

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 20, 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 Bruck led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Bruck, Clark, D'Amico, Ring (via Zoom conference), 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: Dennis DeSantis (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)

PLANNING MANAGER: Johnny Loera

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Eva Corbett invited the public to attend the pet costume contest fundraiser for the Sheriff's K-9 unit on October 24th, and the Cat Rescue fund raiser at That Dam Diner.

Sue Demarco said she represented Saving Animals In Need Together (S.A.I.N.T.). She said they were looking for a marketing director and some board members. She said their medical program funds depleted quickly, and said they were conducting fundraising activities over the phone.

Julie Hassett said the Colorado River Concert Association would not hold any concerts this upcoming season due to COVID.

Royanne Ortiz spoke in opposition to Proposition 207 on the November 2020 ballot.

Billy Pershing said he was sad to announce the passing of Richard Rojas. He said Mr. Rojas contributed greatly to the community through his volunteer efforts.

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 Wegmann 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 Issues and Testing

City Manager Cotter distributed updated statistics to the Council. He said there was testing available for anyone who felt sick or was exposed to the COVID-19 virus. He said another round of free testing was available on Saturday. He said some city events would take place and there was a detailed protocol for each event. He said the Veterans’ Day Parade was scheduled for November 7th and a Holiday Parade of Lights was scheduled to be held on December 12th.

2. Election Information

City Clerk Stein provided updated information on voting during the November 3, 2020 general election.

3. Census 2020

City Manager Cotter thanked everyone in the community that helped the city with the census campaign. He said the census 2020 program was officially over.

4. Trail Project from Davis Dam to Laughlin Bridge

City Manager Cotter said the trail project was back on track, and said construction activities for the trail would begin in the near future.

5. Halloween Gatherings

City Manager Cotter said they city was not interested in cancelling Halloween or regulating trick or treating this year. He provided information on staying safe on Halloween.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Bruck reminded the public that the Medicare open enrollment period had begun.

Council Member Wegmann invited the public to attend the Corn Fest on October 23rd and 24th.

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 Bruck 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 October 6, 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

2. Discussion and possible action to approve: 1) the Final Plat for Laredo Canyon Trails at Fox Creek, Tract 5192, Unit 3; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 5.04 acre-feet; and 4) authorizing the Mayor to execute the agreement on behalf of the city. (Development Services Director Chooniyom)

Planning Manager Loera said the proposed project included 3.452 acres with 15 single-family lots and four parcels for drainage and landscaping. He said all necessary approvals had been granted.

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

Dan Alfonzo said he read the 143 pages of the final plat documents and said the plan called for 80 or 92 lots. He said the documentation stated the average lot was 7,000 square feet and another said the lots averaged 5,800 square feet. He said the lots were very small and the homes looked like storage lockers, which lowered the integrity of the surrounding neighborhood. He said there were many discrepancies in the paperwork.

Planning Manager Loera said the development included several phases and said this subdivision was the only one of three that currently could have less than 6,000 square foot lots. He said the Planning and Zoning Commission unanimously recommended approval.

MOTION: Vice Mayor D’Amico made a motion to approve: 1) the Final Plat for Laredo Canyon Trails at Fox Creek, Tract 5192, Unit 3; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 5.04 acre-feet; and 4) authorizing the Mayor to execute the agreement on behalf of the city. 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

3. Discussion and possible action to adopt Resolution No. 2020R-46 approving the “License Agreement with the Arizona Game and Fish Commission and the City of Bullhead City” for the maintenance of a berm and road access in connection with the construction of the second bridge over the Colorado River. (City Manager Cotter)

City Manager Cotter said this was a 75-year agreement between Bullhead City and Arizona Game and Fish. He said as part of the second bridge project, a berm would be constructed adjacent to the Colorado River Nature Center. He said the city would maintain the berm as well as the access road for its maintenance. He said once this was finalized, all coordination necessary for the construction of the second bridge would be completed.

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

Billy Pershing asked about the size of the berm.

City Manager Cotter said the earth berm would be similar to a protective mound, and not a huge hill. He said it would be a few feet tall and would protect the natural environment.

Mayor Brady said the Bullhead Parkway road extension to the water’s edge had been completed.

MOTION: Council Member Wegmann made a motion to adopt Resolution No. 2020R-46 approving the “License Agreement with the Arizona Game and Fish Commission and the City of Bullhead City” for the maintenance of a berm and road access in connection with the construction of the second bridge over the Colorado River. Council Member Clark seconded the motion.

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

MOTION CARRIED

Other Business

4. Discussion and possible action to authorize the city’s intervention in the EPCOR Case Docket No. WS-01303A-20; WS-02156A-20 before the Arizona Corporation Commission concerning extension of its Certificate of Convenience and Necessity (CC&N) in Bullhead City. (City Manager Cotter)

Council Member Clark declared a conflict of interest on Agenda Item No. 4 and left the dais.

City Manager Cotter said staff requests to intervene and take additional legal action in regards to EPCOR’s recent filing with the Arizona Corporation Commission (ACC). He said in this filing, EPCOR seeks approval from the ACC to extend its Certificate of Convenience and Necessity (CC&N) governing water properties in Bullhead City. He said the city was very suspicious of EPCOR’s motives and said the city had the right to have a seat at the table and present its legal findings before the ACC. He said the city would not be advocating the cessation of service to existing or planned customers.

City Manager Cotter said EPCOR had not been a good citizen in this community and this was another example of EPCOR gone rogue. He said it appeared that EPCOR was trying to buy all of the water systems in Arizona, but would not negotiate a purchase price for the water assets being condemned by the city despite many attempts by the city to offer a fair value. He said EPCOR had spent millions of dollars in fighting the city’s attempts to simply own the water pipes, tanks and wells in the city. He said wanted to make a deal with EPCOR, but EPCOR continued to spend money and bully the City of Bullhead City.

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

Billy Pershing asked for clarification on the CC&N.

City Manager Cotter said the city had no discrepancy with EPCOR putting pipes in the ground for new homes but said EPCOR was rushing to clean up things with the ACC to gain value and “stick it” to Bullhead City. He said this filing would not impact the condemnation process.

Mayor Brady said EPCOR was going after several other water districts throughout the state, and included Bullhead City. He said they believed it was not necessary that the city be included in the filing.

Eva Corbett said every vote counted and urged people to vote to elect three ACC Commissioners.

MOTION: Council Member Bruck made a motion to authorize the city's intervention in the EPCOR Case Docket No. WS-01303A-20; WS-02156A-20 before the Arizona Corporation Commission concerning extension of its Certificate of Convenience and Necessity (CC&N) in Bullhead City. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

Council Member Clark returned to the dais.

5. Discussion and possible action to adopt Ordinance No. 2020-09 by reference; approving amendments to Chapter 17.04, Definitions, and Chapter 17.36, Residential Park District," of the Bullhead City Municipal Code; and adopting Resolution No. 2020R-47 declaring the Code Amendment a public record. (Development Services Director Chooniyom)

Planning Manager Loera said this was a minor amendment to the City Code that cleaned up some definitions of a park trailer and a recreational vehicle to match the state's definitions, specifically the square footage of a park trailer and the length of a recreational vehicle. He said the Planning and Zoning Commission unanimously recommended approval.

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 Ordinance No. 2020-09 by reference; approving amendments to Chapter 17.04, Definitions, and Chapter 17.36, Residential Park District," of the Bullhead City Municipal Code; and adopting Resolution No. 2020R-47 declaring the Code Amendment a public record. Council Member Bruck seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

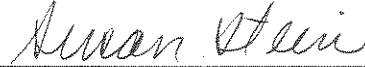
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:26 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 20th day of October 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of November 2020.



Susan Stein, MMC, CPM
City Clerk