

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, August 4, 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 Rob Lee of Hope United Methodist Church 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, Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery (via Zoom conference)

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: S. Chooniyom (via Zoom conference)

**PRESENTATIONS AND PROCLAMATIONS**

None

**OPEN CALL TO THE PUBLIC**

Mayor Brady opened the call to the public.

Steven Lee said the top priority should be to control the spread of COVID including testing everyone every two weeks and providing shopping services to allow those who could not leave their homes due to the quarantine.

Barbara Pape provided information on a voter registration drive.

Sue Demarco said Saving Animals In Need Together was in desperate need of funding to continue their spay/neuter and medical assistance programs. She said she saw a ballot without the City Council candidates' names printed on it.

Sal Energias said the Arizona Corporation Commission was supposed to act in the interest of citizens. He said the Commission had approved enormous water service increases from EPCOR. He said this should be investigated by Governor Ducey's office.

Al Scigliano gave a history of how the current water system was first implemented in Bullhead City. He said now was the time to bring the city's water system up to date.

Scotty McClure said he had no faith in the county and state's medical reporting on the COVID-19 virus. He asked about the end of recycling and trash pick-up service for handicapped citizens.

Frank Sagasa said he was told he would be fined for not wearing a mask and asked where that law was mentioned.

Royanne Ortiz said the City Council candidates' names were printed on the back side of the Republican and Democratic ballots.

Gerald Ross said he saw a ballot with no City Council candidates' names printed on it.

Drew Gardner said there was a sewer smell around Lakeside near Smith's and asked if the city was doing anything to correct this.

Steve Lasturga said he worked in the health care industry. He said decisions should be based on scientific facts and data from the CDC and the health care community.

Joyce Berget said she lived on Colina Drive. She said drivers were speeding up and down her street and said she had not seen any traffic enforcement activity within the city.

Harvey Pryor said he spoke with Jeff Tipton and received some answers to his complaints about BATS. He asked City Manager Cotter to respond to future questions with more than one word. He asked about the status of WARMC's testing program for COVID-19.

Eva Corbett said Mayor Brady made a comment that voters should not vote for someone because they had a "popular" name.

Mayor Brady said that he said voters should not vote for a candidate unless they understood their individual platforms and not just vote for anyone because he/she had a "popular" name.

Billy Pershing asked when the gyms would open. He said Mad Dog Fitness did a good job of sanitizing equipment.

Dale, a Bullhead City resident, said the Field House could be utilized to help bring children and parents together in order to educate them about prevention of the virus.

Racine Simpson said she posted information online about her experiences with Dr. Zehri's sexual harassment. She said she felt the community needed to be protected from him.

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

**AGENDA MODIFICATIONS**

**MOTION:** Mayor Brady made a motion to move Agenda Item No. 9 for discussion before Agenda Item No. 8. 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 D'Amico made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Wegmann seconded the motion.

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

**MOTION CARRIED**

**MANAGER'S REPORT**

1. Election Day Information

City Clerk Stein provided information on the four polling locations within Bullhead City. She said the county had the ballots printed and said she posted copies of the sample ballots on the city's website. She said the City Council candidates' names were printed on every style ballot.

2. COVID-19

City Manager Cotter said WARMC had tested more than 1,000 people for COVID-19 in the emergency room over the last few weeks. He said the testing blitz event did not work out due to the timing and cost. He said they were planning testing events with North Country Medical, and possibly Sonora Quest, if needed in the future. He said a ruling from a Maricopa County judge came out today which gave Governor Ducey a week to change the ruling on gym closures.

3. EPCOR Rate Case and Associated Issues

City Manager Cotter said EPCOR had successfully filed another rate case and said the city intervened in the rate case. He said EPCOR filed a motion to limit Bullhead City from representing the interests of residential customers, but the judge ruled against it. He said the rate case proposed an entire consolidation of all EPCOR's water districts in Arizona. He said the city's court case was scheduled for February 2021 to take possession of EPCOR. He said EPCOR would dispute everything he said.

#### 4. New Trash Service and End of Recycling

City Manager Cotter said a public information campaign would inform residents that recycling would end on September 1st in Bullhead City. He provided information on the new trash pick-up schedules.

#### 5. Census 2020

City Manager Cotter said census people had been hired to go door-to-door in the community in the very near future. He encouraged everyone to participate as the census was extremely important to the city.

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

Council Member Wegmann said the city did not manage the Field House and was not involved with School District activities. She said citizens should contact school district representatives with any issues.

Council Member Ring said she organized her first caravan to "Back the Blue." She thanked everyone that participated in this successful event. She said the number of participants was amazing and the huge turnout was unexpected.

### **ITEMS WITHDRAWN FROM CONSENT AGENDA**

None

### **CONSENT AGENDA**

**MOTION:** Council Member Clark made a motion that Items No. 1 through 3 on the Consent Agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Vice Mayor 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 July 21, 2020. (City Clerk Stein)
2. Approval of the request to release the remaining financial assurance in the form of a cash bond for The Summit at Laughlin Ranch, Tract 5166; and to accept the required sewer improvements into the city system for maintenance. (Development Services Director Chooniyom)
3. Approval of the request to release the financial assurance for Canyon Trails at Fox Creek, Tract 5190, Unit 5; approve the City Manager's execution of the agreement termination; and accept the

required improvements into the city system for maintenance. (Development Services Director Chooniyom)

**PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA**

None

**BOARD/COMMISSION/COMMITTEE APPOINTMENTS**

None

**PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS**

4. **PUBLIC HEARING.** Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a new Series 12 Liquor License No. 112751 submitted by Kerrienne Margaret Meoni for Meoni's Italian Kitchen located at 2350 Miracle Mile, Suite #310, in Bullhead City. (City Clerk Stein)

City Manager Cotter said staff had reviewed the application and had no objections.

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

**MOTION:** Council Member Shutts made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a new Series 12 Liquor License No. 112751 submitted by Kerrienne Margaret Meoni for Meoni's Italian Kitchen located at 2350 Miracle Mile, Suite #310, in Bullhead City. Council Member Wegmann 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 make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a new Series 12 Liquor License No. 113244 submitted by Jason Robert Schmitt for the Mohave Diner located at 3061 Highway 95 in Bullhead City. (City Clerk Stein)

City Manager Cotter said staff had reviewed the application and had no objections.

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

**MOTION:** Council Member Wegmann made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a new Series 12 Liquor License No. 113244 submitted by Jason Robert Schmitt for the Mohave Diner located at 3061 Highway 95 in Bullhead City. Council Member Bruck seconded the motion.

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

**MOTION CARRIED**

**ACTION ITEMS**

**Building, Planning and Zoning Items**

None

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

None

**Other Business**

6. Discussion and possible action to adopt Ordinance No. 2020-07 approving the "Commercial Doors Nuisance Code Amendment 2020" as an emergency measure; and approve Resolution No. 2020R-34 declaring the code amendment a public record. (City Manager Cotter)

City Manager Cotter said this item would modify the City Code in order to prevent safety violations occurring daily at local big box retailers that are locking certain front doors designed and approved to allow ingress and egress. He said in cases of emergency, exiting these stores could be problematic and many city approved ADA parking spots near closed doors were too far away from the open entrances. He said most stores had complied but some businesses still had blocked doors. He said the emergency ordinance would give the city the ability to issue citations.

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

Scotty McClure said he was pleased to see this item on the agenda, and thanked the city for taking action. He said more enforcement was needed for handicapped parking spaces.

Harvey Pryor asked if the Fire Marshal had looked at occupancy levels during the pandemic. He said the gate in the garden department at Wal-Mart should also be unlocked and opened.

City Manager Cotter said there were no fines imposed for not wearing masks under any city ordinance.

**MOTION:**    **Council Member Ring made a motion to adopt Ordinance No. 2020-07 approving the "Commercial Doors Nuisance Code Amendment 2020" as an emergency measure; and approve Resolution No. 2020R-34 declaring the code amendment a public record. Council Member Wegmann 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 adopt Resolution No. 2020R-35 authorizing submission of an application to the Arizona Department of Housing for State Housing Fund and HOME Investment Partnerships Program Grant Funds. (Human Services Director Tipton)

Human Services Director Tipton said the city was eligible to apply for state housing funds and home grant funds for moderate housing rehabilitation for low income qualified owner-occupied single family dwellings. He said the rehabilitation work must be performed according to the state's housing rehabilitation standards contained in the Housing Rehabilitation Guidelines. He said projects funded by this grant were for moderate rehabilitation and could not be used for projects that solely addressed emergency repairs and weatherization. He said the city could receive \$385,000 and there was no match required from the city.

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

**MOTION:** Council Member Bruck made a motion to adopt Resolution No. 2020R-35 authorizing submission of an application to the Arizona Department of Housing for State Housing Fund and HOME Investment Partnerships Program Grant Funds. 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**

8. Discussion and possible action to adopt Resolution No. 2020R-36 approving limited re-opening of city parks and beaches. (Council Members Mark Clark and Tami Ring)

Council Member Clark said they were not seeing any reductions in visitors to the community even with the beaches being closed on the weekends. He said he would like to open the parks and beaches with social distancing in place.

City Manager Cotter said the resolution called for Community Park to be open every day of the week with no more than 400 vehicles at any time, an entrance fee of \$20 per vehicle, and no charge entry for Bullhead City residents. He said if a vehicle left the park but returned the same day, a \$20 re-entry charge would apply. He said commercial launch permits would be adjusted and no additional launch permits would be approved for the remainder of the year. He said a parking plan would be created to facilitate patrons throughout the park, and additional sanitizing stations and signage against large gatherings would be available. He said Rotary Park would have similar restrictions with a limit of 600 cars each day.

Council Member Clark said a study has begun to look at the effects of a lack of vitamin D on COVID-19 patients.

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

Karen Moscato spoke in support of keeping the parks and beaches closed in order to protect citizens. She said those living in rural areas were not protected from the virus.

Tina Nunez asked if the area near Lazy Harry's would be opened. City Manager Cotter said the area would be closed on Fridays, Saturdays, and Sundays.

Terry Work said he was tired of the restrictions and spoke in support of the resolution.

Scotty McClure asked if the walkway near Sunshine Marina could be opened for pedestrians over the weekends.

Billy Pershing confirmed that all residents and visitors would be able to go the beaches every day of the week.

Mayor Brady said he was relieved that the weight of his decision would now be shared by the Council Members. He said for the July 4th weekend, a plan was originally put into place to limit 500 cars in the park at any time which failed because hundreds of tourists parked and walked across the highway to Community Park at no charge. He said they labored hard to correct those mistakes and could not come up with a viable alternative. He said he then signed the proclamation to close the beaches and reopen them on September 14th to help keep the community safe. He said there were many problems with any of the proposed re-opening plans they had discussed. He said he whole-heartedly disagreed with Council Member Clark's proposed plan that included a convoluted plan that picked winners and losers in the jetski business which might result in lawsuits. He said Governor Ducey closed bars and other establishments throughout the state, and said local civic clubs had closed down. He said those employees were suffering financial hardships. He asked who they were helping by re-opening the parks, as residents did not go to the parks on the weekends. He said he represented the seniors and children of the community, all who want this to end. He said the proclamation to close the beaches ended in five weeks and said they had to do everything they could to stop the spread of COVID-19. He said he was prepared to open all of the parks and beaches after 4:00 p.m. if the proposed resolution did not pass.

Vice Mayor D'Amico said statistics showed that closing the beaches and wearing masks did not do a lot of good to stop the spread. He said he did not support closing the beaches. He said he would like an amendment to allow cars that paid the entry fee and left the parks to re-enter that same day to not pay another re-entry fee; and an amendment that allowed all Bullhead City residents to enter the parks without restriction. He said wristbands could be a solution.

Council Member Wegmann said over the past several years the community had been impacted economically by several events. She said she was approached more about closing the beaches during the pandemic than about the River Regatta. She said she was in support of opening the beaches.

Mayor Brady said he realized that businesses were important and wished that Davis Camp and the National Parks Service had also closed for the protection of all citizens. He said keeping the beaches open might lead to more contagion and a longer period of businesses and schools being closed.



**MOTION:** Council Member Clark made a motion to adopt Resolution No. 2020R-36 approving limited re-opening of city parks and beaches; to include an amendment that allowed vehicles that paid the \$20 entry fee and left the parks that same day to re-enter without paying another entry fee; and an amendment that allowed all Bullhead City residents to enter the parks without restriction. Council Member Ring seconded the motion.

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

### **MOTION CARRIED**

9. Discussion and possible action to adopt Resolution No. 2020R-37 approving a face covering mandate within the city in response to the increasing number of positive COVID-19 cases. (Mayor Tom Brady)

Mayor Brady said Governor Ducey led the charge as to what individual Arizona cities and counties could regulate during the pandemic. He said both California and Nevada had required masks at first; but said in the beginning Bullhead City did not want to impose that requirement. He said as the numbers started spiking in the community, he met with members of the medical community as well as other cities, and chose to implement the mask requirement inside a public establishment.

City Manager Cotter said the mandatory mask requirement did not include any fines and included exceptions for children under six years of age, people who had medical conditions, and other exceptions.

Mayor Brady said in the beginning they strongly encouraged people to wear masks but said people did not wear their masks. He said the decision was then made to require masks.

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

Royanne Ortiz said if masks worked; why were people social distancing and people being let out of prisons. She said masks should be optional and not mandatory.

Harvey Pryor asked if the level of first responders and medical personnel was running low. He said people needed to wear a mask in order to stop the spread of corona virus.

Mayor Brady said he met regularly with the Fire Chief, and was told they were operating on a limited basis. He said the Fire Department could not spare any fire fighters at this time.

Karen Moscato spoke in support of wearing masks in order to defeat the virus and save the economy.

Tina Nunez spoke against wearing masks and said people had to do things to keep themselves healthy.

Rae Rhines spoke in support of wearing masks and closing the beaches. She said masks were required in most states.

Terry Work spoke against the mask requirement and said testing did not work correctly.

Drew Gardner said he did not understand the reasons why the city did not enforce the curfew that was ordered by Governor Ducey.

Greg Valdez said he was in support of wearing a mask as a precautionary measure.

Scotty McClure spoke in support of the mask requirement.

Joyce Brujet said she was in favor of a voluntary mask requirement. She said wearing a mask was not healthy and would not stop a virus.

Billy Pershing asked if data was collected by the city on contact tracing and virus spread.

City Manager Cotter said contract tracing was conducted by the Mohave County Public Health Department and said some of the results were not shared due to privacy laws.

Council Member Wegmann said she did not like to wear a mask but said she did some research and found out that masks made a difference. She said she was torn about the decision.

Council Member Clark said he talked to physicians from the University of Arizona and said they determined that wearing a mask was 85 percent effective in helping to stop the spread of the COVID-19 virus.

Council Member Shutts said she had received several emails regarding this item. She said she was anti-mask, but would rather err by wearing a mask than not and have someone get sick and die.

Vice Mayor D'Amico said it was a hardship for employees to wear a mask for eight hours every day. He said masks might or might not have helped decrease the spread of the virus in the community. He said it was an individual's personal responsibility to protect themselves.

Council Member Ring said she agreed with Vice Mayor D'Amico. She said it was up to the people to take care of themselves and their own families. She said she wore a mask inside stores because of respect.

Council Member Wegmann said she would continue to wear her mask, but said it was up to the individual to make their own personal choice.

Council Member Bruck said she was in support of wearing masks, and said she would vote to continue the order for a few more weeks.

Mayor Brady said the issue was not about personal responsibility and acknowledged there was controversy surrounding this pandemic. He said the only statistics he truly followed dealt with the preparedness of hospitals and first responders in treating those who became ill with this deadly virus. He said it was not just the elderly that have died from the virus. He said this virus was not an ordinary flu and was life threatening. He said more than 40 states had a mask ordinance imposed.

**MOTION:** Council Member Shutts made a motion to adopt Resolution No. 2020R-37 approving a face covering mandate within the city in response to the increasing number of positive COVID-19 cases. Council Member Bruck seconded the motion.

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

**MOTION CARRIED**

**ADJOURNMENT**

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 8:24 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 4th day of August 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of August 2020.

*Delia Ogden, Deputy City Clerk*  
for Susan Stein, MMC, CPM, City Clerk