

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 Special Meeting on Tuesday, November 17, 2020, in the Council Chambers, 1255 Marina Blvd., Bullhead City, Arizona.

CALL TO ORDER

Mayor Brady called the special meeting to order at 3:00 p.m.

ROLL CALL

Council Present

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

Council Elect Present

Brummett, Zehri

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

INTERIM PUBLIC WORKS DIRECTOR: Angie Johnson

DISCUSSION ITEM

1. Discussion regarding the proposed city's operation of a commercial watercraft launch ramp and the redevelopment of Community Park.

City Manager Cotter welcomed members of the Parks and Recreation Commission to the meeting, and said the watercraft businesses and the public would be able to provide comments. He said when the Laughlin rental property was first brought up to the Council; it was their hope that the proposal would provide a short-term solution to the Community Park launch ramp problem. He said the watercraft rental business owners had strongly objected to that proposal. He said the 2021 fiscal year budget included \$400,000 to build a new launch ramp at the northernmost section of Community Park, and the total cost would be about \$750,000. He said the alternative lease of the Laughlin property was pursued to allow the city more time to plan out the final and best utilization of all lands at Community Park, included the northern launch ramp. He said city staff believed that the northernmost section of the park would serve as a great commercial launch site.

City Manager Cotter said he met with the watercraft rental company representatives to review the issue. He said the operators favored the investment in the city property on the north side of the park along with one more year of working together at the main launch site with strict rules and regulations to ensure the safe and enjoyable utilization of the launch by all parties. He said the business owners wanted to work together with the city. He said staff recommended an increase in the Consumer Protection Form fee to cover the additional costs. He said the city tried to help the watercraft rental businesses over the years while regulating public safety. He said the additional lifeguards on the river helped the private businesses.

Interim Public Works Director Johnson said the main entrance in and out of Community Park would be located at Laughlin Ranch Blvd. She said they proposed a new three-lane road milled and slurry sealed, new fee booth, and striping for additional parking. She said the entrances into the

Chamber of Commerce parking lot would be closed and a 24-foot new roadway would be installed from the existing asphalt to the new parking lot.

Council Member Clark asked how this change would affect the Chamber of Commerce.

City Manager Cotter said the city would lease that facility for the summer months to avoid any conflict. He said the Chamber Board Members and staff would have passes to get in and out.

Interim Public Works Director Johnson said the new commercial boat launch will be accessed from First Street and would have a gate with key card access. She said the launch would be 75-foot wide, the property fenced all around, and parking would be located on the south side of the roadway. She said a 36-inch pipe would be installed in the wash and said the wash would be underground.

Vice Mayor D'Amico asked about the revenue collected from the Consumer Protection Forms.

City Manager Cotter said the forms were \$10 each and the revenue was \$260,000 this year which covered policing costs and professional lifeguard costs on the river.

Council Member Clark if approval was required from the Bureau of Land Management (BLM).

City Manager Cotter said the BLM was in favor of the proposal.

Mayor Brady asked if members from the Parks and Recreation Commission wanted to speak.

Parks and Recreation Commissioner Craig Cox said the objective was to minimize the commercial vehicles launching from the Community Park launch ramp, and spoke in support of the proposal. He said he would like to see the parking issues be resolved.

Parks and Recreation Commissioner Gary Shapiro asked what the \$750,000 budget allocation would include, and asked about the length of time it would take to break even and pay for the project. He asked about the cost to improve the rental property. He said it would be in the best interest of the city to invest in improving city property.

City Manager Cotter said the allocation would be used for the construction of the north launch ramp and park improvements, and said the break-even point would be from three to seven years. He said \$150,000 upfront could be invested in the rental property plus additional funds annually.

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

Bryan Corbin said the money spent on the rental property would go to the Laughlins, as they owned the property. He said the business owners supported the development of the new ramp in Community Park. He said the operators would police each other at the launch ramp to alleviate the congestion and keep it moving. He said the 75-foot wide ramp would allow plenty of room for launching. He said he was not in favor of an increase in the consumer protection fee.

Najib Noori said had been a part of the community for 26 years and had worked with City Manager Cotter for more than 15 years. He said the watercraft rental industry contributed greatly to the economy of Bullhead City. He said he believed in communication and collaboration in order to get

things done. He spoke in favor of the launch ramp location in Community Park, and said the rental property was not designed for the high volume of jet skis. He said the city was paying too much for the lifeguard program.

City Manager Cotter played a video about the water safety program and asked Paul McDermott from Contemporary Services Corporation to comment. Mr. McDermott said his company helped jetski operators with numerous medical and other types of rescues, and said at least 95 percent of their assistance helped keep the personal watercraft rental operators safe.

Mayor Brady said 26,000 rentals were on the river this year, and said the Council made a smart decision to hire professional lifeguards and implement the consumer protection forms. He said this was done in the best interest of public safety.

Barry from Water World said more police boats were needed rather than more lifeguards. He asked about the number of watercraft rentals that came from Laughlin, and asked if Laughlin could help with the cost of keeping the river safe.

City Manager Cotter said the city had been reaching out to Clark County and Mohave County looking for some consistency. He said Najib participated in the safety program at Davis Camp which was in Mohave County. He said this side of the river paid for all the water safety on the river.

Robert Miller from River Star Rentals spoke in support of the proposal to construct a launch ramp in Community Park.

Barbara Pape asked if additional parking could be provided on the east side of the highway for trailers and other vehicles. She said the Community Park launch ramp was chaotic and said the commercial launch would be beneficial to the entire community.

Larry Tunforss asked if the road in Community Park would impact all of the events that were held in the park.

City Manager Cotter said the road would run from the museum to the commercial launch ramp, and said it could serve as a stable surface for vendors during events. He said the road could be closed if required.

Pamela Smith spoke in support of building the commercial launch ramp in Community Park, and not spending money on a lease.

Vice Mayor D'Amico said he favored the new launch and said he was normally not in favor of raising any fees. He suggested charging a \$20 for the consumer protection form over the next three years or until the project was paid for in full.

Council Member Clark agreed with Vice Mayor D'Amico as the city would have its own boat launch for years to come, and said he would also support a \$20 fee. He said they needed to re-look at the rest of Community Park and the master plan, but not to slow down the process for the launch ramp.

City Manager Cotter said they were open to additional discussions about the proposal, but the access point at Laughlin Ranch Blvd. would not change. He said the boat launch would be bid out and would require the Council's approval.

Mayor Brady said the lights on the ball fields did not work and no organized games were held there. He said they also had to decide on the future planning for those fields.

Council Member Clark said planning was required for the east side of the highway that could include additional ball fields and other amenities.

City Manager Cotter said they were looking at different concepts for the east side of the highway, and said all of the new fields did not have to have lighting as the city already had numerous "A" fields with lighting, dugouts and bathrooms.

Council Member Bruck said she was in favor of the Laughlin Blvd. entrance.

Council Member Brummett said she was in favor of the proposal. She asked if the revenue from parking would be put back into park improvements.

City Manager Cotter confirmed, but said there was a cost to maintain the park that included staff, fencing, maintenance, cleaning and repairs. He said any profit after expenses would go directly back to park improvements.

Mayor Brady said he agreed with the other Council Members' comments, and said the cost of the ramp should be paid by visitors and not the residents of the city. He agreed on increasing the consumer protection form fee.

ADJOURNMENT

Mayor Brady declared the special meeting adjourned at 4:50 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct record of the special meeting of the City Council of the City of Bullhead City held on the 17th day of November 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of December 2020.



Susan Stein, MMC, CPM
City Clerk

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 17, 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. The Mohave High School ROTC Honor Guard presented the colors and Sergeant Wilcox led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Bruck, Brummett, Clark, D'Amico, Wegmann (via Zoom conference), Zehri

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

HUMAN SERVICES DIRECTOR: Jeff Tipton (via Zoom conference)

DEVELOPMENT SERVICES DIRECTOR: S. Chooniyom (via Zoom conference)

PRESENTATIONS AND PROCLAMATIONS

1. Council Members Elect Kathy Bruck, Norma Brummett, Mark R. Clark, and Waheed Zehri will take the Oath of Office and be sworn in as Bullhead City Council Members by City Magistrate Peter Psareas.

City Magistrate Psareas administered the oath of office to the four newly elected Council Members.

2. Retirement of Military Banners Presentation by the Tri-State Military Moms, Inc.

Mayor Brady presented "Welcome Home" certificates to the banner retirees. Cindy Frizelle, President of the Tri-State Military Moms, thanked the military families, veterans, and supporters of the highway banner program. The retired banners were presented to each of the military retirees.

Mayor Brady adjourned the meeting at 5:57 p.m. for a photo session and reconvened the meeting at 6:04 p.m.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Tyler Carlson said Mohave Electric Cooperative's "Operation Cool Shade" annual program was a successful event. He thanked Kevin from the Parks and Recreation staff for his many years of assistance with the program.

Sue Demarco, Savings Animals In Need Together Pledge Director, invited the public to contribute to their fundraiser to be held from December 7th through December 13th at Happy Subs. She said their website was www.bhcsaint.org.

Mary Bonaventura said the city placed a lien on her property when no money was owed, and said the city was corrupt.

Eva Corbett invited the public to attend a fundraiser for the Mohave County K-9 program to be held on November 22nd at the Market Place on Joy Lane in Fort Mohave.

Scotty McClure asked the city for additional assistance to provide more handicapped parking spaces at the Bullhead City Safeway store. He said he hoped that Mohave County could distribute the COVID vaccines quickly.

Grace Hecht invited the public to attend the "Joyful Bowls" fundraiser to be held on December 5th at 3003 Highway 95, Suite 104 to raise funds for the Catholic Charities Homeless Shelter.

Greg Gilbert said President Elect Biden's team wanted to shut the country down, and said local businesses could not handle this. He said the COVID flu was not as deadly as everyone thought.

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 Clark seconded the motion.

VOTE: AYES: Brady, Bruck, Brummett, Clark, D'Amico, Wegmann, Zehri NAYS: None
ABSENT: None

MOTION CARRIED

MANAGER'S REPORT

1. Census 2020 Presentation

Tammy Perise from the U. S. Census Bureau provided a Power Point presentation on the 2020 Census. She discussed the national and local response rates, and said there was absolutely no down time in their internet response tool and no data breaches were experienced. She said they counted 99.9 percent of all American households, and said Bullhead City was fully counted.

2. COVID-19

City Manager Cotter said there had been an increase in COVID cases. He said testing was available and said more people were getting tested. A video of Arizona Governor Ducey's message relative to the pandemic was played. He said the city would partner with Embry Womens' Health to distribute the COVID vaccine when it became available.

Mayor Brady said he got tested for COVID last week for no particular reason, and said it was recommended that people get a test every two weeks in order to protect the community.

3. Veterans' Day Parade and Winter Lights Parade

City Manager Cotter displayed photos of the Veterans' Day Parade and said it took place in a COVID-free environment. He said the Holiday Parade of Lights was scheduled to be held on December 12th.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Mayor Brady said local government was the most responsive to our community's needs. He said this City Council had hardly raised any fees for many years. He said about three years ago, they raised the sewer fees two percent per year for four years; and said that increase had been suspended due to the pandemic. He said numerous utility companies now wanted to raise their rates. He said the Southwest Gas Company held public hearings with the Arizona Corporation Commission and citizens could call in to voice their opposition to their rate increase. He said he was the only person that called in from the entire state. He said citizens voiced their opinions strongly to the Council, and urged all citizens to provide their comments on utility rate increases to the Arizona Corporation Commission. He said the City Council Members and he were proud because they listened to the citizens about what their needs were, and said they were more responsive than any state agency.

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, Brummett, Clark, D'Amico, Wegmann, Zehri 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 November 3, 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: 1) 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; OR 2) approve moving forward with the launch ramp on the north side of Community Park consistent with the adopted Capital Improvement Plan in the current fiscal year budget. (City Manager Cotter)

City Manager Cotter said the City Council held a two-hour work session on this item to receive comments from the Parks and Recreation Commissioners, watercraft rental facilities, and the public earlier that afternoon. He said it was all in good faith when the city first looked at the Laughlin property and presented the lease to the Council. He said this took place in order to solve a problem, which was the congested launch at Community Park. He said if the final decision went in the direction of the Community Park launch ramp, they wanted to thank Don and Matt Laughlin for working with the city in order to solve the problem.

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 approve moving forward with the launch ramp on the north side of Community Park consistent with the adopted Capital Improvement Plan in the current fiscal year budget. Vice Mayor D'Amico seconded the motion.

VOTE: AYES: Brady, Bruck, Brummett, Clark, D'Amico, Wegmann, Zehri NAYS: None
ABSENT: None

MOTION CARRIED

Other Business

3. Discussion and possible action to authorize a budget amendment for the transfer of \$350,000 from contingency to the current fiscal year budget to fund Community Park Improvements and the Commercial Watercraft Rental Facility. (Parks and Recreation Superintendent Heath)

City Manager Cotter said, based on the final decision for the commercial boat launch location, staff recommended approval of the proposed budget amendment to construct the Community Park boat launch and other park improvements. He said the watercraft rental facilities and tourists would be paying for this launch ramp, and not the citizens of Bullhead City. He said the new commercial ramp would alleviate pressure and traffic on the original watercraft launch, and help accommodate more parking in the park.

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 authorize a budget amendment for the transfer of \$350,000 from contingency to the current fiscal year budget to fund Community Park Improvements and the Commercial Watercraft Rental Facility. Council Member Clark seconded the motion.

VOTE: AYES: Brady, Bruck, Brummett, Clark, D’Amico, Wegmann, Zehri NAYS: None
ABSENT: None

MOTION CARRIED

4. Discussion and possible action to adopt Resolution No. 2020R-49 declaring the City Council’s intent to reject a new water franchise with EPCOR. (City Manager Cotter)

Council Member Clark declared a conflict of interest on Agenda Item #4 and left the dais.

City Manager Cotter said declaring an intent to reject the water franchise with EPCOR should be taken seriously by EPCOR. He said EPCOR had not been a good partner with the city, and said there was one lawsuit after another. He said it was time for the Council to approve a resolution declaring their intent to reject any attempt by EPCOR for another franchise agreement with the city. He said the city was ready to buy the pipes, wells, and pumps. He said the city was intervening and fighting EPCOR’s current rate increase. He said the best thing for the City of Edmonton and EPCOR to do was to sell the system to the city.

City Attorney Emery said in order for a public utility to operate in the city, the utility must be granted a franchise by the voters in the city. He said the utility must come to the city and convince the City Council that the operation of the public utility was beneficial to the citizens of the community; and that utility must maintain a Certificate of Convenience and Necessity with the Arizona Corporation Commission (ACC). He said many years ago, the city held an election and the voters approved a 25-year franchise to Citizens Utilities, which had been assigned over the years to American Water and then EPCOR Water. He said this franchise agreement would expire in May 2022. He said at this point in time, given the city’s stance, it was only fair for the Council to express its intent to EPCOR that the franchise might not be granted to them, and give them plenty of advance notice.

City Manager Cotter said EPCOR continued to hammer the businesses and citizens with some of the highest rates. He said they had approval from the voters to move forward with the acquisition of the water system. He said he hoped the good people of the City of Edmonton knew what EPCOR was doing and said Bullhead City needed their help. He said EPCOR was ruining their good name in Edmonton and said they had already ruined their good name in Bullhead City.

City Attorney Emery said if the franchise was not renewed, the utility had the choice to remove the pipes from the ground, but this would pose a huge problem with the ACC. He said the citizens would not be in any jeopardy if the franchise was not renewed.

City Attorney Cotter said they were ready to settle and purchase the system from EPCOR, and said he hoped they could get a great step closer to a resolution in February through the condemnation court case.

Council Member Brummett asked about the possibility of EPCOR removing the pipes.

City Attorney Emery said he would not foresee them pushing it to that point as EPCOR had obligation to serve their customers through the ACC. He said the resolution would make it clear the Council would not approve the franchise.

City Manager Cotter said the city could replace the entire water system with all brand new pipes and equipment for \$130 million, and said the current water system was not worth anything close to that amount. He said he believed EPCOR would settle when they were told by a judge or jury with a verdict.

Council Member Zehri asked if the franchise had to be authorized by the ACC and approved by the voters in an election.

City Attorney Emery said the utility must be granted a special franchise by the city through an election to approve the operation of a franchise by the voters. He said the proposed resolution would serve as an “eviction notice” to EPCOR.

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

Scotty McClure spoke in support of the resolution.

Billy Pershing said it looked like EPCOR was taking a great risk in getting minimal value for the utility if they ran it out to the end of the franchise agreement.

Eva Corbett said the H2O Committee wanted to thank the city for its efforts in fighting EPCOR.

MOTION: Vice Mayor D’Amico made a motion to adopt Resolution No. 2020R-49 declaring the City Council’s intent to reject a new water franchise with EPCOR. Council Member Bruck seconded the motion.

VOTE: AYES: Brady, Bruck, Brummett, D’Amico, Wegmann, Zehri NAYS: None
ABSENT: None ABSTAIN: Clark

MOTION CARRIED

Council Member Clark returned to the dais.

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:20 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 17th day of November 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of December 2020.



Susan Stein, MMC, CPM, City Clerk