

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, May 19, 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 Retired Air Force Chaplain Paul Pitts to deliver the invocation. Mayor Brady led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Bruck, Clark, D'Amico, Ring, Shutts (via Zoom conference), Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Brian Williamson (via Zoom conference)

FINANCE DIRECTOR: Rudy Vera (via Zoom conference)

INTERIM PUBLIC WORKS DIRECTOR: Angie Johnson (via Zoom conference)

HUMAN SERVICES DIRECTOR: Jeff Tipton (via Zoom conference)

DEVELOPMENT SERVICES DIRECTOR: Saritti Chooniyom (via Zoom conference)

PRESENTATIONS AND PROCLAMATIONS

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

Cindy Frizelle expressed her gratitude for the many supporters of military veterans and the highway banner program, and thanked Mayor Brady for approving the installation of an additional sixteen banners to be displayed along Hancock Road. She displayed a photo of each of the eleven military retirees and read a brief summary about each service member.

Mayor Brady said he and the citizens of the community were grateful to each and every member of the military for their service.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Steven Lee said the city had a severe feral cat problem. He said he contacted Animal Control said he was told that he could trap the cats but no other help was offered except to refer him to an organization.

Geronimo James said their freedoms were violated and destroyed due to the COVID-19 lockdown. He said contact tracing was coming next and requested the city to not implement this.

Lisa Ray said contact tracing was a violation of constitutional law and subject to fines and/or prison time.

Scotty McClure suggested conducting temperature checks on everyone entering a public space. He said Safeway had removed some of the handicapped parking spaces and access to the store was difficult. He provided ADA information to the Council asked the city to look into the matter.

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 Bruck seconded the motion.

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

MOTION CARRIED

MANAGER'S REPORT

1. COVID-19 Update

City Manager Cotter said much of Arizona had re-opened. He said the city's park amenities were opened, including the pool and splash pad; and said they were sanitizing frequently. He said the community center gym and senior center remained closed. He said the city was doing everything it could to keep the community safe, and encouraging local businesses to do the same. He said Meals on Wheels was delivering meals.

2. Census 2020

City Manager Cotter said the census was ongoing and said hopefully representatives would be able to knock on doors in July to complete the program.

3. Municipal Court Update – City Magistrate Psareas

City Magistrate Psareas said the court had been working with the state on Phase I opening. He said they installed a drop box for court payments and had more online transactions. He said they had recently implemented a new case management system, and were renovating the court's entrance area. He said they received a \$500,000 three-year grant for the Veterans' Court. He said the court handled criminal misdemeanors, civil and criminal traffic offenses, and protective orders. He provided annual statistics on the caseload and said civil traffic was the highest number. He said the jail costs had decreased each year over the past six years.

4. Colorado River Level Fluctuations

City Manager Cotter said local business owners, the Laughlin Chamber, and he became active with the Bureau of Reclamation to address the concerns of Laughlin and Bullhead City. He said the river levels were not fluctuating as much as they were a few months ago. He said the levels did not go below 3 units now. He said California wanted power at night and that was the reason the river was at 5 units at night. He said the Bureau of Reclamation had been good to work with and were hearing the needs of the tribe and tourism. He said power needs should not dictate how the river should flow, but said power was a big part of funding the dam. He said they would continue to monitor the river levels in the next year or two.

5. Fiscal Year 2020-2021 Annual Budget

City Manager Cotter said two more public budget meetings would take place; one on June 2nd, and the final budget would be adopted on June 16th.

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 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 D'Amico 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 May 5, 2020. (City Clerk Stein)
2. Approval of Resolution No. 2020R-20 authorizing the abandonment of the one-foot non-access easement that runs along the north property line of a parcel of land located at 2010 Commercial Way and described as Lot 12 of Riviera Commercial Park Tract 4034, Section 19, T20N, R22W, Bullhead City, AZ. (Development Services Director Chooniyom)

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 the request for an allocation of Colorado River water in the amount of 36.1 acre-feet annually for the third phase of the Silver View RV Park located within Section 13, T20N, R22W. (Development Services Director Chooniyom)

City Manager Cotter said this was a routine allocation request item. He said Mr. Gindt, owner of the Silver View RV Park, had spent millions of dollars on improving the RV park with a dog park, swimming pool, clubhouse, and artwork.

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

MOTION: Council Member D'Amico made a motion to approve the request for an allocation of Colorado River water in the amount of 36.1 acre-feet annually for the third phase of the Silver View RV Park located within Section 13, T20N, R22W. Council Member Clark 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

4. Discussion and possible action to approve the contract with Aquatic Pools and Landscape for the resurfacing of the municipal pool in the amount of \$82,311.01; ratify the City Manager's execution of the contract; and approve the transfer of \$22,311.00 from G/L Account 101.650.3550.4312. (Parks and Recreation Superintendent Heath)

City Manager Cotter said the city went out to bid for this project in November and no bids were received. He said three local companies were asked to bid on the project, and said Aquatic Pools submitted the lowest bid. He said the budget included \$60,000 for this project, and a budget amendment of \$22,311 was required. He said the pool opened this week for lap swim and water aerobics.

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 the contract with Aquatic Pools and Landscape for the resurfacing of the municipal pool in the amount of \$82,311.01; ratify the City Manager's execution of the contract; and approve the transfer of \$22,311.00 from G/L Account 101.650.3550.4312. Council Member Bruck 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 approve the fiscal year 2020-2021 Memorandum of Understanding between the City of Bullhead City and the Bullhead City Fraternal Order of Police Officers' Association; and authorize the Mayor to execute the MOU on behalf of the city. (City Manager Cotter)

City Manager Cotter said this was the final determination of compensation and benefits for the employees represented by the FOPOA for the upcoming period of July 1, 2020 through June 30, 2021. He said the MOU included a 1.6 percent cost of living adjustment (COLA), and a \$250 uniform allowance for safety glasses. He said the FOPOA had been great to work with, and said the members did an excellent job for the community.

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

Mayor Brady said public safety and the safety of officers were the highest priority for the city. He said he had a problem with one item that was added this year. He said a budget item of \$16,120 was included for the purchase of authorized safety glasses with or without prescription lenses. He said giving those employees \$250 yearly to buy new glasses was not in the best interest of the taxpayers. He said he had no problem giving employees \$250 for eye protection for their safety, but said he did not want to see it done annually. He said if an officer broke or damaged their safety glasses in the line of duty, the glasses should be replaced at no cost to the officers but it was not in the best interest of the taxpayer to allow them to buy a brand new pair of Oakley sunglasses every year for \$250. He said a one-time authorization should be allowed, but said he did not think it should be provided annually. He said if the same item came back next year, he would vote "no." He said if an officer took care of his/her equipment, there was no reason to replace it every year.

MOTION: Council Member Clark made a motion to approve the fiscal year 2020-2021 Memorandum of Understanding between the City of Bullhead City and the Bullhead City Fraternal Order of Police Officers' Association; and authorize the Mayor to execute the MOU on behalf of the city. Council Member Ring seconded the motion.

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

MOTION CARRIED

Other Business

6. Discussion and possible action to approve the public auction of the City-owned parcels at 1300 Silver Creek Road with a minimum bid of \$170,000; and if Lamont is the successful bidder, authorizing the City Manager to develop and execute a purchase and sale agreement with terms and conditions that ensure the continued development of the project to completion which may include such terms as completion dates, payment of deferred rent, and hotel brand affiliation. (City Manager Cotter)

City Manager Cotter said the city had an existing agreement to build the Holiday Inn and convention center. He said the owners did not believe the convention center would be conducive to their investment at this time. He said they were asking for the convention center to be removed from the development agreement. He said the Council had an option to either sell the parcel to the developers or to revise the existing lease.

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

Steven Lee said he said it was in the long term interest of the city to hold on to this valuable piece of property and lease it to the hotel developer.

MOTION: Council Member Bruck made a motion to deny the public auction and direct the City Manager and City Attorney to revise the lease agreement, deleting the conference center. Council Member Ring 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 Ordinance No. 2020-04 adopting by reference the document entitled "Animal Code Amendments 2020" as an amendment to Title 6 of the Bullhead City Municipal Code; and adopting Resolution No. 2020R-21 declaring that document a public record. (City Manager Cotter)

City Manager Cotter said in 2018 the animal code was amended to reflect dog violations including dogs at large to be petty offenses, which meant that jail time was not an option in the range of penalties. He said after discussions with the Police Department, Animal Care and Welfare, City Prosecutor's office and the Municipal Court; it was recommended to designate certain violations, such as dog at large, as civil violations, which would carry a fine but would have criminal penalties for subsequent violations. He said it was also recommended that the requirement for the licensure of cats was not a productive activity and should be eliminated. He said the elimination of cat licensing requirements in no way would change the maximum number of dogs and/or cats that may be part of a single residence, or vaccination requirements.

City Attorney Emery said the major changes in the animal code were that the dog at large and failing to register or vaccinate animal offenses would now be subject to a fine collectible by the court. He said the court could treat an unpaid fine as contempt of court. He said a first time civil

penalty would be \$35 for a dog at large. He said a second offense within 18 months would be treated as a criminal offense.

Council Member D'Amico asked about the fines.

City Attorney Emery said the first violation was a civil violation carrying a fine of \$35 plus surcharges, a second violation of the same offense within 18 months was a class 3 misdemeanor carrying a minimum fine of \$100 plus surcharges, and a third violation within 18 months became a class 2 misdemeanor with a minimum fine of \$300 plus surcharges. He said when a dog at large ended up biting a person or an animal, it was a criminal misdemeanor.

Council Member D'Amico thanked the city for revising the animal ordinance.

Mayor Brady said there were different types of dog bites and the previous code language had required a minimum fine of \$1,000 plus surcharges that could amount to another 83 percent. He said it was pointless to make criminals out of every cat owner that did not register their cat.

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

Steven Lee said the Bullhead City law was that if a person fed a cat, that person owned the cat. He said the only way to have any type of cat enforcement was to enforce the cat licensing requirement. He said there had to be some control over feral cats. He said people were feeding cats and allowing them to breed. He said there was a reason the cat licensing law was there and said it should be enforced to control the feral cat problem in the community.

MOTION: Council Member Bruck made a motion to approve Ordinance No. 2020-04 adopting by reference the document entitled "Animal Code Amendments 2020" as an amendment to Title 6 of the Bullhead City Municipal Code; and adopt Resolution No. 2020R-21 declaring that document a public record. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

8. **PUBLIC HEARING.** Discussion and possible action to adopt Resolution No. 2020R-22 approving changes to the Comprehensive Fee Schedule effective July 1, 2020. (City Manager Cotter)

City Manager Cotter said the proposed changes included miscellaneous fees related to the deposits for ball fields, community center gym and multi-purpose room reservation fees, water impost fees, and removing the cat licensing fee. He said there was little impact from these fees to residents.

Council Member D'Amico asked if there was any cost recovery from the multiple purpose room fees.

City Manager Cotter said typical one-day rentals of the rooms were for private parties or speaking presentations, and the monthly rentals for meeting rooms were used by non-profits and community organizations. He said the city did not recover all of its operating costs from the fee collections.

Council Member D'Amico said the multiple purpose room fee increase from \$160 to \$250 was a little extreme.

Mayor Brady opened the public hearing.

Steven Lee said the higher rental charge could be pre-approved in the schedule to allow the city to receive as much revenue as possible in order to offset its costs.

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

MOTION: Council Member D'Amico made a motion to adopt Resolution No. 2020R-22 approving changes to the Comprehensive Fee Schedule effective July 1, 2020; to include the modification to Section A3.40.220.05 (Suddenlink Community Center) to reflect an increase in the proposed multiple purpose room reservation fee from \$160.00 per day to \$200.00 per day. Council Member Bruck seconded the motion.

Council Member Clark asked about the average number of multi-purpose room rentals per year.

Human Services Director Tipton said the multiple purpose room was rented less than 50 times per year.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

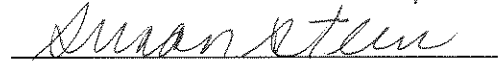
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:13 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 May 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of June 2020.

A handwritten signature in cursive script, appearing to read "Susan Stein", is written over a horizontal line.

Susan Stein, MMC, CPM
City Clerk