

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, November 19, 2019, 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 retired Air Force Chaplain Paul Pitts to deliver the invocation. The ROTC Honor Guard presented the colors. Jacob Gray sang the National Anthem. Mayor Brady 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

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

1. Retirement of Military Banners Presentation by the Tri-State Military Moms, Inc.

Mayor Brady presented "Welcome Home" certificates, and Cindy Frizelle with other members of the Tri-State Military Moms, Inc., presented the retired highway banners to local members of the military returning to the Tri-State area.

Mayor Brady called for a break at 6:09 p.m. for a photo shoot, and reconvened the meeting at 6:18 p.m.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Royanne Ortiz thanked the members of the H2O Committee and everyone that supported their political action committee. She said they received \$14,000 from the community and \$20,000 from the Realtors' Association. She said Proposition 415 would not have passed without their support.

Eva Corbett thanked the Council for their support of the H2O Committee. She invited the public to attend the Republican Women's luncheon to be held on November 20th.

Gerald Ross suggested the city consider a mass transit system when the city doubled its size.

Al Scigliano said the Council and the community worked together to pass Proposition 415. He said the community and local government could make things happen and solve problems.

John Pynakker said he represented the members of the Bullhead Area Chamber of Commerce. He thanked the residents that voted for Proposition 415, and said the Chamber served as an advocate for the betterment of the community. He said another issue needed the help of the public. He said a farmer was attempting to sell a Colorado River water allocation and said the river allocation was for the communities to use, not to sell. He encouraged the public to attend a public meeting on November 20th and fight the sale.

Billy Pershing said the most rewarding part of the passing of Proposition 415 was that the community was able to overcome a large corporation and their dishonest scare tactics.

Pamela Smith said she represented the American Legion. She thanked the city for its immediate response when their large tree fell down.

Scotty McClure congratulated the city on the passage of Proposition 415. He said there were 233 rejected ballots in Bullhead City. He said the flags were torn up in Rotary Park and other places. He said the new lights at Rotary Park shone directly in one's face at night.

John Delodder said the ballots were mailed about a month ahead of the election, and asked about the reason why 233 ballots were rejected.

City Manager Cotter said the rejected ballots would be explained under Agenda Item No. 12.

Gene Quitmeyer said an appraisal should be required to purchase the water system. He asked about the reason why funds were being transferred from the wastewater account under Agenda Item No. 8. He said they have been investigating the police department and would provide a report in the future.

Greg Valdez said there were two sides with strong opinions about Proposition 415. He said now was the time for the community to come together and stand as one. He said he hoped that EPCOR employees would stand by the city in the same way they stood by EPCOR during the election.

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

AGENDA MODIFICATIONS

MOTION: Council Member Bruck made a motion to move Agenda Item No. 12 for discussion after the consideration of Consent Agenda Items No. 1 and 2. Council Member Ring seconded the motion.

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

MOTION CARRIED

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 Ring seconded the motion.

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

MOTION CARRIED

MANAGER’S REPORT

1. Police Body Cameras

City Manager Cotter said this item was brought forward by a citizen at their last meeting. He said the city was an advocate of body cameras; and said the city’s approach was the correct one. He said technology and policies had changed over a short time. He said some communities have started and stopped their body cam programs. He said they have tested technology from a variety of vendors, and said the Police Department was using four dash cams and body cameras. He said this was a pilot program, and said the city received state grants to provide those cameras. He said they understood there were major expenses involved including technology, ongoing maintenance, and additional staffing. He said, in time, they would hold a Council workshop and discuss their options with a thorough, in-depth analysis.

2. Farmers’ Market - Fieldhouse 11/30/19

City Manager Cotter said a Shopping Extravaganza and Farmers’ Market would be held on “Black Friday” at the Anderson Auto Group Field House.

3. Finance Department - Excellence in Financial Reporting Award

City Manager Cotter congratulated Finance Director Vera and his staff for receiving the GFOA Award. He said all of the city’s financial documents were available for public view on the city’s website.

MAYOR AND COUNCIL MEMBERS’ REPORTS ON CURRENT EVENTS

Council Member Bruck reminded the public that Medicare open enrollment would close on December 7th. She said the cost of living increase for Social Security was 1.6 percent. She said the Medicare Part B premium would increase next year.

Council Member Ring said the public was invited to attend the Mohave Community College Holiday Sale this week.

Mayor Brady said about 18 months ago, he was asked by the Tea Party members why the city was not intervening in the EPCOR rate case before the Arizona Corporation Commission. He said the city looked into this and intervened. He said now the results of their intervention and efforts

resulted in the passage of Proposition 415. He said the effort was supported by the citizens, and said he was very proud to be a mayor in a small community. He thanked the citizens of Bullhead City for their support.

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 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 Regular Council Meeting held on November 5, 2019. (City Clerk Stein)
2. Approval of the release of the financial assurance for Canyon Trails at Fox Creek, Tract 5190, Unit 4, and to accept the required improvements into the city system for maintenance. (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**

Council Member Clark declared a conflict of interest on Agenda Item No. 12 and left the dais.

Council Agenda Item No. 12 (Canvass of the November 5, 2019 Election) was discussed at this time.

After the vote was taken on Agenda Item No. 12, Council Member Clark returned to the dais.

Building, Planning and Zoning Items

3. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2019-17 approving the request for an amendment to Z93-005, Ordinance No. 2012-01, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 28, T21N, R21W. (Development Services Director Wiltse)

Planning Manager Johnny Loera said this item was related to the next two agenda items which were requests by the State Land Department to extend zoning approvals for three projects that were originally granted in 1993. He said they had received five extensions on the properties, the last of which was in 2012. He said this item covered 634 acres in Section 28 on the north side of the city. He said keeping the entitlements on the project simplified the complex process of selling and developing state land. He said the Planning and Zoning Commission recommended a four-year extension.

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. 2019-17 approving the request for an amendment to Z93-005, Ordinance No. 2012-01, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 28, T21N, R21W. Council Member Bruck 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. 2019-18 approving the request for an amendment to Z93-006, Ordinance 2012-02, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 30, T20N, R21W. (Development Services Director Wiltse)

Planning Manager Loera said this item was related to Agenda Items No. 3 and 5. He said this request included 600 acres on the south side of the city. He said the Planning and Zoning Commission recommended a four-year extension.

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

MOTION: Vice Mayor Wegmann made a motion to adopt Ordinance No. 2019-18 approving the request for an amendment to Z93-006, Ordinance 2012-02, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 30, T20N, R21W. 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. 2019-19 approving the request for an amendment to Z93-007, Ordinance No. 2012-03, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 36, T20N, R22W. (Development Services Director Wiltse)

Planning Manager Loera said this item was related to Agenda Items No. 3 and 4. He said this request was for 642 acres located on the south side of the city. He said the Planning and Zoning Commission recommended a four-year extension.

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. 2019-19 approving the request for an amendment to Z93-007, Ordinance No. 2012-03, Section 2, to allow the applicant additional time (4 years) to record a final plat for the first phase of a master plan for Section 36, T20N, R22W. Council Member Ring 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 Ordinance No. 2019-20 by reference, approving amendments and additions to Chapter 17.04 Definitions, and Table 17.26.020, Commercial and Industrial Permitted Uses, of the Bullhead City Municipal Code regarding “Behavioral Health Residential Facility;” and adopting Resolution No. 2019R-47 declaring the code amendment a public record. (Development Services Director Wiltse)

Planning Manager Loera said currently the City Code did not address this type of commercial use and provided no definition for such a facility. He said the proposed amendments introduced the definition of a behavioral health residential facility, as well as the allowable locations for use. He said staff was proposing the new use be allowed only with an approved conditional use permit in the C2, C3, M1 and M2 zoning districts. He said the Planning and Zoning Commission had recommended approval of this item.

Kristen Ott, CEO of Revive Behavioral Health, said she had assisted in providing health care services to the area for the last 13 years. She said they closed the River Gardens Center about a year ago because the need was not there. She said they looked at the current needs of the community, as well as nation-wide; and discovered that behavioral health care services were needed. She said local veterans and others struggled with drug and rehab issues, and said they were now being sent to Las Vegas or Phoenix for care. She said the proposed facility would provide 120

beds and said there were 60 to 90-day programs. She said the facility had camera systems and 24/7 staffing.

Vice Mayor Wegmann asked about insurances acceptable to the new facility and security. Ms. Ott said they were working with many types of providers and insurers. Ms. Ott said the facility would be locked after hours and visiting hours would be 24/7.

Planning Manager Loera explained the conditional use permit process.

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

Pamela Smith said she had concerns about the 24/7 visiting hours.

MOTION: Council Member Bruck made a motion to adopt Ordinance No. 2019-20 by reference, approving amendments and additions to Chapter 17.04 Definitions, and Table 17.26.020, Commercial and Industrial Permitted Uses, of the Bullhead City Municipal Code regarding “Behavioral Health Residential Facility;” and adopting Resolution No. 2019R-47 declaring the code amendment 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

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

7. Discussion and possible action to adopt Resolution No. 2019R-48 approving the Intergovernmental Agreement between Clark County, Nevada, and the City of Bullhead City, Arizona, for the construction of a vehicular and pedestrian bridge over the Colorado River. (City Manager Cotter)

City Manager Cotter said this project had been in process for many years. He said Clark County had recently affirmed its commitment to the construction of the bridge, but on condition that the city contributed \$4.5 million towards final construction. He said the City Council approved this on June 4, 2019. He said Clark County had borne the costs of project development and engineering and possessed about \$21 million in federal funds towards completion. He said the bridge itself was estimated to require a total of \$30 million for construction. He said a condition of moving forward was that the city contributed a representative amount of one-half of the \$9 million remaining shortfall for the bridge construction. He said the proposed city contribution was capped at \$4.5 million. He said Clark County would be in charge of construction management for the bridge.

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

Royanne Ortiz, Barbara Pape, Gaylor Cope, and Scotty McClure all spoke in support of moving forward with IGA for the bridge project.

MOTION: Vice Mayor Wegmann made a motion to adopt Resolution No. 2019R-48 approving the Intergovernmental Agreement between Clark County, Nevada, and the City of Bullhead City, Arizona, for the construction of a vehicular and pedestrian bridge over the Colorado River. Council Member Ring seconded the motion.

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

MOTION CARRIED

8. Discussion and possible action to: 1) approve the construction contract with McCormick Construction Co. of Bullhead City, Arizona, in an amount not to exceed \$3,274,754.61 for construction of the Bullhead Parkway Extension to the new Laughlin-Bullhead Bridge; 2) authorize the City Manager or his designee to execute all appropriate documents and approve resultant payments; and 3) approve a budget transfer of \$450,409.00 from the Wastewater Enterprise Fund to the Bridge Fund. (Interim Public Works Director Johnson)

Interim Public Works Director Johnson said the project included approximately one-half mile of paved Bullhead Parkway extension to the new Laughlin-Bullhead Bridge. She said the improvements would include grading, paving, curb and gutters, storm drain improvements, sidewalks, valley gutters with aprons, street lights, sewer facilities, effluent lines, and water line relocation. She said the project was advertised for a bid opening in August 2019. She said four vendors submitted bids, with McCormick Construction Co. coming in as the lowest responsive bidder. She said the base bid was later adjusted to \$3,274,754.61 to reflect the elimination of some landscaping elements from the project. She said staff was recommending construction of four lanes to the bridge. She said due to the sewer mainline and effluent pipelines that were a part of the project, a transfer from the Wastewater Enterprise Fund was requested.

Council Member D'Amico asked if it was definite that the bridge project would be completed. He said he wanted to make sure the bridge was built and asked if language could be inserted into the construction contract for insurance if it did not happen.

City Manager Cotter said Clark County had committed in writing to use their revenue in addition to the capital improvement program funds to build the bridge. He said seven Clark County Commissioners voted in favor of the agreement with the city and to build the bridge.

City Attorney Emery said the bid award came with a time and construction schedule. He said the city could work with McCormick Construction on the timing issues, as they seemed to be a cooperative partner. He said they could reject all bids and re-bid the project at a later date.

City Manager Cotter said the price went up by \$200,000 since the last time they bid out the project.

Council Member Clark said they rejected the first bid due to the uncertainty about the bridge being built in spring of 2019. He said at that time they instructed staff to draft an IGA between the City and Clark County, which the Council had approved tonight. He said he was confident with the knowledge that Clark County had the available funding and the plans, and said there was no reason to hold up the project.

Mayor Brady asked what would happen if the bid for the bridge construction came in for more than \$30 million. He said construction of the bridge would not be able to start until a road was put in.

City Manager Cotter said developers would benefit if a road was built in that location.

Discussion ensued about the timing of the phases of construction.

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

Gaylor Cope said he understood their concerns, and said everyone had worked hard to make this happen. He spoke in support of the agreement.

MOTION: Council Member Ring made a motion to 1) approve the construction contract with McCormick Construction Co. of Bullhead City, Arizona, in an amount not to exceed \$3,274,754.61 for construction of the Bullhead Parkway Extension to the new Laughlin-Bullhead Bridge; 2) authorize the City Manager or his designee to execute all appropriate documents and approve resultant payments; and 3) approve a budget transfer of \$450,409.00 from the Wastewater Enterprise Fund to the Bridge Fund. Vice Mayor 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 the contract with Morrison-Maierle, Inc. for professional engineering services for the Section 10 Wastewater Treatment Plant in an amount not to exceed \$143,000.00; and to authorize the City Manager to execute all required documents and approve resultant payments. (Interim Public Works Director Johnson)

Utilities Superintendent Jeff Wileman said this item was included in the approved budget. He said this contract would focus on the treatment plant and upgrades necessary to respond to changing effluent disposal options. He said this would assist the city in planning for future development and upgrades of the existing treatment facility over a 20-year period through 2040.

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

Billy Pershing asked if the contract included consulting services.

Council Member Clark said this was consulting work that would update the master plan of the facility in order to plan for future expansions.

MOTION: Council Member Clark made a motion to approve the contract with Morrison-Maierle, Inc. for professional engineering services for the Section 10 Wastewater Treatment Plant in an amount not to exceed \$143,000.00; and to authorize the City Manager to execute all required documents and approve resultant payments. Council Member Ring seconded the motion.

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

MOTION CARRIED

10. Discussion and possible action to approve the purchase of a new Crafcro Patcher II Mastic Applicator with accessories from Crafcro, Inc. of Chandler, Arizona, in the amount of \$71,547.09, plus applicable taxes; and to authorize the City Manager or his designee to execute all appropriate documents and approve resultant payments. (Interim Public Works Director Johnson)

Interim Public Works Director Johnson said this was a budgeted item. She said this machine was different from a crack sealing machine because aggregate could be added to provide a better structure for filling potholes and large street cracking.

Mayor Brady asked about the cooperative purchasing contract.

City Manager Cotter said the city was a member of the purchasing service that had already conducted the bidding process.

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 the purchase of a new Crafcro Patcher II Mastic Applicator with accessories from Crafcro, Inc. of Chandler, Arizona, in the amount of \$71,547.09, plus applicable taxes; and to authorize the City Manager or his designee to execute all appropriate documents and approve resultant payments. Vice Mayor Wegmann seconded the motion.

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

MOTION CARRIED

Other Business

11. Discussion and possible action to approve Resolution No. 2019R-49 opposing the transfer of any 4th priority Colorado River water to Central Arizona which might occur as the result of the Town of Queen Creek's proposed acquisition of a water entitlement held by an individual entity within the Cibola Valley Irrigation and Drainage District (CVIDD). (City Manager Cotter)

City Manager Cotter said a public hearing would be held tomorrow regarding the transfer.

Administrative Analyst Anthony Kozlowski said this resolution would oppose a transfer of 2,083 acre-feet of its Arizona fourth priority Colorado River water entitlement to the Town of Queen Creek. He said in the past they had opposed to these types of transfers and said comments could be provided to the Arizona Department of Water Resources.

Mayor Brady asked about the sale price of the water entitlement.

Council Member Clark said the price was \$10,000 per acre-foot according to the current contract. He said this was the third time they had opposed the same type of transfer, and said this was another battle with another entity in central Arizona. He said there was no reason that central Arizona had more rights to economic development than the communities along the river. He said they needed the community's support to oppose this water transfer. He said the Arizona County Supervisors Association, Mohave County Water Authority, Mohave County, Kingman, and Lake Havasu City had passed similar resolutions in opposition to this transfer.

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

County Supervisor Hildy Angius said representatives from the county would attend the meeting tomorrow to express their opposition. She read an excerpt from Mohave County's resolution in opposition to the transfer.

Eva Corbett asked about the operator of the Queen Creek water system.

Council Member Clark said the operator was the Town of Queen Creek.

MOTION: Council Member Clark made a motion to approve Resolution No. 2019R-49 opposing the transfer of any 4th priority Colorado River water to Central Arizona which might occur as the result of the Town of Queen Creek's proposed acquisition of a water entitlement held by an individual entity within the Cibola Valley Irrigation and Drainage District (CVIDD). Vice Mayor Wegmann seconded the motion.

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

MOTION CARRIED

*12. Discussion and possible action to approve Resolution No. 2019R-50 declaring and adopting the election results submitted by the Mohave County Elections Department for the November 5, 2019, Special Election for Bullhead City as the official final election results. (City Clerk Stein)

*This item was moved for discussion under "Action Items" after the consideration and vote on Consent Agenda Items No. 1 and 2.

City Clerk Stein said the official election results would be adopted by the proposed resolution. She said Mohave County worked very hard on this election as this was the first all-mail election held by the city.

City Clerk Stein said there was a total of 233 rejected ballots. She said 166 ballots were received after the deadline; 15 ballots were not signed (letters were sent advising voters they did not sign); 45 ballots had signatures that did not match (letters were sent advising voters of same); 6 envelopes were received empty, and one ballot was spoiled in the mail (voter received a letter and replacement ballot).

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

Scotty McClure said he was upset that voters did not sign their ballots. He said the water system was currently being run by a city in Canada and said people would be watching the city. He requested the city provide updates about the process.

Royanne Ortiz said that more than 9,500 people coming out to vote was an achievement. She said when people found out the real truth about the issue, they would be pleased. She thanked David Lords for his support.

MOTION: Council Member D'Amico made a motion to approve Resolution No. 2019R-50 declaring and adopting the election results submitted by the Mohave County Elections Department for the November 5, 2019, Special Election for Bullhead City as the official final election results. Vice Mayor Wegmann seconded the motion.

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

MOTION CARRIED

Council Member Clark declared a conflict of interest on Agenda Item No. 13 and left the dais.

13. Discussion and possible action to approve the Amendment to Professional Services Agreement with Raftelis Financial Consultants in an amount not to exceed \$154,000.00; authorizing the City Manager to execute the agreement on behalf of the city, to make resultant payments and to take all actions to effectuate the intent of the agreement; and authorize a budget transfer in the amount of \$60,000.00 from Contingency to Fund 510. (City Manager Cotter)

City Manager Cotter said this item would authorize an appraisal of the EPCOR water system's assets. He said the city would prefer a mutually acceptable sale rather than going to court. He said EPCOR had repeatedly stated they would not sell their assets to the city. He said they needed to have an appraisal to go to court. He said the city now had the authority to acquire and/or condemn EPCOR's assets within the community and had the authority to borrow the funds.

City Attorney Emery said a current valid appraisal under the accepted certifying appraisal standards must be presented to the potential seller before the eminent domain action could begin.

Council Member D'Amico said he would like Raftelis to expedite the appraisal process as soon as possible in the most cost effective manner.

City Manager Cotter said he had confirmed that with the Raftelis representatives.

Mayor Brady said part of this contract included funds for Raftelis' time and work associated with the trial process in court.

City Manager Cotter said the city would be reaching out to the City of Edmonton regarding a potential sale. He said there was an opportunity to work together without having to go to court.

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

Scotty McClure asked if there was a conflict of interest in hiring Raftelis.

City Manager Cotter said there was no conflict of interest.

Royanne Ortiz asked if an appraisal was required to make an offer.

City Manager Cotter confirmed, and said an offer must be made according to the state condemnation law in court. He said work must begin on the appraisal now.

Eva Corbett spoke in support of the agreement.

MOTION: Council Member Ring made a motion to approve the Amendment to Professional Services Agreement with Raftelis Financial Consultants in an amount not to exceed \$154,000.00; authorizing the City Manager to execute the agreement on behalf of the city, to make resultant payments and to take all actions to effectuate the intent of the agreement; and authorize a budget transfer in the amount of \$60,000.00 from Contingency to Fund 510. Vice Mayor Wegmann seconded the motion.

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

MOTION CARRIED

After the vote was taken on Agenda Item No. 13, Council Member Clark returned to the dais.

14. Discussion and possible action to approve Resolution No. 2019R-51 supporting state funding for Highway 95 reconstruction in Bullhead City and Lake Havasu City in the amount of \$30 million during the 54th Legislature-Second Regular Session. (City Manager Cotter)

Administrative Analyst Kozlowski said this resolution would support \$30 million in state funding for improvements to Highway 95 in Bullhead City and Lake Havasu City. He said all three state representatives were in support of this resolution.

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 Resolution No. 2019R-51 supporting state funding for Highway 95 reconstruction in Bullhead City and Lake Havasu City in the amount of \$30 million during the 54th Legislature-Second Regular Session. Vice Mayor Wegmann seconded the motion.

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

MOTION CARRIED

15. Discussion and possible action to provide the City Manager and City Attorney direction concerning whether to remain in the Multidistrict Opioid Litigation (MDL) or to opt-out of the class established within the MDL. (City Manager Cotter)

City Attorney Emery said an outside counsel had recommended the city opt-out of the current proposed class in the federal opioid crisis litigation. He said they were trying to bring about a global resolution. He said the city was a part of the process and said by staying in the litigation process, the city would be locked into the settlement amount. He said the variables were still undetermined, and said it was recommended the city opt-out of the litigation in order to preserve its future rights.

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

County Supervisor Angius said that Mohave County decided to remain in the MDL.

MOTION: Council Member Bruck made a motion to direct the City Manager and City Attorney to opt-out of the class established within the MDL. 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

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 8:28 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 19th day of November 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of December 2019.

Delia Ogden, Deputy city clerk
for Susan Stein, MMC, CPM
City Clerk