

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, September 6, 2022, 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 Earl Johnson of Spirit Life Church to deliver the invocation. Council Member Hecht led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Brummett, D'Amico, Head, Hecht, Lizarraga, Wegmann

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

UTILITIES DIRECTOR: Mark R. Clark

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Absent

PRESENTATIONS AND PROCLAMATIONS

1. Kiwanis Check Presentation to the City (Swim Lessons)

Members of the Bullhead City Morning Kiwanis Club presented a check to the city for children's free swim lessons in the amount of \$12,860.

2. Proclamation declaring Saturday, September 17, 2022, as the "Recovery in the Park Celebration" in Bullhead City.

Mayor Brady read the proclamation and presented it to Karole Finkelstein, representing the Mohave Area Partnership Promoting Educated Decisions.

3. Proclamation declaring the week of September 17 to September 23, 2022, as "Constitution Week" in Bullhead City.

Mayor Brady read the proclamation and presented it to Christine Cameron, representing the Fort Mohave Daughters of the American Revolution.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Steven Lee said the recent power failure was a wake-up call to everyone to be more prepared. He offered a donation of ham radios to the police department for local use in the case of an emergency. He invited members of the community to attend the next Voices for Freedom meeting.

Larry Tunforss said the Mohave Electric Cooperative, the Bullhead City Police and Fire Departments, and the city departments deserved a round of applause for the excellent recovery operations that took place during the storm and power failure.

Mohave County Supervisor Hildy Angius said the city did a tremendous job with the unexpected weather; along with all of the first responders, MEC, and the county. She discussed a pilot project at Davis Camp and said it had been successful.

Cheryl DeBatt from Food for Families said they offered their services to help distribute and donate food to the community.

Terry Wortley of Bullhead City discussed issues on river safety. She said there were too many jet skis operating on the river.

Pamela Smith thanked Police Chief Trebes for his recent presentation about the U. S. Constitution to the community.

Bruce Hendren spoke on behalf of “No More Deaths on the Colorado River.” He said he would like to know the reason why the public was not invited to attend the recent task force meeting on river safety.

Sean Reagan spoke about the Veterans K-9 Service organization established to eliminate veterans’ suicides. He invited the public to attend a suicide prevention walk.

Tyler Carlson of Mohave Electric Cooperative said they appreciated all of the efforts and response from the community. He said there were 36,000 people out of power 48 hours ago and currently there were 1,700 out of power. He said they would continue to work tirelessly until everyone got their service back.

Nick Parsons said the country needed a solution to get away from using fossil fuel and find more ways to use solar power, e-bikes, or electric vehicles. He requested designated e-bike lanes along Highway 95.

Eva Corbett thanked Mohave Electric Cooperative for their efforts in restoring power after the storm. She invited the public to attend the next Women’s’ Republican Club luncheon.

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

AGENDA MODIFICATIONS

None

WAIVER MOTION

MOTION: Vice Mayor Brummett made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

MANAGER’S REPORT

City Manager Cotter said the winds were 70 to 80 mph when the storm hit Sunday evening. He said many power poles were taken out, hundreds of people were on the river during the storm, and a traffic fatality had occurred on Highway 68. He said their teams pulled together throughout the community and responded tremendously. He provided information on the cooling station.

1. Tier Two Water Shortage – City Implications

Utilities Director Clark said the Bureau of Reclamation had determined that a Tier Two water shortage would be declared on January 1st. He said the amount of wet water would not be cut, but it would include additional requirements. He said using water to wash buildings and hard surfaces, refilling of swimming pools, decorative fountains without re-circulating pumps, and outdoor misting systems would not be allowed. He said there were fines for not following the requirements.

2. New Bridge Update

City Manager Cotter said progress continued on the new bridge and the project was on schedule.

3. Introduction of New Public Information Officer Mackenzie Covert

City Manager Cotter introduced Mackenzie Covert and said he did a great job of communicating all of the emergency messaging during the power failure and his first week as the city’s PIO.

MAYOR AND COUNCIL MEMBERS’ REPORTS ON CURRENT EVENTS

Council Member Wegmann invited the public to attend the Colorado River Women’s Council luncheon and a joint Chamber Mixer to be held at TWN Communications. She said there were 17 attendees in the leadership group this year.

Council Member D’Amico thanked everyone, including the citizens of the community, for stepping up and helping out during the recent emergency.

Council Member Hecht invited the public to attend the upcoming Swap Meet, and said 400 bags of food would be distributed.

Mayor Brady said several public workshops were held to receive comments regarding safety on the river. He said the task force was formed in order to better communicate with all of the entities

involved. He said there were 35 officials at the task force meeting, and said this was a working group charged to find solutions for some of the issues that were identified. He said the public was allowed to attend, but not participate.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Wegmann made a motion that Items No. 1 and 2 on the Consent Agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Council Member D'Amico seconded the motion.

VOTE: AYES: Brady, Brummett, D'Amico, Head, Hecht, Lizarraga, Wegmann
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 August 16, 2022; and the Minutes of the Regular Council Meeting held on August 16, 2022. (City Clerk Stein)
2. Approval of the purchase of Praestol K 148L and Praestol K 274 FLX Polymer from Solenis, LLC, of Wilmington, Delaware for use at both Section 10 and Section 18 Wastewater Treatment Plants in an amount not to exceed \$57,860.00 for fiscal year 2022-2023; and authorize the City Manager to approve resultant payments. (Deputy Utilities Director/City Engineer Blad)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

3. Discussion and possible action to revoke the appointment of Cynthia Kornmaier and appoint a citizen to serve on the Planning and Zoning Commission to fill a partial term beginning immediately and expiring on June 30, 2024. (City Clerk Stein)

City Manager Cotter said there was one applicant to be appointed.

Barbara Brandt thanked the Council for their consideration, and said she wanted to become more involved in the city.

Vice Mayor Brummett said Ms. Brandt was very active in the community and had served on the Franchise License Commission.

MOTION: Vice Mayor Brummett made a motion to revoke the appointment of Cynthia Kornmaier and appoint Barbara Brandt to serve on the Planning and Zoning Commission to fill a partial term beginning immediately and expiring on June 30, 2024. Council Member Lizarraga seconded the motion.

VOTE: AYES: Brady, Brummett, D’Amico, Head, Hecht, Lizarraga, Wegmann
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

4. Discussion and possible action to approve acceptance of the Governor’s Office of Highway Safety Contract #2022-207-15 for grant funding in the amount of \$13,800.00 for the purchase of six (6) Accident Investigation Scene Lights; and authorize the Chief of Police and the City Manager, as may be required, to sign all resulting documents. (Police Chief Trebes)

Police Chief Trebes said the Police Department discovered their current scene lighting was not as effective in dark areas, and said the acquisition of additional equipment would better serve their needs. He said no match was required for the grant.

MOTION: Council Member D’Amico made a motion to approve acceptance of the Governor’s Office of Highway Safety Contract #2022-207-15 for grant funding in the amount of \$13,800.00 for the purchase of six (6) Accident Investigation Scene Lights; and authorize the Chief of Police and the City Manager, as may be required, to sign all resulting documents. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

5. Discussion and possible action to approve the purchase of a portable Cummins 500KW Generator, C500D6RE-A067D241 for the Utilities Department in the amount of \$278,262.00 plus applicable taxes and fees. (Utilities Director Clark)

Utilities Director Clark said the portable generator would allow the Water Division to provide emergency power services to all of the well sites. He said the equipment would take about 50 weeks to acquire. He said the purchase was under the Sourcewell cooperative agreement.

City Manager Cotter said the city entered into cooperative purchasing agreements in which other entities had gone out to bid on particular equipment, allowing other governments to piggyback on the bidding processes and discounts.

MOTION: Council Member Wegmann made a motion to approve the purchase of a portable Cummins 500KW Generator, C500D6RE-A067D241 for the Utilities Department in the amount of \$278,262.00 plus applicable taxes and fees. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to approve the quote from Cummins Sales and Service for a generator to service the emergency power needs of the Section 10 Wastewater Treatment Plant in the amount of \$539,193.00, plus applicable taxes and fees; and authorize the City Manager to execute any agreements and issue resultant payments. (Utilities Director Clark)

Utilities Director Clark said the generator would provide backup power to the plant blowers, aeration basin, and clarifier electrical equipment. He said without backup power to these components, the plant would not operate. He said the purchase was under the Sourcewell cooperative agreement.

MOTION: Council Member D'Amico made a motion to approve the quote from Cummins Sales and Service for a generator to service the emergency power needs of the Section 10 Wastewater Treatment Plant in the amount of \$539,193.00, plus applicable taxes and fees; and authorize the City Manager to execute any agreements and issue resultant payments. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

7. Discussion and possible action to authorize the lease purchase of a new 2022 Caterpillar 950GC Wheel Loader from Empire Machinery of Mesa, Arizona, utilizing Sourcewell Cooperative Contract #032119-CAT in the total financed amount of \$289,177.34; and authorize the City Manager to finalize a lease purchase agreement, execute all required documentation and issue resulting payments; and for approval of a budget transfer of \$7,707.00. (Public Works Director Johnson)

Public Works Director Johnson said this was a five-year lease with an option to purchase. She said the annual payments would be \$52,227.49; and the equipment was under a five-year warranty.

MOTION: Council Member Wegmann made a motion to authorize the lease purchase of a new 2022 Caterpillar 950GC Wheel Loader from Empire Machinery of Mesa, Arizona, utilizing Sourcewell Cooperative Contract #032119-CAT in the total financed amount of \$289,177.34; and authorize the City Manager to finalize a lease purchase agreement, execute all required documentation and issue resulting payments; and for approval of a budget transfer of \$7,707.00. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

8. Discussion and possible action to approve the contract for the purchase of PMCQS-1h Asphalt Emulsion for street maintenance projects within city limits in an amount not to exceed \$1,198,900.78 for fiscal year 2022-2023 from Ergon Asphalt and Emulsions, Inc. of Las Vegas, Nevada; and authorize the City Manager to execute the contract and approve resultant payments. (Public Works Director Johnson)

Public Works Director Johnson provided a history of slurry operations over the past five years. She said last year, staff slurry sealed 30 percent of city streets. She said they received three bids, with Ergon as the lowest bidder. She said the funds were included in the fiscal budget.

MOTION: Council Member D'Amico made a motion to approve the contract for the purchase of PMCQS-1h Asphalt Emulsion for street maintenance projects within city limits in an amount not to exceed \$1,198,900.78 for fiscal year 2022-2023 from Ergon Asphalt and Emulsions, Inc. of Las Vegas, Nevada; and authorize the City Manager to execute the contract and approve resultant payments. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

9. Discussion and possible action to approve the contract for the purchase of Type II Slurry Seal Sand for street maintenance projects within city limits, Option 1, in an amount not to exceed \$196,065.60 for fiscal year 2022-2023 from S&S Concrete & Materials, LLC, of Bullhead City, Arizona; and authorize the City Manager to execute the contract and approve resultant payments. (Public Works Director Johnson)

Public Works Director Johnson said option one included having the contractor haul the material on site which freed up staff to complete other tasks. She said two bids were received and S & S Concrete was the lowest bidder. She said the funds were included in the fiscal budget.

MOTION: Council Member Lizarraga made a motion to approve the contract for the purchase of Type II Slurry Seal Sand for street maintenance projects within city limits, Option 1, in an amount not to exceed \$196,065.60 for fiscal year 2022-2023 from S&S Concrete & Materials, LLC, of Bullhead City, Arizona; and authorize the City Manager to execute the contract and approve resultant payments. Council Member Hecht seconded the motion.

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

MOTION CARRIED

10. Discussion and possible action to approve the agreement with Play It Safe Playgrounds for the purchase and installation of playground equipment in Ken Fovargue Park utilizing Mohave Educational Services Cooperative Agreement No. 190-PLAY-0221 in an amount not to exceed \$324,661.33; and authorize the City Manager or his designee to execute the agreement and issue resulting payments on behalf of the city. (Public Works Director Johnson)

Parks Superintendent David Heath said the vendor was approved through the Mohave Educational Services Cooperative and the project was recommended for approval by the Parks and Recreation Commission.

Council Member Hecht thanked everyone for their hard work to put this project together, and said she was excited for the color scheme. She said this would complete all of the incredible work that had been done at the park.

Parks Superintendent Heath said there would be a rubberized surface underneath the equipment, and said the new equipment would replace the current 30-year old playground.

City Manager Cotter said a shade structure could be added to the next budget year if the Council desired.

Parks Superintendent Heath said the design of the playground included an area for 2-5 year olds and another area for 5-12 year old children. He said there was more room in that area to add additional equipment in the future.

MOTION: Council Member Hecht made a motion to approve the agreement with Play It Safe Playgrounds for the purchase and installation of playground equipment in Ken Fovargue Park utilizing Mohave Educational Services Cooperative Agreement No. 190-PLAY-0221 in an amount not to exceed \$324,661.33; and authorize the City Manager or his designee to execute the agreement and issue resulting payments on behalf of the city. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

11. Discussion and possible action to approve the modification of the Rotary Park Master Plan by adding a pump track and fitness court as described in the Rotary Park Master Plan Map dated September 6, 2022. (Public Works Director Johnson)

City Manager Cotter said changes to the master plan had to be approved by the City Council and forwarded to the Bureau of Land Management. He said this was a minor change to the master plan.

MOTION: Council Member Wegmann made a motion to approve the modification of the Rotary Park Master Plan by adding a pump track and fitness court as described in the Rotary Park Master Plan Map dated September 6, 2022. Council Member Hecht seconded the motion.

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

MOTION CARRIED

12. Discussion and possible action to approve an agreement with American Ramp Company, Inc., of Joplin, Missouri, for construction and installation of a pump track in Rotary Park, utilizing Sourcewell Cooperative Contract No. 112420 in an amount not to exceed \$270,629.04; and authorize the City Manager or his designee to execute the agreement and issue resulting payments. (Public Works Director Johnson)

Parks Superintendent Heath said the pump track was suitable for people of all ages and experience. He said staff had met twice with representatives of the biking community to solicit input and preferences. He said funds for this project were included in the fiscal budget. He said the project was procured under the Sourcewell Cooperative contract. He said the pump track could be expanded to accommodate national events in the future.

MOTION: Council Member D’Amico made a motion to approve an agreement with American Ramp Company, Inc., of Joplin, Missouri, for construction and installation of a pump track in Rotary Park, utilizing Sourcewell Cooperative Contract No. 112420 in an amount not to exceed \$270,629.04; and authorize the City Manager or his designee to execute the agreement and issue resulting payments. Council Member Hecht seconded the motion.

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

MOTION CARRIED

13. Discussion and possible action to: 1) ratify the City Manager’s execution of the Legacy Foundation Grant Agreement dated August 12, 2022, for \$100,000; 2) approve the purchase of the fitness court equipment from National Fitness Campaign in the approximate amount of \$120,558.00; 3) authorize a transfer of \$40,000.00 from the general fund contingency pending receipt of other promised contributions; and 4) authorize the City Manager or designee to execute any other required documentation and issue payments in accordance with approvals contained therein. (City Manager Cotter)

City Manager Cotter thanked the Legacy Foundation, Valley View Medical Center, and the Western Arizona Regional Medical Center for their financial contributions to facilitate this project.

Parks Superintendent Heath said the fitness court was an innovative outdoor bodyweight circuit training center designed to improve the quality of life in cities, schools, and parks. He said the fitness center would be located in a beautiful area along the river. He said this and other developments would assist in advancing health standards for the whole community.

MOTION: Council Member Wegmann made a motion to: 1) ratify the City Manager's execution of the Legacy Foundation Grant Agreement dated August 12, 2022, for \$100,000; 2) approve the purchase of the fitness court equipment from National Fitness Campaign in the approximate amount of \$120,558.00; 3) authorize a transfer of \$40,000.00 from the general fund contingency pending receipt of other promised contributions; and 4) authorize the City Manager or designee to execute any other required documentation and issue payments in accordance with approvals contained therein. Council Member Hecht seconded the motion.

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

MOTION CARRIED

14. Discussion and possible action to adopt Resolution No. 2022R-53 approving the application and receipt of a Visit Arizona Initiative: FY23 Outdoor Recreation Revitalization Grant from the Arizona Office of Tourism for the revitalization of Rotary Park Soccer Fields. (City Manager Cotter)

Assistant to the City Manager Travis Pruitt said the Arizona Office of Tourism had developed a new program entitled the "Visit Arizona Initiative." He said the grant in the amount of \$250,000 would be used to restore and revitalize the soccer fields in Rotary Park. He said the heavy clay composition of the soil in those fields had not allowed for adequate leaching and resulted in a very high level of salinity when combined with years of effluent irrigation. He said the funding would assist in removing the top layer of soil and replacing it with usable soil conducive to growing grass. He said a 20 percent in-kind match was required, with no additional cash from the city. He said the outdoor soccer fields were the appropriate size with the amenities to host a major soccer event.

City Manager Cotter said false grass on athletic surfaces could not be used in Bullhead City, as third degree burns could result with the extreme heat. He said the city did a great job with water conservation but real grass was needed for the city's athletic fields.

MOTION: Council Member D'Amico made a motion to adopt Resolution No. 2022R-53 approving the application and receipt of a Visit Arizona Initiative: FY23 Outdoor Recreation Revitalization Grant from the Arizona Office of Tourism for the revitalization of Rotary Park Soccer Fields. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

15. Discussion and possible action to approve the Third Amendment to the Contract for Bullhead Area Transit System Fleet Maintenance Services with A-1 Fleetsmart for Transit Fleet Maintenance and Repair Services; and authorize the City Manager to execute the contract and approve subsequent payments for services rendered. (Human Services Director Tipton)

Transit Manager Michael Peluso said A-1 Fleetsmart had been providing fleet services for the transit system for the past eleven years, and had been doing a great job. He said vehicle maintenance was essential for safety and the provision of uninterrupted service.

MOTION: **Council Member Hecht made a motion to approve the Third Amendment to the Contract for Bullhead Area Transit System Fleet Maintenance Services with A-1 Fleetsmart for Transit Fleet Maintenance and Repair Services; and authorize the City Manager to execute the contract and approve subsequent payments for services rendered. Council Member Lizarraga seconded the motion.**

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

MOTION CARRIED

Other Business

16. Discussion and possible action to adopt Resolution No. 2022R-54 declaring the City of Bullhead City a “Golden Rule City.” (City Manager Cotter)

Assistant to the City Manager Pruitt said the city was approached by a resident requesting the city adopt a resolution declaring the city as a “Golden Rule City.” He said Emily Ternes had been developing a planning committee to discuss ideas in support of the Golden Rule efforts and activities.

Emily Ternes provided a Powerpoint presentation. She said the Golden Rule had been around for thousands of years reminding people to treat each other the way they would like to be treated. She said everyone could only apply this measure to oneself and not to others. She said in 2003, the State of Arizona declared itself to be a Golden Rule State. She said ten Arizona cities had followed the State’s lead by designating their cities a “Golden Rule City.” She said the objective would be to develop a city culture of kindness, equality, respect, civility, and justice. She said the people of the city had already demonstrated these traits. She said as citizens became more aware of the Golden Rule in their actions, the positive effects would increase. She discussed their ideas for the plan going forward.

Vice Mayor Brummett agreed the community had already demonstrated its kindness over the last few days as an example. She spoke in support of the resolution.

MOTION: Council Member Lizarraga made a motion to adopt Resolution No. 2022R-54 declaring the City of Bullhead City a “Golden Rule City.” Council Member Wegmann seconded the motion.

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

MOTION CARRIED

17. Discussion and possible action to adopt Ordinance No. 2022-31 adopting the City Code Amendment, “Medical and Recreational Marijuana Amendments 2022,” by reference; and adopt Resolution No. 2022R-55 declaring the amendment a public record. (City Manager Cotter)

City Manager Cotter said the proposed code amendment would eliminate the restriction limiting drive-through service to store front hours for both medical and recreational portions of the business. He said the restriction limiting home delivery for medical marijuana to store-front hours would be eliminated. He said home delivery service for recreational use would remain prohibited. He said the city had received zero complaints on the business from the community.

Dave Patterson from Debbie’s Dispensary said both Nevada and California did not have the same restricted hours, and said it was difficult to compete with those locations. He said they had very few home deliveries.

MOTION: Council Member D’Amico made a motion to adopt Ordinance No. 2022-31 adopting the City Code Amendment, “Medical and Recreational Marijuana Amendments 2022,” by reference; and adopt Resolution No. 2022R-55 declaring the amendment a public record. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

18. Discussion and possible action to approve renaming “Suddenlink Way” to “Optimum Way.” (City Manager Cotter)

City Manager Cotter said the business formerly known as Suddenlink was paying for the Community Center to be painted and new signage. He said it was important to the company the street name was changed in conjunction with their re-branding efforts. He said the city had a contract for naming rights on the Community Center with Optimum. He said the street naming did not impact any residents or businesses.

MOTION: Council Member Wegmann made a motion to approve renaming “Suddenlink Way” to “Optimum Way.” Council Member Hecht seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

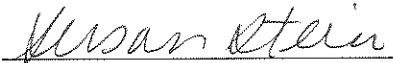
ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:31 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 6th day of September 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September 2022.



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 Special Meeting on Tuesday, September 6, 2022, 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, Head, Hecht, Lizarraga, Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

HUMAN SERVICES DIRECTOR: Jeff Tipton

POLICE CHIEF: Robert Trebes

PUBLIC WORKS DIRECTOR: Angie Johnson

DISCUSSION ITEM(S)

1. Special Meeting of the City Council to hear an appeal from Theodore E. Nixon & Associates concerning the denial of a protest in the matter of the selection of professional engineering services for the design of the new animal care and welfare facility under RFQ No. 2022-00000145, Project No. 22-AC-001. Bullhead City Administrative Regulation 2-1, Section 1.9.

City Manager Cotter said the Council would hear an appeal process relating to the selection of an architect for the new animal shelter.

City Attorney Emery explained the appeal process. He said this item currently was still at the staff level, and said the selection/contract would come forward to the Council for consideration at a later time. He said an RFQ (Request For Qualifications) was a competitive qualitative process, with no money analysis involved, in order to select the best qualified candidate. He said the Council was provided with the response letters, and until a selection was made; other details of the submissions would not be disclosed. He said evaluation criteria were also provided. He said the selection was made as a result of a scoring process.

Human Services Director Tipton explained the RFQ process. He said the RFQ was posted on the city's website and published in the newspaper to be opened on June 10, 2022, at 3:00 p.m. He said there were three submittals: Nicklaus Engineering Inc., Selberg Associates Inc., and Theodore E. Nixon & Associates. He said the selection panel included Development Services Director Chooniyom, Assistants to the City Manager Edigar Kajirwa and Travis Pruitt, and himself. He said the panel met, reviewed the submittals, and interviewed the applicants on June 29th. He said the panel members completed individual scoring sheets and submitted them to him. He said Development Services Director Chooniyom did not interview the last applicant (Mr. Nixon) as he had to leave the meeting early. He said, for the ratings, he averaged three scores for Mr. Nixon and averaged four scores for Selberg and Nicklaus. He said there was a first, second, and third position

ranking. He said on July 8th, the intent to award and two non-award letters were sent out. He said the appeal was received on July 18th.

Mayor Brady invited Mr. Nixon to speak.

Mr. Nixon said he was the principal at Theodore Nixon & Associates. He provided background information, and said he was a Vietnam Veteran and a past president of Kiwanis. He said he was protesting the denial letter sent by City Manager Cotter dated July 20th. He said the city's building official was not present at his interview, and was present with the other two firms. He said that put him at a disadvantage. He referred to language stated in the RFQ, and said an addendum was issued that stated interviews may or may not be utilized; however, no agenda was established with the city's review board. He said the proposal requirements were never evaluated in accordance with the RFQ, and said his references were never contacted. He said the building official could have reviewed his written submittal and evaluated and scored his qualifications based upon his submittal, but this was not done. He said the selection was based solely on the interviews. He said the city should establish criteria for interviews, making the interview process fair for all. He felt that even if he was fairly evaluated with the other firms, he would be unpopular with the staff and difficult for him to take on the project; therefore, he was requesting a monetary settlement.

Mayor Brady asked Mr. Nixon if he was seeking monetary relief equivalent to the amount negotiated for the architectural services for the project.

Mr. Nixon confirmed.

City Manager Cotter compared the RFQ selection process to an employment interview. He said the applicants were rated on documents submitted and an in-person interview. He said applicants were interviewed fairly and had the same opportunities to score highly. He said the threat of a claim changed the entire discussion, and said they should stop discussing this.

City Attorney Emery said it was appropriate to answer the appeal today. He said a notice of claim had not been submitted to the city, and said the request for a settlement would not affect their decision today. He said the reference to damages was outside the scope of the appeal.

MOTION: Council Member Wegmann made a motion to affirm staff's tentative selection and that the process used was valid. Vice Mayor Brummett seconded the motion.

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

MOTION CARRIED

2. Discussion only and follow-up from the Council Work Session held on August 2, 2022, on the proposed Bullhead City Short-Term Rental Ordinance; AZ Senate Bill 1168; and the City of Scottsdale's Short-Term Rental Ordinance.

City Manager Cotter said this was the third Council workshop on this ordinance. He reviewed the process to date. He said this was an important issue and they wanted to spend time discussing it. He

said currently there were 512 short-term rental properties in the city. He said state law did not allow the city to ban short-term rentals in entirety.

Mayor Brady said they were trying to do everything they could to minimize the effect on neighborhoods. He said the state had now given them the opportunity to regulate the rentals with some requirements. He said the ordinance would help protect the citizens of Bullhead City. He said he would like the draft ordinance to be clearer and would like to revise the current noise ordinance. He said today, the League of Arizona's Cities and Towns provided a draft policy for all of Arizona's cities and towns to follow. He said he believed they should use this model ordinance as a starting point. He said he would like to have more time to review the document.

Council Member Head said the noise ordinance should be separate from the short-term rental ordinance. He said the appropriate decibel levels needed to be established as it was more reasonable for the police officer, judge, and property owner to have something to refer to as a standard in court.

City Manager Cotter said noise was a community issue and not a short-term rental issue.

City Manager Cotter distributed copies of the League's draft policy to the Council and the public for initial discussion purposes. He reviewed sections of the draft with the Council. He said it called for owners to obtain a vacation rental permit from the city, which would be a simple process similar to business licensing. He said the full name, address, and 24-hour contact information be provided for the individual serving as the individual point of contact. He said the vast majority of owners do not live in Arizona. He said proof of a sales tax license, and the owner's acknowledgment of compliance with federal, state and local laws would be required.

Council Member Wegmann asked if the 24-hour emergency contact had to be local. City Manager Cotter said they needed someone to respond in a short amount of time.

City Manager Cotter said they proposed a non-refundable \$250 permit fee in addition to the business license fee.

Council Member Hecht asked if insurance would be required. City Manager Cotter said the state allowed the requirement.

Mayor Brady asked about the notification of short-term rental properties to adjacent property owners by the owner. City Manager Cotter said the city would manage the notifications to the neighborhoods, as existing software had the capability to notify entire neighborhoods and provide better communications with the public. He said they are setting up an 800 number for assistance.

City Manager Cotter said the owner would be responsible to display the permit number issued by the city on each advertisement for such vacation rental. He said the owner of the vacation rental must display the name, phone number, and email address of the emergency point of contact in a conspicuous place within a number of feet of the primary entrance of the rental.

Vice Mayor Brummett said exterior signs on short-term rental properties would not be acceptable in residential neighborhoods.

Council Member Head said the 800 phone number would be helpful for neighbors. He said he was

concerned that a sign displayed on a vacation rental would probably cause the property to be burglarized at some point in time.

Council Member Hecht asked if an informational sign was required to be displayed inside the property. City Attorney Emery said this would not be objectionable.

Vice Mayor Brummett said she agreed that required information could be posted inside the home.

City Manager Cotter said another work session would be scheduled in the near future to further discuss the proposed ordinance.

Mayor Brady asked if the trash and parking issues should be included.

City Manager Cotter said unfortunately they would be challenged, because short term rentals were not supposed to be treated any differently than other properties.

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

Mark Tuarno from Sun Ridge Estates said he was a business owner, and suggested requiring at least \$1 to \$2 million of insurance and to increase the license fee amount. He said the city should be allowed to inspect the rental properties. He said the homes were rented to make money and a profit.

Dale Collins said the League's proposed model ordinance was a better draft than the first. He agreed that \$500,000 was not enough for insurance and \$1 million would be more appropriate.

Sean Reagan said if an owner violated the permit and laws, another permit should not be issued. He asked if the fire code would be violated if there were more people staying in the house than allowed.

Sean Thoman asked if the legal number of occupants could be established and enforced. He asked for the reason that zoning did not restrict hotels in neighborhoods.

City Manager Cotter said typically one person rented the property and then more people would show up. He said the state law was very specific and could not regulate the rentals through zoning.

Mayor Brady said the city's hands had been tied, and now they had some tools in order to help regulate the short-term rental businesses. He said they were doing everything within their power to protect the health, safety, welfare, and fair play in the community. He said he would ban them entirely, but they could not do that. He requested the League's draft model ordinance be posted on the city's website for public view.

ADJOURNMENT

Mayor Brady declared the special meeting adjourned at 5:00 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 6th day of September 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September 2022.

A handwritten signature in cursive script, appearing to read "Susan Stein", is written over a horizontal line.

Susan Stein, MMC, CPM
City Clerk