

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 Special Meeting on Tuesday, August 15, 2017 in the Council Chambers, 1255 Marina Blvd., Bullhead City, Arizona.

CALL TO ORDER

Mayor Brady called the special meeting to order at 3:30 p.m.

ROLL CALL

Council Present

Brady, Bruck, Clark, D'Amico, Ring, Shutts, Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

DEPUTY CITY CLERK: Debie Ogden

POLICE CHIEF: Brian Williamson

DISCUSSION ITEM

1. Discussion and review of the proposed Lexipol Policy Manual for the Bullhead City Police Department.

City Manager Cotter stated they would review the proposed new policy manual for the Police Department today, and said they would consider approval of the document at the September 5th regular council meeting.

Police Chief Williamson stated this manual was an important project for the Police Department. He said they had been working for some time with both the Fraternal Order of Police and the Police Officers' Association. He said the proposed manual was based on state and federal law and industry best practices. He said several years ago, they contracted with Lexipol, which was founded by a retired police officer and attorney known as the foremost expert in law enforcement and risk management. He said the founder's famous saying was "What is predictable is preventable." He said their effort went into predicting things that caused problems and caused liability exposure to the city, and putting rules and guidance into place to help officers and civilian employees navigate the ever-changing world of law enforcement to keep the public safe and uphold everyone's rights. He said the manual was Arizona state-specific. He said they went through the document and made the document fit their operations, or had to change their operations to fit law enforcement best practices. He provided a short video regarding the Lexipol policy manual subscription service.

Police Chief Williamson said one of the biggest challenges was keeping the law enforcement policies up to date. He said the Lexipol subscription service would maintain the policies for the city. He said updates would happen very often which would keep the policy manual current. He said the proposed system would provide the manual to all personnel online as opposed to the current paper document they were using now. He said the system would be easy for the officers to use in the field. He said Lake Havasu City was currently in the same place in this process as Bullhead City.

Police Chief Williamson said he would point out some of the highlights in the policy manual. He said Policy 100.4 Interstate Peace Officer Powers sets forth that police officers have the authority to enter into another state, such as Nevada, in any given situation. He read Policy 103.2. He said police work happened very quickly and said police officers were entrusted with discretion of the law, but would be held accountable to explain why they chose to do something that was contrary to policy. He said Policy 200 included the organization and administration of the department. He said Policy 206 Retired Officer Carrying Concealed Weapons included policies for all former police officers.

Police Chief Williamson said Policy 300 Use of Force was something widely looked at this day and age and was very difficult for law enforcement officers. He said this policy was set up to follow the case law of the United States Supreme Court ruling of *Graham v. Connor*. He said Policy 303 Control Devices and Techniques provides for the use and maintenance of control devices that were used in place of use of force. He said they viewed their jobs as "lifesaving" jobs. He said only officers that were specifically trained in the use of some of the devices were allowed to use them. He said Policy 304 Conducted Energy Device provided comprehensive guidelines for the issuance and use of Tasers. He said Policy 305 Officer Involved Shootings and Death established policy and procedures for the investigation of an incident involving a person that is injured as a result of an officer-related shooting. He said they did not investigate their own shooting incidents, but used the services of the City of Kingman or Lake Havasu City agencies. He said Policy 306 Firearms was a standard policy for issuing, carrying, qualifying, training and maintaining firearms. He said Policy 307 Vehicle Pursuits was a huge liability risk that continued to evolve in law enforcement. He said the policy allowed officers some discretion whether or not to pursue, and when involved in the pursuit of motor vehicles. He said Policy 309 Domestic Violence puts adequate emphasis of the importance of these crimes and the officers investigating these crimes to protect the victims. He said Policy 310 Search and Seizure followed the applicable case law and provided officers with good direction to conduct search and seizures in order to remain in compliance with the law. He said Policy 315 Missing Persons provided guidance for handling missing person investigations. He said this policy matches the requirements of the Missing Kids' Readiness Project, and said they did everything in their power to make sure they have exhausted every possible lead to locate these kids. He said Policy 319 Standards of Conduct establishes conduct consistent with the values and mission of the Bullhead City Police Department expected of all department members. He said Policy 322 Media Relations maintained the tradition of providing media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. He said Policy 324 Outside Agency Assistance provides the guidelines for the continued mutual response to requests for assistance from other law enforcement agencies.

Police Chief Williamson said Policy 401 Biased-Based Policing affirms that the Police Department's commitment to policing is fair and objective. He said they did everything they could to maintain close relationships with all of the groups represented by the diversity of the city. He said Policy 407 Hostage and Barricade Incidents showed how the department conducted these situations. He said the Tactical Operations Team had been trained in accordance with best practices and national standards. He said they were prepared to handle any incident that could occur, and said they would do everything they could to stabilize an incident and try to get to a peaceful solution. He said Policy 419/421 Mobile Audio Video (dash cams)/Portable Audio Video Recorders (body cams) provided guidelines for the use of the recording devices by officers while in the performance of their duties. He said the recordings were public records and the data was required to be stored correctly. He said Policy 425 Homeless Persons recognized that different

segments of society required different types of policing. He said officers were empowered to help with the needs and rights of the homeless population. He said Policy 427 Crisis and Intervention Incidents provided guidelines for those interacting with persons in crisis and suffering from mental health situations. He said he formed a committee of volunteers within the department and invited state and local mental health providers to meet and offer input regarding this policy. He said everyone involved in helping them agreed upon the proposed new policy. He said Policy 428 First Amendment Assemblies sets forth guidelines for responding to public assemblies and demonstrations according to state and federal laws. He said the right to protest and assembly would not be limited.

Police Chief Williamson said Policy 500 Traffic Function and Responsibility stated the ultimate goal of traffic law enforcement was to reduce traffic collisions. He said they did not have quotas and did not make money on writing tickets, and said they targeted areas with a lot of traffic complaints and accidents. He said Policy 607 Operations Planning and Deconfliction laid out how officers should deconflict big cases to make sure they were not getting in the middle of another jurisdiction's criminal investigation. He said Policy 1010 Body Armor required patrol officers to wear body armor at all times unless in an administrative function.

Police Chief Williamson said their goal would be to begin implementation and training in January. He said he would like to be authorized to make administrative changes to the manual that did not change the major policy concepts.

Vice Mayor Clark asked if the Fraternal Order of Police Association (FOPOA) was involved in the review of this document. Police Chief Williamson confirmed, and said they had an open relationship with the FOPOA.

Mayor Brady said he was impressed with the manual, and said it would be a wonderful addition to the city's policing policies.

MOTION: Council Member Wegmann made a motion to adjourn the special meeting and convene into executive session at 4:31 p.m. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

EXECUTIVE SESSION

2. Discussion or consultation with the attorney of the public body for legal advice and consultation concerning potential settlement of a contract matter subject to litigation pursuant to A.R.S. § 38-431.03(A)(3)&(4) in the matter of Rados v. City of Bullhead City, Mohave County Superior Court No. CV2016-04160.

MOTION: Council Member Bruck made a motion to adjourn from executive session and the special meeting at 4:50 p.m. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

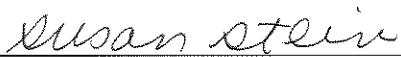
ADJOURNMENT

Mayor Brady declared the special meeting adjourned at 4:50 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct record of the special meeting of the City Council of the City of Bullhead City held on the 15th day of August 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of September 2017.



Susan Stein, MMC, CPM
City Clerk

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, August 15, 2017, 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 Mary Ann Shepherd of Unity Spiritual Center of Mohave Valley 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, Ring, Shutts, Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

DEPUTY CITY CLERK: Debie Ogden

POLICE CHIEF: Brian Williamson

FINANCE DIRECTOR: Rudy Vera

PUBLIC WORKS DIRECTOR: Pawan Agrawal

HUMAN SERVICES DIRECTOR: Jeff Tipton

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Nick Parsons said there were no sidewalks or public access pathways to get to public transportation along Rio Grande between Marina Blvd. and Hancock Road, and Marina Blvd. and Clearwater Drive. He requested the city look at providing some pedestrian and handicapped accessible pathways to all of the bus stops within the city limits.

J. D. Gish said he was a Mohave High School graduate. He thanked the City Council for their support of the performing arts. He said he recently signed a recording contract in Nashville, and said he could not have accomplished this without the community’s support. He said his first performance would be held in Bullhead City on September 28th in the Mohave High School auditorium. He invited the public to purchase tickets to attend the concert, and said proceeds would benefit the Mohave High School Choir.

Sandy McGuire invited the public to purchase tickets for the Colorado River Concert Association’s performances scheduled to be held in the upcoming season.

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

AGENDA MODIFICATIONS

None

WAIVER MOTION

MOTION: Vice Mayor Clark 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, Ring, Shutts, Wegmann NAYS: None
ABSENT: None

MOTION CARRIED

MANAGER'S REPORT

1. Name A Street Fundraiser – Animal Care & Welfare and S.A.I.N.T.

City Manager Cotter reminded the public that raffle tickets to win the right to name a city street were currently available for sale. He said the new street to be named connected the River View Mall to the City Square Shopping Center, and said tickets were available until September 8th.

2. Dash or Dye Glow Run

City Manager Cotter said the Recreation Department was preparing to hold a nighttime 5K walk/run event in Rotary Park on September 16th. He said early registration was now open for people of all ages to participate.

3. Update on Section 12 Redevelopment Project

City Manager Cotter said the beaches in Section 12 were currently being cleared for public use. He said the city had acquired approval from the Bureau of Land Management, but said another resolution would be required in order to complete the work in the first phase. He said some of the amenities included in the plan of development would take many years to accomplish, but said some of the improvements were already underway.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member D'Amico said a bowling tournament fundraiser between the city and the county was held on August 6th to benefit Savings Animals In Need Together (S.A.I.N.T.). He said the city won the challenge.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Vice Mayor Clark made a motion that items number 1 and 2 on the consent agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

Items on the consent agenda were approved as follows:

1. Approval of the Minutes of the Special Council Meeting held on August 1, 2017; and the Minutes of the Regular Council Meeting held on August 1, 2017. (City Clerk Stein)
2. Approving Resolution No. 2017R-36 abandoning the 59.19 ft. x 16 ft. electrical transmission line easement located on the south side of the parcel of land that is respectively described as Mohave Crossroads, Unit 1, Tract 5163 Amended, Lot 12, Section 11, T19N, R22W, Bullhead City, Arizona. (Public Works Director Agrawal)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

None

PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS

None

ACTION ITEMS

Building, Planning and Zoning Items

3. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2017-06 amending the zoning classification from C2 (General Commercial) and C3 (Commercial and Minor Industrial) to M1 (General Limited Industrial) for a 10.00 acre parcel of land that is respectively described as a portion of Section 7, T20N, R21W, Bullhead City, Arizona. (Public Works Director Agrawal)

Public Works Director Agrawal said this agenda item and the next item were similar. He said the applicant would like to rezone the 10-acre property to M1 zoning, so that at a later date the applicant could apply for a conditional use permit that would allow them to proceed with mining operations. He said the Planning and Zoning Commission had unanimously recommended approval of the zoning change.

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

MOTION: Council Member D'Amico made a motion to approve Ordinance No. 2017-06 amending the zoning classification from C2 (General Commercial) and C3 (Commercial and Minor Industrial) to M1 (General Limited Industrial) for a 10.00 acre parcel of land that is respectively described as a portion of Section 7, T20N, R21W, Bullhead City, Arizona. Council Member Shutts seconded the motion.

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

MOTION CARRIED

4. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2017-07 amending the zoning classification from C2 (General Commercial) and C3 (Commercial and Minor Industrial) to M1 (General Limited Industrial) for a 40.98 acre parcel of land that is respectively described as a portion of Section 7, T20N, R21W, Bullhead City, Arizona. (Public Works Director Agrawal)

City Manager Cotter said this item was related to Agenda Item No. 3. He said the applicant was the same, and said this parcel of land contained 40.98 acres.

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 approve Ordinance No. 2017-07 amending the zoning classification from C2 (General Commercial) and C3 (Commercial and Minor Industrial) to M1 (General Limited Industrial) for a 40.98 acre parcel of land that is respectively described as a portion of Section 7, T20N, R21W, Bullhead City, Arizona. Council Member Bruck seconded the motion.

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

MOTION CARRIED

5. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2017-08 by reference approving an amendment to Section 17.26.025 of the Bullhead City Municipal Code, removing the prohibition for drive through windows at medical marijuana dispensaries; and further adopting Resolution No. 2017R-37 declaring "Medical Marijuana Amendments 2017" a public record. (Public Works Director Agrawal)

City Manager Cotter said the original medical marijuana ordinance was written several years in a more restrictive manner, and said they had first restricted drive-through windows. He said since that time, they had learned a lot about this business and its impact on the community. He said the

current dispensary had requested a drive through window. He said there was no good reason to not allow the drive through, and said it would help many patients that had trouble walking.

Council Member Ring asked if medical marijuana was being delivered to homes.

Dave Patterson said he represented Mohave Green. He said there were times when delivery was necessary, but said the city's current ordinance did not allow medical marijuana delivery within the city limits, but said deliveries were currently allowed in the county. City Manager Cotter said they could come back to the Council at a later date if the ordinance required amending to allow home deliveries.

Council Member Wegmann asked about the number of employees at Mohave Green. Mr. Patterson said currently there were about 80 employees.

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

MOTION: Council Member Wegmann made a motion to adopt Ordinance No. 2017-08 by reference approving an amendment to Section 17.26.025 of the Bullhead City Municipal Code, removing the prohibition for drive through windows at medical marijuana dispensaries; and further adopting Resolution No. 2017R-37 declaring "Medical Marijuana Amendments 2017" a public record. Council Member Ring seconded the motion.

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

MOTION CARRIED

6. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2017-09 by reference approving various amendments and an addition to the general district requirements of the Bullhead City Municipal Code; and further adopting Resolution No. 2017R-38 declaring "General District Requirements Amendment 2017" a public record. (Public Works Director Agrawal)

City Manager Cotter said there were a variety of changes to Chapter 17 of the Bullhead City Municipal Code under this item. He said the most important change was the treatment of exterior surfaces under "Maintenance Standards." He said any commercial or industrial structures that appeared to be abandoned for more than 30 days would be required to have polycarbonate materials securing the structure. He said windows and doors would not be allowed to be boarded up with plywood after 30 days. He said the city had spent more than one-half million dollars in abating abandoned buildings over the past few years. He said communities across America were trying to encourage owners to improve the appearances of their properties.

Council Member D'Amico asked if plywood would be allowed on a temporary basis due to emergencies. City Manager Cotter confirmed, and said this ordinance would help to eliminate slum and blight. He said notices would be sent out after 30 days of non-compliance.

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 adopt Ordinance No. 2017-09 by reference approving various amendments and an addition to the general district requirements of the Bullhead City Municipal Code; and further adopting Resolution No. 2017R-38 declaring “General District Requirements Amendment 2017” a public record. Council Member Shutts seconded the motion.

VOTE: AYES: Brady, Bruck, Clark, D’Amico, Ring, Shutts, Wegmann NAYS: None
ABSENT: None

MOTION CARRIED

7. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2017-10 by reference approving an amendment to Section 17.12.020 of the Bullhead City Municipal Code, Permitted Uses, for applicability within all of the residential single-family districts of the City Municipal Code; and further adopting Resolution No. 2017R-39 declaring “Permitted Uses Amendments 2017” a public record. (Public Works Director Agrawal)

Public Works Director Agrawal said one change to the City Code would be considered under this item. He said staff had identified an irregularity between the R1MH (Residential Single-Family Manufactured Home) and RIL (Residential Single-Family Limited) zoning districts as it related to the minimum allowed living space for residences. He said the R1MH zoning district had a minimum limit set at 672 sq. ft. for all manufactured homes, while the RIL zoning district had no limit identified for conventional constructed homes. He said staff was proposing to place a minimum living space requirement on conventional constructed homes to match the minimum living space requirement for manufactured homes.

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

MOTION: Council Member Shutts made a motion to adopt Ordinance No. 2017-10 by reference approving an amendment to Section 17.12.020 of the Bullhead City Municipal Code, Permitted Uses, for applicability within all of the residential single-family districts of the City Municipal Code; and further adopting Resolution No. 2017R-39 declaring “Permitted Uses Amendments 2017” a public record. Council Member Wegmann seconded the motion.

VOTE: AYES: Brady, Bruck, Clark, D’Amico, Ring, Shutts, Wegmann NAYS: None
ABSENT: None

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

None

Other Business

8. Discussion and possible action to adopt Resolution No. 2017-40 authorizing submission of an application to the Arizona Department of Housing for State Housing Fund and HOME Investment Partnerships Program Grant Funds, and all necessary actions to process and administer any grant awarded. (Human Services Director Tipton)

Human Services Director Tipton said this was a request to apply for \$275,000 of grant funding to continue the city's home rehabilitation program. He said the goal was to benefit qualified low-income families in upgrading their living conditions, and to improve the housing stock and the overall environment in the community. He said no match from the city was required. He introduced the city's new Housing Inspector Ron Beardsley.

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

Royanne Ortiz asked if the property owners were responsible to repay the investment through a promissory note. Human Services Director Tipton said the loans were deferred payment and forgivable. Ms. Ortiz asked if the applicants were required to be approved in advance. Human Services Director Tipton said the grant they were applying for would benefit applicants currently on the waiting list.

MOTION: Vice Mayor Clark made a motion to adopt Resolution No. 2017-40 authorizing submission of an application to the Arizona Department of Housing for State Housing Fund and HOME Investment Partnerships Program Grant Funds, and all necessary actions to process and administer any grant awarded. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

9. Discussion and possible action to approve settlement of all claims in the matter of Rados v. City, Mohave County Superior Court No. CV2016-04160 by authorizing the release of approximately \$503,350 in contract retention previously withheld plus an additional amount bringing the total up to \$825,000; and authorizing the City Manager to execute a final change order as deemed appropriate by the City Manager and City Attorney reflecting the settlement and amount. (City Attorney Emery)

City Attorney Emery said this was the final settlement recommended to close the matter of Rados Construction versus the city. He said the project dealt with sewer improvements near Rotary Park. He said the project was successfully completed and all improvements were in operation. He said some of the claims were highly disputed by the city; and said the settlement would authorize the release of the \$503,350 in retention; with an additional \$126,000 for claims and another amount that resolved the disputed claims. He said this was a good settlement, given the litigation and other issues that could take place, as well as any additional legal fees the city could face. He said the other party was in agreement of this settlement.

Vice Mayor Clark asked if the settlement funds would come from the Wastewater Enterprise Fund, and not the city's general fund. City Attorney Emery confirmed.

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

MOTION: Council Member Bruck made a motion to approve settlement of all claims in the matter of Rados v. City, Mohave County Superior Court No. CV2016-04160 by authorizing the release of approximately \$503,350 in contract retention previously withheld plus an additional amount bringing the total up to \$825,000; and authorizing the City Manager to execute a final change order as deemed appropriate by the City Manager and City Attorney reflecting the settlement and amount. Council Member Ring seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

MOTION: Council Member Wegmann made a motion to adjourn. Council Member Bruck seconded the motion.

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

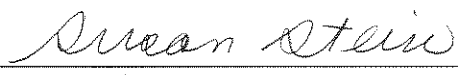
MOTION CARRIED

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:18 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 15th day of August 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of September 2017.



Susan Stein, MMC, CPM
City Clerk