

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, March 16, 2021, 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 Dr. Josiah Drawhorn of the Amazing Grace Fellowship to deliver the invocation. Council Member Clark led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Bruck, Brummett, Clark, D'Amico, Wegmann, Zehri

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Robert Trebes

FINANCE DIRECTOR: Rudy Vera (via Zoom conference)

PUBLIC WORKS DIRECTOR: Angie Johnson

HUMAN SERVICES DIRECTOR: Jeff Tipton (via Zoom conference)

DEVELOPMENT SERVICES DIRECTOR: Saritti Chooniyom

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Patty Lause said she represented Catholic Charities Foster Care and Adoption. She discussed the foster care and adoption needs of Mohave County. She said the county served 500 children in foster care last year, and said there was a need for at least 98 more foster homes in the community, specifically for children aged 0-2 and 6-12 years.

Sue Demarco said she represented Saving Animals In Need Together. She recognized Kay Rossi for her donation of animal oxygen masks to the Fire Department. She said their organization was looking for a secretary and marketing director.

Grace Hecht invited the public to attend the upcoming Family Fun Night and Easter Egg Hunt events. She said the next "Clean Up Bullhead" event would take place on April 4th.

Scotty McClure encouraged the public to make a copy of their vaccination card and to make sure their stimulus checks were removed from mailboxes to prevent thefts.

Eva Corbett invited the public to attend the Republican Liberty Dinner at the Riverside Resort on March 27th. She provided information on purchasing gun raffle tickets.

Susanna Van Sloten provided information on the Colorado Museum and Historical Society's Honey Baked Ham sale to raise funds for the organization.

Julie Hassett said she represented the Colorado River Concert Association. She said they would begin offering their concert performances in January 2022. She thanked their sponsors for 45 years of support.

Benjamin Angelo Deutsch said he would like the City Council to reconsider their decision and bring recycling service back to the community.

Students from the Mohave Accelerated Learning Center discussed the Bullhead Opting Out of Tobacco (B.O.O.T.) Program and "Kick Butt Day" to help people to stop smoking, especially near public parks.

Greg Valdez said he enjoyed living in Bullhead City. He said Royanne Ortiz was a hardworking organizer and she would be missed by many community members.

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, Brummett, Clark, D'Amico, Wegmann, Zehri NAYS: None
ABSENT: None

MOTION CARRIED

MANAGER'S REPORT

1. COVID-19

City Manager Cotter said case numbers were down from last month, and said 29 percent of the community had been vaccinated. He said help was available to schedule vaccination appointments for citizens without internet access.

2. Community Special Events

City Manager Cotter said events and sporting tournaments continued to be held at the parks, which drove the economy at a significant pace. He said all of the events enforced the COVID protocol, and said the Field House would now allow 100 percent capacity.

3. Street Infrastructure Improvements

City Manager Cotter said the Bullhead Parkway extension infrastructure improvements included installation of artwork and flagstone; artwork had been installed in the medians on Highway 95; and the Secret Pass Wash flood control project was underway. He said the city anticipated that 30 percent of the city's roads would be maintained and slurried this year. He said McCormick Construction and ADOT would be performing repairs at some major intersections next week.

4. Community Park Improvements

City Manager Cotter said the improvements discussed at a prior Council work shop were under construction at Community Park. He said the boat launch bid should be out soon.

5. Tour of Homeless Shelter

City Manager Cotter said the City Council Members were given a tour of the new homeless shelter that afternoon.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

None

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Clark made a motion that Item Nos. 1 through 4 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, 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 Special Council Meeting held on March 2, 2021; and the Minutes of the Regular Council Meeting held on March 2, 2021. (City Clerk Stein)
2. Approval of Resolution No. 2021R-09 authorizing the abandonment and rededication as a public utility easement of the 25 foot wide alley within Block J of the Rio Lomas Unity 1, Tract 1084A subdivision, located in Section 11, T19N, R22W, Bullhead City, Arizona. (Development Services Director Chooniyom)

3. Approval of Resolution No. 2021R-10 authorizing the abandonment of a portion of the road and public utility easements that lie within Lots 150 through 155, and Lots 166 through 170 of the Colorado River Estates subdivision located in Section 16, T20N, R22W, Bullhead City, Arizona. (Development Services Director Chooniyom)
4. Approval of the Release of the Property Escrow Agreement for Canyon Trails at Fox Creek, Tract 5190, Unit 6 (Mohave County Recorder Fee No. 2020008980), in lieu of public improvement assurances posted through cash bond. (Development Services Director Chooniyom)

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

5. Discussion and possible action to adopt Ordinance No. 2021-05 by reference, approving an amendment to Title 17, Zoning, of the Bullhead City Municipal Code, concerning authorization for and regulations pertaining to the operation of recreational marijuana establishments, testing facilities or cultivation within Bullhead City; and adopting Resolution No. 2021R-11 declaring the code amendment as a public record. (Development Services Director Chooniyom)

City Manager Cotter said recreational marijuana in Arizona was legalized in November 2020 by the passage of Proposition 207, and said recreational marijuana was legal in Nevada and California. He said the Council had discussed the city's proposed code modifications at a previous work session.

Planning Manager Johnny Loera said the proposed amendments addressed the allowable location for facilities, including the required distance from schools, as well as licensing requirements and fees, use of marijuana products in establishments or testing facilities, disposal of unused product, limitations on cultivation, prohibition of delivery of product, prohibition of use in public spaces or public property, and penalties. He said the amendments added definitions to marijuana, marijuana establishments, and marijuana testing facilities. He said the Arizona Department of Health Services regulated the licensing of the facilities, and said applicants would have to be approved through the state before making application to the city. He said the Planning and Zoning Commission voted in favor of the proposed amendments.

Council Member Zehri asked if the reference to public places included schools and churches.

City Attorney Emery said the ordinance would be applied in the same manner as enforcement on smoking. He said if an institution had its doors open to the public, it would not need to be defined because smoking would be prohibited under law. He said schools would have their own drug-free

zone under the federal law. He said this law was specific to Arizona, and said the city could enforce signage, zoning and delivery as a local government.

Mayor Brady said there was some confusing language in the existing ordinance regarding home deliveries. He said the city allowed home deliveries for medical marijuana only, and would not allow deliveries for recreational use. He said the current amendment allowed cultivation in C2 and C3 commercial zoning areas, which could be anywhere along Highway 95. He said he did not want to allow the growing of marijuana along the highway. He said he would like a motion to only allow cultivation in the M1 zoning districts, and would like a motion for the Council to discuss additional specifics to the law in order to address the cultivation odor at the next meeting.

Mayor Brady asked if anyone from the public would like to speak.

Scotty McClure urged the Council to have additional discussion and consideration regarding the mitigation of odors from a cultivation facility or in a residential area. He said he opposed home delivery of recreational marijuana.

Greg Valdez said the legalization of recreational marijuana would lead to the use of psychedelic drugs because it had happened in other states.

Pastor Josiah Drawhorn said some laws that were passed were harmful to the public. He said they dealt with youth addicted to drugs every day and it was difficult to get them out of the habit. He said alcohol and marijuana were legal and that was the reason they used it.

City Attorney Emery said under the law, a person could not smoke marijuana in public unlike smoking a cigarette in open public spaces. He said the law applied to public property and not private property.

Benjamin Angelo Deutsch said some people did not find the odor of cannabis growth offensive as it was the scent of natural materials.

Council Member Zehri said the city would do whatever it could to keep the citizens safe.

City Manager Cotter said the city would control the enforcement issues by its ordinances and would make sure the laws were professionally enforced.

MOTION: Mayor Brady made a motion to adopt Ordinance No. 2021-05 by reference, approving an amendment to Title 17, Zoning, of the Bullhead City Municipal Code, concerning authorization for and regulations pertaining to the operation of recreational marijuana establishments, testing facilities or cultivation within Bullhead City - deleting C2 and C3 zoning as permitted uses; with further discussion regarding cultivation odor control at the April 6, 2021 Council meeting; and adopting Resolution No. 2021R-11 declaring the code amendment as a public record. Council Member Bruck seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to adopt Ordinance No. 2021-06 by reference, approving an amendment to Chapter 17.26, Commercial and Industrial Districts, of the Bullhead City Municipal Code concerning modular buildings in commercial districts; and adopting Resolution No. 2021R-12 declaring the code amendment a public record. (Development Services Director Chooniyom)

City Manager Cotter said staff was proposing to not allow pre-fab modular buildings along the commercial corridor on Highway 95. He said businesses were spending millions of dollars investing in the community and there was no call for pre-fab modular buildings in the highly visible corridors. He said this amendment would prohibit modular buildings on parcels of land within two hundred feet of Highway 95 as measured from the right-of-way line.

Council Member Clark asked about the reasoning behind the distances from arterials. He said he was hopeful to have the first arterials off the highway look as nice as those on the highway.

Planning Manager Loera said there were different elements of pre-fab metal buildings that made them attractive, but modular buildings were not as attractive. He said the 200-foot distance would get those buildings off of the first two blocks from the highway.

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

Benjamin Angelo Deutsch said some modular buildings in 2021 were more environmentally sustainable structures and were modern/contemporary in design. He requested the Council keep an open mind towards these structures in the future.

MOTION: Council Member Clark made a motion to adopt Ordinance No. 2021-06 by reference, approving an amendment to Chapter 17.26, Commercial and Industrial Districts, of the Bullhead City Municipal Code concerning modular buildings in commercial districts; and adopting Resolution No. 2021R-12 declaring the code amendment a public record. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

7. Discussion and possible action to approve the purchase of and delivery of three (3) Fairbanks Nijhuis Pumps from Hennesy Mechanical Sales of Phoenix, Arizona, for the Section 10 Wastewater Treatment Plant Effluent Line in the amount of \$88,094.00 (including shipping) plus applicable taxes of \$6,695.14 for a total amount of \$94,789.14; and to authorize the City Manager to execute all required documents and approve resultant payments. (Public Works Director Johnson)

Public Works Director Johnson said to meet current flow conditions; staff was recommending that three submersible pumps be installed in the existing effluent pump station wet well. She said

Fairbanks had supplied most of the submersible pumps for the existing lift stations within the city's collection system. She said staff was very confident in the performance of the Fairbanks supplied pumps.

Jason Mercer from Morrison Maierle Systems Consultants joined the meeting via Zoom conference. There were no questions for the consultant.

Council Member Clark said the pumps would be used to significantly increase the amount of re-use water to be put back into the system.

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 approve the purchase of and delivery of three (3) Fairbanks Nijhuis Pumps from Hennesy Mechanical Sales of Phoenix, Arizona, for the Section 10 Wastewater Treatment Plant Effluent Line in the amount of \$88,094.00 (including shipping) plus applicable taxes of \$6,695.14 for a total amount of \$94,789.14; and to authorize the City Manager to execute all required documents and approve resultant payments. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

8. Discussion and possible action to waive the monthly billing dispatch amounts to entities holding 911 dispatching agreements with the City of Bullhead City for the period of February 2021 through June 2021. (City Manager Cotter)

City Manager Cotter said a one-time modification to dispatch services billings was proposed for the months of February through June 2021. He said city would not bill the outside agencies for dispatching services for the remainder of the current fiscal year. He said this would allow the agencies to retain this funding in order to help cover emergency medical expenses incurred during the pandemic.

Bullhead City Fire Chief Pat Moore joined the meeting via Zoom conference. He said the Fire District attempted to obtain some grants to help cover their COVID expenses, and said any additional assistance would be beneficial in keeping the community safe.

Council Member Brummett recused herself from Agenda Item No. 8 and left the dais.

MOTION: Council Member Wegmann made a motion to waive the monthly billing dispatch amounts to entities holding 911 dispatching agreements with the City of Bullhead City for the period of February 2021 through June 2021. Council Member Bruck seconded the motion.

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

MOTION CARRIED

Council Member Brummett returned to the dais.

Other Business

9. Discussion and possible action to adopt Resolution No. 2021R-13 approving the sale and execution and delivery of Excise Taxes Revenue Obligations, Series 2021; approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents, including in substantial form the Fifth Excise Taxes Purchase Agreement, Fifth Excise Taxes Trust Agreement and Placement Agent Agreement; and delegating authority to determine certain matters with respect to the foregoing and declaring an emergency. (City Manager Cotter)

City Manager Cotter said this item requested approval of the bonding documents necessary to secure the financing of the second bridge not to exceed \$4.6 million. He said payment to Clark County would not take place until a valid, unchallenged, construction bid was awarded.

Mark Reader from Stifel, Nicolaus & Company, joined the meeting via Zoom conference. He said they submitted a Request for Proposal to receive financing bids on March 23rd and expected they would receive several bids. He said the financing would be well received in the marketplace and most likely would be in the two percent range. He said they would make a recommendation to the city after the bids were received and move towards a closing date.

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

MOTION: **Council Member Clark made a motion to adopt Resolution No. 2021R-13 approving the sale and execution and delivery of Excise Taxes Revenue Obligations, Series 2021; approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents, including in substantial form the Fifth Excise Taxes Purchase Agreement, Fifth Excise Taxes Trust Agreement and Placement Agent Agreement; and delegating authority to determine certain matters with respect to the foregoing and declaring an emergency. Council Member Wegmann seconded the motion.**

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

MOTION CARRIED

10. Discussion and possible action to approve the budget amendment of \$1,113,575.78 from contingency and other funds as applicable for one-time capital purchases. (City Manager Cotter)

City Manager Cotter said the city forecasted at least \$1.3 million above revenue projections in the current fiscal year. He said the budget amendment would allow important equipment and fleet upgrades to take place over the next 60 days. He said the purchases through this one-time allocation included necessary items such as technology upgrades, vehicles, police guns and other equipment. He said the items included a new street sweeper, backhoe, field tractor for the parks and fields, vehicle replacements, parking lot lights, and technology infrastructure.

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

Pastor Drawhorn said the costs would be increasing and it was best for the city to make the larger investments sooner than later.

Scotty McClure said he was in support of the budget amendment. He said he would like Channel 4 to have the ability to be broadcast on every television. He asked if the parking lot lights could be solar lighting.

Benjamin Angelo Deutsch said maintenance of existing city vehicles and equipment might be of better use with existing funds rather than contingency funding.

City Manager Cotter said the funding would not come from contingency or reserve funding. He said the funds were in excess of the budgeted revenues.

MOTION: Council Member Wegmann made a motion to approve the budget amendment of \$1,113,575.78 from contingency and other funds as applicable for one-time capital purchases. Council Member Bruck seconded the motion.

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

MOTION CARRIED

11. Discussion and possible action to authorize the sale of 21 listed parcels as excess property at public auction with minimum bids as established by the Real Estate Owned (REO) Committee; and direct staff to post and publish the notice of sale with time and location of the public auction. (Finance Director Vera)

City Manager Cotter said this item was addressed by the REO Committee earlier that day. He said the REO Committee's recommendations for the public auction amounts for the properties were provided to the Council. He said the public auction would be conducted either online via Public Surplus or on site as determined to be the most advantageous.

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

Scotty McClure said the appraiser of the Laughlin property was highly accredited and the value of the property would be accurately represented.

MOTION: Council Member Bruck made a motion to authorize the sale of 21 listed parcels as excess property at public auction with minimum bids as established by the Real Estate Owned (REO) Committee; and direct staff to post and publish the notice of sale with time and location of the public auction. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

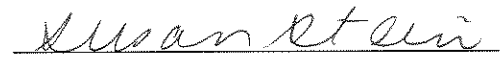
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:21 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 16th day of March 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of April 2021.



Susan Stein, MMC, CPM
City Clerk