

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, December 18, 2018, 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 Captain Stephanie Lueras from the Salvation Army 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 (via telephone), 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

INTERIM PUBLIC WORKS DIRECTOR: Angie Johnson

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Glen Wiltse

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Jamie Starr said she had discussed the dangerous intersection at Highway 95 and Sterling Road many times before. She said today there was another major collision there that closed the highway, and said she was nearly t-boned at the same spot earlier this afternoon. She urged the city to stop building parks and bridges and start paying attention to protecting the safety of citizens. She said Highway 95 needed traffic calming with the addition of medians and the speed limit lowered to 35 miles per hour.

Eva Corbett said the Colorado River Museum Society was selling holiday hams to raise funds. She provided contact information.

Al Scigliano asked the city and the schools to address specific laws pertaining to skateboards.

Scotty McClure said the city could place a ban on using cellphones while driving. He said he received a Fedex envelope stuffed in his mailbox illegally during the time the Post Office stopped delivering his mail. He said he was refused his right to speak at the last Planning and Zoning Commission meeting because he did not disclose his last name.

Royanne Ortiz wished everyone a Happy Holiday. She suggested holding public meetings to help people get things done themselves. She said a Patriots' Dinner would be held on March 9th honoring Patrick Henry.

Jackie Mazzeo, President/CEO of the Laughlin Chamber of Commerce, invited the public to attend the 5K Walk and Roll on March 2nd to raise funds for the Colorado River regional cancer connections.

City Manager Cotter addressed the concerns discussed earlier by Ms. Starr. He said the engineering for the traffic signal at the Sterling/Corwin/Highway 95 intersection was almost finalized. He said the city was paying to modify this intersection at the state highway, and had also been working with the state on a highway safety plan. He said center highway medians would be installed from Aviation Way to Seventh Street in 2019. He said there were plans to reduce the speed along the highway by the Safeway Plaza.

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

AGENDA MODIFICATIONS

None

WAIVER MOTION

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

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

MOTION CARRIED

MANAGER'S REPORT

1. Winter Festival and Boom Box Parade

City Manager Cotter said the event was successful again this year, and thanked everyone that made it all happen.

2. Update on Federal Land Exchange Legislation

City Manager Cotter said they heard from the lobbyists today that the land exchange bill was still "alive" and could possibly be attached to the spending bill that was currently being discussed in Washington, D.C.

3. Update on New Bullhead-Laughlin Bridge Project

City Manager Cotter said a special Council meeting was held on December 12th to discuss the project, and said all bids for paving the Parkway extension were rejected at that meeting. He said they would be working with Clark County and the Regional Transportation Commission to determine the future of the bridge. He said the Field House planned to open on February 28th, and said there would be paved access in time for the opening.

4. City Offices Closed for Holidays

City Manager Cotter provided the dates and times that City Hall would be closed for the holidays.

5. Next Council Meeting date changed to Wednesday, January 2, 2019

City Manager Cotter said the next Council meeting was moved from January 1st to January 2nd in observance of the New Year's holiday.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Wegmann invited the community to attend the Chamber of Commerce's Christmas Mixer to be held on December 20th.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Bruck made a motion that Items No. 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 Shutts 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 December 4, 2018; and the Minutes of the Regular Council Meeting held on December 4, 2018. (City Clerk Stein)
2. Approval of Resolution No. 2018R-63 authorizing the abandonment of a 16 foot public utility easement located between lots 36 and 37 on a parcel of land located at 2179 Highway 95 that is described as Holiday Highlands, Tract 1137, Block 7, Lots 36, 37, and a portion of lot 38, Section 17, T20N, R22W, Bullhead City, AZ. (Development Services Director Wiltse)

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 adopt Ordinance No. 2018-26 authorizing an amendment to Z05-017, Ordinance No. 2013-20, Stipulation No. 5, to allow the applicant additional time (4 years) to obtain building permits for a commercial project located at 1495 Riverport Drive and 2651, 2701, and 2571 Laughlin Ranch Blvd. and described as Laughlin Ranch, Tract 5090, Unit 1, Parcel E and Laughlin Ranch, Tract 5127, Unit 2, Tracts G, H, and I. (Development Services Director Wiltse)

Mayor Brady opened the public hearing.

Bullhead City Fire Chief Patrick Moore said they were available to answer any questions.

Scotty McClure said the airport rules might not allow a fire department to be built on the proposed site. He urged the city to check into the regulations. City Manager Cotter said all construction plans in the airport vicinity were subject to a specific review by the Federal Aviation Agency.

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

MOTION: Council Member Wegmann made a motion to adopt Ordinance No. 2018-26 authorizing an amendment to Z05-017, Ordinance No. 2013-20, Stipulation No. 5, to allow the applicant additional time (4 years) to obtain building permits for a commercial project located at 1495 Riverport Drive and 2651, 2701, and 2571 Laughlin Ranch Blvd. and described as Laughlin Ranch, Tract 5090, Unit 1, Parcel E and Laughlin Ranch, Tract 5127, Unit 2, Tracts G, H, and I. Council Member D'Amico 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 adopt Ordinance No. 2018-27 approving a zoning map change from R1L (Residential Single-Family Limited District) to C2 (General Commercial District) for a 1.95 acre parcel of land located at 2960 Highway 95 that is described as Enchanted Acres, Block 6, Lot 3, Section 35, T20N, R22W, Bullhead City, AZ. (Development Services Director Wiltse)

Development Services Director Wiltse said the Planning and Zoning Commission had unanimously approved the request, and said the applicant was present.

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. 2018-27 approving a zoning map change from R1L (Residential Single-Family Limited District) to C2 (General Commercial District) for a 1.95 acre parcel of land located at 2960 Highway 95 that is described as Enchanted Acres, Block 6, Lot 3, Section 35, T20N, R22W, Bullhead City, AZ. Vice Mayor Ring 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

5. Discussion and possible action to approve that the City Manager and City Attorney engage the law firms of Andrews & Thornton, Robins Kaplan, and Fennemore Craig or other professionals as they may determine, to prepare and commence legal proceedings in the appropriate courts and venues seeking financial redress to the City of Bullhead City from the producers, distributors, and other parties responsible for contributing to the current opioid epidemic and its economic effects on the city. (City Manager Cotter)

City Manager Cotter said this request was to authorize the city to take legal action in the courts as determined by outside legal counsel and City Attorney Emery. He said the Council held some closed sessions to discuss the issue and said the city was already engaged in two similar lawsuits; one with the health trust and the other with the state risk pool in seeking damages due to the opioid crisis. He said the city believed it had been damaged significantly in this matter, and believed they had found the right law firms to represent the city in this matter.

City Attorney Emery said some members of visiting outside counsel were present. He said counsel was ready to investigate and commence litigation that would redress the city’s losses in a number of ways due to the opioid epidemic.

Mayor Brady said they met with the law firms in executive session prior to the meeting.

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

Royanne Ortiz asked about the expense to the city and the amount of financial redress.

City Attorney Emery said the arrangement was contingent. He said if there was a recovery, the fees would be taken out of that; and said if there was no recovery, there would be no cost to the city. He said there would be zero liability to the city.

City Manager Cotter said some of the damages had been experienced through public safety, social services, education, treatment and recovery. He said if there was a settlement, it would be brought back to the City Council as to the use of those funds.

Council Member D'Amico said he would be voting "no" on this item. He said he thought the country was getting too lawsuit happy, and said it took away from personal responsibility of the doctors over prescribing and the individuals using. He said he thought if there was a settlement; the loss recovery would cause the cost of prescriptions to increase.

Vice Mayor Ring said the city had a lot to lose by not doing anything and she would vote "yes."

MOTION: Council Member Bruck made a motion to approve the City Manager and City Attorney to engage the law firms of Andrews & Thornton, Robins Kaplan, and Fennemore Craig or other professionals as they may determine, to prepare and commence legal proceedings in the appropriate courts and venues seeking financial redress to the City of Bullhead City from the producers, distributors, and other parties responsible for contributing to the current opioid epidemic and its economic effects on the city. Vice Mayor Ring seconded the motion.

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

MOTION CARRIED

6. Discussion only by the City Council on the policy direction requested in regards to the City Code and Comprehensive Fee Schedule concerning the River Safety Program. (City Manager Cotter)

City Manager Cotter said the Council had previously discussed imposing a \$5.00 recovery fee on jetski rentals to help pay for the river safety program. He said consumers who rented jetskis caused significant expense to the city exceeding \$200,000 each summer. He said professional life guards on jetskis were hired to travel the river performing life saving measures, checking people's life jackets, and monitoring the no-wake zones, essentially as a service to the jetski rental companies. He said an email opposing the fee was recently received by the Council. He said over the past years, Clark County and Mohave County had not shared in the cost sharing for this service. He said the concessionaire in Davis Camp had agreed to pay the fee. He asked for comments from the Council.

Vice Mayor Ring said she was in support of this measure and hoped the jetski operators would accept the decision as part of doing business.

Council Member D'Amico said he normally was not in favor of any fee or tax increase, but said he agreed with the \$5.00 consumer safety fee.

Mayor Brady said the additional \$5.00 fee was not out of line to help pay for the city's water safety program.

Mayor Brady asked if anyone from the public wanted to speak

Jackie Mazzeo asked about the safety training provided by the jetski rental companies. City Manager Cotter said all businesses had to follow certain rules. He said every jetski renter had to sign the consumer protection form and were mandated to watch a safety video before operating a jetski.

The consensus was that the Council was in support of the proposed policy.

COUNCIL REQUESTED ITEMS

None


ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:25 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 18th day of December 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of January 2019.



Susan Stein, MMC, CPM
City Clerk