

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
DECEMBER 17, 2025
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

David Clark, Immaculate Conception Church, gave the invocation. **Captain Michael Wilcher**, Yuma Police Department, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

Councilmembers Present: Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Administrative Support Manager, Jasmin Rodriguez
Director of Finance, Douglas Allen
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

Chapman Donation to Parks and Recreation

Rodriguez announced that Chapman Auto Group generously donated \$400,000 to fund a splash pad and ramada at East Mesa Community Park, supporting the Parks and Recreation Department's mission to enhance community recreational opportunities.

Patti Jacobson, on behalf of Chapman Auto Group, thanked the City for the opportunity to contribute to the construction of a new park and expressed excitement about supporting the community and creating a new space for residents to enjoy.

Mayor Nicholls thanked Chapman Auto Group for their generous contribution to the East Mesa Community Park. The project once seemed like a steep challenge, but partnerships like this make the goal achievable. The donation will accelerate completion of a first-class park that meets the vision of the growing community.

I. MOTION CONSENT AGENDA

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

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

Regular Council Worksession November 18, 2025

B. Executive Session

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

C. Approval of Staff Recommendations

1. Approve a Class A Bingo License application submitted by Erickia Kanies on behalf of Westward Village located at 3300 S. 8th Avenue. (BL25-02) (Admin/Clk)
2. Approve a Series #12: Restaurant Liquor License application submitted by Alejandro Zapata Trujillo, agent for J. T. Bros Sandwich Shop located at 2630 S. 4th Avenue. (LL25-20) (Admin/Clk)
3. Authorize the purchase and delivery of handguns to the lowest responsive and responsible bidder in the amount of \$117,920.00 to Proforce Law Enforcement, Prescott, Arizona. (RFB-26-139) (YPD)

II. RESOLUTION CONSENT AGENDA

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

Bushong displayed the following titles:

Resolution R2025-102

A resolution of the City Council of the City of Yuma, Arizona, authorizing an intergovernmental agreement between the City of Yuma and the Arizona Department of Forestry and Fire Management (acting on behalf of the Arizona Office of the State Fire Marshal) to allow the Yuma Fire Department to apply the City's local fire code in school inspections (eliminates the need for inspectors to cross-train on both the local and state fire codes, improving efficiency, accuracy, and uniformity in enforcement and service delivery) (YFD)

Resolution R2025-104

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Marcos L. Orduno and Viviana Galvan Vargas for Assessor Parcel Number 696-29-010 located at 3101 S. Avenue 3E (agreement will allow the property owners to connect to City water services until such time that an annexation can be brought forward) (Comm Dev/Comm Plng)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following titles:

Ordinance O2025-049

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain City-owned real property, hereafter described, surplus for City use, and authorizing the sale of the surplus property through a competitive process (declare six parcels of property located in the Pivot Point Yuma Subdivision surplus and authorize sale utilizing a project-based request for proposal or other competitive process) (Comm Dev/Econ Dev)

Ordinance O2025-051

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code to comply with state statute with respect to administrative design review and approval and allow Design and Historic Review Commissioners to participate by voice or video; and declaring an emergency (transfers design review authority in the Aesthetic Overlay District from the Design and Historic Review Commission to the Zoning Administrator as required by House Bill 2447) (ZONE-44497-2025) (Comm Dev/Comm Plng)

Ordinance O2025-052

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 153 and Chapter 154 of the Yuma City Code to comply with state statute relating to municipal administrative reviews; and declaring an emergency (transfers review authority for preliminary plats, final plats, and plat amendments from the Planning and Zoning Commission and City Council to the Department of Community Development as required by House Bill 2447) (ZONE-44496-2025) (Comm Dev/Comm Plng)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title:

Ordinance O2025-050

An ordinance of the City Council of the City of Yuma, Arizona, annexing to the City of Yuma, a portion of Section 18, Township 9 South, Range 22 West of the Gila and Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Light Industrial (L-I) and designating certain property to the Agriculture (AG) zoning district, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes as amended (annex four parcels of property located west of the southwest corner of 40th Street and Avenue 4½E) (ANEX-44331-2025) (Comm Dev/Comm Plng)

V. PUBLIC HEARING AND RELATED ITEMS

MC 2025-193 – Public Hearing: Biennial Development Fee Audit FY 2024 (conduct a public hearing on the Development Fee Biennial Certified Audit in accordance with Arizona Revised Statutes § 9-463.05 and Yuma City Code § 157.05) (Fin/Eng)

Mayor Nicholls opened the public hearing at 5:44 p.m.

Allen announced that the biennial audit for fiscal years 2023-2024 was completed by Wildan Financial Services and posted on the City’s website on December 10, 2025. He emphasized that a public hearing must

occur within 60 days of the posting and introduced **Dan Jackson**, Vice President of Wildan Financial Services, to present the audit findings.

Jackson presented the following information:

- The purpose of the audit was to review Yuma's development fee program for fiscal years 2023-2024 and confirm compliance with Arizona state statute ARS 9-463.
- Development fees help fund public services for new growth, based on Land Use Assumptions and an Infrastructure Improvement Plan adopted by City council.
- The audit examined Land Use Assumptions, revenues and expenditures, level of service standards, and permit sampling for accuracy.
- Land use projections from 2019 were highly accurate. Residential growth reached 90% of projections, while commercial growth exceeded forecasts.
- The City collected \$3.7 million in development fees but spent \$6.3 million on eligible projects, ensuring all fee revenue was used appropriately.
- There was no evidence of discrimination in service levels between new and existing development; improvements benefited the entire community.
- Permit sampling showed the City properly assessed and calculated development fees in all cases reviewed.
- Overall, Yuma's development fee program is fully compliant with state guidelines and competitive with other Arizona cities.
- It is recommended that the City update non-utility development fees every five years. The last update was in 2019, and rising construction costs make a new study essential.

Motion (Morales/Watts): To close the Public Hearing. Voice vote: **approved 7-0**. The Public Hearing closed at 5:56 p.m.

Discussion

- It is common for municipalities to collect less in development fees than they spend on growth-related projects. State law allows cities to recover all growth costs through impact fees, but most choose not to impose the maximum fee to avoid discouraging development. Typically, cities recover about 50% of these costs, balancing revenue needs with economic growth objectives. **(Morales/Jackson)**
- Municipalities can spend collected development fees even under expenditure limits, as these fees can be applied to debt service for bonded projects. Using fees directly for projects is preferred because development fee revenues fluctuate with construction activity, making them less reliable for long-term obligations. The \$2.6 million shortfall was covered primarily by other funding sources: Public Safety Tax for Fire and Police facilities, the Special 2% Tax for park development, Road Tax for streets, and General Fund revenues for the remaining costs. **(Morales/Allen)**
- Historical comparisons of development fees collected versus eligible expenditures will be prepared to evaluate long-term trends. Maintaining moderate development fees is essential to balance revenue needs with economic growth, as excessive fees could discourage construction and reduce overall revenue. **(Morris/Jackson)**
- Restructuring residential development fees based on square footage or bedroom count, similar to commercial fees, could improve fairness and support affordable housing. However, implementing such changes would require significant administrative effort and legal review to ensure compliance with state statutes. **(Morris/Jackson)**

- The Infrastructure Improvement Plan remains in use alongside the Capital Improvement Plan, and audits continue on a two-year cycle. A new development fee study is overdue; the City has engaged a consulting firm, and the update process is expected to take 12–18 months. (**Mayor Nicholls/Jackson/Simonton**)

VI. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- Board of Regents Dinner and Meeting
- University of Arizona Medical School Announcement
- Southwest Contractors Annual Golf Tournament
- Arizona Space Commission Meeting
- Congressional Border Briefing
- Yuma Fresh Vegetable Luncheon
- Americans for Prosperity Border Security Panel
- Meeting with Taiwanese University at Arizona Western College
- Border Patrol Cornerstone Leadership Program
- Governor’s Homeless Committee Meeting

Mayor Nicholls requested that an Executive Session item for the City Administrator’s review be added to the January 7th agenda.

Morales requested that a six-month update on the spaceport project be added to a future agenda. **Simonton** stated that, due to scheduling constraints, the update is expected to be presented at the first meeting in February.

Scheduling – No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- Newly appointed Fire Chief John Louser was congratulated for a highly successful recruitment process, praised by both internal staff and external fire chiefs for exceptional performance.
- City Hall offices will be closed on December 25-26 for Christmas and January 1-2 for New Year’s Day and the regularly scheduled alternating Friday closure.
- The trash collection schedule will change due to the upcoming holiday, with Thursday routes collected on Wednesday and Friday routes remaining unchanged.
- The annual Christmas tree recycling program runs from December 26 through January 4 at the Civic Center. Only real trees will be accepted; artificial trees should go to the landfill.

VIII. CALL TO THE PUBLIC

Michael Shelton, City resident, praised the Yuma Fire Department for their professionalism, calm demeanor, and focus when assisting patients at the dialysis center. He commended their training and

equipment, emphasized support for future equipment needs, and noted that all City departments go the extra mile for the public.

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:25 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: <u>JAN 21, 2026</u>
City Clerk: <u>LB</u>