

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, August 17, 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 Council Member Wegmann to deliver the invocation. Council Member Brummett led the assembly in the Pledge of Allegiance to the Flag.

**ROLL CALL**

Council Present

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

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

PUBLIC WORKS DIRECTOR: Angie Johnson

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Saritti Chooniyom

**PRESENTATIONS AND PROCLAMATIONS**

1. Check Presentation to the City for the 2021 Swim Lesson Program.

Members of the Morning Kiwanis Club in Bullhead City presented a check in the amount of \$8,700 to the city for the 2021 children's swim lesson program.

**OPEN CALL TO THE PUBLIC**

Mayor Brady opened the call to the public.

Sheila Bargar displayed a sign indicating amounts of tickets and fines applicable to park and river activities. She said they would like to place these signs at HOAs and businesses as a first step in educating the public.

Sue Demarco invited the public to a fundraiser for Saving Animals In Need Together on August 20th at Anderson Ford. She said Voices of the River would hold a spring 2022 concert and resume their Christmas concerts in 2022. She said lighting and/or fencing was needed along the Parkway to keep people and the burros safe.

Dan Alfonzo suggested additional enforcement with more spot checks for safety on river watercraft. He said probable cause was not required to stop a watercraft and perform a safety check.

Rick Johnson from Laughlin said Laughlin developed a sticker program to control the activity on the sand dunes which also increased revenue. He suggested the city implement a similar program.

Harvey Pryor discussed plans to hold a local boating safety class that would help improve safety on the water. He said he looked forward to a RC car track at Rotary Park.

Scotty McClure said he would like to see all city employees get vaccinated. He said he would like the animal shelter available with extended full-time hours. He said teachers should be able to discuss masks and vaccinations with the students.

Greg Valdez suggested the river have directional lanes and more signs to allow operators to know the rules in order to maintain safer waterways.

Billy Pershing invited the public to attend the Bullhead City Conservatives meeting on August 21st at the public library.

Mary Bonaventura spoke about code enforcement issues and a lien placed on her property. She thanked everyone that reached out to help her.

Dawna Quitmeyer said people were bringing glass bottles into the parks and beaches that were not allowed and dangerous. She said there was a dangerous crowd at Community Park beach and said she would video activities there and call law enforcement when needed.

Charles Galvin suggested raising some of the fines and impounding jet skis in order to increase enforcement.

Eva Corbett said the District 2 GOP Office was conducting a voter registration program.

Emily Dotter said she wondered if tickets and citations were actually being issued to people.

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

### **AGENDA MODIFICATIONS**

None

### **WAIVER MOTION**

**MOTION:** Vice Mayor Bruck 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, Brummett, D'Amico, Mieding, Wegmann, Zehri  
NAYS: None ABSENT: None

**MOTION CARRIED**

**MANAGER'S REPORT**

1. City EPCOR Water Condemnation

City Manager Cotter said Mayor Brady and he would travel to Denver tomorrow to close on the \$90 million bond. He said the city would have the right to take immediate possession when the bond was posted. He said the public would be informed of the takeover date, and said a special Council meeting would be held on August 24th at 5:30 p.m. for the Council to consider items relating to the takeover of the water system. He said the city was not proposing any rate increases.

2. River Water Safety – Parks and Recreation Commission Workshop

City Manager Cotter said a work session would be held with the Parks and Recreation Commission on August 18th to receive additional feedback on water safety from the public. He said the Laughlin Town Board took up this issue at their last meeting.

3. Homeless Shelter Update

Human Services Director Tipton said the homeless shelter was now open 24 hours. He said there had been an average 12 to 13 overnight guests each day and said that number was increasing. He said recently the River Fund had provided travel assistance to numerous clients to return home or connect with family members with overnight stays, bus tickets, vehicle repairs, and fuel.

City Manager Cotter said 57 beds were available each night at the shelter, and said people would not be allowed to camp overnight in the parks or in the desert.

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

None

**ITEMS WITHDRAWN FROM CONSENT AGENDA**

None

**CONSENT AGENDA**

**MOTION:** Vice Mayor Bruck 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, Brummett, D'Amico, Mieding, 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 August 3, 2021. (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. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2021-13 approving an Amendment to Zoning Map Change Z18-006, Ordinance No. 2019-03, Stipulation No. 7, to allow the applicant additional time (two years) to obtain permits for a project on a parcel of land described as the northern 52.46 acres that is generally located on the west side of Highway 95 and north of Seventh Street, described as a portion of Section 31, T21N, R21W, Bullhead City, AZ. (Development Services Director Chooniyom)

City Manager Cotter said the project was included in the General Plan and the area had been looked to for development for many years. He said the conceptual plan included two docks.

Planning Manager Loera said the project was 52 acres and said the applicant received approval for the zoning map change from public lands to mixed use a few years ago. He said there had been more interest recently in the project from developers since the pandemic began, and said the plans for the project would take more than a year to develop. He said the Arizona State Land Department and the U. S. Army Corps of Engineers were responsible for approving any docks.

Mayor Brady asked if the conceptual plan was subject to change, and asked if any watercraft rental establishments were planned for the commercial area.

Planning Manager Loera said the developer wanted to begin Phase One at the north end of the project and confirmed that the concept could change during the process. He said the mixed use zoning would allow any business included in C-2 zoning category.

Council Member Mieding asked if additional traffic controls were planned.

Planning Manager Loera said the Arizona Department of Transportation (ADOT) would allow some right-in and right-outs only.

Don Anderson of Anderson-Nelson said a thorough traffic study for Highway 95 was submitted to ADOT. He said there were two existing traffic lights at Home Depot and Seventh Street. He said one additional signal would be allowed in the middle at the opening of the project. He said ADOT

also approved the right-in, right-out, accesses but had not approved anything else. He said the commercial areas and offices would be restricted to an internal access within the development which would minimize the amount of traffic on the highway. He said he did not think that Mr. Laughlin would want a watercraft rental business in this development.

Mayor Brady opened the public hearing.

Harvey Pryor asked if the proposed docks would hit the islands in the river.

Mayor Brady said the plan was just conceptual at this point.

Scotty McClure said he did not want to see the same situation happen to the proposed development as what happened with the current traffic situation at the oil change place adjacent to McDonalds and Perkins.

Billy Pershing asked if there was a height restriction on the residential buildings.

Planning Manager Loera said the mixed use zoning allowed up to 60-feet in height, and said all river front lots required soil testing and engineering recommendations on the foundation.

Charles Galvin said the city had to look at the big picture and determine how the development would affect the traffic on the river.

Benjamin Angelo Deutsch asked if additional public meetings would be held to discuss the project. He asked how interested parties could find information on the commercial locations.

City Manager Cotter said this meeting was the first phase to receive public comment and there would be more opportunities for the public to comment on this project in the future. He said Don and Matt Laughlin would be the contacts regarding the project's commercial opportunities.

Having no one else present requesting to speak, Mayor Brady closed the public hearing.

**MOTION:** Council Member Wegmann made a motion to adopt Ordinance No. 2021-13 approving an Amendment to Zoning Map Change Z18-006, Ordinance No. 2019-03, Stipulation No. 7, to allow the applicant additional time (two years) to obtain permits for a project on a parcel of land described as the northern 52.46 acres that is generally located on the west side of Highway 95 and north of Seventh Street, described as a portion of Section 31, T21N, R21W, Bullhead City, AZ. Vice Mayor Bruck seconded the motion.

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

**MOTION CARRIED**

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

3. Discussion and possible action to approve the contract for the purchase of Type II Slurry Seal Sand for street maintenance projects with city limits in an amount not to exceed \$145,625.60 for fiscal year 2021-2022 from S&S Concrete and Materials LLC of Bullhead City, Arizona; and to authorize the City Manager to execute the contract and approve resultant payments. (Public Works Director Johnson)

Public Works Director Johnson said staff conducted the bidding process and received four responsive bids with the lowest bid from S&S Concrete and Materials LLC at \$18.20 per ton.

Council Member Mieding said the contract allowed for delivery of materials and asked if the contractor used a certified scale.

Public Works Director Johnson confirmed, and said the contractor would haul the materials to allow the city's street sweeper to stay ahead of the slurry curve.

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

**MOTION:** Council Member D'Amico made a motion to approve the contract for the purchase of Type II Slurry Seal Sand for street maintenance projects with city limits in an amount not to exceed \$145,625.60 for fiscal year 2021-2022 from S&S Concrete and Materials LLC of Bullhead City, Arizona; and to authorize the City Manager to execute the contract and approve resultant payments. Council Member Wegmann seconded the motion.

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

**MOTION CARRIED**

4. Discussion and possible action to approve the contract for purchase of PMCQS-1h Asphalt Emulsion for street maintenance projects within city limits in an amount not to exceed \$860,328.00 for fiscal year 2021-2022 from Ergon Asphalt and Emulsions, Inc. of Las Vegas, Nevada; and to authorize the City Manager to execute the contract and approve resultant payments. (Public Works Director Johnson)

Public Works Director Johnson said staff conducted the bidding process and received three responsive bids, the lowest bid from Ergon Asphalt and Emulsions, Inc. at \$520.00 per ton. She said staff had been quite happy with the quality and consistency of the product as used in previous slurry programs.

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 approve the contract for purchase of PMCQS-1h Asphalt Emulsion for street maintenance projects within city limits in an amount not to exceed \$860,328.00 for fiscal year 2021-2022 from Ergon Asphalt and Emulsions, Inc. of Las Vegas, Nevada; and to authorize the City Manager to execute the contract and approve resultant payments. Council Member Mieding seconded the motion.

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

## **MOTION CARRIED**

### **Other Business**

5. Discussion and possible action to adopt Ordinance No. 2021-14 by reference, approving additions to Chapter 17.26 Commercial and Industrial Districts, of the Bullhead City Municipal Code concerning residential apartments in commercial districts; and adopting Resolution No. 2021R-45 declaring the code amendment a public record. (Development Services Director Chooniyom)

Planning Manager Loera said the proposed amendment was prepared at the request of a local developer. He said currently the code allowed a limited number of uses in commercial districts that were residential in nature, including hotels, motels, and watchman’s quarters. He said other residential uses such as assisted living facilities and single room occupancy projects were allowed with a conditional use permit. He said if approved, this amendment would allow apartments in C1 and C2 zoning districts with a conditional use permit, provided the apartments were located on the upper floors of commercial buildings and utilized no more than 30 percent of the overall building square footage.

City Manager Cotter said this would provide the community an opportunity for alternatives to address the housing crisis. He said studies indicated there was a current deficit of about 2,000 units in the city. He said there were not many buildings with upper levels that could be converted to residential units located within the city limits.

Council Member Mieding asked about the reasoning for a 30 percent limit, considering the pressure on housing and the expense to convert the spaces.

Planning Manager Loera said the properties were still zoned as C2 and should remain commercial with the residential component as an accessory use.

City Manager Cotter said the policy question would fall back on to the Council for the final decision on the 30 percent limit.

Mayor Brady asked about the reasons that residential housing could be allowed above and not behind commercial buildings.

Planning Manager Loera said this amendment was geared toward existing buildings that had an opportunity to remodel space that was not being used. He said this was a good first step towards seeing how the program would actually work in the city.

Council Member Mieding said there were other issues to consider such as parking, water, sewer, trash, and storage units.

**MOTION:** Council Member Mieding made a motion to table Agenda Item No. 5 for additional discussion and consideration at a future Council meeting. Vice Mayor Bruck seconded the motion.

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

**MOTION CARRIED**

6. Discussion and possible action to adopt Resolution No. 2021R-46 authorizing the submittal of grant applications for any available grant funding for the purchase of a police patrol boat and further authorizing the receipt of a grant(s) and the purchase of a patrol boat if grant funding is sufficient. (Police Chief Trebes)

Police Chief Trebes said this item would authorize the purchase of a new patrol boat if available grant(s) was acquired that would cover all or not require more than a 50 percent match. He said \$111,442 was allocated in the grant budget account. He said the quote was for a 2022 Fastwater 24-foot jet boat with law enforcement safety features added including the trailer and a 10-year warranty. He said no current sources of grant funding had yet been identified but they would continue to be researched. He said they were requesting prior authorization to apply for and accept any grants, and proceed if the funding was sufficient.

Mayor Brady asked for the reason they were asking the Council for permission to apply for future grants.

Police Chief Trebes said they wanted to be proactive with the grant opportunities.

City Manager Cotter said there was a changing grant environment now and said they wanted to have the right to act promptly.

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

Dan Alfonzo said he would like to see information on the boat's engine warranty as well as the hull warranty.

Benjamin Angelo Deutsch asked for the reason patrol boats were required on the river.

Police Chief Trebes said more patrol was required to make sure citizens were safe on the river.



**MOTION:** Council member Wegmann made a motion to adopt Resolution No. 2021R-46 authorizing the submittal of grant applications for any available grant funding for the purchase of a police patrol boat and further authorizing the receipt of a grant(s) and the purchase of a patrol boat if grant funding is sufficient. Council Member D'Amico seconded the motion.

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

**MOTION CARRIED**

**COUNCIL REQUESTED ITEMS**

None

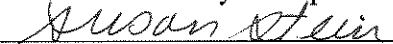
**ADJOURNMENT**

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:18 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 August 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of September 2021.

  
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Susan Stein, MMC, CPM, City Clerk