

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, December 7, 2021, in the Council Chambers, 1255 Marina Blvd., Bullhead City, Arizona.

CALL TO ORDER

Mayor Brady called the special meeting to order at 3:30 p.m.

ROLL CALL

Council Present

Brady, Brummett, D'Amico, Wegmann, Zehri
(Council Member Elect Hecht attended the meeting)

Council Absent

None – Two Vacant Seats

Staff Present:

CITY MANAGER: Toby Cotter
CITY ATTORNEY: Garnet Emery
CITY CLERK: Susan Stein
POLICE CHIEF: Robert Trebes
DEVELOPMENT SERVICES DIRECTOR: Billy Chooniyom
UTILITIES DIRECTOR: Mark R. Clark
SENIOR PLAN REVIEWER: Wendy Lewis
ASSISTANT TO THE CITY MANAGER: Edigar Kajirwa

DISCUSSION ITEM(S)

1. Discussion regarding 2018 Building and Fire Codes.

City Manager Cotter said the Council established policies for Bullhead City, including the adoption of building codes. He said the city was currently using the 2006 codes and said they were proposing the adoption of the 2018 codes. He said Clark County, Mohave County, the Cities of Lake Havasu and Kingman had already adopted the 2018 codes.

Development Services Director Chooniyom displayed a video that provided a description of building codes.

Development Services Director Chooniyom said the primary purpose of the Bullhead City Building Division was to promote the general health, safety, and welfare of the citizens of Bullhead City, to work with developers and contractors in achieving a safe built environment, and to work with other city departments in a coordinated effort. He said his department strove to achieve these goals and contributed to the overall mission of the city in the administration and compliance of the adopted codes and standards that regulated building construction. He said the Building Division currently had six technical staff members, each with multiple certifications that included a variety of ICC and other specialties such as: building official, commercial and residential plan review, commercial and residential inspections, ADA accessibility, energy efficiency, permit technician, and FEMA flood plain management. He said each staff member was required to attend International Code Council (ICC) recognized training that related to their certifications in order to maintain their active status. Development Services Director Chooniyom said these trainings were offered on the most current

recognized code year addition which for ICC was currently 2018. He said the 2021 code year edition was currently in development. He said effective July 2008; the city adopted the 2006 code year edition of the International Code Council construction codes along with the 2005 National Electrical Code. He said the current I-codes were twelve years old, which equated to four code cycles, behind the current 2018 edition of the I-codes.

Development Services Director Chooniyom said the city's adopted building codes included the following: 2006 International Building Code, 2006 International Residential Code, 2006 International Plumbing Code, 2006 International Mechanical Code; 2006 International Fuel Gas Code; 2006 International Fire Code; 2006 International Code Council Electrical Code Administration Provisions, 2005 National Electrical Code, and the 2010 ADAAG Manual (most current version).

Development Services Director Chooniyom said recent staff research determined that surrounding community jurisdictions (Clark County, Mohave County, City of Kingman, and Lake Havasu City) have all adopted the 2018 code year edition of the TCC construction codes along with the 2017 National Electric Code. He said the Bullhead City Fire District had previously adopted the 2012 Fire Code.

City Manager Cotter said they would like to obtain the Council's feedback as to their desire to move forward and make the city consistent with the rest of their peers, or not. He said some developers would not design to the 2006 code any more.

Senior Plan Reviewer Lewis said City Manager Cotter was recently informed by Bullhead City Fire Chief Patrick Moore that the State Fire Marshal's Office had mandated the adoption of the 2018 International Fire Code (IFC). She said the 2018 IFC would become effective on January 7, 2022. She said the International Building Code (IBC) worked hand in hand with the International Fire Code (IFC) for the design, plan review, and inspection of new and primarily commercial construction. She said the city's current 2006 I-codes already conflicted with the Fire Department's 2012 I-Code and they had been forced to accept commercial submittals designed using the 2012 Code in order to meet the Fire Department's review process. She said architects, engineers and other design professionals preferred to use the most current building codes in their designs; not only to protect themselves but to allow the use of new materials. She said most commercial designers had already requested the use of the 2018 code year edition. She said truss companies already used the 2018 code for all truss designs, both residential and commercial. She said it would be easier for the local design professionals and contractors if the city was more aligned with other surrounding jurisdiction requirements. She said, with Council's approval, Development Services was requesting to begin the 2018 I-Codes and 2017 NEC adoption process. She said to implement the change, Development Services staff would: 1) review the 2018 codes and develop a list of possible code amendments; 2) the codes and staff suggestions would be reviewed by the building staff, the Planning and Zoning Commission, and the Building Board of Appeals; 3) a code adoption presentation would be made to the Council in a workshop; 4) after any further adjustments were made, the final code with amendments would be presented to the Council for adoption at a public meeting.

Senior Plan Reviewer Lewis said staff was proposing to start the staff code review process in January 2022, and start the Planning and Zoning Commission and Building Board of Appeals code review process in July 2022. She said the review process would take about four to six months. She

said once adopted, the new code would become effective January 2023, with a waiver available to applicants to use the current code up to July 2023. She said active permits or applications already submitted would not be affected by the current code adoption. She said the process would require an investment in multiple sets of the 2018 code books.

Council Member Zehri asked if there were any design conflicts now and if public safety would be affected.

Senior Plan Reviewer Lewis said they had allowed buildings to be designed using 2012 fire codes in order to comply with the current code. She said they were allowing commercial designers to design to the 2018 code, and said most of the large commercial projects were required to design according to the most currently available code. She said they were requesting to adopt the 2018 code so they did not have to work around the newer codes.

Council Member Brummett said they had come to a point when they needed to update the building code. She said although it was not uncommon for a city to follow older building codes, this was a good time to go through the process in order to update the city's building code.

Vice Mayor D'Amico expressed his support.

Mayor Brady asked if the amendments adopted by surrounding jurisdictions were uniform, and asked if there was any pushback from local contractors' associations.

Development Services Director Chooniyom said most of the amendments would be the same. He said most of the contractors agreed the city should move forward.

City Manager Cotter said numerous opportunities for public comment would be allowed during the process.

Bullhead City Fire Chief Brian Moore said the Bullhead City Fire District was in support of the process.

2. Discussion regarding a policy for high consumption water bills and one-time relief to property owners.

City Manager Cotter said since the city took over the water company on September 1st, they had about 30 customers contact the city with unusually high water bills. He said it was determined by staff that the high bills were attributed to leaks. He said some residential customers had received water bills as high as \$2,000. He said this was a policy issue that needed to be decided by the City Council. He said they would discuss a potential one-time billing adjustment per customer. He said if the Council wanted to discuss adjustments for customers, they would proceed. The consensus of the Council was to proceed with the discussion.

Assistant to the City Manager Kajirwa provided examples of properties that received extremely high water bills. He said staff visited the properties, checked the meters, and discovered the problems were due to water leaks. He said when the leaks were fixed, the bills went down.

Utilities Director Clark said they sent staff out to each of the properties and checked the data

loggers that maintained usage information for 96 days. He said the data indicated, on an hourly basis, the exact times of each day when usage spiked. He said a lot of the leaks were attributed to problems with irrigation systems. He said leaking toilets were also an issue, and said they supplied blue tablets to customers put in the bowls in order to detect leaks.

Assistant to the City Manager Kajirwa provided another example of a property where a leak could not be found, but the data indicated that there was a leak.

City Manager Cotter said one option was to bill those customers at a tier one structure to alleviate some of the amount due. He said they could also bill at tier one and cut that amount in half, or create a cap structure. He said they might not want to issue any rebates to customers until after a period of 90 days to insure that the leak had been fixed.

Utilities Director Clark said he looked at the administration of the program, and said it would be easier for staff to compute a specific percentage off customers' bills, rather than using the tier structure. He said there are two tier structures within the city. He said the city had a payment plan policy already in place in order to help customers make up their payments.

Mayor Brady asked if the city could determine if properties with swimming pools or large areas of grass/landscaping causing usage increases would not be eligible for any rebates. He asked if staff could provide information about similar policies that other municipalities had established.

Vice Mayor D'Amico said he was concerned about the lower income residents. He said they might be able to get the funds to repair the leak and not have enough left to pay the higher water bill.

Council Member Wegmann asked if customers would be given a credit or a correction on their bills. She asked how long it took to visit the property and determine the cause.

City Manager Cotter said the customers would still be responsible to pay their bills, no matter what type of adjustment was determined. He said they would not shut off anyone's water. He said the city currently has a payment plan policy.

Utilities Director Clark said they went out to the properties within a day or two of the initial service call, and could almost immediately detect the cause of the leak from the meter data.

Council Member Zehri said EPCOR did not offer any discounts. He said this was the time for the city to show the community that it was important to have a locally owned water company. He asked what amount would be considered as an extremely high bill.

City Manager Cotter said the Council will hold a second work session before the next Council meeting to discuss this matter further. He said three residential customers had reported bills over \$2,000 and about 30 additional customers that had called about very high water bills since September.

Council Member Brummett suggested holding off on a commercial plan and concentrate on a residential plan at this time. She said, in her former community, if the water bill was three times more than average and the leak was repaired within the month, the city would deduct 60 percent of the bill.

MOTION: Vice Mayor D'Amico made a motion to adjourn the special meeting and convene into executive session at 4:47 p.m. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

EXECUTIVE SESSION

3. Discussion or consultation for legal advice concerning the status of the City's eminent domain litigation with EPCOR, issues related to transition of water operations and EPCOR's pending water rate case with the Arizona Corporation Commission. Arizona Revised Statutes § 38-431.03(A)(3).

MOTION: Council Member Wegmann made a motion to adjourn from executive session and the special meeting at 5:15 p.m. Council Member Brummett seconded the motion.

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

MOTION CARRIED

ADJOURNMENT

Mayor Brady declared the special meeting adjourned at 5:15 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 7th day of December 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of December 2021.


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, December 7, 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 Spiritual Leader Maryann Shepherd to deliver the invocation. Council Member Wegmann led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Brummett, D'Amico, Hecht, Wegmann, Zehri

Council Absent

None – One vacant seat

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

UTILITIES DIRECTOR: Mark R. Clark

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Saritti Chooniyom

SWEARING IN OF COUNCIL MEMBER GRACE HECHT

Bullhead City Magistrate Pete Psareas administered the oath of office to Grace Hecht.

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Gary Genovese provided information on purchasing Honey Baked Hams to raise funds for the Colorado River Museum and Historical Society.

Eric Fox from Pro Fit Kitchen invited the public to attend the Family Health Fair to be held on January 22nd at Mohave Community College. He said they had a lot of community members participating in the event that would feature lectures, recipes, nurses, pharmacists, fitness trainers, free vaccinations and blood pressure tests.

Scotty McClure said he did not like the Council's discussion at the last meeting, and said the Council changed the election results. He said flags should not be flown when they were torn and tattered. He said he did not like his voting and flags to be messed with. He said he was still having problems with Safeway.

Bo Hellams said the Bullhead Area Chamber of Commerce had a community event calendar that would include all events. He said anyone could add an event to the calendar at any time.

Nick Parsons said he hoped more student essays were coming in for the drones he provided to the Council. He said he ordered a drone for the Police Chief to include in the essay contest.

Eva Corbett asked for a moment of silence in remembrance of Pearl Harbor Day. She said the Laughlin Chamber of Commerce was holding a mixer at the Aquarius Casino.

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

MOTION CARRIED

MANAGER'S REPORT

1. December Month of Fun at Anderson Fieldhouse

City Manager Cotter said this was an opportunity for the public to use the Fieldhouse for indoor activities. He said a winter festival, teen dance, and other activities for all ages were scheduled during the month of December.

2. Bullhead City Utility Department Report

Utilities Director Clark said the system continued to break down. He said two wells went down and they would be back in service by next week. He said they were averaging 27 service calls per day.

3. Second Bridge Status Report

City Manager Cotter said construction on the bridge had begun. He read a press release from the Clark County Public Works Department.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Vice Mayor D'Amico said they received some student essays for the drones and said they were all outstanding.

Council Member Zehri said the Family Health Fair was brought to the community by the Mohave Health Coalition. He said their mission was to positively impact the health and well-being of the community by creating a collaborative cost saving, and an innovative rural healthcare system through strong partnerships. He said he was the President of the Coalition and Mayor Miles from Kingman was the Vice President. He announced the names of the other Board Members. He said Kim Cool was doing a great job in providing excellent amenities and services for seniors at the Bullhead City Senior Center. He said he was not anti-vaccine, but was anti-mandate. He provided information on treatments and vaccines for COVID-19.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Wegmann 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 Brummett seconded the motion.

VOTE: AYES: Brady, Brummett, D'Amico, Hecht, 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 November 16, 2021; and approval of the Minutes of the Regular Council Meeting held on November 16, 2021. (City Clerk Stein)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

2. Discussion and possible action to appoint a citizen to serve on the Bullhead Area Transit System Commission to fill a partial term effective immediately and expiring on September 30, 2023. (City Clerk Stein)

City Manager Cotter said there was one applicant and two open seats.

MOTION: Vice Mayor D'Amico made a motion to appoint Dennis Rowley to serve on the Bullhead Area Transit System Commission to fill a partial term effective immediately and expiring on September 30, 2023. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS

None

ACTION ITEMS

Building, Planning and Zoning Items

None

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

3. Discussion and possible action to approve the Professional Services Agreement Senior Nutrition Expansion with Selberg Associates, Inc. in the amount of \$73,250; and authorize the City Manager or designee to execute the agreement, approve payments, and prepare/submit and execute any other documents necessary to effectuate the intent of the grant funds/CDBG project. (Public Works Director Johnson)

Public Works Director Johnson said she received the total Community Development Block Grant (CDBG) award in the amount of \$1,117,696. She said \$12,750 would be spent on administration and \$1,104,946 would be spent on remaining project activities such as architectural and engineering services, construction, and fixtures. She said Selberg Associates was the qualifying candidate as the consultant with the most experience with design and implementation of city facilities.

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

MOTION: Council Member Brummett made a motion to approve the Professional Services Agreement Senior Nutrition Expansion with Selberg Associates, Inc. in the amount of \$73,250; and authorize the City Manager or designee to execute the agreement, approve payments, and prepare/submit and execute any other documents necessary to effectuate the intent of the grant funds/CDBG project. Council Member Hecht seconded the motion.

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

MOTION CARRIED

Other Business

4. Discussion and possible action to adopt Ordinance No. 2021-19 approving the Amendment to the Bullhead City Municipal Code entitled, "City Council Vacancy Appointment Amendment 2021" by reference; and adopt Resolution No. 2021R-69 declaring the amendment a public record. (City Manager Cotter)

City Manager Cotter said due to unforeseen and unusual circumstances, the city was in the third time of using this process since May 2021. He said opportunities for improvement of the process had been identified. He said they were proposing amendments to the ordinance based on comments from the City Council Members. He said they were recommending that nominating committee members may not be a relative; committee members would not be eligible to serve if they served within the past 12 months, and candidates for impending City Council elections would not be eligible to serve on the committee. He said the proposed amendment also established a policy for voting. He said this was the Council's decision, and said they did their best to put in writing what they thought the Council wanted.

Council Member Wegmann said they were in the middle of appointing another Council Member and said this was not the right time to change anything right now. She said she would like to table the item until after the current process was completed. She said she would like to hear more from the public.

Council Member Zehri said he agreed with Council Member Wegmann.

MOTION: Council Member Wegmann made a motion to table Agenda Item No. 3 to be considered at the January 18, 2022 Council meeting. Council Member Zehri seconded the motion.

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

Barbara Pape said people affiliated with an organization and a candidate should not be on the judging committee.

Scotty McClure said the Council should fix the process now, and said it was screwed up the last time. He said he did not understand why anyone would not want to confront the person and tell them why or why not they were selected.

Pamela Smith said the process the city had was pretty good. She asked about the definition of a "candidate."

Eva Corbett said she supported the process, and asked if the Council would discuss voting with ballots.

City Manager Cotter said the Council previously adopted a code that allowed voting by paper ballot for board and commission members. He said it was the Mayor's intent to follow the same process when voting for replacement council members.

Council Member Zehri said the process was completely different for council members than board and commission members. He said they needed more public opinion.

Discussion ensued about the use of paper ballots versus verbal voting.

Nick Parsons said the Council used the same process when he applied to serve on a city commission.

Barbara Pape said she remembered that many years ago, a paper ballot was used for the same process. She said she did not see a problem with ballots, but she saw a problem with favoritism.

Vice Mayor D'Amico said he did not see a problem either way, because citizens would know who they were voting for.

Council Member Brummett said she would like to see the changes go into effect before the next appointment. She said she would like to see consistency with the use of paper ballots. She said they appointed candidates because they knew they were going to do a good job. She suggested dropping the issue of voting from the decision tonight, and passing the remainder of the amendment.

Scotty McClure suggested adopting the first part of the amendment and deleting the voting section.

Discussion ensued about the timing of the process.

Mayor Brady called for the vote.

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

MOTION FAILED

Additional discussion ensued about the use of paper ballots versus verbal voting.

MOTION: **Mayor Brady made a motion to adopt Ordinance No. 2021-19 approving the Amendment to the Bullhead City Municipal Code entitled, "City Council Vacancy Appointment Amendment 2021" by reference, with an amendment to delete Section (F) in its entirety; and adopt Resolution No. 2021R-69 declaring the amendment a public record. Vice Mayor D'Amico seconded the motion.**

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

MOTION CARRIED

5. Discussion and possible action to adopt Ordinance No. 2021-20 approving the Amendment to the Bullhead City Municipal Code entitled, "Contracting Approval Amount Amendment 2021" by reference; and adopt Resolution No. 2021R-70 declaring the amendment a public record. (City Manager Cotter)

City Manager Cotter said the current threshold amount of \$35,000 was adopted in June of 2008. He said the cost of procuring goods and services had outpaced inflation. He said increasing the threshold amount would reduce the administrative burden on council and staff and expedite the purchases of city goods and services. He said the proposed new threshold amount was in line with surrounding public agencies.

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. 2021-20 approving the Amendment to the Bullhead City Municipal Code entitled, “Contracting Approval Amount Amendment 2021” by reference; and adopt Resolution No. 2021R-70 declaring the amendment a public record. Council Member Brummett seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to approve directing the City Manager to establish a one-time allowance for employees to redeem up to 20 hours of personal time and up to 20 hours of vacation time, 40 hours maximum, in consideration of the diligence and sacrifice of the 288 City employees who have given their time and dedication in 2020/2021 due to the COVID-19 pandemic. (City Manager Cotter)

City Manager Cotter said the payout was for hours already accrued by each employee, and not a holiday bonus.

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 directing the City Manager to establish a one-time allowance for employees to redeem up to 20 hours of personal time and up to 20 hours of vacation time, 40 hours maximum, in consideration of the diligence and sacrifice of the 288 City employees who have given their time and dedication in 2020/2021 due to the COVID-19 pandemic. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

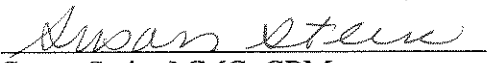
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:05 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 7th day of December 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of December 2021.



Susan Stein, MMC, CPM

City Clerk