

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, January 21, 2020, in the Council Chambers, 1255 Marina Blvd., Bullhead City, Arizona.

CALL TO ORDER

Mayor Brady called the special meeting to order at 3:00 p.m.

ROLL CALL

Council Present

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

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CHIEF CITY PROSECUTOR: Martin Rogers

CITY CLERK: Susan Stein

FINANCE DIRECTOR: Rudy Vera

WORK SESSION - DISCUSSION ITEMS

1. Discussion on the Transient Occupancy Tax (T.O.T.) (hotels/motels/short term rentals)

City Manager Cotter said the T.O.T. was a lodging tax collected on short term stays or vacation rentals for less than 30 days. He said Bullhead City's tax rate included 2 percent sales tax, 3 percent T.O.T., and 5.5 percent county and state taxes, for a total of 10.5 percent. He provided examples of other Arizona cities' tax rates. He said the annual average T.O.T. collection in Bullhead City was \$75,000 to \$100,000. He said any tax increase in Bullhead City would need to go to the voters as a ballot item. He said a resolution would need to be adopted no later than the beginning of April in order to place the question on the August 2020 primary election ballot.

City Manager Cotter said the new Motel 6 would open soon and the new Holiday Inn was in progress, which would provide about 160 additional rooms. He said the T.O.T. was primarily used for tourism, economic development, and marketing.

John Pynakker, Executive Director of the Bullhead Area Chamber of Commerce, said the Chamber received a portion of the T.O.T. to support the tourism center. He said the center was currently closed on Sundays and Saturday afternoons, and said additional T.O.T. revenue could fund more hours of operation at the center. He said they discontinued advertising in tourism magazines due to the cost. He said Laughlin collected 12.5 percent tax, plus resort fees from \$9 to \$18 per night, and said Needles collected 10 percent in T.O.T. He said a 2 percent increase from 3 percent to 5 percent would significantly increase tourism dollars for the city. He estimated the city would receive \$230,000 in T.O.T. annually under the new rate.

Council Member D'Amico asked Mr. Pynakker if the hotel/motel Chamber members were in favor of the proposed rate increase.

Mr. Pynakker said he had not discussed the specific issue with them, but said he did not think it would be an issue since the rates were much higher across the river.

Council Member Clark said the proposed change would not affect local residents unless they decided to stay in the hotels. He said it would only affect visitors staying in Bullhead City. He asked if the increase would affect the city's affordability factor.

City Manager Cotter said the rooms still needed to be affordable, and said room rates fluctuated depending on the special events. He said he anticipated little impact on the city's affordability calculation. He said currently, a portion of the dollars spent on tourism were coming out of the city's general fund in order to supplement the T.O.T dollars collected.

Council Member D'Amico said he could not agree with the increase, and said he felt their constituents would not pass it.

Discussion ensued regarding the comparison of tax rates with other communities.

Council Member Ring said she was leaning the same way as Council Member D'Amico.

Council Member D'Amico asked about the cost of an election.

City Clerk Stein said the city would share in the 2020 election costs with the county. She said there would be four council seats on the August ballot, and said the cost of an election would be about \$40,000. She said a publicity pamphlet was needed for the T.O.T. proposition. She said if all four seats were filled in the August election, the city would not have to pay for the November election because a run-off election would not be needed.

Mayor Brady suggested the proposition be placed on the August 2020 ballot if the resolution was adopted.

2. 2020 Legislative Update Presentation

Assistant to the City Manager Kozlowski said there was a record 2,000 potential bill files this year. He said the League of Arizona Cities and Towns was forming a subcommittee to discuss the short term rental issue in hopes of creating a resolution that would give cities and towns more authority moving forward. He said public safety, firefighters with cancer, electronic smoking and where you could smoke, and raising the smoking age, would be topics of discussion. He said the Legislature would meet to discuss Mohave County next week. He said the Heritage Fund for parks and open spaces looked like it would be funded in fiscal year 2021 in the amount of \$10 million. He said Senator Borelli had a number of marijuana bills that he wanted to move forward. He said there were a number of election related bills; including reporting on all-mail elections and political signage. He said they were working with Representative Cobb on a number of state sovereign land issues.

Council Member Clark said Representative Cobb dropped a bill to protect mainstream Colorado River water (164,000 acre feet) and set state policy that the water was reserved for the river communities. He said the city needed to support this bill.

City Manager Cotter said the topics on their agenda that evening did not include the Colorado River water and suggested an amended motion be made to add this topic. He said they had been talking to their representatives about improving Highway 95, and said there was a great interest in helping to obtain funding from the state. He said the highway was in bad condition, and said it was getting

worse. He said the city currently helped the state maintain the highway and fix the potholes, and said the city needed the road repaired. He said they had partnered with Lake Havasu City to repair Highway 95, but said the state did not put a lot of money into this area. He said Lake Havasu City was taking the lead regarding short term rentals. He said last year, 12.5 acres of state sovereign land south of the bridge was deeded to the city for recreational purposes. He said the city maintained other parcels of sovereign land, and said their goal was to put the additional lands into the city's name to be used for recreational purposes.

MOTION: Council Member Shutts made a motion to adjourn the special meeting and convene into executive session at 3:53 p.m. Council Member Bruck seconded the motion.

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

MOTION CARRIED

EXECUTIVE SESSION

3. Annual Evaluation of the City Manager pursuant to A.R.S. § 38-431.03(A)(1).

ADJOURNMENT

MOTION: Council Member D'Amico made a motion to adjourn from executive session and the special meeting at 4:24 p.m. Council Member Ring seconded the motion.

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

MOTION CARRIED

Mayor Brady declared the special meeting adjourned at 4:24 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 21st day of January 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of February 2020.

Delisa Ogden, Deputy City Clerk
for 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, January 21, 2020, 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 George Lyman of Desert Shores Community Baptist Church to deliver the invocation. Council Member Ring 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

CHIEF CITY PROSECUTOR: Martin Rogers

CITY CLERK: Susan Stein

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.

Brian Ware said he was a property owner in the city. He requested an investigation into the City Prosecutor's office and the Police Department because they were not doing their jobs.

Christopher Giley said Alcoholics Anonymous (AA) was very helpful. He said it was not a spiritual organization, but a religious organization. He said all people should have freedom of religion.

Walter Meyers proposed a resolution in support of protecting political rights that he wanted the Council to pass.

Jamie Starr requested the weeds in the medians on Marina Blvd. be maintained, and some decorative rocks to be placed there. She said any loose aggregate on the streets should be addressed before repaving.

Royanne Ortiz said the Mohave County Republican Committee would hold a fundraiser on March 14th at the Riverside Casino featuring Arizona Attorney General Mark Brnovich.

Pamela Smith thanked Parks and Recreation Superintendent Heath for repairing the flagpole on the American Legion grounds. She thanked the Public Works Department for doing a great job of cleaning the streets after recent rainstorms.

Ernie Calma said organizers would hold another desert cleanup on February 8th and invited the public to help support their efforts.

Donna Ramirez said her rights were violated by the court. She said she was given false information by the City Prosecutor's office, and said she would contact the Police Department for assistance.

Gene Quitmeyer said people were not allowed to speak at the Board of Supervisors' meeting held in Bullhead City unless they filled out a speaker card before the meeting. He asked the Council to research the severance amounts paid to two former employees.

Tyler Carlson, CEO for Mohave Electric Cooperative, said they received a state grant for \$800,000 but it was not enough to start their broadband project. He said they had to go before the Arizona Corporation Commission (ACC) in Phoenix. He requested that customers contact the ACC and express their support of the project.

Scotty McClure said the Mohave County Board of Supervisors agenda for their meeting held that morning was not posted anywhere in Bullhead City. He asked that reports of pending city matters be discussed under the Manager's Report. He said he did not hear about the change of a bus stop location.

County Supervisor Hildy Angius thanked the city for hosting the Board of Supervisors meeting that morning. She invited the public to attend the grand opening of Bullhead City's new 16-bed women's drug treatment house to be held on February 7th.

Nick Parsons thanked the City Council and the Police Department for doing a great job. He said he would like to see the city stay ahead of the curve with its reclaimed water. He suggested the city host a 100-mile electric vehicle race.

Eva Corbett invited the public to attend the "Bowling for Pets" fundraiser to be held on February 9th at Riverside Lanes.

Al Scigliano asked for an update regarding the acquisition of EPCOR Water.

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

AGENDA MODIFICATIONS

Agenda Item No. 8 was moved for discussion to the beginning of the agenda (before Agenda Item No. 3).

WAIVER MOTION

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

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

MOTION CARRIED

MANAGER'S REPORT

1. 2020 Census Update

Assistant to the City Manager Kozlowski played a brief video on the census. He said they were working with the Complete Count Committee to reach as many organizations as possible. He said the most important thing that citizens could do was to complete their census form.

2. Senior Games

Human Services Director Tipton provided a report on the 4th Annual Senior Games held on January 12-19. He said events included bowling, pickle ball, swimming, table tennis, track and field, horseshoes, basketball, corn hole, golf, 5K run, power walk, power lifting, and softball. He said attendance grew by 49 percent this year. He said they would add shooting, lawn bowling, biking, volley ball, kayaking, and tennis next year.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Vice Mayor Wegmann said the Census 2020 Committee had been meeting on a regular basis and attending as many events as possible in order to educate the community regarding the importance of the census.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Clark 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 Bruck 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 Regular Council Meeting held on January 7, 2020. (City Clerk Stein)
2. Approval of the request for additional time (two years) to complete the required improvements for Rancho Colorado Tract 5086, Unit 1; thereby establishing January 10, 2022, as the completion date. (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. Discussion and possible action to approve: 1) the Final Plat for Canyon Trails at Fox Creek, Tract 5190, Unit 6; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 9.75 acre-feet; and 4) authorization for the Mayor to execute the agreement on behalf of the city. (Development Services Director Wiltse)

Planning Manager Johnny Loera said the project was a 10.75 acre site with 29 lots for single-family residential development and four parcels reserved for public utilities, drainage easements, and landscape easements.

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

MOTION: Council Member Ring made a motion to approve: 1) the Final Plat for Canyon Trails at Fox Creek, Tract 5190, Unit 6; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 9.75 acre-feet; and 4) authorization for the Mayor to execute the agreement on behalf of the city. Vice Mayor 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

4. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2020-01 by adopting and adding the provisions contained within that document, and entitled “Animal Code Amendments 2020” to the Bullhead City Municipal Code; and declaring the document a public record under Resolution No. 2020R-02. (City Manager Cotter)

Chief Prosecutor Rogers said the amendments included clean up language, and said Judge Psareas had reviewed and agreed with the revisions. He said the penalties for dogs at large and dogs without tags were reduced from a petty offense to a civil offense. He said a dog at large that bit a person would be a class 1 misdemeanor. He said a petty offense would label someone as a “criminal,” and said this was too harsh in enforcing this particular law. He said the revisions were proposed in the interest of the community and criminal justice.

Mayor Brady asked Chief Prosecutor Rogers to explain how enforcement options were impeded for petty offenses.

Chief Prosecutor Rogers said a petty offense still required proof beyond a reasonable doubt that the crime occurred, and said dogs at large would be better handled in a civil arena with a lower fine than the amount currently prescribed.

A brief discussion took place regarding enforcement of payment for various fines.

MOTION: Council Member Shutts made a motion to table Agenda Item No. 4 for additional discussion at a future meeting. Council Member D’Amico seconded the motion.

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

MOTION CARRIED

5. Discussion and possible action to adopt Resolution No. 2020R-03 authorizing the proposed new no-wake zone for the Colorado River adjacent to Community Park effective March 1, 2020. (Police Chief Williamson)

Police Chief Williamson said on December 3, 2019, several water safety items were discussed by the City Council and the Parks and Recreation Commission in a joint meeting. He said at that meeting, it was proposed to move the no-wake zone currently located in front of Harrah’s Casino to an area in front of Community Park. He provided an aerial view and nautical measurements of the approximate 2,211 foot section of the Colorado River that would be affected by the proposed no-wake zone. He said their boating officers and lifeguard contractors had reviewed the proposed zone and recommended the new location.

City Manager Cotter said additional safety measures were being implemented as a result of the work session.

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

Barbara Pape spoke in support of the resolution.

Bart Anderson said water safety was his great passion. He said he was not in favor because the proposed length of the new no-wake zone would take 25 minutes to go from one end to the other at a no-wake speed, which would change the activities on the river. He said there had to be other ways to increase safety on the river. He suggested creating a designated area for police boats.

Trevor Chiodini from Laughlin River Boat Tours and London Bridge Jet Boat Tours said he traveled the river every single day. He said other things needed to be done to increase safety on the river, and said he was not in favor of the proposed no-wake zone.

James Gustavson said he was a licensed boat captain for 21 years, and said he was out on the river every day. He said the issue was not a no-wake zone, but said the proposed area was the most dangerous. He requested this item be tabled to allow additional discussion.

Penny Reisner said the swim areas at Rotary Park were very dangerous due to the jet skis traveling in the area. She said public safety should come first, and said something had to be done.

Billy Pershing asked if a particular speed created a wake, and asked if speed limits could be changed.

Nick Parsons said he was in support of the no-wake zone, and said it was a very dangerous area.

Stephen Lee suggested that a compromise be made to benefit all parties involved.

Police Chief Williamson said it would be difficult to enforce speed because many vessels did not have speedometers.

A brief discussion took place regarding the time it took to travel through the no-wake zone.

City Manager Cotter said it was not a perfect no-wake zone and said it could be modified. He said the city took the lead to enforce safety on the river. He said boats and jet skis could not be banned on the river. He said revenue from the consumer protection forms and the city's general fund paid for the patrol boats and lifeguard program. He said they needed to ask their partners for assistance in order to pay for additional safety measures on the river.

MOTION: Council Member Ring made a motion to table Agenda Item No. 5 for additional discussion at a future meeting. Council Member Clark seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to adopt Resolution No. 2020R-04 authorizing the city's intervention in the Southwest Gas rate case now pending with the Arizona Corporation Commission, and City Council and staff attendance at rate case proceedings as appropriate. (City Manager Cotter)

City Manager Cotter said Southwest Gas recently applied for a potential rate increase with the Arizona Corporation Commission. He said the period for public comment and any intervention was open at this time. He said the resolution allowed the city and staff to attend those meetings and intervene in the proposed rate case.

Mayor Brady said after their experience with EPCOR and the Arizona Corporation Commission, they met with Southwest Gas officials and said they had proposed an increase in their rate of \$7.01 for a \$19.38 percent increase, which was more than the increase requested in their original rate application. He said it was necessary for the city to know what was going on and insure that they were informed throughout the process. He said Southwest Gas had been a good partner, but it was in the city's best interest to stay informed.

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

Scotty McClure said he thought the rate would increase by 8.1 percent.

Stephen Lee said Southwest Gas needed oversight by the Arizona Corporation Commission on their billing process.

MOTION: Vice Mayor Wegmann made a motion to adopt Resolution No. 2020R-04 authorizing the city's intervention in the Southwest Gas rate case now pending with the Arizona Corporation Commission, and City Council and staff attendance at rate case proceedings as appropriate. Council Member Bruck seconded the motion.

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

MOTION CARRIED

7. Discussion and possible action to approve Resolution No. 2020R-05 supporting the ability for the City Manager, Assistant to the City Manager, and Mayor, to advocate on important legislative issues and update the City Council on behalf of the City of Bullhead City. (City Manager Cotter)

City Manager Cotter said a work session with the Council was held earlier that day to discuss the legislative issues of interest. He said upon approval of this resolution, the City Manager, staff and Mayor would have the ability to advocate of behalf of the city. He said key areas of concern included short term rentals, state sovereign land, state lake improvement funds (SLIF), highway user revenue funds (HURF), election reform, and protecting water rights on the Colorado River.

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

Scotty McClure said he was against increasing the length of time to display political signs. He said smaller Arizona counties would be negatively impacted if the prison bills were passed.

MOTION: Council Member Ring made a motion to approve Resolution No. 2020R-05 supporting the ability for the City Manager, Assistant to the City Manager, and Mayor, to advocate on important legislative issues, including issues on Colorado River water; and update the City Council on behalf of the City of Bullhead City. Council Member Clark seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

8. Discussion and possible action to adopt Resolution No. 2020R-06 declaring the City of Bullhead City a second amendment sanctuary city. (Council Members Steve D'Amico and Sheila Shutts)

City Manager Cotter said a similar resolution was passed by Mohave County in November 2019.

Council Member D'Amico read the resolution. He said the Council had sworn to uphold the Constitution, and said Mayor Brady and he had also sworn to defend the Constitution.

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

Christopher Giley spoke in support of the resolution.

Jamie Starr, a Bullhead City resident, said she was a patriotic gun owner; and spoke in support of the resolution.

Ernie Calma said he represented a pro-gun group, and spoke in support of the resolution.

Kim (did not provide her last name) said she was a domestic violence survivor, and spoke in support of the resolution.

Gene Quitmeyer, a Bullhead City resident, said they did not need another piece of paper to enforce their constitutional right.

Pamela Smith, a Bullhead City resident, spoke in support of the resolution.

Greg Valdez, a Bullhead City resident, spoke in support of the resolution.

Cherie Hawkins, a Bullhead City resident, spoke in support of the resolution.

Scotty McClure, a Bullhead City resident, spoke in support of the resolution.

Billie Gibb, an NRA shooting instructor, spoke in support of the resolution.

Sonya Nagel, a local realtor, spoke in support of the resolution.

Pastor Kimbalot, a long-time Bullhead City resident, spoke in support of the resolution.

Walter Meyers spoke in support of the resolution.

County Supervisor Hildy Angius thanked the City of Bullhead City for becoming the first city in Arizona to become a second amendment sanctuary city.

Tim Terral, City of Needles Council Member, said he introduced the movement in Needles, California. He said he carried a copy of the constitution with him at all times, and spoke in support of the resolution.

Eric Rudin, a former police officer, spoke in support of the resolution.

Nick Parsons spoke in support of the resolution.

James Jeffery spoke in support of the resolution.

Mayor Brady said he was not pleased at the way the country was going. He read a quotation from Thomas Jefferson relating to the right to bear arms. He said he would vote in favor of the resolution.

Council Member Shutts said she was pleased to partner with Council Member D'Amico in support of the resolution, as Bullhead City was full of veterans and supporters of the second amendment.

Council Member D'Amico thanked the member of the community for their support.

MOTION: Council Member D'Amico made a motion to adopt Resolution No. 2020R-06 declaring the City of Bullhead City a second amendment sanctuary city. Council Member Shutts seconded the motion.

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

MOTION CARRIED

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:52 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 21st day of January 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of February 2020.

Debbie Ogden, Deputy City Clerk
for Susan Stein, MMC, CPM
City Clerk