

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, November 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 Council Member Wegmann 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

CITY CLERK: Susan Stein

INTERIM POLICE CHIEF: Dennis DeSantis

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

PARKS AND RECREATION SUPERINTENDENT: David Heath

**PRESENTATIONS AND PROCLAMATIONS**

None

**OPEN CALL TO THE PUBLIC**

Mayor Brady opened the call to the public.

Royanne Ortiz thanked Police Captain Trebes for assisting in the Trump parade. She said they were disappointed the planned rally could not be held because the police diverted traffic due to a crazy man threatening people in the park.

Eva Corbett invited the public to attend the Mohave County Sheriff's Dept. K-9 fundraiser car show on November 22nd.

Scotty McClure said mothers always told their children to wash their hands with soap and water, which made sense; then asked for the reason why mothers told their children to wash behind their ears.

Billy Pershing congratulated the city for their efforts in organizing the Trump Rally.

Harvey Pryor asked the city to make citizens aware when the sewer treatment facility in the Lakeside neighborhood began to give off an odor.

Pamela Smith suggested the drive-in movie revenue be used to assist the non-profit organizations.

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 Bruck seconded the motion.

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

### **MOTION CARRIED**

### **MANAGER'S REPORT**

#### 1. Election Information

City Clerk Stein provided voting information for the November 3, 2020 general election.

#### 2. COVID-19

City Manager Cotter said the city continued to work to keep the community safe. He said they were encouraging those who felt sick or were exposed to COVID to get tested. He provided information on the testing sites available. He provided current statistics on the Bullhead City area infection rate.

#### 3. Southwest Gas Rate Case Public Hearings – November 9 & 14

City Manager Cotter said two public hearings were scheduled to hear comments about the Southwest Gas rate increase. He provided information on attending the hearings. He said the city would be intervening on the community's behalf.

#### 4. EPCOR Rate Increase Proposal

City Manager Cotter said the city was intervening in the EPCOR rate increase case, as well as numerous prominent Maricopa County communities such as Paradise Valley and the Ritz Carlton. He said EPCOR was seeking another \$2 million from the community, and the consolidation of Bullhead City. He said the city will buy EPCOR and said EPCOR was not cooperating.

#### 5. Veteran's Day Parade – November 7

City Manager Cotter invited the public to attend the parade in honor of all veterans.

6. Hazardous Waste Recycling Event – November 14

City Manager Cotter provided information on the recycling event.

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

Council Member Wegmann thanked everyone that supported and participated in the Kiwanis Corn Fest event.

**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 Wegmann 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 20, 2020. (City Clerk Stein)

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

None

**BOARD/COMMISSION/COMMITTEE APPOINTMENTS**

2. Discussion and possible action to appoint two citizens to serve on the Bullhead Area Transit System (BATS) Commission to fill two-year terms effective immediately and expiring on September 30, 2022. (City Clerk Stein)

City Clerk Stein said the four vacant positions were advertised to the general public and no new applications were received. She said Jared Gift and Ray Lackey would like to be considered for re-appointment.

**MOTION:** Council Member Clark made a motion to appoint Jared Gift and Merle "Ray" Lackey to serve on the Bullhead Area Transit System (BATS) Commission to fill two-year terms effective immediately and expiring on September 30, 2022. Vice Mayor D'Amico seconded the motion.

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

**MOTION CARRIED**

**PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS**

None

**ACTION ITEMS**

**Building, Planning and Zoning Items**

3. Discussion and possible action to approve: 1) the Final Plat for Canyon Trails at Fox Creek, Tract 5190, Unit 7; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 3.03 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 2.03 acre site would be subdivided into nine lots for single-family residential development and all streets and utility easements were dedicated to the public.

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

Dan Alfonzo said the appraisal report contained many inconsistencies. He said the date of the report was December 2019 and was signed on December 2020, and the valuation of the property was not adequately represented. He requested the documents be corrected and re-filed. Planning Manager Loera explained the financial assurance and valuation process.

Billy Pershing questioned the 3.03 acre-feet of water requested. Planning Manager Loera explained the calculation. City Manager Cotter said the city had enough water for 110,000 residents.

**MOTION:**    **Council Member Wegmann made a motion to approve: 1) the Final Plat for Canyon Trails at Fox Creek, Tract 5190, Unit 7; 2) the Financial Assurance through the Property Escrow Agreement; 3) the Water Allocation in the amount of 3.03 acre-feet; and 4) authorizing the Mayor to execute the agreement 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**

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

4. Discussion and possible action to adopt Resolution No. 2020R-48 approving the Arizona Internet Crimes Against Children Task Force Intergovernmental Agreement between the Phoenix Police Department (primary grantee)/Arizona ICAC Task Force Lead Agency and the Bullhead City Police Department. (Interim Chief of Police DeSantis)

Interim Police Chief DeSantis said the Phoenix Police Department was the primary grantee for the ICAC Task Force, and said the Bullhead City Police Department participated in this task force. He said due to technical funding language requirements, this agreement superseded a current similar agreement on file. He said the agreement allowed for up to \$5,000 in reimbursement for the department's work and would be in effect for three years.

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-48 approving the Arizona Internet Crimes Against Children Task Force Intergovernmental Agreement between the Phoenix Police Department (primary grantee)/Arizona ICAC Task Force Lead Agency and the Bullhead City Police Department. 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 Lease Agreement with DJL Enterprises, LLC for a three-year lease, with the option for two one-year extensions, for the city's operation of a commercial watercraft launch ramp. (City Manager Cotter)

City Manager Cotter said in the past, the city had done their best to work together with the watercraft rental industry. He said it was the city's goal to have a high-end development in Community Park within the next two years as there was a high demand from major corporations interested in partnering with the city in the redevelopment of the area.

Parks and Recreation Superintendent Heath presented information on the proposed rental watercraft launch facility. He displayed photos and discussed the issue of the heavy congestion at the launch ramp and parking lots in Community Park during the summer months. He said this area was very dangerous for both those launching watercraft and using the swim beach. He said the proposed commercial watercraft launching facility was located north of 7th Street and west of Highway 95 and owned by Don Laughlin. He said the new location was close to most of the watercraft rental businesses. He said moving all commercial watercraft rentals to a location remote from the parks would improve access for locals at Community Park. He said currently there were long wait times to launch due to the heavy volume of commercial traffic. He said access for tourists and those who desired to launch private vessels would be improved, as commercial businesses would have their own private access point on the river. He said the agreement called for the city to rent the parcel from Don Laughlin for \$120,000 annually with an additional \$2 per watercraft launched. He said the city was proposing charging fees for every commercial business to use the facility. He said the city intended to continue charging its current launching fees of \$1,000 for up to ten watercraft and an additional \$100 for each additional watercraft. He said the city would charge an additional \$10 per launch. He said upgrades would be performed to widen and improve the launch area. He said the intent was to make the area safer for the community and easier for the companies, not to make any money. He said there would be no additional cost to the taxpayers.

Council Member Shutts asked if the companies were charged for launching now. Parks and Recreation Superintendent Heath said current launching fees were \$1,000 for up to ten watercraft and an additional \$100 for each additional watercraft per year.

City Manager Cotter said the current consumer protection form fee was \$10 per form, and the proposed additional fee was \$10 per launch. He said the fee could be passed on to the users as an additional charge or the operators could pay the fee.

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

Najib Noori said the rental companies received very short notice and they were not prepared to discuss this tonight. He said the side streets were not safe to travel to the proposed location. He said the businesses should get together and find a solution at Community Park. He said the site would not work for them or their customers.

Bryan Corbin said the additional launch fee was not fair. He said the city was charging the watercraft rental companies more money every single year for the last seven years.

Barry from Water World and Five-Star Jetski Rental asked what would happen after the lease ran out in three years. He said they were overpaying for the lifeguards from California.

City Manager Cotter said there were future launching options at the north and south sides of Community Park. He said they would look into those opportunities after the land swap. He said the proposed site was a short-term solution.

Dave Spevere from Dave's Wet & Wild Jetski Rentals said the city should not ban the rental businesses from the parks, and said he felt the city was prohibiting business. He said massive work had to be done on the proposed launch site to accommodate the number of vessels. He asked for more time to discuss the issue.

Mr. Malow said he had leased the property from Don Laughlin since 2013. He said the city could use the lot for parking but should allow the rental agencies to launch from Community Park. He said the additional launch fee was not fair, as their customers currently had to pay for parking and other fees.

Craig Cox, Bullhead City Parks and Recreation Commissioner, said he had a vested interest in all city parks. He said he supported the proposal as it would create less congestion at Community Park.

Arlene Miller from River Star Rentals asked the Council for more time to discuss the issue. She asked if the proposed site would make the river safer. She asked if the money could be used to improve another location in Community Park rather than giving it to Don Laughlin. She said their property was further away from the new location.

Omar Noori said the back roads had two-way stop signs and a 20-mph speed limit which would slow down their transport to and from the proposed location. He said he was opposed to the additional \$10 watercraft launch fee. He asked for more time to discuss the issue.

Marcelle Budrick said the proposed location was not safe for watercraft to launch there. She spoke in opposition to the additional launch fee and said it was not fair to the businesses.

Council Member Wegmann confirmed the proposed effective lease date of January 1, 2021, and asked about the amount of time the city would need to prepare the site.

City Manager Cotter said it would take a short time and not a lot of money to get it ready for initial operations to begin, and said other improvements in the future would come from an internal enterprise fund that charged the users, and not the local taxpayers.

Robert Miller from River Star Rentals spoke in opposition to the proposed commercial watercraft launch site. He said he was concerned about the logistics and said he hoped the launch location could be kept some place at the park.

Council Member Wegmann said some type of solution was required and said they wanted to come up with a “win-win” solution.

Vice Mayor D’Amico said that congestion at Community Park was a serious problem, and said they had constituents constantly contacting them about the problem. He said they were willing to table the item for additional discussion.

Council Member Clark agreed and said he agreed that a work session was required for additional communication and urged the business owners to think about alternate solutions to the problem.

Mayor Brady said the city was planning to fence the parking lot off for a separate entrance into the Museum, which would force vehicles to use the Laughlin Ranch Blvd. entrance. He said as the park grew and developed, it would get even more congested. He said the city could not have inexperienced watercraft operators in the river so close to the public using the beaches. He said the city was looking into the future planned development of the park.

**MOTION: Council Member Shutts made a motion to table Agenda Item No. 5 for discussion at a Council Work Session set for November 17, 2020 at 3:00 p.m. and consideration at the Regular Council Meeting on November 17, 2020. Council Member Wegmann 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 authorize a budget amendment for the transfer of \$350,000 from the contingency fund to the current fiscal year budget to fund Community Park improvements and the commercial watercraft rental facility. (Parks and Recreation Superintendent Heath)

**MOTION:** Vice Mayor D'Amico made a motion to table Agenda Item No. 6 for consideration at the Regular Council Meeting set for November 17, 2020. Council Member Shutts 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 authorize the city's intervention in EPCOR's case under Arizona Corporation Commission Docket No.'s WS-01303A-20-0298 and WS-02987A-20-0298, concerning transfer of the Certificate of Convenience and Necessity (CC&N) for Johnson Utilities to EPCOR in connection with EPCOR's planned purchase of Johnson Utilities. (City Manager Cotter)

**Council Member Clark declared a conflict of interest on Agenda Item No. 7 and left the dais.**

City Manager Cotter said EPCOR continued to dominate the empire of private water companies in Arizona. He said EPCOR requested a quick exchange before the Arizona Corporation Commission (ACC) in order to rush the process of acquiring Johnson Utilities' systems in Pinal County, Arizona. He said the city would intervene in this case for a number of reasons. He said what EPCOR planned to pay Johnson Utilities to acquire the system, and the basis for that payment, was of great interest to the city. He said with the potential acquisition of Johnson Utilities, EPCOR would add another system to its inventory that could potentially be part of a consolidation effort in the future as was attempted in its last rate case. He said Bullhead City was trying to shine a spotlight on the antics of EPCOR water. He said they hoped to end their fight with EPCOR and hopefully the City of Edmonton would begin to consider selling the system to Bullhead City. He said they had to fight EPCOR every step of the way.

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 authorize the city's intervention in EPCOR's case under Arizona Corporation Commission Docket No.'s WS-01303A-20-0298 and WS-02987A-20-0298, concerning transfer of the Certificate of Convenience and Necessity (CC&N) for Johnson Utilities to EPCOR in connection with EPCOR's planned purchase of Johnson Utilities. Vice Mayor D'Amico 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.**

8. Presentation to Outgoing Council Members Tami Ring and Sheila Shutts

Mayor Brady presented a plaque, flowers, and a memory quilt to each of the outgoing Council Members, and thanked them for their many years of service to the community.



**COUNCIL REQUESTED ITEMS**

None

**ADJOURNMENT**

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:39 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 November 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of November 2020.

  
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Susan Stein, MMC, CPM  
City Clerk