION LINE TO BE 6" MIN. ABOVE OTHER UNDERGROUND UTILITY LINES. WHERE CONFLICTS OCCUR BETWEEN THE IRRIGATION LINE AND OTHER UNDERGROUND UTILITIES, THE IRRIGATION LINE IS TO PASS A MIN. OF 6" BELOW THE UTILITY LINE.
 19. ROUTE AND LOCATE NEW IRRIGATION LINES AND ELECTRIC VALVES AS NECESSARY TO PROVIDE A FINISHED PRODUCT WITH ADEQUATE PRESSURES TO COVER TURF AREAS SUFFICIENTLY. PROVIDE SEPARATE ZONES FOR EMITTERS AND TURF AREAS.
 20. CONTRACTOR SHALL BE RESPONSIBLE FOR FULL WATER COVERAGE WITH THE SPRINKLER SYSTEM. ANY ADJUSTMENTS OR ADDED SPRINKLERS NECESSARY TO OBTAIN FULL COVERAGE SHALL BE COMPLETED BY THE CONTRACTOR AT NO COST TO THE OWNER.
 21. DECOMPOSED GRANITE SHALL BE INSTALLED IN THE FOLLOWING MANNER:
A. REMOVE ALL WEEDS AND DEBRIS FROM AREAS DESIGNATED FOR DECOMPOSED GRANITE.
B. EXCAVATE EXISTING GRADE NEAR SURROUNDING CURBS, WALKS, AND OTHER PAVED SURFACES THAT SURROUND DECOMPOSED GRANITE AREAS SO THAT THE FINISHED GRADE OF THE COMPACTED DECOMPOSED GRANITE WILL BE 1" BELOW GRADE OF SURROUNDING PAVED AREAS. WHERE GRADE ADJACENT TO PAVED SURFACE (AND TO RECEIVE DECOMPOSED GRANITE) IS HIGHER THAN PAVED SURFACE OR IMMEDIATELY SLOPES UP, MAKE A SMOOTH GRADE TRANSITION TO THE HIGHER GRADE OR SLOPE UP.
C. SMOOTH SUBGRADE FREE OF LARGE CLODS AND ROCKS 1" IN DIAMETER AND LARGER.
D. APPLY PRE-EMERGENT PER MANUFACTURER'S RECOMMENDATIONS ON ALL AREAS TO HAVE DECOMPOSED GRANITE INSTALLED. PRE-EMERGENT SHALL BE APPLIED BY QUALIFIED AND CERTIFIED PERSONNEL USING APPROPRIATE SAFETY EQUIPMENT AND PRECAUTIONS AS DETERMINED BY ARIZONA STATE REGULATORY AGENCIES.
E. APPLY DECOMPOSED GRANITE TO DEPTH REQUIRED TO ACHIEVE 2" AFTER COMPACTION.
F. ALL DECOMPOSED GRANITE AREAS SHALL BE RAKED, DAMPENED, COMPACTED, AND ROLLED TO A SMOOTH SURFACE.
 22. CONTRACTOR SHALL MAINTAIN A TEN FOOT (10') CLEARANCE BETWEEN DEEP ROOT PLANTINGS AND OVERHEAD OR UNDERGROUND PUBLIC UTILITIES. TREES SHALL NOT BE PLANTED WITHIN UTILITY EASEMENTS.
 23. ALL EMITTERS WILL HAVE A PROTECTING COVER BOX
 24. NO FLOODLIGHTS ALLOWED IN ROADSIDE OR MEDIAN LANDSCAPE.
 25. POWER FOR IRRIGATION CONTROLLERS TO COME FROM STREET LIGHTS.

Exhibit B

Legal Description

Municipal Improvement District Area – Desert Sands Unit No. 2

That portion of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the East quarter corner of said Section 15;

Thence South 89°53'44" West along the North line of the Southeast quarter of said Section 15 a distance of 1296.80 feet to the TRUE POINT OF BEGINNING;

Thence South 00°13'51" East a distance of 661.86 feet;

Thence South 89°46'09" West a distance of 110.00 feet;

Thence South 00°13'51" East a distance of 123.00 feet;

Thence South 89°46'09" West a distance of 95.00 feet;

Thence South 44°46'09" West a distance of 21.21 feet;

Thence South 89°46'09" West a distance of 58.00 feet;

Thence South 00°13'51" East a distance of 97.00 feet;

Thence South 89°46'09" West a distance of 858.09 feet;

Thence South 00°13'51" East a distance of 97.00 feet;

Thence South 45°13'51" East a distance of 21.21 feet;

Thence South 00°13'51" East a distance of 58.00 feet;

Thence South 44°46'09" West a distance of 21.21 feet;

Thence South 00°13'51" East a distance of 200.00 feet;

Thence South 45°13'51" East a distance of 21.21 feet;

Thence South 00°13'51" East a distance of 58.00 feet;

Thence South 44°46'09" West a distance of 21.21 feet;

Thence South 89°46'09" West a distance of 58.00 feet;

Thence North $45^{\circ}13'51''$ West a distance of 21.21 feet;

Thence South $89^{\circ}46'09''$ West a distance of 62.31 feet;

Thence South $44^{\circ}46'33''$ West a distance of 35.36 feet;

Thence South $89^{\circ}46'56''$ West a distance of 58.00 feet;

Thence North $00^{\circ}13'04''$ West along the West line of the Southeast quarter of said Section 15 a distance of 772.83 feet;

Thence North $89^{\circ}53'44''$ East a distance of 688.23 feet;

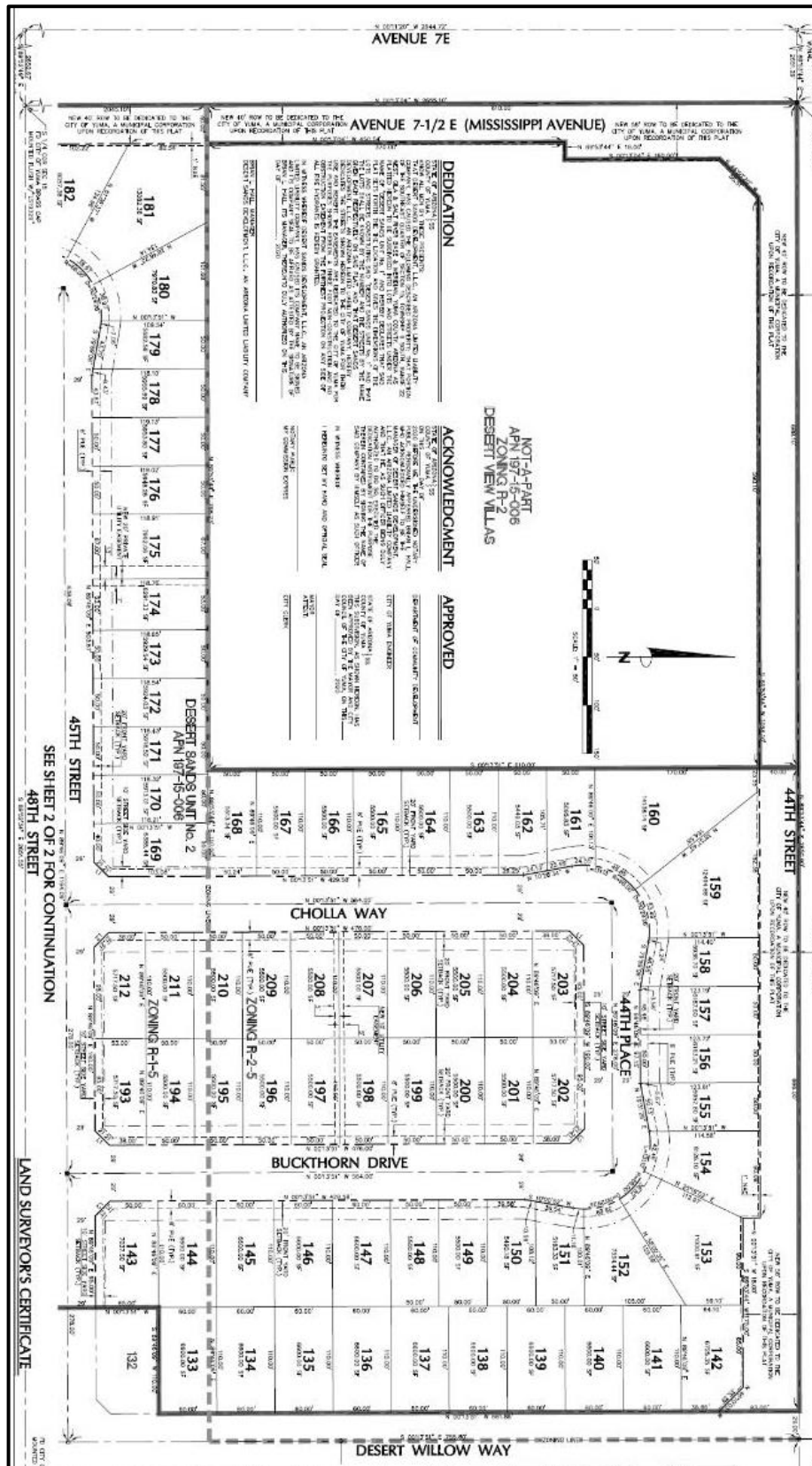
Thence North $00^{\circ}13'51''$ West a distance of 610.00 feet;

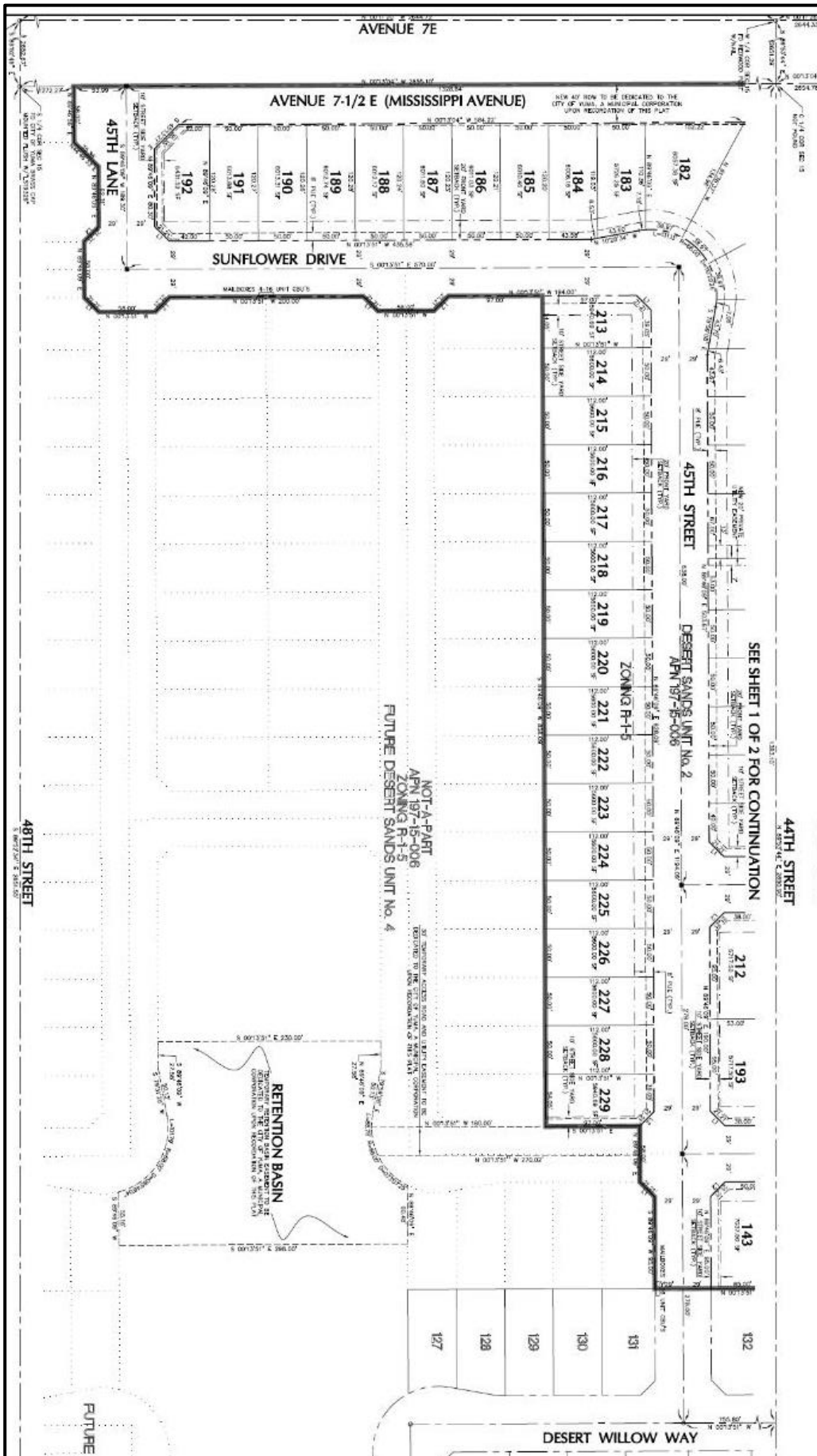
Thence North $89^{\circ}53'44''$ East along the North line of the Southeast quarter of said Section 15 a distance of 666.00 feet to the TRUE POINT OF BEGINNING;

Aforementioned parcel contains approximately 19.6964 acres.

Exhibit C Boundary Map

Municipal Improvement District Area – Desert Sands Unit No. 2







REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:Planning and
Neighborhood Svc.**DIVISION**

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☒ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Zoning Code Text Amendment: Corner Markets

SUMMARY RECOMMENDATION:

Amend Yuma City Code, Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

The proposed text amendment will expand permitted uses in residential neighborhoods, encouraging new development and redevelopment within the Infill Overlay District. This proposed amendment is in response to requests from property owners and developers to expand commercial opportunities within the district. This text amendment assists in furthering the City Council's strategic outcomes of Safe and Prosperous and Connected and Engaged.

REPORT:

Clerk's Note: Three additional changes have been made to the proposed ordinance language since receiving the recommendation from the Planning and Zoning Commission: In §154-15.17 (Section 1 of the proposed ordinance) the word "This" was substituted for "~~Which~~"; the words "~~so as~~" were deleted by strikethrough; and the sentence "Deliveries shall not be permitted between the hours of 8:00 pm and 6:00 am." was deleted by strikethrough.

Clerk's Note: A motion was made at the 7/21/21 RCM to amend Ordinance No. O2021-012 in § 154-15.17(F)(13) in Section 1 to read as follows: An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator **or the Planning and Zoning Commission under this Section, shall be quasi-judicial in nature and appeal shall be made to the City Council by filing a Notice of Appeal with the Yuma City Clerk within 15 days following the determination. City Council's decision shall be final.** Ordinance O2021-012 was re-introduced as amended.

Adopted in 2018, Corner Markets within the Infill Overlay District (Corner Market Regulation) provide for limited commercial development to occur within certain residential districts. Benefits of allowing limited

commercial development include encouraging neighborhood investment, and having convenient access to goods and services within walking distance. Previously, in an effort to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood, many commercial uses were excluded from the Corner Market Regulation.

Since the adoption of the Corner Market Regulation ordinance, staff has observed an increase in the desire to expand the conditional uses allowed within the Corner Market Regulation. The proposed amendment would allow any use permitted within the Limited Commercial (B-1) District, with the exception of adult oriented businesses, as a Conditional Use for a corner market. This amendment will also provide the opportunity for additional mixed-use and commercial development to occur within the residential neighborhoods of the Infill Overlay District. The expanded uses for corner markets will provide greater opportunities to maximize the utilization, development, and/or redevelopment of properties within the Infill Overlay, in an effort to accommodate the growth of our City.

On May 24, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

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

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

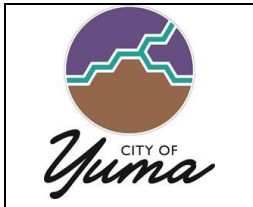
None

MOTION

“Motion by Barbara Beam – Planning and Zoning Commission, second by Fred Dammeyer– Planning and Zoning Commissioner, to APPROVE Case Number ZONE-34231-2021, to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

“Motion carried unanimously (6-0).”

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		6/10/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		6/8/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		06/01/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Erika Peterson		5/27/2021	



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ERIKA PETERSON

Hearing Date May 24, 2021

Case Number: ZONE-34231-2021

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-34231-2021 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff Analysis: Adopted in 2018, the Corner Markets in Residential Districts within the Infill Overlay District provides limited commercial development to occur within certain residential districts. Examples of the benefits and incentives provided, include the opportunity for limited commercial development, encouraging neighborhood investment, and having convenient access to goods and services within walking distance. Previously, in an effort to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood many commercial uses were excluded, from consideration as a corner market.

Since the adoption of the ordinance, staff has seen an increase in the desire to expand the conditional uses allowed within the corner market regulations. The proposed amendment would allow any use permitted within the Limited Commercial (B-1) District, with the exception of adult oriented businesses, as a Conditional Use for a corner market. Further, this amendment will provide the opportunity for additional mixed-use and commercial development to occur within the residential neighborhoods of the Infill Overlay District. The expanded uses for corner markets will provide greater opportunities to maximize the utilization, development, and/or redevelopment of properties within the Infill Overlay, in an effort to accommodate the rapid growth of our City.

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

Yes. The General Plan identifies the need to encourage residential mixed-use development by providing development incentives.

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

Yes. The 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?

Yes. The proposed amendment will encourage mixed-use development within the residential neighborhood of the Infill Overlay District. This amendment will expand the range of uses to include uses permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses, on major streets, in residential neighborhoods.

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

Yes. The proposed amendment would expand the types of conditional uses and would outline the development standards required of a corner market.

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:

- Increase in walkability
- Encourage mixed-use development
- Encourage neighborhood investment

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

N/A

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

Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- | | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <input checked="checked" type="checkbox"/> | No Conditions of Approval |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By:
Erika Peterson
Assistant Planner



Erika.Peterson@YumaAZ.Gov

Date: 05/03/2021

(928)373-5000, x3071

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 05/03/2021

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following bolded text and delete the strikethrough:

§154-15.17 Corner Markets in Residential Districts within the Infill Overlay District.

- (A) *Purpose.* Regulations for corner markets are established to promote the general convenience, welfare and prosperity of the community. Allowing limited commercial development to occur within certain residential districts allows nearby residents the opportunity to conveniently access goods and services. Which translates to an increase in walking, and a decrease in trips by automobile, benefiting the health of residents and reducing traffic congestion and energy consumption for transportation. To protect the residential character of the neighborhood, corner markets shall be limited to specific uses so as to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood.

The Infill Overlay District is intended to encourage walkable, mixed-use development. Careful planning efforts, allow for new development and businesses, giving residents the option to live close to their daily destinations. By permitting limited commercial activities to occur within the residential districts of the Infill Overlay, the City of Yuma is providing residents the opportunity to increase mixed-use development and create more livable neighborhoods.

- (B) *Uses allowed as a corner market:*

- (1) Cafés;
- (2) Grocery and produce sales;
- (3) Bakery;
- (4) Deli;
- (5) Hardware stores; and
- (6) Personal service(s); limited to salons, barbers, tailors and laundromats.

- (C) *Conditional uses allowed as a corner market:*

- ~~(1) Group teaching of the arts, including music, vocal, dance or physical training; limited to no more than five students per session, in accordance with §154-03.05. In addition to the requirements outlined in §154-03.05, such uses shall also be subject to the following development standards:~~
- ~~(a) All lessons shall be located within an enclosed building;~~
 - ~~(b) Adequate parking shall be provided through on-street and off-street parking. Parking shall be provided for each parent vehicle and for each employee;~~
 - ~~(c) The hours in which classes begin and end need to be properly timed in order to ensure no traffic congestions occurs; and~~

~~(d) Hours of operations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~

- (1) **Any use permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses.**
 - (2) **Allowed uses as identified in § 154-15.17 (B) which do not meet the development standards in § 154-15.17 (F).**
- (D) *Limitations.* Allowed uses above shall not be permitted to **primarily** engage in the sale or consumption of alcohol.
- (E) *Allowed accessory uses.* A single dwelling unit located within the same building may be owner-occupied or a rental unit.
- (F) *Corner Markets.* Corner markets are subject to the following development standards:
- (1) *Location.* Corner markets shall be located on 2-lane collector streets as identified by the 2014 City of Yuma Transportation Master Plan.
 - (2) *Lot size.* Corner markets are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
 - (3) *Lot coverage.* Corner markets are required to meet the lot coverage allowances as dictated by the applicable zoning or overlay district.
 - (4) *Setbacks.* Corner markets are required to meet the setback requirements as identified within the applicable zoning or overlay district.
 - (5) *Height.* Corner markets shall not exceed a total building height of 25 feet and shall be in keeping with the general character of the surrounding area.
 - (6) *Maximum area.* The area of a corner market shall be limited to a maximum gross floor area of 1,600 square feet.
 - (7) *Distance.* A corner market may not be located within 1000 feet of another corner market.
 - (8) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.
 - (9) *Parking.* Corner markets and any attached residential unit shall provide adequate parking as outlined below.
 - (a) A corner market shall be required to provide two spaces off-street.
 - (b) Off-street parking shall be limited to no more than four spaces.
 - (c) Retail uses shall provide one space for each 400 square feet of gross floor area.
 - (d) Cafes shall provide one space for each 50 square feet of gross floor area where the public is served.

- (e) Required parking utilized by customers may be provided through the means of on-street parking, if available. If utilizing on-street parking, parking is to be located on the same side of the street as the use, may not extend beyond the street frontage of the subject property, and must be approved by the City of Yuma Traffic Engineer.
- (f) In addition to motor vehicle parking, bicycle parking shall be provided on-site.
- (g) Unless specified above, all parking areas shall be provided in accordance with Article 16 of this chapter.
- (10) *Lighting.* All exterior lighting fixtures shall be properly arranged, shielded and located as to direct the light away from any public or private street right-of-way or adjoining residential properties, as specified in Article 18 of this chapter. In addition to the requirements outlined in Article 18, light poles shall be restricted to a maximum height of 12 feet.
- (11) *Hours.* Hours of operation, including the loading and unloading of merchandise, are limited to the hours between 6:00 a.m. and ~~8:00 p.m.~~ **10:00 p.m.** Deliveries shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.
- (12) *Neighborhood meeting.* A neighborhood meeting shall be held on-site prior to the issuance of a building permit and/or establishment of a corner market. Neighborhood meetings are an informal meeting between the applicant and interested residents who may reside, own property, or work in the area. These meetings offer residents an opportunity to provide input before formal plans are rendered.
- (13) *Appeal.* An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator may be requested to the Hearing Officer in accordance with §154-03.02(C).

ATTACHMENT B NOTIFICATION

- Legal Ad Published: The Sun (4/16/2021)
- 34 Commenting/Reviewing Agencies noticed: (3/25/2021)
- Neighborhood Meeting: (N/A)
- Hearing Date: (5/10/2021)
- Comments due: (4/5/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/30/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/30/2021	X		
Yuma County Planning & Zoning	YES	3/31/2021		X	
Yuma County Assessor					
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	YES	3/31/2021	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/30/2021	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	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/06/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
N/A	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

ATTACHMENT C
AGENCY COMMENTS



COMMENT



NO COMMENT

Enter comments below:

Yuma County does not have an "Infill Overlay District", however allow the lister's uses in the Local Commercial and General Commercial zoning districts.

DATE: 3/31/21 NAME: Javier Barraza TITLE: Senior Planner
AGENCY: DDS, Planning & Zoning Division
PHONE: (928) 817-5000
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

ORDINANCE NO. O2021-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR THE UPDATE TO CORNER MARKET REGULATIONS WITHIN THE INFILL OVERLAY DISTRICT

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 May 24, 2021 in Zoning Case no: ZONE-34231-2021 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 April 16, 2021; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-34231-2021 and finds that the zoning code text amendment supports the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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 15 titled General Provisions is amended to insert the following bolded text and delete the strikethrough text:

§154-15.17 Corner Markets in Residential Districts within the Infill Overlay District.

- (A) *Purpose.* Regulations for corner markets are established to promote the general convenience, welfare and prosperity of the community. Allowing limited commercial development to occur within certain residential districts allows nearby residents the opportunity to conveniently access goods and services. ~~Which~~ **This** translates to an increase in walking, and a decrease in trips by automobile, benefiting the health of residents and reducing traffic congestion and energy consumption for transportation. To protect the residential character of the neighborhood, corner markets shall be limited to specific uses ~~so as to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood.~~

The Infill Overlay District is intended to encourage walkable, mixed-use development. Careful planning efforts, allow for new development and businesses, giving residents the option to live close to their daily destinations. By permitting limited commercial activities to occur within the residential districts of the Infill Overlay, the City of Yuma is providing residents the opportunity to increase mixed-use development and create more livable neighborhoods.

(B) *Uses allowed as a corner market:*

- (1) Cafés;
- (2) Grocery and produce sales;
- (3) Bakery;
- (4) Deli;
- (5) Hardware stores; and
- (6) Personal service(s); limited to salons, barbers, tailors and laundromats.

(C) *Conditional uses allowed as a corner market:*

~~(1) Group teaching of the arts, including music, vocal, dance or physical training; limited to no more than five students per session, in accordance with §154-03.05. In addition to the requirements outlined in §154-03.05, such uses shall also be subject to the following development standards:~~

- ~~(a) All lessons shall be located within an enclosed building;~~
- ~~(b) Adequate parking shall be provided through on-street and off-street parking. Parking shall be provided for each parent vehicle and for each employee;~~
- ~~(c) The hours in which classes begin and end need to be properly timed in order to ensure no traffic congestions occurs; and~~
- ~~(d) Hours of operations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~

- (1) **Any use permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses.**
- (2) **Allowed uses as identified in § 154-15.17 (B) which do not meet the development standards in § 154-15.17 (F).**

- (D) *Limitations.* Allowed uses above shall not be permitted to **primarily** engage in the sale or consumption of alcohol.
- (E) *Allowed accessory uses.* A single dwelling unit located within the same building may be owner-occupied or a rental unit.
- (F) *Corner Markets.* Corner markets are subject to the following development standards:
 - (1) *Location.* Corner markets shall be located on 2-lane collector streets as identified by the 2014 City of Yuma Transportation Master Plan.
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 - (3) *Lot coverage.* Corner markets are required to meet the lot coverage allowances as dictated by the applicable zoning or overlay district.
 - (4) *Setbacks.* Corner markets are required to meet the setback requirements as identified within the applicable zoning or overlay district.
 - (5) *Height.* Corner markets shall not exceed a total building height of 25 feet and shall be in keeping with the general character of the surrounding area.
 - (6) *Maximum area.* The area of a corner market shall be limited to a maximum gross floor area of 1,600 square feet.
 - (7) *Distance.* A corner market may not be located within 1000 feet of another corner market.
 - (8) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.
 - (9) *Parking.* Corner markets and any attached residential unit shall provide adequate parking as outlined below.
 - (a) A corner market shall be required to provide two spaces off-street.
 - (b) Off-street parking shall be limited to no more than four spaces.

- (c) Retail uses shall provide one space for each 400 square feet of gross floor area.
 - (d) Cafes shall provide one space for each 50 square feet of gross floor area where the public is served.
 - (e) Required parking utilized by customers may be provided through the means of on-street parking, if available. If utilizing on-street parking, parking is to be located on the same side of the street as the use, may not extend beyond the street frontage of the subject property, and must be approved by the City of Yuma Traffic Engineer.
 - (f) In addition to motor vehicle parking, bicycle parking shall be provided on-site.
 - (g) Unless specified above, all parking areas shall be provided in accordance with Article 16 of this chapter.
- (10) *Lighting.* All exterior lighting fixtures shall be properly arranged, shielded and located as to direct the light away from any public or private street right-of-way or adjoining residential properties, as specified in Article 18 of this chapter. In addition to the requirements outlined in Article 18, light poles shall be restricted to a maximum height of 12 feet.
 - (11) *Hours.* Hours of operation, including the loading and unloading of merchandise, are limited to the hours between 6:00 a.m. and ~~8:00 p.m.~~ **10:00 p.m.** ~~Deliveries shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.~~
 - (12) *Neighborhood meeting.* A neighborhood meeting shall be held on-site prior to the issuance of a building permit and/or establishment of a corner market. Neighborhood meetings are an informal meeting between the applicant and interested residents who may reside, own property, or work in the area. These meetings offer residents an opportunity to provide input before formal plans are rendered.
 - (13) *Appeal.* An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator ~~may be requested to the Hearing Officer in accordance with §154-~~

~~03.02(C).~~ or the Planning and Zoning Commission under this Section, shall be quasi-judicial in nature and appeal shall be made to the City Council by filing a Notice of Appeal with the Yuma City Clerk within 15 days following the determination. City Council's decision shall be final.

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, 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 such violation of this ordinance 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 _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Erosion and Sediment Control

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 156 of the Yuma City Code, to update erosion and sediment control code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible by bringing the Erosion and Sediment Control Code up to date.

REPORT:

Upon routine review of the Yuma City Code (Code), staff discovered a variety of items to be updated to correct typographical/editorial errors and to bring aspects of the Code up to date. Chapter 156, Erosion and Sediment Control, was reviewed as part of the process of keeping stormwater compliance requirements current with the City's permit and processes.

The changes proposed update references to current information, eliminate requirements that no longer exist, and make other minor editorial corrections.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		6/29/2021		
WRITTEN/SUBMITTED BY:		DATE:		

ORDINANCE NO. O2021-020

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AMENDING CHAPTER 156 OF THE YUMA CITY CODE, AS
AMENDED, RELATING TO EROSION AND SEDIMENT CONTROL
WITHIN THE CITY LIMITS OF THE CITY OF YUMA**

WHEREAS, during routine review of City of Yuma codes, several instances of errors and outdated information were discovered in the content of the erosion and sediment control code (Chapter 156) and revisions to the code are necessary to correct the errors and outdated information; and,

WHEREAS, these revisions do not change the intent or requirements of the erosion and sediment control code; and,

WHEREAS, the proposed changes only bring references current and eliminate outdated requirements;

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

SECTION 1: Yuma City Code, Chapter 156, Section 156-03 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 156, Section 156-03 unchanged:

§ 156-03 Definitions.

AZPDES CONSTRUCTION GENERAL PERMIT (CGP). AZPDES General Permit No. ~~AZG2003-001~~**2016-002** for Stormwater Discharges from Large and Small Construction Activity in Arizona, except for those in Indian Country. This permit is administered by ADEQ.

SECTION 2: Yuma City Code, Chapter 156, Section 156-06 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 156, Section 156-06 unchanged:

§ 156-06 Erosion and Sediment Control Plan.

(B) Regardless of the area disturbed, the City will require the submittal of stormwater BMPs, ~~by a qualified stormwater person, and~~ in accordance with the Design Criteria as defined above. The BMPs must contain the necessary control measures that will be taken to protect the MS4 if a land-disturbing activity is located within 50 feet or less from any component of the City's stormwater collection system.

SECTION 3: Yuma City Code, Chapter 156, Section 156-07 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 156, Section 156-07 unchanged:

§ 156-07 Design Requirements.

(A) Grading, erosion control practices, sediment control practices, and waterway crossings shall be constructed in accordance with the design criteria set forth by the City ~~Standard Construction Specifications~~ **of Yuma Construction Standards** and the Erosion Control Drainage Design Manual for Maricopa County, Arizona, as amended, and shall be adequate to prevent transportation of sediment from the site as approved by the City Engineer **or their designee**. Cut and fill slopes shall be no greater than 4:1, except as approved by the City Engineer to meet other community or environmental objectives.

(B) Clearing, and grading of natural resources, such as natural desert and wetlands, shall not be permitted, except when in compliance with all other sections of this chapter. Clearing techniques that retain natural vegetation and drainage pattern as described in the **City of Yuma Construction Standards** ~~Standard Construction Specifications~~ and the Erosion Control Drainage Design Manual for Maricopa County, Arizona, as amended, shall be used and are subject to approval by the City Engineer **or their designee**.

(C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(D) Phasing shall be required on all sites disturbing greater than 40 acres, with the size of each phase to be established as a part of the plan review process and as approved by the City Engineer **or their designee**.

(E) Erosion control requirements shall include the following:

(1) Soil stabilization shall be completed within 14 days of clearing or inactivity in construction.

(2) If seeding or another vegetative erosion control method is used, such erosion control method shall become established within three weeks or the City shall require the site to be reseeded or a non-vegetative option employed.

(3) Special techniques that meet the design criteria outlined in the **City of Yuma Construction Standards** ~~Standard Construction Specifications~~ and the Erosion Control Drainage Design Manual for Maricopa County, Arizona, as amended, on steep slopes or in drainage ways shall be used to ensure stabilization.

(4) Soil stockpiles must be stabilized or covered at the end of each workday if a major storm is expected.

(5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.

(6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(7) Techniques that retard and divert upland runoff past disturbed slopes shall be employed.

SECTION 4: Yuma City Code, Chapter 156, Section 156-08 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 156, Section 156-08 unchanged:

§ 156-08 Inspections.

(A) The City shall make site inspections for SWPPP compliance for the City-owned projects that are **subject** ~~subjected~~ to the AZPDES CGP ~~as hereinafter stipulated~~ and ~~either~~ shall **either**

approve the work or shall notify the applicant whether the SWPPP appears to be compliant with the State's requirements. The City shall, also, make site inspections for its own SWPPP for all public regulated projects within its jurisdiction **as required by per Chapter 156, Section § 156-04** . For private projects, the City may monitor and advise the applicant of any apparent remarks for their SWPPP. Plans for grading, stripping, excavating, and filling work bearing the ~~stamp of~~ approval of the City Engineer shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City at least two working days before the day of inspection for:

- (1) Start of construction.
- (2) Completion of site clearing and rough grading.
- (3) Completion of final grading.
- (4) Completion of final landscaping.

SECTION 5: Yuma City Code, Chapter 156, Section 156-10 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 156, Section 156-10 unchanged:

§ 156-10 Project Information Sign.

For all sites with a building or grading permit that are one acre or larger, except for routine maintenance, the owner and/or operator shall erect and maintain a project information sign **that is readable by the public at the main entrance to the project site** in accordance with ~~Standard No. 8-100045, Work Zone Identification Sign, Sign WZIS-1, of the City of Yuma Construction Standard Detail Drawings, that is readable by the public at the main entrance. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:~~

- ~~—(A) Project name and permit holder.~~
- ~~—(B) Building or grading permit number.~~
- ~~—(C) Name and phone number of person(s) responsible for conducting the project, and~~
- ~~—(D) Text stating: "Dust Complaints" Call the City of Yuma Public Works Department (insert the current/accurate phone number or the complaint phone line).~~

SECTION 6: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Unless otherwise specifically provided for in this chapter, any person or firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 3 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than one day or by both fine and imprisonment. Each day the violation shall continue shall constitute a separate offense or misdemeanor.

SECTION 7: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Stormwater Runoff in New Developments

SUMMARY RECOMMENDATION:

Amend Title 19, Chapter 192 of the Yuma City Code, to update Stormwater Runoff in New Developments code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible by bringing the Stormwater Runoff in New Developments code up to date.

REPORT:

Clerk's Note: A motion was made at the 7/21/2021 RCM to amend Ordinance No. O2021-021 at § 192-04(F) to add the following language after the words 18-inches "or as approved by the City Engineer" as well as removing the strikethrough under (C). The ordinance was introduced as amended.

Upon routine review of the Yuma City Code (Code) staff discovered a variety of items to be updated to correct typographical/editorial errors and to bring aspects of the Code up to date. Chapter 192, Stormwater Runoff in New Developments, was reviewed as part of the process of keeping the City's stormwater compliance requirements current with the City's permit and processes.

The changes proposed update references to current information, allow greater flexibility in stormwater system design, decrease the length of time standing water may remain in retention basins in compliance with health department recommendations to reduce the possibility of mosquito breeding and water stagnation, and make other minor editorial corrections.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		6/29/2021		
WRITTEN/SUBMITTED BY:		DATE:		

ORDINANCE NO. O2021-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 192 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO STORMWATER RUNOFF IN NEW DEVELOPMENTS WITHIN THE CITY LIMITS OF THE CITY OF YUMA

WHEREAS, during routine review of City of Yuma codes, several instances of errors and outdated information were discovered in the content of the Stormwater Runoff in New Construction code provision (Chapter 192); and,

WHEREAS, the proposed changes update retention requirements to reflect current best practices for basin drainage times; and,

WHEREAS, the proposed amendments to Chapter 192 bring references current but do not otherwise change the meaning or intent of Chapter 192.

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

SECTION 1: Yuma City Code, Chapter 192, Section 192-02(B) is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 192, Section 192-02 unchanged:

§ 192-02 Purpose; Exception.

(B) This chapter and its revision(s) are intended to be as closely compatible with the long range goals of the Yuma County Flood Control District's ~~future Storm Drainage Master Plan as is possible~~.

SECTION 2: Yuma City Code, Chapter 192, Section 192-04 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 192, Section 192-04 unchanged:

§ 192-04 Retention Basin Standards.

When a retention basin is utilized to handle storm water runoff in a residential subdivision, the following design standards shall be applicable **unless otherwise approved by the City Engineer:**

(A) The minimum storage volume shall be computed by estimating the area under a hydrograph of a 100-year storm of two-hour duration (1.22 inches per hour) as shown in division (J) of this section. In addition, the greater of either one foot of freeboard or 25% additional basin capacity shall be provided in the facility.

(B) Maximum basin depth shall not exceed three and one-half feet unless otherwise approved by the City Engineer. ~~When~~ **If** additional depth is approved, the facility shall be enclosed with a ~~six-foot~~ **six-foot** high masonry block fence and ~~16-foot~~ **16-foot** wide wood gate with lock.

(C) Maximum side slope shall be four to one unless otherwise approved by the City Engineer.

(D) An acceptable method of transporting water from the street into the basin shall be provided so as to preserve the integrity of the basin walls and floor.

(E) Daily nuisance water from lawn watering, car washing, and the like, shall be intercepted by dry wells prior to reaching the earthen floor of the retention basin and disposed of by utilization of a percolation field.

(F) All residential streets shall be designed to carry the runoff from a ~~ten 10-year, two~~ **two-hour** storm between the curbs. In cases where the peak flows from the design storm exceeds the street capacity, storm sewers of sufficient size to carry the excess must be installed. The minimum pipe size for underground storm drainage shall be ~~12~~ **18-inches or as approved by the City Engineer**. The peak flow from a ~~50-year~~ **50-year** storm must be carried within the cross-section between buildings (front yards and street) for subdivisions served by retention basins.

(G) The floor elevations of all habitable space shall be above flood levels equivalent to a ~~100-year~~ **100-year** storm.

(H) All streets shall have vertical curb with minimum longitudinal slope as shown in the table below, designed in accordance with accepted City of Yuma Construction Standards.

(I) Each retention basin shall be constructed so that storm water will not stand **after termination of a storm event for** longer than five days **in the valley or 36 hours on the mesa**~~after termination of the storm~~. Basin drainage shall be accomplished by infiltration or by controlled flow into an existing facility suitable to receive, transport and dispose of storm water. When controlled flow is proposed, the owner/developer and the city shall obtain approval from the owner of the existing facility prior to formulating final drainage plans for the retention basin. Final drainage plans shall be subject to the review and approval of the City Engineer.

SECTION 3: Yuma City Code, Chapter 192, Section 192-05 is amended to insert the following bolded text and delete the strikethrough text while leaving the remainder of Chapter 192, Section 192-05 unchanged:

§ 192-05 On-Site Retention Standards; Residential, Commercial and Industrial.

(A) Residential. When on-site retention is utilized in residential subdivisions, the following design criteria shall be applicable:

(1) Minimum lot size for on-site retention shall be 8,000 square feet. A deed covenant prohibiting alteration of the final site ground elevations shall be required. The minimum design depth of storm water storage on any lot shall not exceed eight inches except as approved by the City Engineer.

(2) The lot depth below the back edge of the sidewalk shall be computed using a ~~100-year~~ **100-year** storm of ~~24-hour~~ **24-hour** duration with 3.85 inches of total rainfall. An allowance for evaporation and/or percolation shall not be incorporated into the computations for minimum lot depth. Storage volume shall also be provided for adjacent streets and alleys except for arterial streets.

(3) Each lot shall be provided with an earthen berm around the back and sides of each lot. The earthen berm shall be one foot higher than the adjacent final ground elevation of the lot.

(4) All residential streets shall have vertical curb and gutter designed in accordance with accepted city construction standards. An appropriate means of transporting water into the storage area shall be provided.

(5) Slope away from building shall not exceed 20:1 for a distance of five feet out from the foundation.

(B) Commercial, industrial. When on-site retention is utilized in commercial and industrial developments, all storm water from a ~~100-year~~**100-year** storm of one hour duration (2.25 inches) must be retained on-site. Dry wells will be permitted to drain surface retention areas. However, the infiltration cannot be considered to reduce the volume of the retention area. The City of Yuma shall not be responsible for the design, performance, operation or maintenance of dry wells or retention basins in commercial or industrial developments. Dry wells shall not be located within 20 feet of any building(s).

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Unless otherwise specifically provided for in this chapter, any person or firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 3 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than one day or by both fine and imprisonment. Each day the violation shall continue shall constitute a separate offense or misdemeanor.

SECTION 3: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Illicit Discharge Detection and Elimination

SUMMARY RECOMMENDATION:

Amend Title 19, Chapter 194 of the Yuma City Code, to update Illicit Discharge Detection and Elimination code language to be in compliance with current requirements and processes. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible by bringing the City's Illicit Discharge Detection and Elimination code language up to date.

REPORT:

Upon routine review of the Yuma City Code (Code) staff discovered a variety of items to be updated to correct typographical/editorial errors and to bring aspects of the Code up to date. Chapter 194, Illicit Discharge Detection and Elimination, was reviewed as part of the process of keeping the City's stormwater compliance requirements current with the City's permit and processes.

The changes proposed update references to current information, correct the responsible City department, and make other minor editorial corrections.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		6/4/2021		
WRITTEN/SUBMITTED BY:		DATE:		

ORDINANCE NO. O2021-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 19, CHAPTER 194 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ILLICIT DISCHARGE DETECTION AND ELIMINATION WITHIN THE CITY LIMITS OF THE CITY OF YUMA

WHEREAS, during routine review of the Yuma City Code, out-of-date information was discovered in the Illicit Discharge Detection and Elimination Code (Title 19, Chapter 194); and,

WHEREAS, the proposed revisions update references, correct the approval entity, and make editorial corrections; and,

WHEREAS, the proposed revisions incorporate a process to obtain an administrative warrant to abate and restore uncorrected violations.

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

SECTION 1: Yuma City Code, Title 19, Chapter 194 is amended to insert the following bolded text and delete the strikethrough text:

§ 194-01 Findings of Fact.

An illicit discharge is defined as any discharge to the **Small Municipal Separate Storm Sewer Systems** (MS4) or waters of the United States that is not composed entirely of stormwater, except for discharges allowed ~~under~~ **by** the AZPDES Permit No. ~~AZG2002~~**AZG2016**-002 or waters used for firefighting operations. These non-stormwater discharges occur due to illegal connections to the MS4 from residential, business, industrial or commercial establishments. As a result of these illicit connections, contaminated stormwater, wastes or wastewater enters ~~into~~ storm drains or ~~directly into~~ local waters before receiving treatment ~~from~~ **at** a wastewater treatment plant. Illicit connections may be intentional or ~~may be~~ unknown to the property or business owner and may be due to the connection of floor drains to the MS4. Additional sources of illicit discharges can be attributed to, but not ~~necessarily~~ limited to, failing septic systems, illegal dumping practices, and the improper disposal of sewage from recreational practices such as boating or camping.

§ 194-02 Purpose.

(B) To prohibit illicit connections, illegal ~~dumpings~~**dumping** and discharges to the city's MS4.

§ 194-03 Definitions.

CONSTRUCTION ACTIVITY. Activities subject to AZPDES Construction General Permit No. ~~AZG2003-001~~**CGP 2013**.

§ 194-13 Notification of Spills.

Notwithstanding other requirements of law, as soon as any operator, or a person responsible for emergency response for a facility or operation, has information of any known or suspected release of materials ~~which are~~ **that is causing** or may result in illegal discharges or pollutant discharges into stormwater, the MS4, or waters of the United States.; ~~said~~ **The operator or person with this information** shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, ~~said the operator or~~ person shall immediately notify emergency response agencies of the occurrence ~~via~~ **using the** emergency dispatch services. In the event of release of non-hazardous materials, ~~said the operator or~~ person shall notify the **Engineering Department** ~~Department of Public Works of the city~~ in person, or by phone or ~~facsimile~~ **by electronic communication** no later than the next business day. Notification in person or by phone shall be confirmed ~~by written notice addressed in writing and the~~ **confirmation shall be** mailed to the ~~city~~ **City** within three (3) business days of the ~~phone~~ **initial notification**. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall ~~also~~ retain an on-site written record of the discharge and the action taken to prevent its recurrence. ~~Such~~ **These** records shall be retained for ~~at least~~ **a minimum of** three (3) years.

§ 194-15 Appeal of Notice of Violation.

Any person receiving a notice of violation (~~NOV~~) may appeal the determination ~~of to the Director of the Department of Public Works of the city~~ **City Engineer. The** A notice of appeal ~~must~~ **shall** be **submitted to the City Engineer** ~~received within fifteen (15) calendar days from the date of the NOV. A Hearing hearing on the appeal before the appropriate authority or his/her designee shall take place be held within fifteen (15) calendar days from~~ of the date of receipt of the notice of appeal. The **appeal** decision of the ~~city~~ **City** or its designee shall be final.

§ 194-16 Enforcement Measures After Appeal.

If the violation ~~has is not been~~ corrected pursuant to the requirements as set forth in the notice of violation, **allowing for the time to appeal**, ~~or, in the event of an appeal, the Engineer within three working days of the decision of the city upholding its decision, then~~ the **City Engineer** shall **seek an administrative warrant** to enter upon the subject private property and ~~is authorized to~~ take any and all measures necessary to abate the violation and/or restore the property. **In the event of an appeal, the administrative warrant shall be sought within three (3) days of a decision that upholds the notice of violation.** ~~It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Engineer or the city designated contractor to enter upon the premises, for the purposes set forth above. The process for obtaining an administrative warrant is set forth in § 134.05 of Title 13, and a warrant shall issue if probable cause is shown that a violation of this Chapter has occurred.~~

SECTION 2: 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 of 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. Fine and imprisonment must consider the nature of the violation,

its seriousness and the prior history of the violator. Each separate day or part thereof during which any violation of said sections of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

SECTION 3: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Traffic Rules

SUMMARY RECOMMENDATION:

Amend Title 21, Chapter 211 of the Yuma City Code, to update traffic control standards to current references and other minor editorial updates. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible by updating the City's traffic control device standards to current references.

REPORT:

Upon routine review of the Yuma City Code (Code) staff discovered a variety of items to be updated to correct typographical/editorial errors and to bring aspects of the Code up to date. Chapter 211, Traffic Rules, was reviewed as part of this process.

The changes proposed update references to current information, correct the responsible traffic control approval entity, and make other minor editorial corrections.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		6/4/2021		
WRITTEN/SUBMITTED BY:		DATE:		

ORDINANCE NO. O2021-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING, TITLE 21, CHAPTER 211 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO TRAFFIC RULES WITHIN THE CITY LIMITS OF THE CITY OF YUMA

WHEREAS, during routine review of the Yuma City Code, out-of-date information was discovered in the Traffic Rules Code (Title 21, Chapter 211); and,

WHEREAS, the proposed revisions do not substantively modify the requirements of the Traffic Rules Code; and,

WHEREAS, the proposed revisions update references, correct the approval entity, and make editorial corrections;

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

SECTION 1: Yuma City Code, Title 21, Chapter 211 is amended to insert the following bolded text and delete the strikethrough text:

§ 211-01 Obstruction of Streets and Sidewalks.

~~Any No person, who or corporation, or entity that may obstructs the streets, sidewalks or other thoroughfares of the city by placing place or causing to remain therein or thereon~~
allow to remain any fence, ditch, embankment, post, cart, wagon or other article, ~~thing item~~
in or on a City street, sidewalk or other thoroughfare in such a manner as to cause an obstruction ~~or obstruction whatsoever, or causes~~ **nor cause** crowds of people to gather ~~thereon in a manner that obstructs a City street, sidewalk, or other thoroughfare. shall~~
~~be guilty of a class 3 misdemeanor.~~

§ 211-07 Roadways and Streets.

(A) No person shall cause, ~~suffer,~~ allow or permit the use, repair, construction or reconstruction of a roadway, ~~or alley~~ **or driveway** without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.

~~Traffic-control~~ Control Devices

§ 211-12 Traffic ~~signal~~ **Signal, and lighting** ~~specifications~~ **Specifications** and ~~standards~~ **Standards**.

~~Those documents, three (3) copies of each of which are on file in the office of the City Clerk~~
The Signals and Lighting Standard Drawings (T.S. Standards), current edition, prepared and adopted by the Arizona Department of Transportation and available on the Arizona Department of Transportation website, being marked and entitled "General Specifications for Traffic Signals and Highway Lighting Systems, Edition of 1964," and "State of Arizona, State Highway Department, Traffic Signal and Highway Lighting Systems Standard Drawings, "T.S." Standards 1964," respectively, prepared and adopted by the State Highway Department, be and the same are hereby is adopted as the official specifications and drawings of the ~~city~~ **City**, regulating the purpose of materials and equipment and the

erection of traffic signals on public streets in the ~~city~~**City**. Each ~~and all~~ of the regulations, provisions, conditions and terms of ~~these publications~~ **this publication** ~~are hereby referred to, adopted and made a part hereof as if set out~~ **incorporated in** ~~into this chapter~~**Chapter by reference** and as ~~they~~ may be ~~from time to time~~ amended **in the future**.

§ 211-13 Approval.

Approval for traffic control devices installed within the ~~city~~**City** shall be made by the City Engineer **or designee** upon the recommendation of **the Traffic Engineer** ~~a traffic review committee as constituted by the City Administrator~~.

SECTION 2: Penalty.

- (A) Any person violating provisions of this ordinance is guilty of a class 3 misdemeanor, punishable by a fine not to exceed \$500 or by imprisonment for not more than one day, or both fine and imprisonment.
- (B) In addition to any penalty imposed under division (A) of this ordinance, any person or corporation that violates any provisions of this ordinance is subject to a civil sanction pursuant to A.R.S. § 28-626, unless a code section defining a specific penalty to an offense provides otherwise.

SECTION 3: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

City Attorney

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Code Text Amendment: Chapter 213

SUMMARY RECOMMENDATION:

Amend Title 21, Chapter 213 of the Yuma City Code, to remove inconsistencies and outdated processes relating to the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices.(City Attorney) (Richard W.Files)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Respected and Responsible by amending inconsistent provisions within the Yuma City Code regulating the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices.

REPORT:

On February 17, 2021 the Yuma City Council adopted Ordinance No. O2021-005 regulating the use and operation of bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices. Since the adoption of Ordinance No. O2021-005 an inconsistent provision relating to rear-facing lamps was discovered as well as a description of a registration process that is no longer being utilized. As a result, an amendment to Ordinance No. O2021-005 is necessary to remove the inconsistent provision and to remove the registration process.

This Ordinance amends Title 21, Chapter 213, Section 213-13 of the Yuma City Code to remove the permissive rear-lamp provision and retain the rear-lamp requirement of Section 213-13. Additionally, Title 21, Chapter 213, Sections 23, 24, 25, 26, and 27 relating to the registration process for bicycles, electric bicycles, electric scooters, electric miniature scooters, electric skateboards, motorized skateboards, motorized play vehicles and similar devices are deleted in their entirety.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Richard W. Files		6/4/2021		
WRITTEN/SUBMITTED BY:		DATE:		

ORDINANCE NO. O2021-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 21, CHAPTER 213 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, ELECTRIC MINIATURE SCOOTERS, ELECTRIC SKATEBOARDS, MOTORIZED SKATEBOARDS, MOTORIZED PLAY VEHICLES AND SIMILAR DEVICES WITHIN THE CITY LIMITS OF THE CITY OF YUMA

WHEREAS, on February 17, 2021 the City Council of the City of Yuma approved Ordinance No. O2021-005 repealing and replacing, in its entirety, Title 21, Chapter 213 of the Yuma City Code; and,

WHEREAS, since the approval of Ordinance No. O2021-005, inconsistencies among provisions of Ordinance No. O2021-005 were discovered which require an amendment to Title 21, Chapter 213; and,

WHEREAS, an amendment to Title 21, Chapter 213 of the Yuma City Code is necessary to correct the errors in Ordinance No. O2021-005 and these amendments do not change the intent or requirements of Title 21, Chapter 213 of the Yuma City Code; and,

WHEREAS, the proposed amendments remove inconsistencies between code provisions.

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

SECTION 1: Yuma City Code, Title 21, Chapter 213, Section 213-13 is amended to delete the strikethrough text while leaving the remainder of Title 21, Chapter 213, Section 213-13 unchanged:

§ 213-13 Electric scooter required equipment.

- (a) An electric scooter that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front and a lamp on the rear that emits a red light visible from the back at a distance of at least five hundred feet from the back. ~~An electric scooter may have a lamp that emits a red light visible from a distance of five hundred feet to the rear in addition to the red reflector.~~
- (b) A person shall not operate an electric scooter that is equipped with a siren or whistle except that a stand-up electric mini-scooter may be equipped with an anti-theft alarm.
- (c) An electric scooter shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

SECTION 2: Yuma City Code, Title 21, Chapter 213, Section 213-23 titled “Application” is deleted in its entirety.

SECTION 3: Yuma City Code, Title 21, Chapter 213, Section 213-24 titled “Procedure for Registration” is deleted in its entirety.

SECTION 4: Yuma City Code, Title 21, Chapter 213, Section 213-25 titled “Registration Records” is deleted in its entirety.

SECTION 5: Yuma City Code, Title 21, Chapter 213, Section 213-26 titled “Fees” is deleted in its entirety.

SECTION 6: Yuma City Code, Title 21, Chapter 213, Section 213-27 titled “Identification of Registered Bicycles, Electric Bicycles, Motorized Bicycles, Electric Scooters or Similar Devices” is deleted in its entirety.

SECTION 7: A violation of this ordinance is subject to the following penalties:

- (a) A first violation of this ordinance is a civil offense and shall be punished by a fine of not less than fifty dollars (\$50.00) per violation.
- (b) A second violation of this ordinance within one (1) year of a finding of responsibility of a first violation is a civil offense and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) per violation.
- (c) A third or subsequent violation of this ordinance within one (1) year of a finding of responsibility of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.
- (d) Notwithstanding subsection (c) above, the City may designate third or subsequent violations of this ordinance as civil offenses and such violations shall be punished by a fine of not less than five hundred dollars (\$500) per violation.

SECTION 8: If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining part or portion of this ordinance.

Adopted this ____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☐ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Easement Acquisition: Yuma RV & Boat Storage L.L.C

SUMMARY RECOMMENDATION:

Approve the acquisition of an easement for public sewer facilities for the Yuma RV & Boat Storage property by dedication from Yuma RV & Boat Storage L.L.C. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This project supports City Council's strategic outcome of Respected and Responsible by obtaining a public utility easement for a sewer line to serve commercial customers, providing economic growth and employment opportunities within the City of Yuma.

REPORT:

The subject parcel was originally planned for an industrial park in 2007, With the downturn in the economy, the development did not materialize. The property is now moving forward with plans for development as a recreational vehicle and boat storage facility (Yuma RV & Boat Storage). The new development plan necessitated the partial abandonment of a sewer easement that had been previously dedicated to the City of Yuma. That partial sewer easement abandonment was approved at the City Council meeting of November 4th, 2020 in Ordinance No. O2020-023. The Quit-Claim deed by City of Yuma abandoning a portion of the sewer easement, dated 1/12/2021, was recorded as FEE # 2021-01148.

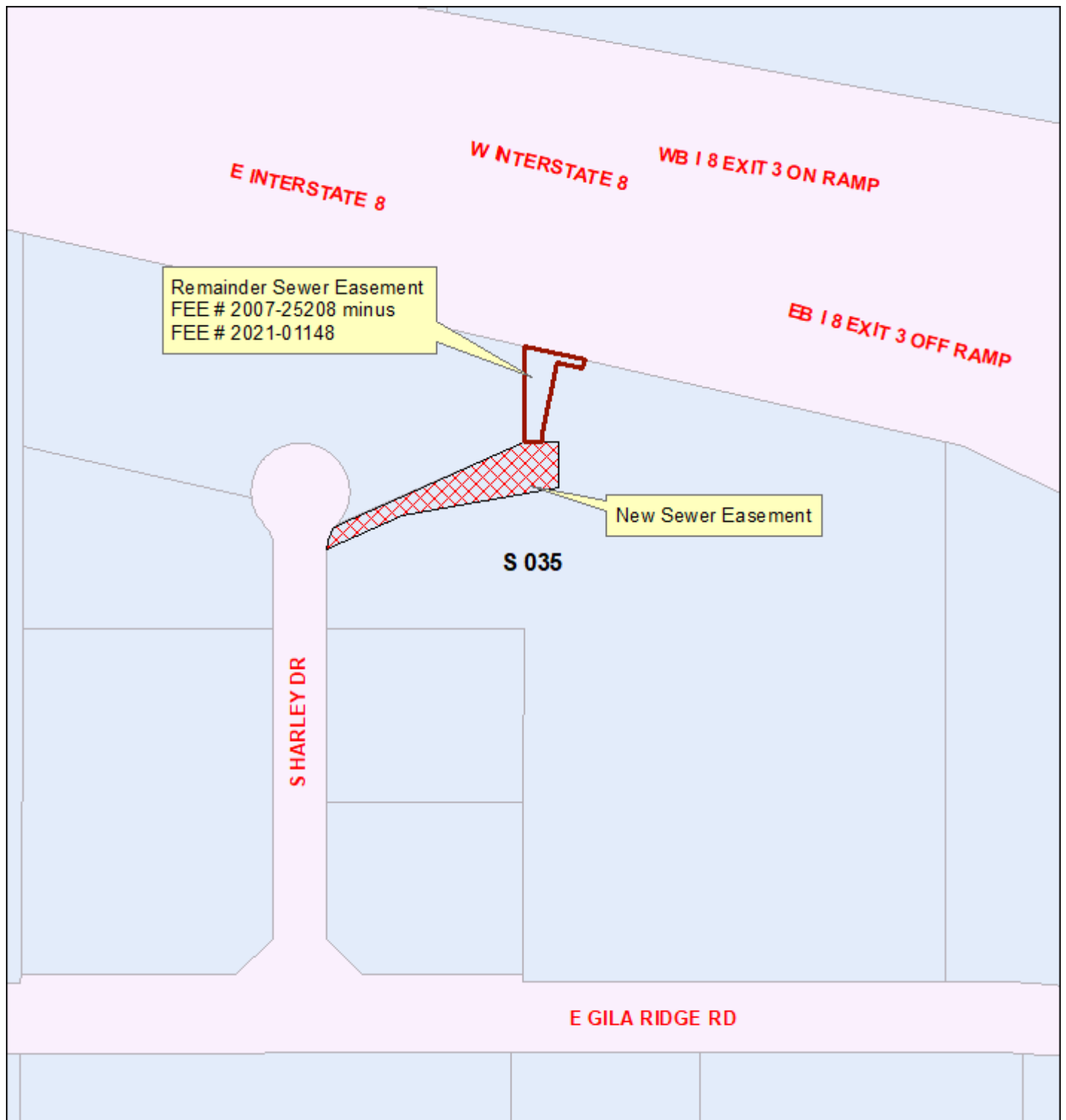
During the design and City review of Yuma RV & Boat Storage plans, the City requested a new sewer main connection to Harley Drive. This new sewer line will have the potential to serve uphill customers along Harley Drive, and is different from the sewer easement previously abandoned.

The City of Yuma had previously approved a sewer line design and layout, however, when construction was preparing to commence it was found that Southwest Gas had relocated their gas line serving the hotels to the

north side of I-8 within the proposed sewer alignment. This error required the proposed sewer to be moved to avoid the natural gas line.

The contractor, property owner, and City staff discussed the situation and decided upon the most suitable change in the sewer alignment to clear the gas line. The construction was completed and the change in sewer plans were redlined to reflect the change as constructed. The engineer and surveyor of record prepared a legal description reflecting the change, which is shown on the attached location map.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input checked="" type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Jeffrey A. Kramer		6/18/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Andrew T. McGarvie		6/8/2021	



AFFECTED AREA

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

LOCATION MAP



Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA
ENGINEERING
DEPARTMENT**

DATE: **6/8/2021**

SCALE: **N.T.S**

REVISED:

CIP NO.

ORDINANCE NO. 02021-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY OF YUMA TO OBTAIN A UTILITY EASEMENT ON PRIVATE REAL PROPERTY, HEREAFTER DESCRIBED, FROM YUMA RV & BOAT STORAGE, LLC, FOR THE REASON THAT SUCH EASEMENT IS REQUIRED FOR THE OPERATION AND MAINTENANCE OF A PUBLIC SEWER LINE IN LOT 1 OF THE YUMA RV & BOAT STORAGE LOT TIE/LOT SPLIT PLAT

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 2, to obtain easements on real property for the public interest and public benefit; and,

WHEREAS, the Yuma RV & Boat Storage L.L.C. recorded the Yuma RV & Boat Storage Lot Tie/Lot Split plat, dated 09/13/2019, Fee # 2019-23407, recorded in Book 31 of Plats, page 8, Yuma County Records (YCR); and,

WHEREAS, the City of Yuma processed a sewer easement abandonment for Yuma RV & Boat Storage, L.L.C. by Quit-Claim deed dated 1/12/2021, recorded in FEE # 2021-01148, YCR, for the purpose of eliminating the sewer easement that crossed under a proposed building; and,

WHEREAS, the Yuma RV & Boat storage has agreed to design, construct and provide the City of Yuma a new sewer easement for public operation of a sewer main extending from the east side of Harley Drive to the first public manhole contained in Lot 1 of the Yuma RV & Boat Storage Lot Tie/LOT Split, for the purpose of serving additional users along Harley Drive in the future.

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

SECTION 1: It is deemed necessary and essential, as a matter of public interest and public benefit, that a utility easement of varying width and length be obtained from Yuma RV & Boat Storage, LLC in order to provide access to the City of Yuma for the ownership and maintenance of a public sewer line in Lot 1 of the Yuma RV & Boat Storage Lot Tie/Lot Split plat.

SECTION 2: The Utility Easement attached as Exhibit 1 and by this reference made a part of this Ordinance, is approved according to its terms.

SECTION 3: The City Administrator is authorized and directed to execute and record the Easement on behalf of the City of Yuma.

Adopted this ____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

When Recorded, Return To:
(The City Will Pick Up)

GRANT OF SEWER EASEMENT

GRANTOR

Yuma RV & Boat Storage, LLC
10612 Prospect Avenue, Suite 101
Santee, CA 92071

GRANTEE

City of Yuma
A Municipal Corporation
One City Plaza
P.O. Box 13012
Yuma, AZ 85366-3012

The **Grantor** (Yuma RV & Boat Storage, LLC, a Limited Liability Company) does hereby grant unto the **Grantee** (City of Yuma, a Municipal Corporation), its successors and assigns, a perpetual sewer easement for sewer utility purposes, across and beneath that property described hereinafter and by this reference made a part hereof, together with the right to authorize, permit and license the use thereof for those uses found by the **Grantee** to be compatible with the primary use as a sewer easement.

Subject Real Property (Legal Description)

That portion of LOT 1, YUMA RV & BOAT STORAGE LOT TIE/LOT SPLIT according to Book 31 of Plats, Page 8, as Fee No. 2019-23407 in the Office of the Recorder of Yuma County, Arizona located in the Southeast quarter of Section 35, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the northwest corner of the Southeast quarter of said Section 35;

Thence South 00°10'39" West along the West line of the Southeast quarter of said Section 35 a distance of 433.17 feet;

Thence South 77°05'46" East a distance of 574.16 feet;

Thence South 00°10'42" West a distance of 107.97 feet to the TRUE POINT OF BEGINNING;

Thence South 89°49'18" East a distance of 20.00 feet;

Thence South 00°10'42" West a distance of 12.89 feet;

Sewer Easement
Page 1 of 3

Thence South 65°46'53" West a distance of 263.34 feet to the beginning of a non-tangent curve concave southeasterly having a radial bearing North 89°22'50" West;

Thence northeasterly along said curve concave southeasterly of radius 40.00 feet through a central angle of 42°05'46" an arc distance of 29.39 feet;

Thence North 65°46'53" East a distance of 229.82 feet to the TRUE POINT OF BEGINNING.

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

Described and Verified By:

Engineering.

Date.

By virtue of Granting this perpetual Easement, **Grantor**, for and on behalf of itself and its successors in interest to any and all of the Property, hereby acknowledges that the **Grantee** will reserve and use the property for any sewer utilities needed to serve the public good. The **Grantor** specifically waives any rights or suit, complaint, petition, claims, or other such actions as may impede the use and development of said property contained in the perpetual sewer easement. Undersigned acknowledges that the said perpetual sewer easement is to be used for public sewer utilities.

IN WITNESS WHEREOF, the Grantor has executed this perpetual Sewer Easement this 5th day of MARCH, 2021.

GRANTOR:

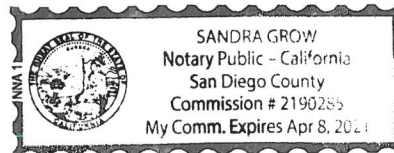
By _____

STATE OF California

COUNTY OF San Diego, ss.

The foregoing instrument was acknowledged this 9th day of March, 2021, by Sandra Grow, as before me a Notary Public, personally appeared and known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and who acknowledged execution of the same. If the person's name is subscribed in a representative capacity, it is for the principal named in the capacity indicated.

Sandra Grow
Signature and Seal of Notary Public



My Commission Expires: 4/8/2021

Accepted By:

City of Yuma, a Municipal Corporation

Philip A. Rodriguez, City Administrator

Attested By:

Lynda L. Bushong, City Clerk

Approved as to Form:

Richard W. Files, City Attorney



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Engineering

DIVISION**STRATEGIC OUTCOMES**

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Easement: Avenue 10E South of 28th Street

SUMMARY RECOMMENDATION:

Approve an easement along the west side of Avenue 10E south of 28th Street for the purpose of a dedicated pickup/drop-off lane and a multiuse pathway being constructed as part of a roadway improvement project. (Engineering) (Jeffrey A. Kramer)

STRATEGIC OUTCOME:

This action supports City Council's strategic outcome of Safe and Prosperous as it provides for a dedicated pick-up/drop-off lane to enhance safety for students accessing Sunrise Elementary School while also enhancing roadway and intersection safety adjacent to the school.

REPORT:

During design of the City's roadway improvement project on Avenue 10E from the North Frontage Road to 28th Street the project team coordinated with Yuma Elementary School District No. 1 (the "District") due to the proximity to Sunrise Elementary and Ron Watson Middle schools. During this coordination an issue was identified where unusual congestion and pedestrian activity occurred at the intersection of Avenue 10E and 28th street during drop-off and pickup times at Sunrise Elementary School. Parents dropping off and picking up school children were parking along both sides of Avenue 10E and across 28th Street, causing visibility and operating problems on the roadway, and creating uncontrolled crossing points as children ran back and forth across the roadways.

To alleviate the hazard to both the children and motorists, the City and the District agreed upon a design for a dedicated pickup/drop-off lane along Avenue 10E. The District is unable to participate in the construction cost, but is willing to provide the needed land under a no-cost easement dedicated to the City, facilitating construction of this much-needed safety enhancement with the roadway project.

Construction is anticipated to begin in late August, 2021 and be completed by end of January, 2022.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input checked="" type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Jeffrey A. Kramer		6/29/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Andrew T. McGarvie		6/2/2021	



AFFECTED AREA

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

LOCATION MAP



Prepared by: **ANDREW MCGARVIE**

Checked by:

**CITY OF YUMA
ENGINEERING
DEPARTMENT**

DATE: **6/2/2021**

SCALE: **N.T.S**

REVISED:

CIP NO.

ORDINANCE NO. O2021-026

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,
ACCEPTING AN EASEMENT OVER THE DESCRIBED REAL PROPERTY AND
AUTHORIZING AND DIRECTING THE EXECUTION OF ALL NECESSARY
DOCUMENTS FOR TRANSFER THEREOF**

WHEREAS, vehicular traffic at the Avenue 10E and 28th Street intersection at the beginning and ending of school hours related to students being dropped off or picked up by personal vehicles creates visibility and operating problems and a potential safety hazard for students, pedestrians and motor vehicle operators; and,

WHEREAS, Yuma Elementary School District No. 1 has experienced traffic circulation issues in the main parking lot with staff parking, school bus operations, and the pick-up and drop-off of students by their parents; and,

WHEREAS, the City of Yuma and Yuma Elementary School District No. 1 share concerns about student and motorist safety and desire to make improvements to alleviate the safety issues; and,

WHEREAS, the City of Yuma and Yuma Elementary School District No. 1 agree to pursue the addition of a dedicated pick-up/drop-off lane on the west side of Avenue 10E to increase intersection and road safety in the general area, while also addressing the issue of student drop-off and pick up in unauthorized locations; and,

WHEREAS, Yuma Elementary School District No. 1 has agreed to grant to the City a perpetual easement to allow for the installation of the dedicated pick-up/drop-off lane.

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

SECTION 1: The City Council approves and accepts the real property easement described in the attached Roadway Easement Agreement in accordance with its terms.

SECTION 2: The City Administrator is authorized to execute the attached Roadway Easement Agreement with Yuma Elementary School District No. 1 and to act on behalf of the City of Yuma in all matters concerning this ordinance.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

When recorded return to:

City of Yuma

ROADWAY EASEMENT AGREEMENT

THIS ROADWAY EASEMENT AGREEMENT (the "**Agreement**") is entered into as of the _____ of _____, 2021, by and between **YUMA ELEMENTARY SCHOOL DISTRICT NO. 1**, a political subdivision of the State of Arizona ("**Grantor**") and the **CITY OF YUMA, ARIZONA**, an Arizona municipal corporation ("**Grantee**").

WITNESSETH

WHEREAS, Grantor is the owner of that certain tract or parcel of land in Yuma County, Arizona, legally described on Exhibit A attached hereto and made a part hereof (the "**Easement Area**"); and

WHEREAS, Grantee has requested from Grantor and Grantor is desirous of granting to Grantee for the public, an easement for purposes of (a) pedestrian and vehicular access, ingress and egress, (b) grading or otherwise placing, constructing, installing, maintaining and repairing public roadway improvements consistent with the use of the Easement Area (as defined below) for pedestrian and vehicular access, ingress and egress, and (c) installation, use, maintenance and repair of utilities provided by one or more utility providers, including but not limited to utility lines for water, sewer, electrical, telecommunications, gas, storm drainage and such other public utility services as Grantee reasonably deems necessary, in, on, over, under, through and across the Easement Area; and

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant to Grantee, for the public, an perpetual, non-exclusive easement for purposes of (a) pedestrian and vehicular access, ingress and egress, (b) grading or otherwise placing, constructing, installing, maintaining and repairing roadway improvements consistent with the use of the Easement Area for pedestrian and vehicular access, ingress and egress, and (c) installation, use, maintenance and repair of utilities provided by one or more utility providers, including but not limited to utility lines for water, sewer, electrical, telecommunications, gas, storm drainage and such other public utility services as Grantee reasonably deems necessary, in, on, over, under, through and across the Easement Area with the following conditions:

1. **Easement.** Grantor hereby grants to Grantee, for the public, a perpetual non-exclusive easement (the "**Easement**") for purposes of (a) pedestrian and vehicular access, ingress and egress, (b) grading or otherwise placing, constructing, installing, maintaining and repairing roadway improvements consistent with the use of the Easement Area for pedestrian

and vehicular access, ingress and egress (the “**Roadway Improvements**”), and (c) installation, use, maintenance and repair of utilities provided by one or more utility providers, including but not limited to utility lines for water, sewer, electrical, telecommunications, gas, storm drainage and such other public utility services as Grantee reasonably deems necessary, in, on, over, under, through and across the Easement Area.

2. **Use.** Grantee, through its officers, employees and agents, shall have the right to enter upon the Easement Area in such a manner and at such times from the date hereof as may be reasonably necessary for the purpose of constructing, installing, repairing, replacing and maintaining thereon the Roadway Improvements and any necessary appurtenances, including such repairs, replacements and removals as may be from time to time required.

3. **Improvements.** Any improvements constructed within the Easement Area shall be constructed in a good and workmanlike manner and in compliance with all applicable codes, ordinances and regulations. Grantor hereby agrees not to block in any way, restrict or impede access to or from, or full use of, the Easement Area by Grantee; or convey to a third party any easement, or other interest or right of use of the Easement Area, that would unreasonably impair or limit the Easement rights granted herein. Grantor hereby agrees that in the event of any encroachment upon the Easement or Easement Area and/or the Roadway Improvements, Grantee shall have the right to require removal of such encroachment, and same shall be accomplished within a reasonable period of time by Grantor, at Grantor's expense. Failure of Grantee to so exercise its right to require removal of any such encroachment shall neither constitute waiver of this right, nor preclude other remedies available to the Grantee.

4. **Temporary Construction Easement Area.** Grantor hereby grants to Grantee the use of such additional area immediately adjacent to said Easement Area (the “**Temporary Construction Easement Area**”) as shall be reasonably required for installation, repair, construction, operation and/or maintenance of the Roadway Improvements within said Easement Area. Said Temporary Construction Easement Area shall be used periodically only for the length of time necessary to complete construction, repair or maintenance of the Roadway Improvements within the Easement Area.

5. **Runs with the Land.** The Easement is for the benefit of Grantee and burdens the Easement Area. The rights and obligations of this Agreement shall run with the land. The acceptance by any person or entity of any interest in the Easement Area, or any portion thereof, constitutes an agreement by such person or entity to perform all obligations imposed hereby and not to use, occupy or allow any use or occupancy of its property in a manner that would violate or breach any of the provisions of this Agreement.

6. **Successors and Assigns.** This Agreement and each of the terms, provisions, conditions and covenants herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors, agents, designees or assigns. No third party shall be entitled to enforce any term, covenant or condition of this Agreement, or have any rights hereunder.

7. **Not a Partnership.** No term of this Agreement shall be deemed to create a partnership between Grantor or Grantee or their respective tenants or occupants, nor shall this Agreement cause any of them to be considered joint venturers.

8. **Hazardous Materials.** Neither the City nor its contractors, employees, suppliers or other agents shall bring or store or permit the release of any hazardous materials

on the Easement Area. As used herein the term "hazardous materials" shall mean all materials and substances subject to any environmental laws as of the date of this Easement, including, without limitation, (i) any element, compound, mixture, solution, or substance which is now or hereafter designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq. ("CERCLA") or any regulations promulgated under CERCLA, and (ii) any hazardous waste, toxic pollutant, hazardous air pollutant, imminently hazardous chemical substance or mixture, hazardous materials, gasoline, diesel fuel or other petroleum hydrocarbons, asbestos and asbestos containing materials in any form whether friable or non-friable, radon gas, polychlorinated biphenyl, and mold or any additional element or compound contained in the list of hazardous substances now or hereafter adopted by the United States Environmental Protection Agency. During the term of this Easement, the City and its contractors shall, at the City's sole cost, comply with all federal, state or local law, statute, rule, ordinance, order, regulation or other legal requirement concerning public health, safety or the environment and the City's use of the Easement Area, including but not limited to all applicable stormwater runoff and dust control requirements and regulations. In the event the City or any of its contractors, employees, suppliers or other agents bring or store or permit the release of any hazardous materials on the Easement Area during the term of this Easement, the City shall, at its sole cost and expense, cause the remediation thereof in accordance with applicable federal, state or local law, statute, rule, ordinance, order or regulation, which obligation of the City shall survive the expiration of the term of this easement.

9. **Entire Agreement; Amendment.** This Agreement constitutes the entire agreement among the parties pertaining to the subject matter hereof, and all prior and contemporaneous representations and understandings, written or oral, are hereby superseded and merged into this Agreement. This Agreement may only be amended by a recorded document executed by the parties to this Agreement or their successors of record.

10. **Validity of Easement Unaffected by Breach.** The breach of this Easement shall not entitle any party to rescind or otherwise terminate its obligations hereunder or the rights and easements created hereunder.

11. **Headings.** The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

12. **Remedies; Attorneys' Fees and Costs.** In addition to any other remedies available herein or at law or in equity, the parties shall have the right to maintain an action at law for actual damages sustained as a result of the breach of this Agreement (but specifically excluding exemplary, punitive, or consequential damages) and/or to enjoin or otherwise restrain any such breach, or continuing breaches thereafter. All costs and expenses incurred by the non-breaching party to seek damages from, or equitable relief against, a defaulting party as a result of breaches of this Agreement, together with the non-breaching party's reasonable attorneys' fees, expert witness fees, costs of tests and analyses, deposition and trial transcript costs and costs of court shall be assessed against, and paid by, the defaulting party.

13. **Waiver.** No waiver of, acquiescence in, or consent to any breach of any term, covenant or condition of this Agreement shall be construed as a waiver of or acquiescence in, or consent to any other, further or succeeding breach of the same or any other term, covenant or condition.

14. **Severability**. If any term or provision of this Agreement shall, to any extent be invalid or unenforceable under applicable law, then the remaining terms and provisions of this Agreement shall not be affected thereby, and each of such remaining terms and provisions shall be valid and enforced to the extent permitted by law

15. **Governing Law**. This Agreement shall be recorded in the office of the County Recorder of Yuma County, Arizona. The Easement shall be construed, governed and enforced in accordance with the laws of the State of Arizona

16. **Counterparts**. This Agreement may be executed in any number of counterparts, all such counterparts will be deemed to constitute one and the same instrument, and each such counterpart will be deemed an original hereof. For purposes of recording, the signature and acknowledgment page(s) may be detached from one or more counterparts and reattached to a single duplicate original of this Agreement.

EXECUTION PAGES FOLLOW

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

GRANTOR:

YUMA ELEMENTARY SCHOOL DISTRICT NO. 1,
a political subdivision of the State of Arizona

By: _____
Name: _____
Title: _____
Date: _____

STATE OF ARIZONA
COUNTY OF YUMA

On this _____ day of _____, 2021, before me personally appeared _____, the _____ of Yuma Elementary School District No. 1, a political subdivision of the State of Arizona, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he/she signed this Roadway Easement Agreement, consisting of _____ pages, including this page and all exhibits, on behalf of the District.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

Notary Public in and for the State of Arizona

[SIGNATURES CONTINUE ON NEXT PAGE]

GRANTEE

CITY OF YUMA, ARIZONA, an Arizona municipal corporation

By _____

ATTEST:

STATE OF ARIZONA
COUNTY OF YUMA

On this _____ day of _____, 2021, before me personally appeared _____, _____ of the CITY OF YUMA, ARIZONA, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he/she signed this Roadway Easement Agreement, consisting of _____ pages, including this page and all exhibits, on behalf of the CITY.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

Notary Public in and for the State of Arizona

EXHIBIT A
Legal Description of Easement Area

**EXHIBIT "A"**

**LEGAL DESCRIPTION
FOR
APN 197-01-007
RIGHT-OF-WAY
CITY OF YUMA**

That portion of the Northeast Quarter of the Southeast Quarter of Section 1, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

COMMENCING at the brass in hand hole stamped "LS 25069" found at the East Quarter Corner of said Section 1, from which the Bureau of Land Management (BLM) brass cap in hand hole found at the Center of said Section 1 bears South 89 degrees 56 minutes 51 seconds West a distance of 2,647.65 feet, said line being the North line of said Southeast Quarter, and said line being the basis of bearing;

Thence along the East line of said Southeast Quarter, South 00 degrees 12 minutes 59 seconds East a distance of 48.91 feet to a point;

Thence South 89 degrees 47 minutes 01 second West a distance of 33.00 feet to a point on the corner of the existing west right-of-way line of Avenue 10 E and the existing south right-of-way line of 28th Street, said point also being the POINT OF BEGINNING;

Thence along said west right-of-way, South 00 degrees 12 minutes 59 seconds East a distance of 594.42 feet to a point;

Thence South 89 degrees 47 minutes 01 seconds West a distance of 18.00 feet to a point on a line parallel with and 51.00 feet distant from said East line of the Southeast Quarter;

Thence along said parallel line, North 00 degrees 12 minutes 59 second West a distance of 594.48 feet to a point on said south right-of-way line of 28th Street;

Thence along said south right-of-way line, North 89 degrees 56 minutes 51 seconds East a distance of 18.00 feet to the POINT OF BEGINNING.

Containing an area of 10,700 SQUARE FEET or 0.246 ACRES, more or less

See attached Exhibit "B"



12/1/2020

SHEET 1 OF 3

850.013B

P:\800\850013B - North Frontage Road and Avenue 10E
Reconstruction\ID_PRODUCTION\Survey\S05_Legal Descriptions\197-01-007\197-01-007
ROW.docx

EXHIBIT B
Depiction of the Easement Area

EXHIBIT "B"

RIGHT-OF-WAY
197-01-007
CITY OF YUMA

FOUND BLM BCHH
CENTER OF SEC 1
T9S, R22W

28TH ST

S 89°56'51" W 2,647.65

FOUND BCHH STAMPED LS 25069
E 1/4 COR. SEC 1, T9S, R22W

APN 197-01-007
YUMA ELEMENTARY
SCHOOL DIST. #1

P.O.B

L5

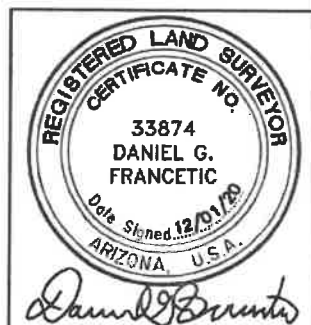
L3

ROW
10,700 SF
0.246 AC

L4

AVE 10 E.

SCALE: N.T.S.



LEGEND



RIGHT-OF-WAY

BASIS OF BEARING

THE NORTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 1
BEARING S89°56'51"W



Entellus™

3033 N. 44th Street, Suite 250
Phoenix, AZ 85018
Tel 602.244.2566
Fax 602.244.8947
Website www.entellus.com

CITY OF YUMA

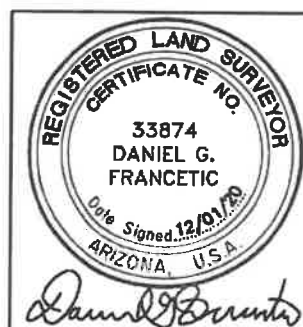
APN 197-01-007
SECTION 1, T9S, R22W

RIGHT-OF-WAY

DATE: 12/01/20 REV'D:
DRAWN BY: JME CHK'D: DGF PG: 2 OF 3
FILE: 197-01-007_TCE.DWG

APN 197-01-007

LINE	BEARING	DISTANCE
L1	S 00°12'59" E	48.91'
L2	S 89°47'01" W	33.00'
L3	S 00°12'59" E	594.42'
L4	S 89°47'01" W	18.00'
L5	N 00°12'59" W	594.48'
L6	N 89°56'51" E	18.00'



LEGEND



RIGHT-OF-WAY

BASIS OF BEARING

THE NORTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 1
BEARING S89°56'51"W



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CITY OF YUMA

APN 197-01-007

SECTION 1, T9S, R22W

**TEMPORARY CONSTRUCTION
EASEMENT**

DATE: 12/01/20 REV'D:
DRAWN BY: EAW CHK'D: DGF PG: 3 OF 3
FILE: 197-01-007_TCE.DWG



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Planning and
Neighborhood Services

DIVISION

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Rezoning of Property: 1639 S. 6th Avenue

SUMMARY RECOMMENDATION:

Rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

The proposed rezoning could facilitate the development of the southwest corner of 4th Avenue and 16th Street by providing a safe secondary access point for customers and emergency responders. This is consistent with the City Council's strategic outcome of Safe and Prosperous.

REPORT:

The subject property is approximately 65 feet by 128.4 feet fronting on 6th Avenue with an unused alley behind the lot. Currently there is a single-family home on the property built in 1953. To the north and east is vacant land.

The applicant states the purpose of the rezoning is:

"To augment the parcel to the north of the subject property for development purposes. This will help the development possibilities of that parcel that will ultimately improve the access and development of the development site a 16th Street and 4th Avenue."

The General Commercial (B-2) District has a minimum parcel size of 12,000 square feet. This parcel is approximately 8,346 square feet. In such cases the zoning code requires these smaller parcels to be incorporated into a development plan / lot tie to avoid the need for future variances as this parcel will become part of a larger property. A condition of approval will be the requirement of a lot tie to alleviate any setback and development issues.

On June 28, 2021, the Planning and Zoning Commission voted to recommend **APPROVAL** of the request to rezone a 8,346 sq. ft. parcel from the Low Density Residential (R-1-6) District to the General Commercial / Infill Overlay (B-2/IO) 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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. A lot tie is to be completed, to join the subject parcel to the adjacent commercially-zoned property.
5. With the exception of Condition No. 4, 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. Condition No. 4 shall be completed within ten (10) 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 timeframes then the rezone shall be subject to ARS § 9-462.01.

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

"Tom Pancrazi, 350 W. 16th Street Suite 332, Yuma AZ, 85364 commented that he had concerns with the time frames in Conditions # 2, 3 & 4, stating that more time was needed to complete the proposed development.

"Chris Hamel, Planning and Zoning Commission Chairman, asked Staff to explain how the proposed rezone could be completed.

"Bob Blevins, Principal Planner stated the zoning would not be vested until all Conditions of Approval had been met.

"Alyssa Linville, Assistant Director DCD asked Pancrazi if his intent was to have the zoning vested.

"Pancrazi replied yes.

"Linville then replied that the zoning couldn't be vested until Condition # 4 had been satisfied.

"Pancrazi stated that he had no problem meeting the time frame on Conditions # 2 and 3, he just needed Condition # 4 extended.

"Hamel asked what options were available to help the applicant with the timeframe.

"Linville stated if the applicant needed more time he could go before City Council.

"Gregory Counts – Planning and Zoning Commissioner asked how the privately owned lot was going to be tied into city owned property.

"Linville replied that the city owned property can be purchased by a private owner."

PUBLIC COMMENT

“Judy Phillips, 1649 6th Avenue, Yuma AZ, 85364, stated that she was never notified about the rezoning and other projects in the neighborhood, then went on to say that she was not happy with all the commercial development going on.

“Branden Freeman – Planning and Zoning Commissioner asked what the General Plan Designation was for the subject property.

“Blevins replied the property was on the edge of commercial and low density residential.

“Counts asked how many negative comments were submitted by the residents.

“Blevins answered two.

“Hamel stated that he would like to have the project move forward but the project needs to have a time frame.

“Linville stated even if the time frame was extended the property would not be able to be developed until the two lots were tied together.

“Fred Dammeyer – Planning and Zoning Commissioner, asked for confirmation that the rezoning would not go through unless the two lots were tied.

“Linville replied that was correct.

“Dammeyer asked for the time frame for the extension process.

“Linville replied that the process takes about a month.

“Hamel then asked Pancrazi if a 4-year extension would be acceptable.

“Pancrazi replied that it would be very difficult to work with, he would rather have 10 years.

“Lorraine Arney – Planning and Zoning Commissioner, asked if the Commission had the ability to change the time frame past 4 years.

“Rodney Short, City Attorney, commented that the Commission does have the authority to extend the time frame.”

MOTION

“Motion by Dammeyer to APPROVE ZONE-34686-2021, subject to the Conditions of Approval in Attachment A, striking the time limit for Condition # 4. Motion failed for lack of a second.

“Freeman commented that he would be comfortable with a ten-year time limit for Condition # 4.

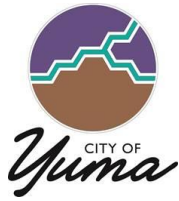
“Motion by Dammeyer, second by Freeman to APPROVE ZONE-34686-2021, subject to the Conditions of Approval in Attachment A, with the modification to Condition # 4 to allow ten years for completion.

“Motion carried (5-1), with Counts voting Nay and one absent.”

(Condition # 4 does not state a time frame for completion, but Condition # 5 does.)

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		07/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		07/06/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Robert M. Blevins		07/01/2021	



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: BOB BLEVINS

Hearing Date: June 28, 2021

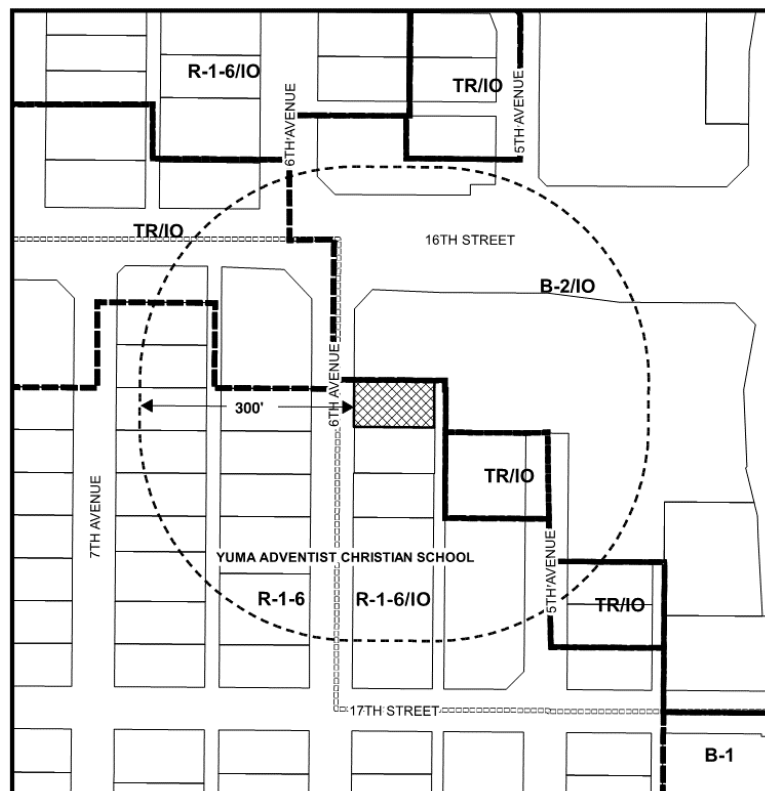
Case Number: ZONE-34686-2021

Project Description/Location:

This is a request by Dahl, Robins, and Associates, on behalf of Larry C. Fields and Kyle Marie O'Brien, to rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential / Infill Overlay (R-1-6/IO)	Single-family home	Low Density Residential
North	General Commercial / Infill Overlay (B-2/IO)	Vacant	Commercial
South	Low Density Residential / Infill Overlay (R-1-6/IO)	Single-family home	Low Density Residential
East	General Commercial / Infill Overlay (B-2/IO)	Vacant	Low Density Residential
West	Low Density Residential (R-1-6)	Single-family home	Low Density Residential

Location Map



Prior site actions: Annexation: #742 (04/22/1958); Subdivision: Orange Grove Subdivision (02/25/1948).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-34686-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th 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 subject property is approximately 65 feet by 128.4 feet fronting on 6th Avenue with an unused alley behind the lot. There presently is a single-family home on the property built in 1953. To the north and east is vacant land.

The applicant states the purpose of the rezoning is:

“To augment the parcel to the north of the subject property for development purposes. This will help the development possibilities of that parcel that will ultimately improve the access and development of the development site a 16th Street and 4th Avenue.”

The General Commercial (B-2) District has a minimum parcel size of 12,000 square feet. This parcel is approximately 8,346 square feet. In such cases the zoning code requires these smaller parcels to be incorporated into a development plan / lot tie to avoid the need for future variances as this parcel will become part of a larger property. A condition of approval will be the requirement of a lot tie to alleviate any setback and development issues.

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

Land Use Element:									
Land Use Designation:				Low Density Residential					
Issues:				Since parcel is small and adjacent to other B-2 zoning- no issues.					
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
6 th Avenue- Local Street	29 FT H/W ROW	30 FT H/W ROW	N/A	N/A	N/A	N/A
Bicycle Facilities Master Plan	None					
YCAT Transit System	Yellow Route- 4 th Avenue					
Issues:	None					

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

Yes.

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Joe Henry Optimist Park	None proposed
Community Park:	None existing	None proposed
Linear Park:	None	None proposed
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	Yuma North End Redevelopment Area					
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	
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 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type <i>Non-residential</i>		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:		Fire Station #3							
Water Facility Plan:		Source:	City	X	Private		Connection:	4" Concrete pipe in alley.	
Sewer Facility Plan:		Treatment:	City	X	Septic		Private		Connection: 8" Vitrified clay pipe in alley.
Issues:		None							

Safety Element:

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

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

Name:	Judy Phillips				Contact Information:	928-580-7417				
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
"I own next to it. I would like to live next to a house- not a parking lot."										

Name:	Ginger Rico				Contact Information:	928-343-1541				
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
"Not happy about it. Too much commercial. More commercial businesses will bottle it up more at the intersection [4 th and 16 th]. These things are done without thinking about how it affects us. Blinded by health care neon sign now, the light reflects into houses. We feel our voices are not heard and decisions are already made. Have lived here 40 years, time for us to get out."										

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: May 13, 2021

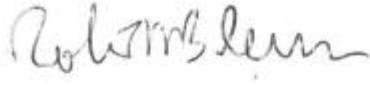
Final staff report delivered to applicant on: May 31, 2021

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: May 13, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C
Conditions of Approval	Agency Notifications	Aerial Photo

Prepared By:
Robert M. Blevins
Principal Planner



Date:

5/24/21

Robert.Blevins@yumaaz.gov (928)373-5189

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 05/24/2021

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:

Community Development Comments: Alyssa Linville, Assistant Director Community Development, (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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:

4. A lot tie is to be completed to join the subject parcel to the adjacent commercially-zoned property.
5. 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** (05/21/21)
- 300' Vicinity Mailing: (04/6/21)
- 34 Commenting/Reviewing Agencies noticed: (04/29/21)
- Hearing Date: (06/28/21)
- Comments due: (05/10/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	04/29/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/29/21	X		
Yuma County Planning & Zoning	YES	05/10/21	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	YES	04/29/21	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	04/29/21	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	04/29/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/29/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
AERIAL PHOTO



ORDINANCE NO. O2021-027

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/INFILL OVERLAY (R-1-6/IO) DISTRICT TO THE GENERAL COMMERCIAL/INFILL OVERLAY (B-2/IO) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 26, 2021 in Zoning Case no: ZONE-34686-2021 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the General Commercial/Infill Overlay (B-2/IO) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on May 21, 2021; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-34686-2021 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

The North 58 feet of Lot 15 and the South 7 feet of Lot 14, in Block 4 of the Orange Grove Subdivision, according to the Book 3 of Plats, Page 38, Records of Yuma County, Arizona.

The above described area of 8,346 square feet more or less, shall be placed in the General Commercial/Infill Overlay (B-2/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the General Commercial/Infill Overlay (B-2/IO) 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/Infill Overlay (B-2/IO) District.

SECTION 2: 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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. A lot tie is to be completed, to join the subject parcel to the adjacent commercially-zoned property.
5. With the exception of Condition No. 4, 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. Condition No. 4 shall be completed within ten (10) 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 timeframes then the rezone shall be subject to ARS § 9-462.01.

Adopted this _____ day of _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

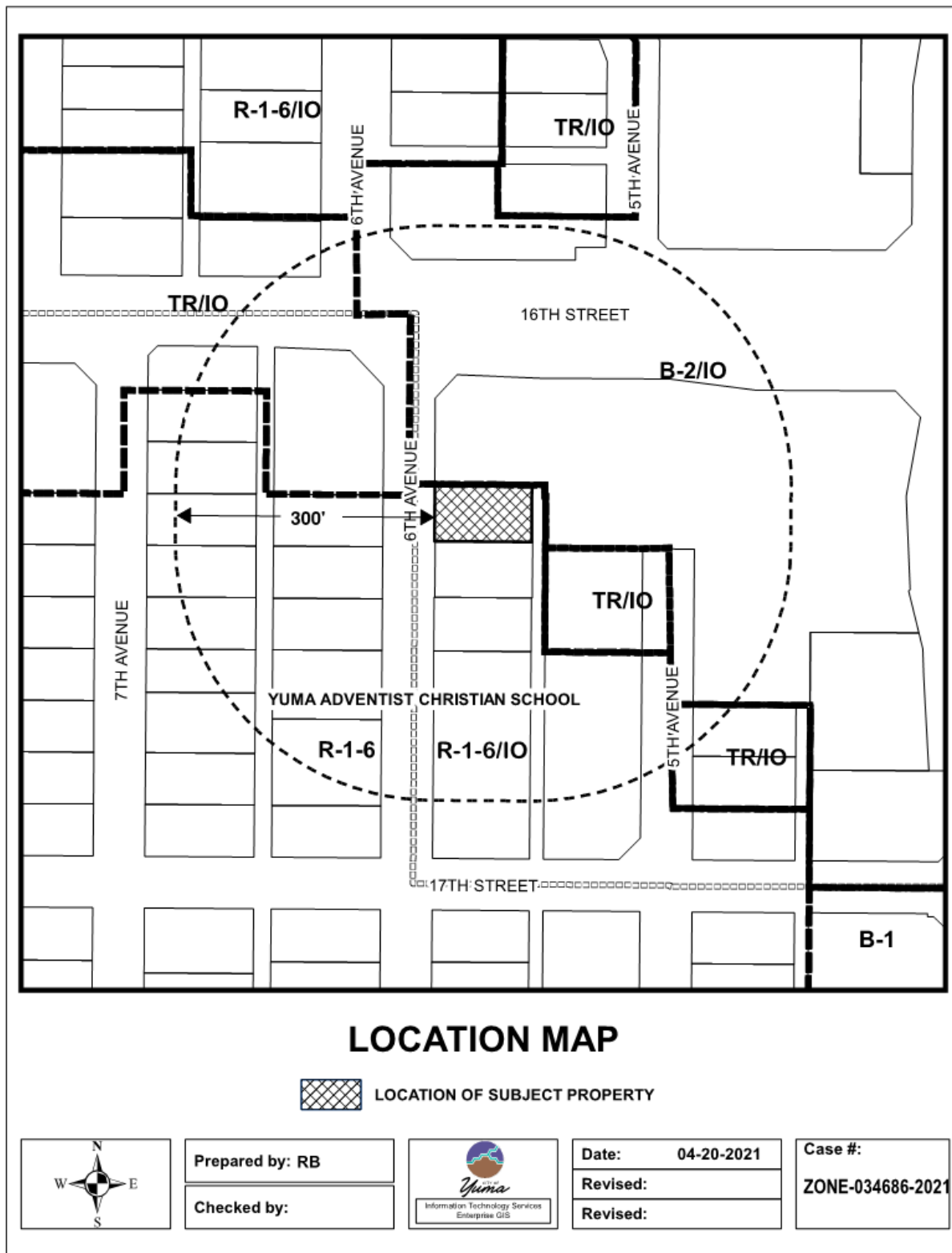
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A





REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Planning and
Neighborhood Services

DIVISION

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Rezoning of Property: Northwest Corner of Avenue A and 11th Street

SUMMARY RECOMMENDATION:

Rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the property located at the northwest corner of Avenue A and 11th Street. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

Approval of this rezone would support residential development in the City; residential development that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering City Council's strategic outcomes as it relates to Safe and Prosperous and Respected and Responsible.

REPORT:

The subject property is located at the northwest corner of Avenue A and 11th Street. While currently undeveloped, the intended development for the subject area is a mix of a small lot single-family subdivision and townhomes.

As specified in Yuma City Code §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 maximum lot coverage in the Medium Density Residential (R-2) 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; and
5. A maximum building height of 40 feet;

Additionally, the Infill Overlay (IO) District allows flexibility of design standards such as reduced setbacks and an increase in lot coverage.

The potential residential development could contain between 16 and 42 residential units based on the density limitation outlined in the General Plan.

On June 14, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Dammeyer and Scott absent) of the request to rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Aesthetic Overlay (AO) District, for the properties located at the northwest corner of Avenue A and 11th Street.

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

QUESTIONS FOR STAFF:

“Gregory Counts – Planning and Zoning Commissioner asked what types of businesses surrounded the proposed project.

“Amelia Griffin – Associate Planner replied that to the north was an industrial warehouse, and to the east of Avenue A was a church and apartments.

“Counts then asked if the noise coming from those businesses was going to affect the residents of the proposed project.

“Griffin replied no.

QUESTIONS FOR APPLICANT:

NONE

PUBLIC COMMENTS:

“Charles Bub, 1133 S. 12th Ave, Yuma AZ, stated that he never received a notice of the neighborhood meeting, then added he was not opposed to the proposed project.

“William Benavides, 1102 S. Avenue A, Yuma AZ, stated that he did not oppose the development of the proposed project, then suggested that the City consider putting up a signal light and a speed bump on the corner of 11th Street and Avenue A, because of the speeding that occurs on Avenue A.

“Catherine Marie-Sebile, 1155 S. 12th Avenue, Yuma AZ, stated that she did not receive any notice of the development of the proposed project and of the neighborhood meeting, then expressed concern about the increase in traffic and noise in the area.

“Christopher Hamel – Planning and Zoning Chairman then asked if the notification letters that get sent out only go to the property owners that live within the 300’ area of the proposed project.

“Griffin replied yes.

“Hamel then expressed concern about the disappearance of the notices posted on the property, then added that the City and developers take into consideration the concerns of the public on the traffic on Avenue A.

“Barbara Beam – Planning and Zoning Commissioner asked what types of homes will be built on the property.

“Kevin Burge – Core Engineering Group stated that the current plan is to build small single-family homes and townhomes.

“Counts asked if the City had done any kind of traffic study on Avenue A.

“Agustin Cruz – Senior Civil Engineer stated that he had been made aware of complaints on the traffic on Avenue A, but was not aware of a current traffic study being done.

“Counts said he was concerned by the semi-truck traffic coming from the old Pepsi plant.

“Hamel asked if the old Pepsi plant was under private ownership and not being used at this time.

“Griffin replied yes.

“Beam stated that she was very excited that the property was being changed from Light Industrial to Medium Density Residential and would like to see a traffic study done.

MOTION:

“Motion by Beam, second by Lorraine Arney – Planning and Zoning Commissioner to APPROVE Case Number ZONE-34804-2021.

“Motion carried unanimously (5-0, with Fred Dammeyer – Planning and Zoning Vice-Chairman and Joshua Scott – Planning and Zoning Commissioner absent).’

Mailing List for Case No. ZONE-34804-2021

Name Line 1	Address Line 2	Address Line 3	Address Line 4
PALOS ROGELIO SOSA &	340 W 32ND ST SP 353	YUMA, AZ 85365	664-16-149
DESERT HOLDINGS OF YUMA AZ LLC	PO BOX 208	YUMA, AZ 85366	664-16-140
YUMA UNION HIGH SCHOOL DIST # 70	3150 S AVENUE A	YUMA, AZ 85364	664-16-006
YUMA CITY OF	ONE CITY PLAZA	YUMA, AZ 85364	664-16-012
DIAZ BALFER D	1438 S 10TH AVE	YUMA, AZ 85364	664-16-044
CAMACHO RIGOBERTO CURIEL	1111 S 13TH AVE	YUMA, AZ 85364	664-16-043
AHUMADA RAFAEL & MARIA S JT	1119 S 13TH AVE	YUMA, AZ 85364	664-16-042
ROBLES ADALBERTO & MARIA L TR 7-26-07	1103 W 37TH ST	YUMA, AZ 85364	664-16-041
MARTINEZ PABLO & 1108 S 12TH AVE LLC	1100 S 12TH AVE 7252 W ROBIN LN	YUMA, AZ 85364 GLENDALE, AZ 85310	664-16-021 664-16-022
JIMENEZ CRUZ M & MARTHA A JT	1116 S 12TH AVE	YUMA, AZ 85364	664-16-023
RAMIREZ GREGORIO & ROSA JT	1124 S 12TH AVE	YUMA, AZ 85364	664-16-024
QUINTERO RICARDO & MARIA &	1132 S 12TH AVE	YUMA, AZ 85364	664-16-025
GARCIA REMIGIO D & GUADALUPE T	PO BOX 2894	YUMA, AZ 85366	664-16-066
GONZALEZ GONZALO M & CARMEN M JT	1111 S 12TH AVE	YUMA, AZ 85364	664-16-065
AGUILAR ABUNDIO & REBECCA JT	1117 S 12TH AVE	YUMA, AZ 85364	664-16-064
CRUZ JOSE & NATIVIDAD JT	541 GURLEY RD	GRANGER , WA 98932	664-16-063
BUB CHARLES A	1133 S 12TH AVE	YUMA, AZ 85364	664-16-062
BENAVIDES WILLIAM SANTOS & HILARIA LOPEZ	1102 S AVENUE A	YUMA, AZ 85364	664-16-045
NAVARRETE JOHN A	1110 S AVENUE A	YUMA, AZ 85364	664-16-046

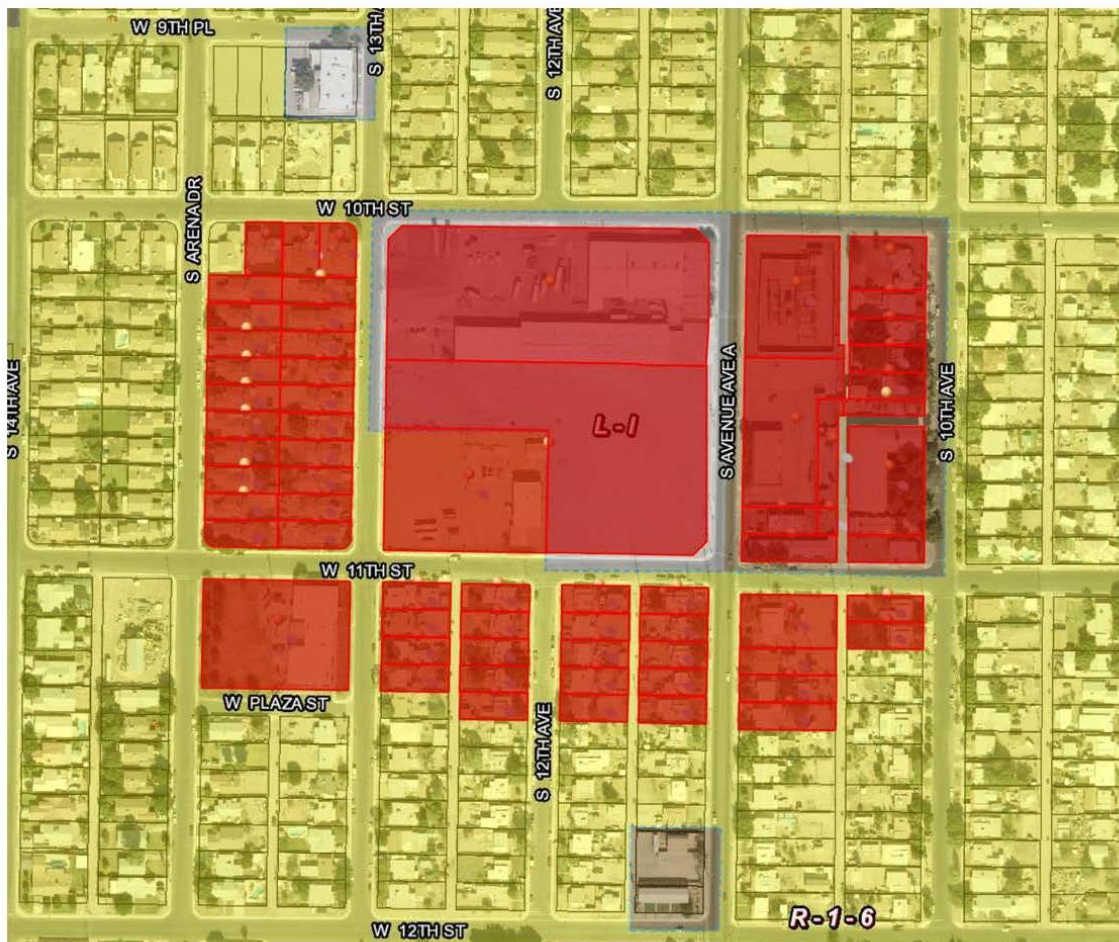
Mailing List for Case No. ZONE-34804-2021

GARCIA VICTOR	2185 S 5TH AVE	YUMA, AZ 85364	664-16-047
VALDEZ GUADALUPE C	1126 S AVENUE A	YUMA, AZ 85364	664-16-048
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	340 W 32ND ST #504	YUMA, AZ 85364	664-16-049
FUENTES VICTOR & BERTHA JT	1022 S 13TH AVE	YUMA, AZ 85364	664-16-093
ROSALLES ANAHI DOWDEN	1030 S 13TH AVE	YUMA, AZ 85364	664-16-094
CASTANEDA GRACIELA	1038 S 13TH AVE	YUMA, AZ 85364	664-16-095
CRUZ ARMANDO S & MARIA J JT	1046 S 13TH AVE	YUMA, AZ 85364	664-16-096
HERNANDEZ GLORIA	1054 S 13TH AVE	YUMA, AZ 85364	664-16-097
HERNANDEZ STEPHEN M	1060 S 13TH AVE	YUMA, AZ 85364	664-16-098
PRECIADO FRANCISCA	PO BOX 3696	SALINAS, CA 93912	664-16-099
ORTIZ HECTOR & VANESSA JAZMINE	1076 S 13TH AVE	YUMA, AZ 85364	664-16-100
MARTINEZ JOSE	1084 S 13TH AVE	YUMA, AZ 85364	664-16-101
EHLE ROSALINDA C	1319 W 10TH ST	YUMA, AZ 85364	664-16-092
VASQUEZ ETY	1331 W 10TH ST	YUMA, AZ 85364	664-16-114
DOMINGUEZ REYNA S		YUMA, AZ 85364	664-16-112
MEADE RICHARD L & JOSIE JT	1083 S ARENA DR	YUMA, AZ 85364	664-16-104
AGUIRREBARRENA ARTURO & VERONICA JT	1075 S ARENA DR	YUMA, AZ 85365	664-16-105
DOMINGUEZ JOSE F MERCADO	1061 S ARENA DR	YUMA, AZ 85364	664-16-107
MARTIN EVANGELINA R	1069 S ARENA DR	YUMA, AZ 85364	664-16-106
PATENA ELISEO G & MINERVA	1053 S ARENA DR	YUMA, AZ 85364	664-16-108
GALLAGA MARK T & JANICE I	11199 E 26TH LN	YUMA, AZ 85367	664-16-109
HERNADEZ ARTURO & SOCORRO JT	1037 S ARENA DR	YUMA, AZ 85364	664-16-110
BRACAMONTE LAZARO F	3029 W 12TH LN	YUMA, AZ 85364	664-16-111
VARGAS JOSE D	1092 S 13TH AVE	YUMA, AZ 85364	664-16-102
LOPEZ ALBERT	1091 S ARENA DR	YUMA, AZ 85364	664-16-103
PICHARDO MARTHA D	1311 W 10TH ST	YUMA, AZ 85365	664-16-091
RODRIGUEZ IGNACIO M & MARY G TR 11-14-03	2630 S JAMES AVE	YUMA, AZ 85365	665-09-227
LAGUNA EARLENE F	3040 E SHEA BLVD SPC 2259	PHOENIX, AZ 85028	665-09-206
ESPINOZA JOSE C & ROSALINDA JT	1110 S 10TH AVE	YUMA, AZ 85364	665-09-207
MIKKELSEN LOUIS H & ROSALIND E JT	1119 S AVENUE A	YUMA, AZ 85364	665-09-226
GAMBOA EVERARDO & MARGARITA JT	1129 S AVENUE A	YUMA, AZ 85364	665-09-225
NAVARRO DALLAN	1131 S AVENUE A	YUMA, AZ 85364	665-09-224
H2A HOUSING CA LLC	PO BOX 4070	SALINAS, CA 93912	665-09-281
H2A HOUSING CA LLC	PO BOX 4070	SALINAS, CA 93912	665-09-200
H2A HOUSING CA LLC	PO BOX 4070	SALINAS, CA 93912	665-09-277
ARIZONA PUBLIC SERVICE COMPANY	PO BOX 53999, MS 9505	PHOENIX, AZ 85072-3940	665-09-205

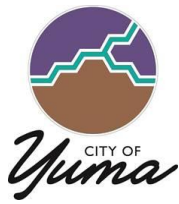
Mailing List for Case No. ZONE-34804-2021

ZAMORA MAXIMO R AND LETICIA TRUST 4-1-09	513 S 16TH AVE	YUMA, AZ 85364	665-09-272
ZAMORA MAXIMO AND LETICIA TRUST 4-1-09	513 S 16TH AVE	YUMA, AZ 85364	665-09-273
ORTEGA AMARAL RICARDO G ALVAREZ JOANNA L	1020 S 10TH AVE 1024 S 10TH AVE	YUMA, AZ 85364 YUMA, AZ 85364	665-09-274 665-09-275
RIVERVIEW CONGREGATION OF JEHOVAHS WITNESSES YUMA ARIZONA	1051 S AVE A	YUMA, AZ 85364	665-09-282
H2A HOUSING CA LLC	PO BOX 4070	SALINAS, CA 93912	665-09-276
AMERICAN HOME BUYERS LLC	1407 W CAMINO REAL	YUMA, AZ 85364	665-09-279
H2A HOUSING CA LLC	PO BOX 4070	SALINAS, CA 93912	665-09-280
MARTIN DANIEL MICHAEL III H2A HOUSING CA LLC	11760 AVEMIDA ANACAPA PO BOX 4070	EL CAJON, CA 92019 SALINAS, CA 93912	665-09-202 665-09-278

Notification Area – Case No. ZONE-34804-2021



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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		07/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		07/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		07/06/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Amelia Griffin		06/28/2021	



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: AMELIA GRIFFIN

Hearing Date: June 14, 2021

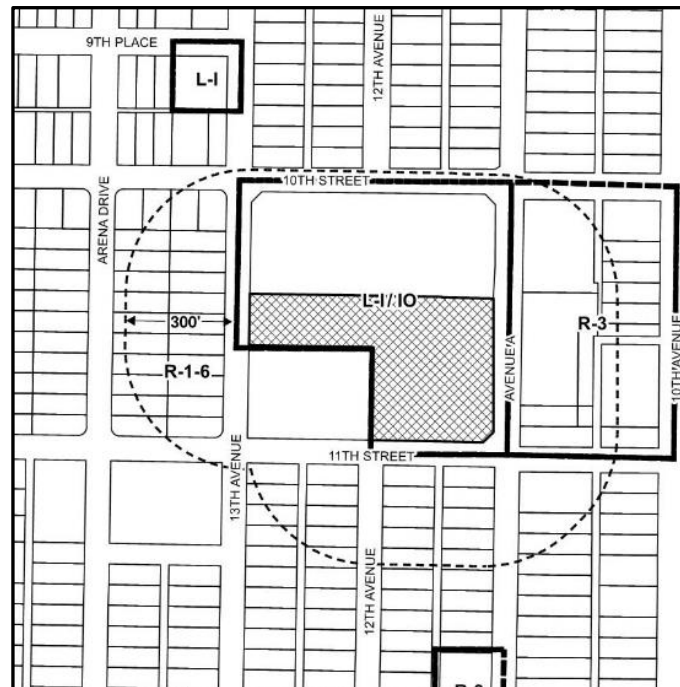
Case Number: ZONE-34804-2021

Project Description/Location:

This is a request by Core Engineering Group, PLLC, on behalf of Rogelio Sosa Palos and Ma Del Pilar Soto Martinez, to rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the property located at the northwest corner of Avenue A and 11th Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/IO) District	Vacant	Medium Density Residential
North	Light Industrial/Infill Overlay (L-I/IO) District	Industrial Warehousing	Low Density Residential
South	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single-family Residences	Low Density Residential
East	High Density Residential/Infill Overlay (R-3/IO) District	Church and Apartments	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single-family Residences	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. 740 (April 7, 1958); General Plan Amendment: R2016-018 (June 15, 2016); Subdivision: Sosa-Soto Lot Tie/Lot Split (February 11, 2020); Pre-Development Meeting: PDM-34506-2021 (April 1, 2021)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Light Industrial (L-I) District to the Medium Density (R-2) District, while maintaining the existing Infill Overlay (IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-34084-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 3.13 acres from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the property located at the northwest corner of Avenue A and 11th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at the northwest corner of the Avenue A and 11th Street. While currently undeveloped, the intended development for the subject area is a mix of a small lot single-family subdivision and townhomes.

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 maximum lot coverage in the Medium Density Residential (R-2) 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; and
5. A maximum building height of 40 feet;

Additionally, the Infill Overlay (IO) District allows flexibility of design standards such as reduced setbacks and an increase of lot coverage.

The potential residential development could contain between 16 and 42 residential units based on the density limitation outlined in the General Plan. The request to rezone the property from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District is in conformance with the Land Use Element of the General Plan.

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

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?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue A – Minor Arterial	40' H/W	44' H/W				X
11 th Street – Local Street	29' H/W	30' H/W				
13 th Avenue – Local Street	29' H/W	30' H/W				
Bicycle Facilities Master Plan	None					
YCAT Transit System	Avenue A – Purple Route 6A					
Issues:	None					

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

Parks, Recreation and Open Space Element:																																										
Parks and Recreation Facility Plan																																										
Neighborhood Park:	Existing: Netwest Park					Future: Netwest Park																																				
Community Park:	Existing: Carver Park					Future: Carver 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:	South Avenues																																									
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:	None																																									
Public Services Element:																																										
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person			<table border="1"> <thead> <tr> <th colspan="2">Dwellings & Type</th> <th rowspan="2">Projected Population</th> <th rowspan="2">Police Impact</th> <th colspan="2">Water Consumption</th> <th rowspan="2">Wastewater Generation</th> </tr> <tr> <th>Maximum</th> <th>Per Unit</th> <th>Officers</th> <th>GPD</th> <th>AF</th> </tr> </thead> <tbody> <tr> <td>42</td> <td>2.8</td> <td>118</td> <td>0.22</td> <td>35,280</td> <td>39.5</td> <td>11,760</td> </tr> <tr> <td colspan="2">Minimum</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>16</td> <td>2.8</td> <td>45</td> <td>0.08</td> <td>13,440</td> <td>15.1</td> <td>4,480</td> </tr> </tbody> </table>							Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation	Maximum	Per Unit	Officers	GPD	AF	42	2.8	118	0.22	35,280	39.5	11,760	Minimum							16	2.8	45	0.08	13,440	15.1	4,480
Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation																																				
Maximum	Per Unit			Officers	GPD		AF																																			
42	2.8	118	0.22	35,280	39.5	11,760																																				
Minimum																																										
16	2.8	45	0.08	13,440	15.1	4,480																																				
Fire Facilities Plan:	Existing: Fire Station No. 1					Future: Fire Station No. 1																																				
Water Facility Plan:	Source:	City	X	Private		Connection:	Avenue A 12" Line																																			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection:	13 th Avenue 18" Line																																		

Issues:	Water and Sewer lines will need to be extended to the property.									
Safety Element:										
Flood Plain Designation:	Zone X			Liquefaction Hazard Area:			Yes		No	X
Issues:	None									
Growth Area Element:										
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.			
	North End		Pacific Ave & 8 th St		Estancia		None	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:

Name:	Charles Bub				Contact Information: (928) 723-9505						
Method of Contact:	Phone		FAX		Email		Letter		Other	X	In Person
Questions regarding the proposed development and hearing dates.											

External Agency Comments:

See Attachment.

Neighborhood Meeting Comments:

See Attachment.

Proposed conditions delivered to applicant on: June 2, 2021

Final staff report delivered to applicant on: June 3, 2021

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: June 2, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E
Conditions of Approval	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Aerial Photo

Prepared By:
Amelia Griffin
Associate Planner



Date: 06/03/21

Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 06/03/2021

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:

Community Development Comments: Alyssa Linville, Assistant Director Community Development, (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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning, Amelia Griffin, Associate Planner, (928) 373-5000 x3034

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** (05/21/21)
- **300' Vicinity Mailing:** (04/26/21)
- **34 Commenting/Reviewing Agencies noticed:** (04/29/21)
- **Site Posted on:** (06/07/21)
- **Neighborhood Meeting:** (05/06/21)
- **Hearing Date:** (06/14/21)
- **Comments due:** (05/10/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	04/29/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/29/21	X		
Yuma County Planning & Zoning	YES	05/10/21	X		
Yuma County Assessor	YES	05/05/21	X		
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	YES	04/29/21			X
Crane School District #13	NR				
A.D.O.T.	YES	05/03/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	04/29/21	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	05/03/21	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	04/29/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/29/21			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
AGENCY COMMENTS

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

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the case for APN 664-16-149 and has no objections to the rezoning from L-I to R-2. The subject parcel is located under a known flight path. If approved, it is requested that an Aviation Disclosure Statement be recorded that recognizes the noise, interference, or vibrations due to aviation operations that may occur at the nearby MCAS Yuma / Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded disclosure to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	29 Apr 2021	NAME:	 Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Amelia Griffin Amelia.Griffin@YumaAZ.gov				

Is the intent for this property for H2A Visa housing? If so, I reiterate my concern about the amount of H2A Visa housing concentrated near neighborhood schools in Yuma's core. Company housing contributes to declining enrollment at neighborhood schools, a key piece of our city's infrastructure. It also results in minimal economic contribution to the local economy because the workers are only here part of the year, and they only buy bare essentials at local shops, sending a good deal of their earnings back to their families.

DATE:		NAME:	James Sheldahl	TITLE:	Superintendent
AGENCY:	Yuma School District #1				
PHONE:					
RETURN TO:	Amelia Griffin Amelia.Griffin@YumaAZ.gov				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

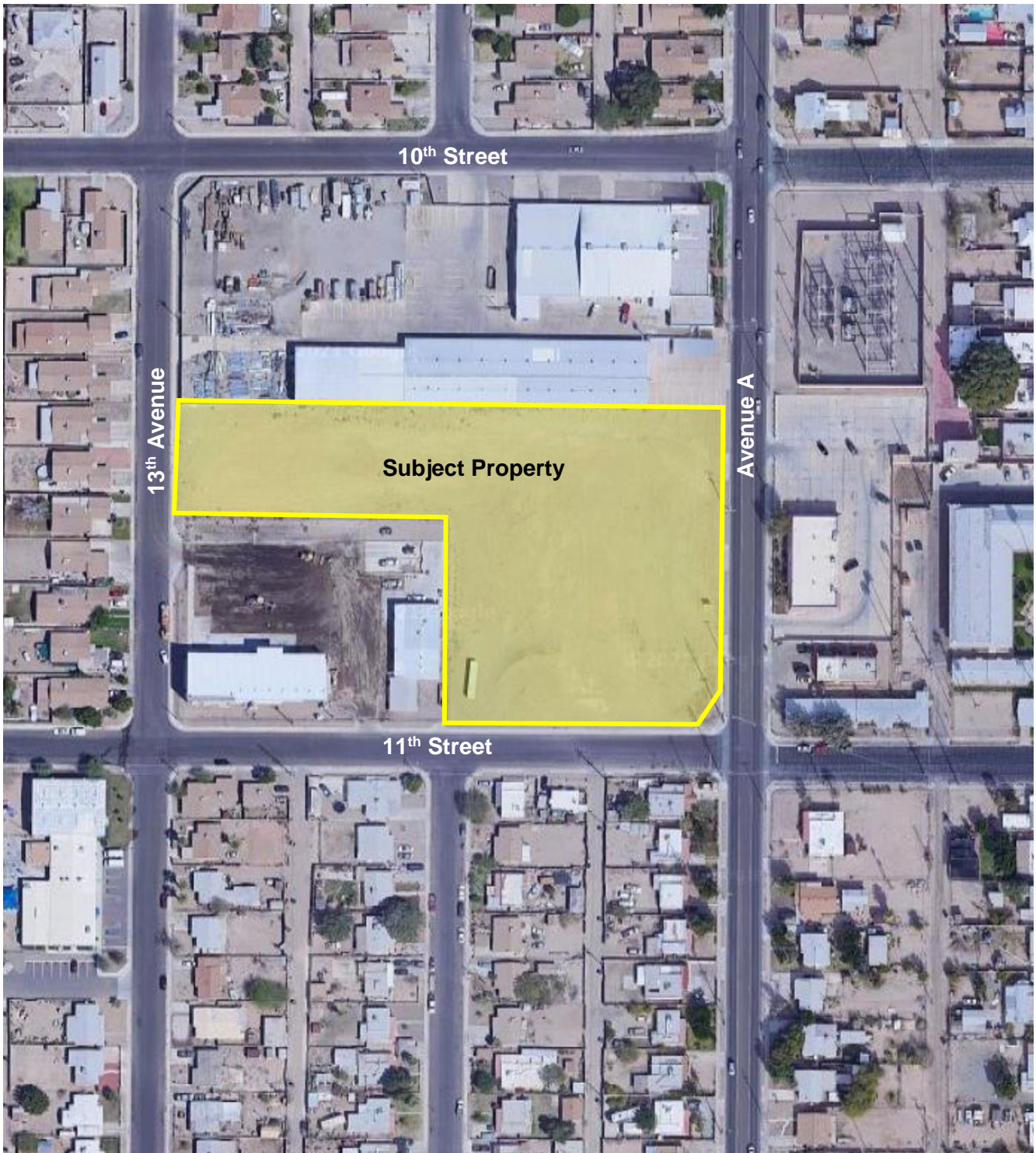
Date Held: May 6, 2021

Location: On-Site

Attendees: Kevin Burge, Yamen Al-Alou, Mohamad Al-Alou, and Amelia Griffin.

THERE WERE NO ATTENDEES AT THE NEIGHBORHOOD MEETING.

ATTACHMENT E
AERIAL PHOTO



ORDINANCE NO. O2021-028

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 LIGHT INDUSTRIAL (L-I) 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 June 14, 2021 in Zoning Case no: ZONE-34804-2021 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 21, 2021; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-34804-2021 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 A of the Sosa-Soto Lot Tie being a portion of the Southeast quarter of Northeast quarter of Section 29, Township 8S, Range 23 W of the Gila and Salt River Base and Meridian, Yuma County, Arizona as recorded in Book 31, Page 43 of Plats, Yuma County Records, Fee Number 2020-04857.

Containing 3.13 acres, 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.

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 shall submit to the City of Yuma, for recordation, a signed and notarized “Waiver of Claims under the Private Property Rights Protection Act.” The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.

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 _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

