

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, March 3, 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

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

**DISCUSSION ITEM(S)**

1. Discussion regarding the appeal of Conditional Use Permit (CUP) U19-003 – Rivyve Behavioral Health.

City Manager Cotter said all seven Council Members met for a tour of the proposed treatment facility before this work session. He said the goal today was to receive additional direction from Council Members on potential modifications to the conditional use permit.

City Manager Cotter said a few issues had been identified. He said Council Member Clark had requested that additional perimeter screening be installed at the south and west sides of the property; such as landscaping or screens on the existing fence. Council Member Clark said it would be nice to have some screening from the neighboring properties, and said the east side currently had a block wall and the north side was along Silver Creek Road. Mayor Brady asked if a separation from commercial and residential zoning was required as part of the city code. City Manager Cotter said there was some existing fencing that would meet code, but said they were looking at options other than a wall.

City Manager Cotter said Council Member D'Amico suggested that an interior wall be constructed to separate the noise from the detox area from the family gathering area. Council Member D'Amico said that noise could be heard from both areas and said the patients would need a more quiet area. Mayor Brady said that Rivyve should be making that decision.

City Manager Cotter said another issue addressed was to reduce the number of beds from 120 to 90, that 90 would include the detox area of 16 beds.

City Manager Cotter said the applicant had a six-year lease, and said they were willing to reduce the length of the CUP from 10 years to 6 years.

City Manager Cotter said security could be brought on site from 8:00 p.m. to 5:00 a.m. on contract to provide additional security when most of the employees were not there.

City Manager Cotter said a signage plan should be defined in the CUP.

Mayor Brady asked the applicant, Kristen Ott, if she agreed with the potential modifications.

Ms. Ott said they were open to the recommendations if the Council felt that they were required to make the citizens comfortable with the facility. She said they still felt that 120 beds was the number the community needed, but said they would modify the number to 90. She asked if they could increase the number to 120 later if it was found to be a true need for the community.

City Attorney Emery said the Planning and Zoning Commission would decide on the future CUP applications.

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

Pamela Smith asked if a visitation plan was included in the CUP. She said 120 beds were too many. She said the CUP should be for three years. She asked how male and female patients would be separated. She asked if patients would trade an illegal addiction for a legal addiction.

Chris Luciano said visitation hours were usually on Saturdays and Sundays from 12:00 noon to 3:00 p.m. He said gender separation would be located on the different sides of the facility, and said lunch and dinner times would be staggered. He said detox patients were not allowed any visitors, and said visitors were only allowed when patients transitioned to residential.

Dr. Harman said trading one addiction for another was an old-fashioned concept. He said it was called medication assisted therapy. He said there was ample evidence that using suboxone for treatment was much more successful than methadone. He said they regulated and monitored patients throughout their treatment period.

Mark Tierce, Northern Arizona Veterans Resource Center Director, said the city should do everything possible to get the facility going. He said their veteran housing programs included six facilities for behavioral health in Nevada and California but people could not be sent there for detox. He said there were no other detox facilities in Mohave County.

Dr. Harman said the only facility for detox in the county was Mohave Mental Health and said they had a total of 12 beds to treat both mental health and substance abuse. He said most people were treated in Prescott and Phoenix. He said they could not provide service for most Mohave County people that come to them.

Dawna Quitmeyer said the community desperately needed the facility. She spoke about her personal experience, and said she spent weeks in Las Vegas during her recovery.

Terry Shurte spoke about a family member going through recovery, and said they had dealt with the issue for sixteen years. She said they had to drive hundreds of miles to seek and continue recovery treatment for her son. She said the facility was very important for the community and needed to have the maximum number of 120 beds.

Gene Quitmeyer said this organization would help people in the community. He said if the Council really cared about the community, they would invite people into the community to help with the addiction problems.

Larry Tunforss said an organization did a needs assessment in 2010 for Mohave County and said it took five more years to get Marina Point, a 10-bed facility. He said he had been involved in other anti-drug and recovery organizations, and said many local organizations had supported a detox center. He said Westcare recently opened a 16-bed rehabilitation facility in a residential neighborhood with no fencing, and no one objected or asked if it was too big or small. He said the only facility for detox locally was the Mohave County Jail. He said all the fears that came from people were not true and unfounded. He spoke in support of the facility.

Council Member Clark left the work session at 3:35 p.m.

Tom Bachman said he had been a licensed substance abuse counselor since 2004. He said his staff struggled every day to locate treatment beds. He said it would be a great dis-service to the community if this facility was denied.

Grace Hecht spoke in support of the facility. She said Ms. Ott and her staff were doing an excellent job in meeting the compromises requested by the City Council.

Joe DeBach with Community Medical Services in Kingman said they provided treatment medication for those addicted to opioids and other drugs. He said this was a much needed program for the community.

Melissa McClure said the proposed number of beds was too high, and said many people disagreed with this.

City Manager Cotter said the visitation hours could be better defined in the CUP language.

Mr. Luciano said they would allow visitation hours for allotted three or four-hour periods only on weekends; such as 12:00 noon to 3:00 p.m.

Discussion ensued regarding possible visitation times. The consensus was either 1:00 p.m. to 4:00 p.m., or 1:30 p.m. to 4:30 p.m., so as not to interfere with the staggered lunch times.

**MOTION: Vice Mayor Wegmann made a motion to adjourn the special meeting and convene into executive session at 3:51 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**

**Council Member Clark recused himself from the meeting during discussion on Executive Session Item No. 2.**

2. Discussion or consultation for legal advice concerning the actions necessary to carry out the acquisition of EPCOR Arizona's assets in and around Bullhead City. Arizona Revised Statutes § 38-431.03(A)(3).

Council Member Clark returned to the Executive Session for discussion on Agenda Item No. 3.

3. Discussion or consultation for legal advice concerning the requirements of and legal implications of potential actions for appeals to conditional use permits submitted under Zoning Code 17.08.060. Arizona Revised Statutes § 38-431.03(A)(3).

**MOTION: Council Member Bruck made a motion to adjourn from executive session and the special meeting at 5:08 p.m. Council Member Ring seconded the motion.**

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

**MOTION CARRIED**

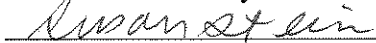
**ADJOURNMENT**

Mayor Brady declared the special meeting adjourned at 5:08 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 3rd day of March 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of March 2020.

  
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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, March 3, 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 Chuck Kelly of Calvary Chapel 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

CITY CLERK: Susan Stein

ACTING CHIEF OF POLICE: Dennis DeSantis

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 the city's new panhandling signs at Walmart were blocked from view. She said she was not happy with the construction work at the Corwin Road intersection, which was now more dangerous than before. She asked about the \$700,000 amount of work that went into the project. She said the Catholic Church had a history of denying services, especially to transgenders; and asked how the city would assure there would be no discrimination at the new homeless shelter by the organization.

Daniel Alfonzo said liquor license applicants should attend the meetings when their applications were being considered by the City Council. He said waiving the fees for DOT Foods was unjustified and said this was discriminatory to the other businesses in town. He said the money could have been used to repave the roads or put towards public safety services.

Royanne Ortiz invited the public to attend a Republican fundraising event to be held on March 14th at the Riverside Casino, and provided information on where to purchase tickets.

Sue Demarco said she was a member of Saving Animals In Need Together (S.A.I.N.T.). She said they offered low-cost spay and neuter programs and saving lives programs. She said they were in desperate need of foster homes, and were in need of a new sponsor.

Harvey Pryor said his driveway flooded every time it rained. He said he was told by a city engineer that the city did not have the funds to fix this problem. He said he did not understand why the Proposition 415 election was not null and void.

Julie Hassett invited community members to attend the Colorado River Concert performances during their 45th season. She provided information on each of the upcoming concerts and where to purchase tickets.

Alfred Jepson said he lived in original Bullhead and said they were told in 2015 that all their roads would be fixed. He said some roads had been repaired with new gutters and sidewalks, and asked why the flooding at the corner of 6th Street and Moser had not been fixed. He asked why the road repair work had not been completed.

Billy Pershing thanked the Council for naming Bullhead City a second amendment sanctuary city.

Pastor Bill and Dr. Leah Coulter said they were representatives from the national campaign of "In God We Trust America." He said their mission was to display the national motto of "In God We Trust" in all public buildings and schools. They distributed an informational pamphlet and requested the City Council pass a resolution to display the motto in the Council Chambers.

Gene Quitmeyer said the ancillary roads in the city were in terrible shape. He said citizens were responsible to hold the Council accountable for addressing all of the issues for the people.

Peter Lausen said the roads were flooding on Tanglewood and Colorado Blvd. during rainstorms. He said the city told him there were no funds available and there was nothing they could do to repair this. He provided photos of his flooded yard to the City Manager.

Dawna Quitmeyer asked about the reason Mr. Oliver had been placed on administrative leave. She said she would like to meet with Mayor Brady to discuss her ideas to improve the city.

Al Scigliano said the national fire code upgrade regarding sprinkler systems was not supported by the Legislature. He suggested the city look into this regulation as it was important for the safety of the citizens.

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

#### **AGENDA MODIFICATIONS**

None

**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. Census 2020

Assistant to the Manager Anthony Kozlowski said April 1st, Census Day, was less than a month away. He provided information to residents on how to complete the census survey. Grace Hecht, a member of the 2020 Complete Count Committee, encouraged everyone to complete their forms. She made the same announcement in Spanish. Larry Tunforss, a member of the 2020 Complete Count Committee, said both Murphy Broadcasting and Radio Central were offering discounted rates for census-related advertising. He said no private information would be requested on the census form.

2. Farmers Market

City Manager Cotter said the Farmers Market would be held in Community Park with other events that would draw many people to the area on Saturday March 7th.

3. Tournament of Champions

City Manager Cotter said the best high school softball teams in the nation would be participating in the National Tournament of Champions over the next weekend in the city parks.

4. Corwin Road Traffic Signal Project

City Manager Cotter said the signal poles and mast arms would be installed on Wednesday and said a lot of work had gone into the project; including mobilization and traffic enforcement because the crews worked on the project during the night.

City Manager Cotter said a pest abatement community forum would be held on March 4th in the Council Chambers.

**MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS**

None

**ITEMS WITHDRAWN FROM CONSENT AGENDA**

None

**CONSENT AGENDA**

**MOTION:** Council Member Clark made a motion that Item No. 1 on the Consent Agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Council Member Ring 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 February 18, 2020; and the Minutes of the Regular Council Meeting held on February 18, 2020. (City Clerk Stein)

**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**

None

**Bid Awards, Contracts, Intergovernmental Agreement, and Purchases**

None

**Other Business**

**Council Member Clark recused himself from discussion on Agenda Item No. 2 due to a conflict of interest and left the dais.**

2. Discussion and possible action to adopt Resolution No. 2020R-13 authorizing the acquisition of EPCOR Water Arizona, Inc., property in and around Bullhead City by eminent domain or any other legal method, including the immediate issuance of an offer to purchase, and any negotiations as may be necessary, to consummate a purchase price for just compensation. (City Manager Cotter)

City Manager Cotter said the city owned 25,000 acre feet of water but did not own the system that conveyed that water. He said the voters approved the city's takeover of the EPCOR water system in November 2019. He said the motion this evening would be to adopt a resolution authorizing the



acquisition of EPCOR Water Arizona, Inc. by eminent domain or other legal methods including an offer to purchase. He said the city would offer to purchase the system from EPCOR for \$55 million. He said over the last four years, EPCOR increased their water rates by 90 percent. He said the city's wastewater rates increased by 6 percent over the last 25 years. He said the city was not in the profit-making business, but was responsible to the people in the community. He said multiple workshops and meetings had previously been conducted regarding this issue. He said the city's outside legal counsel and consultant were in the audience to address any questions.

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

Steven Lee thanked the city for all of the efforts put into this issue. He spoke in support of the resolution and said this should be done as quickly as possible to ward off any legislation that EPCOR wanted to have passed in order to make it more difficult to acquire the water system.

Jeff Stuck, Vice President of Operations for EPCOR, said they had 27 local water utility professionals that were committed to continuing to carry out their duties as the process evolved. He said EPCOR was not for sale and said they would use every legal means to support their position.

Barbara Pape said this was the peoples' choice, and said the people had voted for this. She spoke in support of the resolution.

Al Scigliano, Chairman of the H2O Committee, said EPCOR would continue to raise its water rates. He spoke in support of the resolution.

Royanne Ortiz spoke in support of the resolution, and encouraged the city to take over EPCOR within six months.

Gene Quitmeyer said the proposition barely passed, and said there was an electioneering charge against the city. He said the city could not fix the roads and sewer lines now, and said the city would not be able to maintain the water system either.

Harvey Pryor said the sewer system smelled, and said it scared him to think the city was going to take over the drinking water.

Dennis Moebs said he had conducted some research on similar cities throughout the United States. He said some of the water and sewer system bills were combined.

Nick Parsons said he had faith in the city to manage the water system efficiently. He spoke in support of the acquisition.

Alfred Jepson said his Canadian neighbors told him that EPCOR was the highest billing utility in the country of Canada. He spoke in support of the resolution.

Billy Pershing said the reason the city originally became involved in the water system acquisition was due to a grass roots effort to maintain lower water rates. He spoke in support of the resolution.

Gerald Ross said the people of Bullhead City voted to take over the water company. He said spoke in support of the resolution.

Greg Valdez said he believed in what the city was doing, and said EPCOR was not loyal to its customers. He spoke in support of the resolution.

Larry Tunforss said the current EPCOR employees would be welcomed to come to work for the city, and said the city would do a good job in running the water company.

City Manager Cotter said the city cared about the EPCOR employees and would welcome them to come to the city. He said the city will acquire EPCOR through eminent domain, and said the only issue would be the cost. He said their message was with an olive branch, and said they were willing to negotiate the \$55 million price to purchase the system. He said the price would be decided through the court process. He said this morning EPCOR filed a temporary restraining order against the city invalidating the election and restraining the Council from doing anything that would implement the results of that election. He said today a district court judge rejected the restraining order.

City Attorney Emery said certain rules applied to electioneering complaints. He said EPCOR filed a complaint against the city with the Attorney General for electioneering last summer, and said the city disputed the allegations. He said the city should educate voters and provide informational materials to them. He said the city had been cooperating fully with the Attorney General, and said there had been no finding of illegalities.

**MOTION:** Council Member Ring made a motion to adopt Resolution No. 2020R-13 authorizing the acquisition of EPCOR Water Arizona, Inc., property in and around Bullhead City by eminent domain or any other legal method, including the immediate issuance of an offer to purchase, and any negotiations as may be necessary, to consummate a purchase price for just compensation. Vice Mayor Wegmann seconded the motion.

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

**MOTION CARRIED**

**Council Member Clark returned to the dais.**

3. Discussion and possible action to approve: 1) acceptance of a grant totaling \$105,000 from the Arizona Game and Fish Department for the sole purpose of supporting recreational boating law enforcement activities; 2) the purchase of one law enforcement patrol boat through authorized GSA purchasing channels with the grant funds in an amount not to exceed \$105,000, to be owned by the city, with associated emergency response and boating safety equipment; 3) the entry of any necessary agreements with Arizona Game and Fish and/or the boat vendor to finalize the transaction; and 4) authorize the City Manager to execute all required documentation and issue resulting payments. (City Manager Cotter)

Acting Chief of Police DeSantis said the city received a grant from Arizona Game and Fish to purchase a new boat for law enforcement activities on the Colorado River. He said the new boat would replace a 2008 boat that was nearing the end of its useful life.

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

**MOTION:** Vice Mayor Wegmann made a motion to approve: 1) acceptance of a grant totaling \$105,000 from the Arizona Game and Fish Department for the sole purpose of supporting recreational boating law enforcement activities; 2) the purchase of one law enforcement patrol boat through authorized GSA purchasing channels with the grant funds in an amount not to exceed \$105,000, to be owned by the city, with associated emergency response and boating safety equipment; 3) the entry of any necessary agreements with Arizona Game and Fish and/or the boat vendor to finalize the transaction; and 4) authorize the City Manager to execute all required documentation and issue resulting payments. 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 7:09 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 3rd day of March 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of March 2020.

  
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Susan Stein, MMC, CPM  
City Clerk