

BULLHEAD CITY ARIZONA, COUNCIL MEETING MINUTES, September 18, 2012 5:30 P.M.

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 18, 2012 in the Council Chambers, 1255 Marina Boulevard, Bullhead City, Arizona.

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Hakim called the meeting to order at 5:30 p.m. and invited the public to join him in a moment of silence for the victims in Benghazi. Council Member Medrano led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL:

Council Present:

Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts

Council Absent:

None

Staff Present:

CITY MANAGER: Toby Cotter

HUMAN SERVICES/TRANSIT DIRECTOR: Susan Betts

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Rodney Head

FINANCE DIRECTOR: Rudy Vera

PUBLIC WORKS DIRECTOR: Pawan Agrawal

COMMUNITY SERVICES DIRECTOR: Vacant

DEVELOPMENT SERVICES DIRECTOR: Vacant

PUBLIC INFORMATION OFFICER: Steve Johnson

PRESENTATIONS AND PROCLAMATIONS:

None

OPEN CALL TO THE PUBLIC

Mayor Hakim opened the call to the public.

David Hayes read a prepared statement regarding his displeasure with Mayor Hakim and the City Council.

Larry Tunforss expressed his displeasure regarding Mr. Hayes' comments.

Mike McClurg expressed his displeasure regarding Mr. Hayes' comments.

Carolynn Hannasch spoke about a program in which Mike McClurg was raising money to send students to the Inauguration in Washington, D.C. She also praised the Regatta Event.

Tom Flynn expressed his displeasure regarding Mr. Hayes' comments. He commended Mayor Hakim and City Council for a job well done.

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Riley Frei thanked the Council Members that attended the "First Things First" event, and briefly explained the First Things First program.

Lisa Moss spoke about the Alzheimer's Walk that will take place on October 20th at 9:00 am.

Julie Hassett spoke about the upcoming schedule of the Colorado River Concert Association.

Having no one else present wishing to speak, Mayor Hakim 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. Councilor Bruck seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
ABSENT: None

MOTION CARRIED

MANAGER'S REPORT

City Manager Cotter said the Movies in the Park Event will take place this Saturday at Ken Fovargue Park. He said the featured movie was Ratatouille and will start at approximately 6:00 pm.

City Manager Cotter announced that the dog park will be closed for reseeded from September 17 until October 22.

City Manager Cotter gave a brief update on the Curbside Recycling Program. He said he will have a full report to the City Council during the last meeting in January or the first meeting in February.

MAYOR'S COMMENTS

Mayor Hakim said he attended the Recovery in the Park event that was held at Community Park last Saturday. He said he was moved by the event because everyone that attended the event attended for the purpose of ridding an addiction that they may have or gotten past. He said the event showed a lot of value in the community for both kids and adults.

CURRENT EVENTS

None

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ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Vice Mayor Clark made a motion to approve items 1 and 2 on the consent agenda be approved in accordance with the reports, certifications and recommendations furnished each Councilor and without further discussion. Councilor Medrano seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
ABSENT: None

MOTION CARRIED

Items on the consent agenda were approved as follows:

1. Approval of the minutes of the Regular City Council meeting held on September 4, 2012. (City Clerk Stein)
2. Approval of RESOLUTION NO. 2012R-39 adding the name of City Manager Toby Cotter to said Resolution approving a patent transfer of title and submission of a Recreation and Public Purpose (R&PP) lease application for a portion of Section 30, T20N, R21W, regarding the 911 Communications Center, and to authorize the Mayor or his designee to sign any resulting documents. (Public Works Director Agrawal)

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

3. Discussion and possible action to appoint a citizen to serve on the Franchise License Commission to fill a partial term expiring on December 30, 2013. (City Clerk Stein)

Doug Bonate said he had a Corporate Finance Degree from the University of Las Vegas' Business School. He said he was originally from Fort Lauderdale, Florida and moved to Bullhead City approximately a year and a half ago.

Craig Powers said he was the Vice President of Cameron Broadcasting. He said he runs 6 radio stations in Bullhead City.

City Clerk Stein handed out voting ballots.

At 6:13 p.m., Sean Hammond, General Manager of the Aquarius Casino & Resort entered the meeting. Mayor Hakim invited him to the podium to speak about the Regatta and what it meant to those in Laughlin and Bullhead City during the time it took for City Clerk to tally the votes. Mr. Hammond apologized for being late for the call to the public and stated he has been a resident of the area for many years. He spoke briefly about the Regatta event and the positive impact it had on Bullhead City and Laughlin.

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After counting all the votes, City Clerk Stein announced Craig Powers received a majority of the votes.

Councilor Medrano made a motion to appoint Craig Powers to serve on the Franchise License Commission to fill a partial term expiring on December 30, 2013. Vice Mayor Clark seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

MOTION CARRIED

4. Discussion and possible action to appoint three citizens to serve on the Bullhead Area Transit System (BATS) Commission to fill three 2-year terms beginning on October 1, 2012, and expiring on September 30, 2014. (City Clerk Stein)

Mayor Hakim thanked Doug Bonate for applying to the Franchise License Commission and the Bullhead Area Transit Commission. He said it showed that he had a lot of interest in the community.

Barbara Pape said she has served on the Bullhead Area Transit Commission for 4 years. She said she was a dedicated transit advocate and would like to continue serving on the Commission.

Patricia Colborn said it was an honor to request an additional term on the Bullhead Area Transit Commission. She said she has served on the Commission for 2 years, and said she has learned a lot. She said the transit system was doing a great job under Transit Director Betts.

Jared Gift said he has enjoyed working with the Bullhead Area Transit Commission over the last several years. He said he hoped the Council will allow him to continue to be a voice for the handicapped people in the community. He said he has learned a lot over the last several years and looked forward to working with the council in the future.

City Clerk Stein handed out voting ballots.

After counting all the votes, City Clerk Stein announced Patricia Colborn, Jared Gift and Doug Bonate received the most votes.

Councilor Medrano made a motion to appoint Patricia Colborn, Jared Gift and Doug Bonate to serve on the Bullhead Area Transit Commission to fill three 2-year terms beginning on October 1, 2012, and expiring on September 30, 2014. Councilor Shutts seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

MOTION CARRIED

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PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS

5. PUBLIC HEARING. Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to either approve or deny the application for a Series 12 Liquor License Agent Change/Acquisition of Control submitted by Karyn Renee McGehee and Lance Kevin Phillips for Mad Dogs Bar & Grill located at 2046 Highway 95 in Bullhead City. (City Clerk Stein)

Bob Goble said he was the previous owner of Mad Dogs Bar and Grill and gave a brief history of the business. He said they sold the business to Karyn McGehee and Lance Phillips and the last hurdle was to transfer the liquor license.

Mayor Hakim opened the public hearing.

Having no one present wishing to speak on this item, Mayor Hakim closed the public hearing.

Councilor Duvall made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a Series 12 Liquor License Agent Change/Acquisition of Control submitted by Karyn Renee McGehee and Lance Kevin Phillips for Mad Dogs Bar & Grill located at 2046 Highway 95 in Bullhead City. Councilor Bruck seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

MOTION CARRIED

ACTION ITEMS

Building, Planning and Zoning Items

6. PUBLIC HEARING. Discussion and possible action to approve RESOLUTION NO. 2012R-40 declaring as a public record that certain document filed with the City Clerk and entitled City of Bullhead City “2012 Amendments to Title 17, Zoning, Chapter 17.40, Wireless Telecommunications Towers and Antennas of the Bullhead City Municipal Code,” and to adopt ORDINANCE NO. 2012-9 that adopts the “2012 Amendments to Title 17, Zoning, Chapter 17.40, Wireless Telecommunications Towers and Antennas of the Bullhead City Municipal Code” by reference, providing for severability, and establishing an effective date. (Public Works Director Agrawal)

Public Works Director Agrawal said this was a request for a code amendment to Title 17, Chapter 17.40 for Wireless Telecommunications Towers and Antennas. He said the reason why staff looked into the code changes was because staff had an applicant that wanted to permit a new tower. He said they looked at the existing codes and it was difficult to permit the tower with non-existing codes. He said staff reviewed codes from other cities in the area and determined that the

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codes needed to be amended in order to update them and thereby allowing the tower request to be approved.

Councilor Medrano said they did not change the ordinance to get somebody approved. He said they changed this ordinance because the existing one was out of date and they needed to update it in order to be more representative of the current times and current specifications for certain towers.

Mayor Hakim opened the public hearing. Having no one present wishing to speak on this item, Mayor Hakim closed the public hearing.

Vice Mayor Clark made a motion to approve Resolution No. 2012R-40 declaring as a public record that certain document filed with the City Clerk and entitled City of Bullhead City "2012 Amendments to Title 17, Zoning, Chapter 17.40, Wireless Telecommunications Towers and Antennas of the Bullhead City Municipal Code," and to adopt Ordinance No. 2012-9 that adopts the "2012 Amendments to Title 17, Zoning, Chapter 17.40, Wireless Telecommunications Towers and Antennas of the Bullhead City Municipal Code" by reference, providing for severability, and establishing an effective date. Councilor McClure seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

7. Discussion and possible action to authorize the purchase of 238,735 pounds of Polyflex IV Crack Sealant from Crafc0, Inc. of Chandler, Arizona, in the amount of \$119,999.57 utilizing the City of Tempe's Cooperative Purchasing Contract T10-006-01 as presented and authorize the City Manager or his designee to negotiate and execute a contract with all required accompanying documentation, and to approve subsequent payment. (Public Works Director Agrawal)

Public Works Director Agrawal said this item was part of the annual streets maintenance program. He said this year the program will be applied to the northern part of the City and if anything is available after completion, they will address other priority streets within the City.

Councilor Shutts made a motion to authorize the purchase of 238,735 pounds of Polyflex IV Crack Sealant from Crafc0, Inc. of Chandler, Arizona, in the amount of \$119,999.57 utilizing the City of Tempe's Cooperative Purchasing Contract T10-006-01 as presented and authorize the City Manager or his designee to negotiate and execute a contract with all required accompanying documentation, and to approve subsequent payment. Councilor Medrano seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

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MOTION CARRIED

Other Business

8. PUBLIC HEARING. Discussion and possible action to: 1) adopt ORDINANCE NO. 2012-10, adopting and approving by reference the “2012 Amendments to Chapter 5.16 of the Bullhead City Municipal Code concerning Massage Practitioners,” and the amendments to Section A3.40.310 of the Comprehensive Fee Schedule relating to massage parlors; 2) adopt RESOLUTION NO. 2012R-41, declaring the “2012 Amendments to Chapter 5.16 of the Bullhead City Municipal Code concerning Massage Practitioners” and the amendments to Section A3.40.310 of the Comprehensive Fee Schedule as public records. (City Attorney Emery)

City Attorney Emery said this ordinance was also undergoing some updating. He said earlier this year it came to the City’s attention that the massage practitioner’s provisions of the city ordinance were not consistent with State provisions that had been enacted. He said a number of years ago, a number of cities enacted ordinances that regulated massage practitioners in detail to include their qualifications, schooling and training. He said since that time, the State has taken on the licensing of massage practitioners. He said the proposed changes to the ordinance were necessary changes to address the overlapping that occurred between the city ordinance and the state legislation. He said it affects some organizational changes for clean-up and clarifies the types of licenses that are authorized under the code.

Mayor Hakim asked City Attorney Emery if the proposed changes included off premise practitioners. City Attorney Emery answered affirmative. He explained that they added it to conform to some of the practices that were going on in the profession. He said there was a potential that some of the services will be provided by individuals who do not operate a storefront, or might work for someone that offers mobile massage services. He said the proposed provisions address the equipment and settings in which off premise services will be rendered.

Mayor Hakim opened the public hearing. Having no one present wishing to speak on this item, Mayor Hakim closed the public hearing.

Councilor Medrano made a motion to 1) adopt ORDINANCE NO. 2012-10, adopting and approving by reference the “2012 Amendments to Chapter 5.16 of the Bullhead City Municipal Code concerning Massage Practitioners,” and the amendments to Section A3.40.310 of the Comprehensive Fee Schedule relating to massage parlors; 2) adopt RESOLUTION NO. 2012R-41, declaring the “2012 Amendments to Chapter 5.16 of the Bullhead City Municipal Code concerning Massage Practitioners” and the amendments to Section A3.40.310 of the Comprehensive Fee Schedule as public records. Councilor Duvall seconded the motion.

VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
 ABSENT: None

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MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

MOTION: Vice Mayor Clark made a motion to adjourn. Councilor Bruck seconded the motion.


VOTE: AYES: Bruck, Clark, Duvall, Hakim, McClure, Medrano, Shutts NAYS: None
ABSENT: None

MOTION CARRIED

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:49 p.m.

CERTIFICATION: I hereby certify that the foregoing minutes are a true and correct record of the minutes of the meeting of the City Council of the City of Bullhead City held on the 18th day of September 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of October 2012.



SUSAN STEIN, CMC, City Clerk