

Upon notice duly given under Arizona Revised Statutes, Section 38-431, et seq., as amended, the City Council of the City of Bullhead City held a regularly scheduled meeting on Tuesday, September 6, 2016, in the City Council Chambers, 1255 Marina Boulevard, Bullhead City, Arizona.

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Brady called the meeting to order at 5:30 p.m. and invited Pastor Rob Lee of Hope United Methodist Church to deliver the invocation. Council Member Shutts led the assembly in the Pledge of Allegiance to the Flag.

**ROLL CALL**

Council Present

Brady, Bruck, Clark, D'Amico, Duvall (via telephone), Ring, Shutts

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Brian Williamson

FINANCE DIRECTOR: Rudy Vera

PUBLIC WORKS DIRECTOR: Pawan Agrawal

HUMAN SERVICES/TRANSIT DIRECTOR: Susan Betts

**PRESENTATIONS AND PROCLAMATIONS**

1. Proclamation declaring Saturday, September 17, 2016, as "Recovery in the Park Celebration Day" in Bullhead City.

Mayor Brady read the proclamation and presented it to Karole Finkelstein, President of Mohave Area Partnership Promoting Educated Decisions (MAPPED). Ms. Finkelstein thanked the community for their support and encouraged all citizens to attend the event to be held on Saturday, September 17 at Community Park.

**OPEN CALL TO THE PUBLIC**

Mayor Brady opened the call to the public.

Larry Tunforss said he was a member of the Mohave Substance Abuse Team (MSAT). He said they would be distributing informational placements to pharmacy locations throughout the tri-state area. He said this was an opportunity for anybody, at any time of the year, to safely get rid of unwanted and outdated prescription drugs.

Having no one else present wishing to speak, Mayor Brady closed the call to the public.

**AGENDA MODIFICATIONS**

None

**WAIVER MOTION**

**MOTION:** Vice Mayor D'Amico made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Ring seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

**MANAGER'S REPORT**

1. Introduction of Joe Iburg, Pest Abatement Manager

City Manager Cotter stated the new Pest Abatement Manager began employment in early August. He said the Bullhead City Pest Abatement District was funding the position to address the insect population issues within the community. Joe Iburg said he was an entomologist and scientist and had experience in researching black flies and mosquitoes. He said he would work with Clark County on pest control and also provide public information. He said his contact and program information was posted on the Bullhead City website.

2. General Plan Status Update

City Manager Cotter said the General Plan Update was passed by the voters at the August primary election, and said the approved Plan would be in effect for the next ten years. He said Arizona law called for general plans to be approved by the voters every ten years.

3. New Adult Softball Leagues

Ashlee Bennett, Recreation Supervisor, said they have created a structure to improve the softball leagues this year. She said inexperienced and experienced people could all play softball on the city's fields and have a great time. She said social leagues cost \$100 one-time fee for the entire team, B Leagues \$300, and A Leagues \$500, which covers the cost of two umpires and scorekeepers. She said registration information could be found on the city's website or people could register at City Hall. She said the eighth annual Senior Softball Classic would begin on October 28, and the Toys for Kids tournament would begin on December 11.

4. Riverview Drive Project

City Manager Cotter said the apparent project low bidder was McCormick Construction from Bullhead City. He said construction was anticipated to begin sometime this Fall.

5. Moss Mine Update

Dick Whittington said the price of gold has increased, and the ability for companies to raise funds also has improved. He said they were successful in raising \$5.5 million in order to proceed with activities in preparation for construction of the Moss Mine. He said they were proceeding with the pre-construction technical and detailed engineering portion of the project. He said Dr. David Stone

would serve as Project Manager for the next 12 to 18 months and oversee the construction activities. He said they had another \$35 million to raise, including a bank loan. He said they would procure \$6.5 million in equipment financing at much better terms than a mortgage.

**MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS**

Council Member Clark stated he attended three water conferences and a water drought meeting last month. He said the Federal Bureau of Reclamation projected no water shortage for the area next year, but projected a high probability of a shortage in 2018. He said Lake Powell had been filling nicely over the last few years and was now 54 percent full as of today. He said an excess flow release from Lake Powell to Lake Mead might be made next year. He said the city was doing a good job in budgeting \$200,000 for a water conservation program compared to other Arizona communities. He said the Arizona Department of Water Resources was looking at the same percentages throughout the state.

Mayor Brady congratulated Kathy Bruck, Mark Clark, Tami Ring, and Sheila Shutts for being re-elected at the primary election held last week. He said the city saved about \$30,000 or more for not having to pay any election costs at the November general election.

**ITEMS WITHDRAWN FROM CONSENT AGENDA**

None

**CONSENT AGENDA**

**MOTION:** Council Member Clark made a motion that Item No. 1 on the consent agenda be approved in accordance with the reports, certifications, and recommendations furnished each Council Member and without further discussion. Council Member Ring seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

Items on the consent agenda were approved as follows:

1. Approval of the Minutes of the Regular Council Meeting held on August 16, 2016. (City Clerk Stein)

**PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA**

None

**BOARD/COMMISSION/COMMITTEE APPOINTMENTS**

None

**PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS**

2. **PUBLIC HEARING.** Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the Application for a Person Transfer of Series 6 Liquor License No. 06080022 submitted by Andrea Dahlman Lewkowitz for the Encore located at 881 Hancock Road in Bullhead City. (City Clerk Stein)

Jackie Arnold said she was the new manager for Babe's Bullspit Bar and Barbeque Restaurant. She said the establishment would feature country and western music with a completely different atmosphere than other bars in town.

Mayor Brady opened the public hearing. Having no one present wishing to speak, Mayor Brady closed the public hearing.

**MOTION:** Council Member Ring made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the Application for a Person Transfer of Series 6 Liquor License No. 06080022 submitted by Andrea Dahlman Lewkowitz for the Encore located at 881 Hancock Road in Bullhead City. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

**ACTION ITEMS**

**Building, Planning and Zoning Items**

None

**Bid Awards, Contracts, Intergovernmental Agreement, and Purchases**

3. Discussion and possible action to adopt Resolution No. 2016R-39 approving an Intergovernmental Agreement between the City of Bullhead City and Mohave County for Mosquito Treatment Funding. (Human Services/Transit Director Betts)

City Manager Cotter stated the city and the county have been working together over the past months on mosquito and pest abatement. He said this federal \$25,000 in grant funding would help not only to attack the mosquitoes, but to study where the mosquitoes were coming from and to treat those locations. He said the city would share the results of its pest abatement studies and treatment with the county for the administration of this agreement and the county's grant. He said this agreement has a one-year term than could be extended for an additional year.

Mayor Brady said Bullhead City, Clark County and the Pest Abatement District working together would help correct the pest problems. He said Mr. Iburg was the right person for the job and would be a great asset to the citizens.

**MOTION:** Council Member Shutts made a motion to adopt Resolution No. 2016R-39 approving an Intergovernmental Agreement between the City of Bullhead City and Mohave County for Mosquito Treatment Funding. Vice Mayor D'Amico seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

4. Discussion and possible action to approve the purchase of replacement membranes from Zenon Environmental Corporation for the Section 18 Wastewater Treatment Plant in an amount not to exceed \$759,339.50; and authorize the City Manager to execute all appropriate documents and approve resultant payments. Funds have been budgeted in Wastewater Operations for this purpose. (Public Works Director Agrawal)

Public Works Director Agrawal said in 2007, the capacity at Section 18 plant was expanded from 0.75 million gallons per day to 2 million gallons per day. He said membranes were installed to filter the final effluent. He said the life expectancy of these membranes manufactured by Siemens (now Evoqua) was five years. He said the membranes were replaced in 2012 and have now surpassed their useful life. He said staff was recommending purchasing Zenon membranes that have a proven track record of longer life that what has been experienced at the plant. He said Zenon membranes routinely have lasted up to ten years or longer, and said the price had become more reasonable. He said this request was included and approved in the capital improvement purchases during the 2016-2017 fiscal budget meetings.

Mayor Brady asked if anyone from the public wanted to speak. No one from the public spoke.

**MOTION:** Council Member Clark made a motion to approve the purchase of replacement membranes from Zenon Environmental Corporation for the Section 18 Wastewater Treatment Plant in an amount not to exceed \$759,339.50; and authorize the City Manager to execute all appropriate documents and approve resultant payments. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

5. Discussion and possible action to adopt Resolution No. 2016R-40 approving Amendment No. 1 to the implementation agreement with the U. S. Bureau of Reclamation to provide the city with up to \$1,038,200 to design, permit, and construct two injection wells and appurtenances to inject 8,800 acre-feet of effluent for use by the Colorado River System, authorize the Mayor to execute the agreement and to direct the City Manager to take all necessary actions to implement the agreement. (Public Works Director Agrawal)

City Manager Cotter stated the grant funded by the Bureau of Reclamation was previously approved by the Council in the approximate amount of \$500,000; and said currently funding was more than \$1 million available for an innovative method to conserve water. He said the grant had no strings attached, and said the city had opportunities to make money in four years, or keep the water.

Public Works Director Agrawal said the purpose of this pilot program was to find ways to retain as much water as possible behind Hoover Dam, while maintaining system flows downstream to the maximum extent possible. He said the city's proposal was accepted by the Bureau of Reclamation in February 2015; and the city submitted a formal proposal in May 2015 consisting of the construction of two injection wells, piping and pump improvements to convey the effluent from the Section 10 plant to the two wells. He said the preliminary cost estimate was \$520,000 to design and construct the injection system. He said in September 2015, the City Council approved a contract with Hydro-Systems, Inc. to design the injection wells. He said the design was nearing completion and said a revised cost estimate for the project was prepared in June 2016. He said the cost of the project had increased significantly from the original estimate. He said to keep the total cost per acre-foot of effluent injected approximately the same as the original agreement, the Bureau of Reclamation requested the quantity of effluent injected be increased to 8,800 acre-feet and the timeframe to accomplish this increased from two to four years. He said staff felt this was a reasonable and fair request. He said the Bureau of Reclamation and its funding partners have approved the amended proposal on July 28, 2016. He said they had a permit from the Arizona Department of Environmental Quality to construct the wells. He said when the project was completed and when the city met the obligation of injecting 8,800 acre-feet of effluent, the injection wells and associated improvements would remain the property of the city for future use.

Council Member Clark said the city's effluent was currently stored in evaporation ponds that did not percolate back into the system, and said the injection wells would allow the cities downstream and help shore up the elevations in Lake Mead. He said the city would be putting a substantial amount of water back into the system.

Mayor Brady asked if anyone from the public wanted to speak.

Eva Corbett asked where the project would be located. Mayor Brady said the project would be constructed at the Section 10 Wastewater Treatment Plant near the Target shopping center.

**MOTION:** Vice Mayor D'Amico made a motion adopt Resolution No. 2016R-40 approving Amendment No. 1 to the implementation agreement with the U. S. Bureau of Reclamation to provide the city with up to \$1,038,200 to design, permit, and construct two injection wells and appurtenances to inject 8,800 acre-feet of effluent for use by the Colorado River System, authorize the Mayor to execute the agreement and to direct the City Manager to take all necessary actions to implement the agreement. Council Member Clark seconded the motion.

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

**Other Business**

6. Discussion and possible action to approve a new employment agreement with Peter Psareas as City Magistrate. (City Manager Cotter)

City Magistrate Psareas thanked the City Council for the opportunity to serve for the past five years as City Magistrate, and thanked city staff for their support.

Mayor Brady asked if anyone from the public wanted to speak.

Ryan Dooley said he was a practicing attorney in Bullhead City. He said the judge has provided valuable service to the Bullhead City Court, and strongly recommended renewal of his contract.

**MOTION: Council Member Ring made a motion to approve a new employment agreement with Peter Psareas as City Magistrate. Council Member Duvall seconded the motion.**

**VOTE:** AYES: Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: Brady  
ABSENT: None

**MOTION CARRIED**

7. Discussion and possible action to approve Ordinance No. 2016-12 adopting an Amendment to Section 12.12.043 of the Bullhead City Municipal Code concerning service dogs on athletic fields. (Recreation Manager Heath)

City Manager Cotter said this was a technical amendment to the Bullhead City Code. He said this amendment removed the absolute requirement for some type of certification or documentation identifying dogs as service dogs. He said service dogs were subject to leash requirements and any service dog which displays dangerous propensities may still be prohibited from sports fields.

Mayor Brady asked if anyone from the public wanted to speak. No one from the public spoke.

**MOTION: Council Member Shutts made a motion to approve Ordinance No. 2016-12 adopting an Amendment to Section 12.12.043 of the Bullhead City Municipal Code concerning service dogs on athletic fields. Council Member Ring seconded the motion.**

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

8. Discussion and possible action to adopt Resolution No. 2016R-41 supporting an amendment and/or change in the interpretation of Internal Revenue Code Section 136 to create water conservation (rebate) tax parity. (City Manager Cotter)

City Manager Cotter stated 1099 forms were currently required to be provided for water conservation rebates as earned income. He said there was a lot of discussion with the major water authorities because the IRS had not provided significant guidelines. He said the water authorities have asked Congress to change the tax code to make the rebates more of an energy conservation item. He said they would seek support from Arizona's congressional delegation.

Council Member Clark said he recently attended the National Water Association Western Regional Conference where they discussed the issue. He said they were proposing to make a change to the federal tax code to add water next to power to provide tax exempt rebates. He said the proposed resolution was provided to the Mohave Valley Water Authority and the Mohave Valley Irrigation and Drainage District Board.

Mayor Brady asked if anyone from the public wanted to speak.

Royanne Ortiz asked if the city had been issuing 1099s. City Manager Cotter stated they initiated the practice about a month ago, but said they would not go back any further. He said the city took the position if the IRS determined the rebates were earned income, they would treat them as such.

**MOTION: Council Member Clark made a motion to adopt Resolution No. 2016R-41 supporting an amendment and/or change in the interpretation of Internal Revenue Code Section 136 to create water conservation (rebate) tax parity. Council Member Bruck seconded the motion.**

**VOTE:** AYES: Brady, Bruck, Clark, Duvall, Ring, Shutts NAYS: D'Amico  
ABSENT: None

**MOTION CARRIED**

**COUNCIL REQUESTED ITEMS**

None

**ADJOURNMENT**

**MOTION: Council Member Shutts made a motion to adjourn. Council Member Ring seconded the motion.**

**VOTE:** AYES: Brady, Bruck, Clark, D'Amico, Duvall, Ring, Shutts NAYS: None  
ABSENT: None

**MOTION CARRIED**

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:38 p.m.



**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct record of the regular meeting of the City Council of the City of Bullhead City held on the 6th day of September 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September 2016.

*Dennis Ogden, Deputy City Clerk*  
p Susan Stein, MMC, CPM  
City Clerk