

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, October 18, 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

POLICE DEPT: Captain Jason Harms

DISCUSSION ITEM

1. Decibel level noise measurement demonstration in the Police Training Room and follow-up discussion on the city's noise ordinance in the Council Chambers.

City Manager Cotter said the city had a current noise ordinance, but it did not include specific decibel levels to measure the noise. He said the Council would listen to loud music from various locations and observe the noise level measurements. He said the Council was provided the current City of Scottsdale, Town of Paradise Valley, and Bullhead City's noise ordinances for reference.

City Attorney Emery discussed the framework of the existing ordinance. He said the sections were included in the nuisance code and the general offense code. He said the code was developed years ago, referencing what level an individual determined the noise to be "unreasonable." He said a police officer would make that determination based upon objective criteria and what the officer had observed. He said that was the way the current laws were enforced. He said the measuring device implemented into the code should serve as an additional tool, rather than the sole determination factor.

Police Captain Harms said he had used the measuring device for a week. He said the cost was approximately \$150 to \$200 each. He said the City of Scottsdale and Town of Paradise Valley had determined the devices were useful tools. He said normal conversation was 60 decibels, a busy street was about 70 decibels, and a loud rock concert was 110 decibels; depending on how close one was to the source.

City Council Members visited the courtyard and the police training room for a decibel level noise demonstration at 3:42 p.m. The Council returned to the Council Chambers at 3:57 p.m.

City Manager Cotter said staff wanted to begin the process of updating the noise ordinance. He asked the Council Members for their feedback.

Council Member D'Amico suggested increasing the noise levels from Scottsdale's ordinance, as they seemed a little low.

Mayor Brady said Paradise Valley's noise levels were higher.

Council Member Wegmann said she agreed with Council Member D'Amico.

Mayor Brady said there was another level for noise from vehicles and said this was something the city should consider. He suggested they rely on the police officers' opinions on the appropriate levels to include.

Council Member Head asked if there was a way to work some language into the ordinance that would include a determination of "presumptive" unreasonable noise levels. He said the officers should have some leeway. He said he agreed the police should come up with some appropriate decibel levels for reference.

City Attorney Emery said they would come up with "presumptive" parameters in the language.

City Manager Cotter said the current ordinance included numerous exemptions. He said Bullhead City was a 24-hour community and they should consider that when drafting the ordinance.

Council Member Lizarraga asked about the number of devices required for the police department's use.

Police Captain Harms said they would need approximately six devices. He said the officers could use the devices to test the levels and conduct more research.

Council Member Hecht said she could hear contractors' music echoing from across the wash in her back yard. City Manager Cotter said the current code included language that addressed loud music, and said the police could be called in order to first warn the person to turn down the music.

Council Member Head said officers were reticent to address some noise before 11:00 p.m., and said the test devices would help the officers address those types of complaints.

MOTION: Council Member Wegmann made a motion to adjourn the special meeting and convene into executive session at 4:10 p.m. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

EXECUTIVE SESSION

2. Discussion or consultation for legal advice, pursuant to Arizona Revised Statutes § 38-431.03(A)(3), concerning: 1) Pending lawsuits - Michael Bohannon; Bruce Campbell; Shannon James; Daniel Wilson; Aileron (second bridge condemnation parcel); and opiate settlements; 2) Pending request for arbitration with the Arizona Municipal Risk Pool concerning the previously settled Don Carley matter; and 3) Status of Mohave County's objection to the proposed transfer of 4th priority water off the Colorado River to Queen Creek.

MOTION: Council Member made a motion to adjourn from executive session and the special meeting at 4:59 p.m. Council Member seconded the motion.

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

MOTION CARRIED

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 18th day of October 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of November 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 regularly scheduled meeting on Tuesday, October 18, 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 Council Member Wegmann to deliver the invocation. Council Member Head 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: Captain Jason Harms

FINANCE DIRECTOR: Rudy Vera

PUBLIC WORKS DIRECTOR: Angie Johnson

UTILITIES DIRECTOR: Mark R. Clark

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Saritti Chooniyom

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation declaring Wednesday, October 26, 2022, as “Walk Away From Drugs Day,” in Bullhead City.

Mayor Brady read the proclamation and presented it to Bullhead City Police Community Services Officer Lorrie Duggins.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Steven Lee invited the public to attend the upcoming “Voices for Freedom” meeting. He said they would discuss a local emergency broadcast system.

Ken Sondgeroth invited the community to attend the Corn Fest event to be held that weekend.

Pamela Smith invited the public to attend the Colorado River Republican Women’s upcoming “Burgers & Bingo” fundraising event.

Parks and Recreation Commissioner Craig Cox thanked the city for operating the senior softball program. He discussed the recently cancelled senior softball tournament, and said their group loved hosting the tournament.

Sean Regan said he was looking to raise funds for the Arizona Veteran K-9 Services programs and provided information on how to donate.

Nick Parsons said the homeless shelter guests needed to stay busy and suggested installing a garden at the facility. He spoke in favor of green and solar programs in Bullhead City.

Scotty McClure said the mobile political sign advertising school board candidates was not legal.

Julie Hassett provided information on the Colorado River Concert Association's upcoming musical performances.

Jim Fluor discussed an issue with his neighbor regarding construction noise.

Donna Doyle from "Saving Animals In Need Together" invited the community to attend their upcoming fund raising event.

Eva Corbett invited the public to attend the Mohave County K-9 unit pet costume contest and car show fund raising events.

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 Wegmann seconded the motion.

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

MOTION CARRIED

MANAGER'S REPORT

1. Voting Information – General Election November 8, 2022

City Clerk Stein provided information on mail-in ballots and early voting locations for the upcoming general election.

2. September Storm Overview

City Manager Cotter said they performed analytics and overall the community fared very well. He said previously there had been some criticism at the podium. He said there were more than 25,000 comments on social media, and the majority of the comments were positive. He said the city opened its Sunrise School shelter the evening of the storm. He said the reason Sunrise was chosen was, in 2010 they were worried about the dams breaking, and that site would not be affected by any amount

of water. He said they were currently planning for a new senior center, and would include a generator for that location in the next year's budget for the Council's consideration. He said the new facility could be used as a second shelter during an emergency.

3. Fall Community Events

Assistant to the City Manager Travis Pruitt provided information on upcoming local community events.

4. R.C. Track Update

Parks Superintendent Dave Heath provided information on the progress of the new remote control track in Rotary Park. He said this was a great partnership with the city and the community.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Hecht provided information on food distribution and truck or treat events.

Council Member Wegmann said the Colorado River Women's Council was busy working on the upcoming "Boombbox" parade.

Council Member Lizarraga invited the community to attend the Kiwanis' Truck or Treat event.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Wegmann made a motion that Items No. 1 through 3 on the Consent Agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Council Member Lizarraga 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 October 4, 2022; and the Minutes of the Regular Council Meeting held on October 4, 2022. (City Clerk Stein)
2. Approval of Resolution No. 2022R-58 authorizing the abandonment of the cul-de-sac at the terminus of South Street within the Desert Ridge, Tract 4032A subdivision, located in Section 11, T19N, R22W. (Development Services Director Chooniyom)

3. Approval of Resolution No. 2022R-59 authorizing the abandonment of a portion of the public utility and aerial overhead easements that lie within a parcel of land located at 543 Marina Blvd. and described as Riviera Mobile Gardens Unit 3, Tract 1007, Lots 1372, 1373, and 1374, Section 19, T20N, R22W. (Development Services Director Chooniyom)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

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

City Manager Cotter said Robynne Mieding had applied to fill the vacant seat on the Bullhead Area Transit Commission.

Robynne Mieding expressed her interest in serving on the BATS Commission.

MOTION: Council Member D'Amico made a motion to appoint Robynne Mieding to serve on the Bullhead Area Transit System Commission to fill a term expiring on September 30, 2023. Council Member Wegmann 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

Listed under the Consent Agenda

Mayor Brady called for a short break at 6:22 p.m. The meeting reconvened at 6:30 p.m.

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

5. Discussion and possible action to approve the Agreement for Professional Engineering Services for a New Animal Care and Welfare Building with Selberg Associates, Inc., in an amount not to exceed \$180,000.00; and authorize the City Manager to execute the agreement and take all actions consistent with the development and implementation of plans for the new building. (Human Services Director Tipton)

Human Services Director Tipton said some staff members and their furry friends were in attendance to commemorate the start of a new animal facility. He said an RFQ (request for qualifications) was advertised and three firms submitted their qualifications. He said staff interviewed the three firms

and selected Selberg Associates, Inc. as the consultant with the most experience with design and implementation of city facilities. He said the city budgeted \$100,000 for engineering in fiscal year 2023 and \$3,675,000 in fiscal year 2024 for completion of the engineering, construction, project management, and furnishings. He said this project would allow the city to operate a new state-of-the-art animal shelter and better serve the animals and citizens of Bullhead City.

Human Services Director Tipton provided a Power Point presentation on the history, strategies, and the process to construct the animal shelter. He said the new 15,000 square foot facility would be located between City Hall and the Senior Center on Trane Road. He recognized members of the planning and design committee. He said they were creating networks to support life-saving programs; such as Best Friends, Arizona Humane Society and Saving Animals In Need Together (S.A.I.N.T.). He said they continued to build on veterinary services; as well as building their volunteer base and staff development to educate, train, and teach best practices.

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

Eva Corbett spoke in support of the project.

Gail Moscato of S.A.I.N.T. spoke in support of the project.

MOTION: Council Member D'Amico made a motion to approve the Agreement for Professional Engineering Services for a New Animal Care and Welfare Building with Selberg Associates, Inc., in an amount not to exceed \$180,000.00; and authorize the City Manager to execute the agreement and take all actions consistent with the development and implementation of plans for the new building. Council Member Wegmann 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 Grant Agreement with the River Fund, Inc., for \$50,000.00 from the Human Services budget to assist the homeless in Bullhead City with transportation needs; and authorize the City Manager to execute the agreement. (Human Services Director Tipton)

City Manager Cotter said the River Fund was a critical social service agency that assisted individuals in need; including those who were homeless, living in vehicles, or at risk of becoming homeless. He said the grant funds would be designated to assist homeless individuals who might need overnight accommodations when assistance could not be provided by the new homeless shelter; provide bus passes for individuals who might need to travel to another location; and assist with vehicle reparations enabling individuals to continue their travels. He said the grant agreement would require that assistance be limited to individuals experiencing homelessness within Bullhead City. He said the funding was approved in this year's budget.

Mike Connor of the River Fund said the program was another example of the great experiences they provided in helping people in the community through hard times. He provided some examples of

their numerous activities that helped with a “hand up” to assist people in getting their lives back together.

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

Sean Regan said Mike Connor was always there to help the veterans and people in the community, and said he was doing a commendable job.

Dan Alfonzo asked about the administrative and overhead costs. He asked if funds were received by other sources. Mr. Connor said they received funding from 18 different accounts. He said their overhead was very low and the building they used was rent free.

Mayor Brady said the city was not like larger cities where people were camped out in the streets. He said the City Council was doing everything they could to make sure they had adequate resources to keep them homeless persons off the streets.

Council Members Hecht and Wegmann spoke in support of the River Fund.

MOTION: Council Member D’Amico made a motion to approve the Grant Agreement with the River Fund, Inc., for \$50,000.00 from the Human Services budget to assist the homeless in Bullhead City with transportation needs; and authorize the City Manager to execute the agreement. 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 approve the purchase of a 2022 Caterpillar 420 Backhoe from Empire CAT of Phoenix, Arizona, in the total amount of \$163,090.77; and authorize the City Manager or his designee to approve the purchase order and any resulting paperwork; and further, approve a budget transfer in the amount of \$13,090.77 from the slurry program account. (Public Works Director Johnson)

Public Works Director Johnson said Empire CAT of Phoenix, Arizona, held the contract with Sourcewell for this bid, and provided a proposal including tax, delivery, training, and a five-year extended warranty for the new backhoe. She said funds were included in this year’s budget for this purchase.

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

Billy Pershing asked where the equipment would be used.

Public Works Director Johnson said the backhoe would be used daily for street maintenance, flood clean-up, and assist with the slurry program.

MOTION: Council Member Head made a motion to approve the purchase of a 2022 Caterpillar 420 Backhoe from Empire CAT of Phoenix, Arizona, in the total amount of \$163,090.77; and authorize the City Manager or his designee to approve the purchase order and any resulting paperwork; and further, approve a budget transfer in the amount of \$13,090.77 from the slurry program account. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

Other Business

8. Discussion and possible action to adopt Ordinance No. 2022-32 approving the Amendment to the Bullhead City Municipal Code entitled “Short Term and Vacation Rentals 2022” by reference; and adopt Resolution No. 2022R-60 declaring “Short Term and Vacation Rentals 2022” a public record. (City Manager Cotter)

City Manager Cotter said the City Council had worked considerably in addressing the community’s issues being caused by the growing number of short-term vacation rentals available in the community. He said their conversations included two Council work sessions that solicited public input. He said, until recently, the State Legislature had severely limited the actions that cities could take to abate some of the problems being caused by these rentals. He said the League of Arizona Cities and Towns provided a draft ordinance for consideration by Arizona municipalities. He said over the last several weeks, the ordinance had been modified and commented on by the city officials and the community. He reviewed the key points in the proposed ordinance.

Council Member Head asked how the city would notify the property owners of the new regulations.

City Manager Cotter said there were about 530 active properties today. He said the city’s software had the name and address of all of the property owners and would contact them to make them aware of the ordinance that would be implemented in January 2023.

Mayor Brady noted some minor modifications to the draft ordinance. He requested the state statute language be included in the ordinance, rather than the statute section numbers.

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

Tina and Mark Christman said they lived in the riverfront condos on Moser. They discussed some unpleasant situations with the numerous short-term rentals in their neighborhood and asked for the city’s help. They spoke in support of the proposed ordinance.

Nancy Ridgeway asked for a copy of the proposed ordinance.

Emily Dotter spoke in support of the proposed ordinance, and said the city needed to address the trash problems.

Sean Regan spoke in favor of the proposed ordinance. He discussed some regulations that posed legal ramifications.

Vice Mayor Brummett said the city was limited by the state as to what it could do to regulate short term vacation rentals. She said this ordinance was a good first step, and said she hoped it would resolve a lot of the issues.

MOTION: Mayor Brady made a motion to adopt Ordinance No. 2022-32, with minor modifications, approving the Amendment to the Bullhead City Municipal Code entitled "Short Term and Vacation Rentals 2022" by reference; and adopt Resolution No. 2022R-60 declaring "Short Term and Vacation Rentals 2022" 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

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:50 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 18th day of October 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of November 2022.


Susan Stein, MMC, CPM
City Clerk