

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, October 6, 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 David Maxson of Christian Joy Church of the Nazarene to deliver the invocation. Vice Mayor D’Amico 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

INTERIM POLICE CHIEF: Robert Trebes

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

PLANNING MANAGER: Johnny Loera

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation declaring the month of October 2020 as “Domestic Violence Awareness Month” in Bullhead City.

Mayor Brady read the proclamation.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Gary Genovese said the local GOP Headquarters members vehemently opposed Proposition 207. He asked the city to oppose the Lake Powell Pipeline to southwestern Utah as every drop of water is precious to the community.

Sue Demarco from Saving Animals in Need Together discussed how the organization had intervened in an animal abuse situation to save a dog. She asked the city to pass an ordinance that would prosecute animal abusers because they were tired of seeing so many cases.

Dan Alfonzo said the city was short-sighted in ending the mask requirement and said he felt those Council Members that voted to end it were not representing the majority of citizens.

Billy Pershing said most businesses were still requiring a mask to enter and said he did not see the city requiring an additional face mask requirement.

Scotty McClure suggested the city buy the 269 acres that was up for sale, and build solar panels on it. He said he would like to see a block wall or screening between the storage units and the new homeless shelter.

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

AGENDA MODIFICATIONS

None

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 Ring 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

City Manager Cotter provided updated statistics on the virus cases within the Bullhead City area. He said now they had robust testing available for free seven days a week, and said they were working on additional testing opportunities later this month. He said they believed robust testing was a way to keep the schools and businesses open.

2. Election Information

City Clerk Stein provided voter information on the upcoming November 3rd election.

3. Drive-In Movie Concept

City Manager Cotter said the Recreation Department had been working on the drive-in concept since COVID-19. He thanked the Legacy Foundation and other city businesses that contributed to the project. He said he would provide an update on their progress in the near future.

4. Parades (Homecoming, Veterans’ Day, Boombox Holiday Parade)

City Manager Cotter said the three parades were scheduled to take place. He said they requested that organizers have all protocols in place to protect everyone and conduct the events as safely as possible. He said the Farmers’ Market last weekend was a good example when everyone was doing their part to keep their neighbors safe.

5. Arizona Dept. of Transportation (ADOT) Highway Safety Improvements

City Manager Cotter said the first phase of ADOT's highway safety project would include a new center median from the bridge to the old Post Office. He said work crews would be working during the night to complete the project.

6. Catholic Charities Homeless Shelter

City Manager Cotter played a video regarding the upcoming opening of the new homeless shelter in Bullhead City. He said there was one family currently living in the center, and some staff had been hired. He said the shelter would open soon for day services, and said donations and volunteers would always be needed.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Wegmann said Rivyve Health Center would hold an open house to the public on October 9th.

Mayor Brady said the city's end of the mask wearing requirement did not mean that people should not have to wear masks inside establishments that currently had a mask wearing policy.

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. 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 September 15, 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

2. Discussion and possible action to adopt Resolution No. 2020R-43 approving the Governor's Office of Highway Safety Grant #2021-A1-002 in the amount of \$25,159.00 for a 3-D Station Laser Scanner to be used in accident and crime scene investigations. (Interim Police Chief DeSantis)

Police Captain Robert Trebes said the grant funds would be used to purchase an Accident Investigation Scan Station, including accessories, software, and training. He said the scanner would be used in accident and crime scene investigations which would produce virtual scene reconstructions and figures in important reconstruction math formulas. He said the technology would reduce labor time and risks that officers experienced by taking on-scene measurements and would decrease secondary crashes.

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

MOTION: Vice Mayor D'Amico made a motion to adopt Resolution No. 2020R-43 approving the Governor's Office of Highway Safety Grant #2021-A1-002 in the amount of \$25,159.00 for a 3-D Station Laser Scanner to be used in accident and crime scene investigations. Council Member Ring seconded the motion.

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

MOTION CARRIED

3. Discussion and possible action to adopt Resolution No. 2020R-44 approving the Program-Funded State and Local Task Force Agreements (PHX and LHC) between the Drug Enforcement Administration (DEA) and the Bullhead City Police Department (City of Bullhead City). (Interim Police Chief DeSantis)

Police Captain Robert Trebes said these agreements provided the city access to federal funding and equipment to assist with narcotic, dangerous drug, and drug trafficking investigations. He said collaboration with Drug Enforcement Agency personnel and other agencies that had the same goal of eradicating drugs was invaluable in gathering information to disrupt drug trafficking and immobilize drug trafficking organizations in the community, county, and the state.

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 adopt Resolution No. 2020R-44 approving the Program-Funded State and Local Task Force Agreements (PHX and LHC) between the Drug Enforcement Administration (DEA) and the Bullhead City Police Department (City of Bullhead City). Council Member Wegmann seconded the motion.

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

MOTION CARRIED

Other Business

4. Discussion only on home hospice services in residential neighborhoods. No action will be taken.

City Manager Cotter said questions from neighbors had come up during the last three calls to the public relating to a residential care home on 3464 Sundial Drive. He said the issue was previously discussed at a neighborhood meeting, but confusion remained as to the nature of the licensing that was required by the state, and city involvement. He said the city wanted to “clear the air” about the issues surrounding this item. He said this discussion would inform the public regarding the conditions and applicable laws pertaining to the operation of hospice services in a home, or similar home-like settings, in residential neighborhoods.

Planning Manager Loera provided a presentation on state and municipal laws relating to residential care homes. He said residential care homes were allowed as long as they met the definition in Code Chapter 17.04, were certified by the state as a care home, and had a city business license. He said the Americans with Disabilities Act and the Fair Housing Act prohibited discrimination against people with disabilities. He said the applicant had applied for a building permit for an interior remodel.

City Manager Cotter said there was no notification process within City Code to nearby properties when someone applied for a building permit. He said there was also no requirement to notify neighborhoods when an Air B&B home was rented on a daily basis to visitors.

Natacha Van Horn said she was the property owner. She said she thought their last neighborhood meeting answered most of the residents’ concerns, and said she invited the neighbors to visit her open house. She said she felt bullied by the neighbors but has tried very hard to be the better person. She said she could choose to house anyone in the home, but said she chose to only house hospice patients close to the end of their lives. She said she agreed to not hold any staff meetings and to eliminate any deliveries to not impact traffic in the neighborhood. She provided her credentials. She said she was formerly a nurse at the hospital but made a decision in 2017 to open her Family Care Home and Hospice business which now had 51 employees. She said she was not new to the medical field or to the community.

Council Member Wegmann said this home would be for people strictly needing end of life care.

Ms. Van Horn described hospice care and said it gave people the opportunity to die with dignity. She said an RN, another nurse, and an aide would be working at the home at all times. She said there would be no signage on the exterior of the home. She said the employees would park in the garage and the mortuary truck would pull to the side of the house by the double gates or park in the garage. She read a statement to the neighbors stating that their hateful signs would impact their home values. She said she had met all requirements set by the City, the Fire Department and the State of Arizona, and said the home was allowed to move forward. She said the majority of the community supported this project.

Mayor Brady said that federal and state laws dictated what would happen on city property and the city's ordinance conformed to those laws.

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

Thomas Pew asked why the home was not located in a commercially zoned district. He said they found out about the use from one of the construction workers on site, and said the city did not tell them about it. He spoke in opposition to the use of the home as a home hospice in his neighborhood.

City Attorney Emery said the Homeowner Association CC&Rs were private rights between private homeowners on private uses. He said sometimes the CC&Rs collided with the Municipal Code provisions that allowed certain things. He said as long as the action complied with the Code, the city's action stopped. He said the city did not enforce CC&Rs. He verified the home hospice/home assisted living regulations according to the Arizona Department of Health Services, and explained the city's business licensing procedure. He discussed the legislation under the Fair Housing Act and the Americans with Disabilities Act (ADA).

Nate Baer said he was a long-time resident and a paramedic for many years. He spoke in support of the home hospice facility.

Gina Cochran said she would have to disclose the 10-bed hospice facility in their neighborhood when selling their home. She said the city was showing favoritism to the applicant. She said the facility should not be in their back yard.

Vice Mayor D'Amico said they were here tonight for discussion only, and said there was nothing the city could do to change the situation. He urged the neighbors and business owner to work together.

Dan Amanderez said he lived on Sundial and felt bullied by the city. He said if he was notified about this home going in the neighborhood, he would not have purchased his home knowing there would be a business there. He said the homeowners did not have a voice in the matter.

No action was taken on Agenda Item No. 4.

5. Discussion and possible action to adopt Resolution No. 2020R-45 opposing the transfer of 4th Priority Colorado River Water from GSC Farms, LLC to the Town of Queen Creek, Arizona. (City Manager Cotter)

City Manager Cotter said last year the City Council expressed opposition, along with many of the other communities adjacent to the Colorado River, to GSC Farm's request to transfer 2,083 acre-feet of its 4th priority Colorado River water to the Town of Queen Creek in central Arizona. He said, in the meantime, the request had continued, and the Arizona Department of Water Resources now recommended approval of the transfer of 1,078 acre-feet of water. He said the Bureau of Reclamation was in review of the request. He said approval of this request would set a dangerous precedent for the already limited water available to communities adjacent to the river.

Council Member Clark said the Council passed a resolution opposing the Cibola Water transfer last year. He said there was a limited amount of 4th priority water along the river, and said the river communities had 164,652 acre-feet. He said the State of Arizona had 2.8 million acre-feet of Colorado River water entitlement. He said they had to fight to keep the 164,000 acre-feet on the river. He said they had fought it at the state level, and said now they had to fight this at the federal level. He said Mohave County, the City of Kingman, the City of Lake Havasu and local businesses had also objected to this transfer.

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

MOTION: Council Member Wegmann made a motion to adopt Resolution No. 2020R-45 opposing the transfer of 4th Priority Colorado River Water from GSC Farms, LLC to the Town of Queen Creek, Arizona. Council Member Clark seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

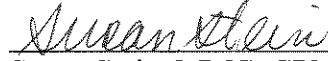
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:15 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 6th day of October 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of October 2020.



Susan Stein, MMC, CPM
City Clerk