

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 20, 2022, in the City Council Chambers, 1255 Marina Boulevard, Bullhead City, Arizona.

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor D'Amico called the meeting to order at 5:30 p.m. and invited Pastor Bill Jones from Bethel Community Church to deliver the invocation. Council Member Lizarraga led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga

Council Absent

Ring

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

None

OPEN CALL TO THE PUBLIC

Mayor D'Amico opened the call to the public.

Pastor Allen Cates from Praise Chapel said the city food bank gave out almost two million pounds of food this year to needy families. He said more volunteers were always needed.

Bart Anderson provided information on an upcoming Constitution training class to begin on January 7th at the public library.

Sheila Barger said the city needed to improve communications in order to provide emergency information to more citizens.

Scotty McClure said the senior center needed to have a generator to help more citizens in need during times of emergency. He said he wanted the manager's report moved ahead of the public comment item on the agenda.

Having no one else present wishing to speak, Mayor D'Amico 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: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

MANAGER'S REPORT

1. Hollywood in Bullhead City, Arizona, Film and Digital Media Office

City Manager Cotter said Ramsey Wharton from the Arizona Film Office held a recent forum sending a message to the community that a big economic development engine could do more work in the area, as there were more reasons to welcome filming and movie productions locally.

2. National Outdoor Fitness Court Opening

Assistant to the City Manager Eddie Kajirwa said the fitness court construction began a few weeks ago and construction was now complete. He said the city received an extra \$10,000 in sponsorship funding from DOT Foods.

3. Winter Wonderland Video Recap

City Manager Cotter played a video of the activities at the Winter Wonderland event held at the Anderson Auto Group Fieldhouse.

4. Boom Box Parade Video Recap

City Manager Cotter played a video of the Christmas Boom Box parade that took place on December 3rd.

City Manager Cotter said a second city generator for emergency use at the senior center would be included in next year's budget for consideration. He said the cost was approximately \$300,000.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Hecht thanked the supporters and volunteers that helped at the food giveaway programs. She thanked the city staff, Swanty's Automotive, and the police and fire departments for holding successful holiday events.

Vice Mayor Brummett said the city was blessed to have so many generous residents, and said she was honored to serve on the City Council for such an amazing community.

Council Member Lizarraga wished everyone a Merry Christmas and Happy New Year.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Hecht 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 Lizarraga seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

Items on the Consent Agenda were approved as follows:

1. Approval of the Minutes of the Special Council Meeting held on December 6, 2022; and the Minutes of the Regular Council Meeting held on December 6, 2022. (City Clerk Stein)
2. Approval of a payment for the contract change order in the amount of \$3,485.00 with Bullseye Home Service for work completed under the city's owner-occupied housing rehabilitation program on a property located at 553 Ramar Road; thereby increasing the total contract amount to \$63,485.00 (all grant funded); and authorize the City Manager to issue resulting payments. The original contract was approved by the City Council in 2020. (Human Services Director Tipton)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

3. Discussion and possible action to appoint a citizen to serve on the Bullhead City Board of Adjustment to fill a partial term beginning immediately upon Council approval and expiring on June 30, 2023. (City Clerk Stein)

City Manager Cotter said the vacancy was created when former member Dan Alfonzo resigned to serve as a City Council Member. He said there was one applicant to fill one seat.

Kenya Cribb expressed her interest to serve on the Board of Adjustment.

MOTION: Council Member Hecht made a motion to appoint Kenya Cribb to serve on the Bullhead City Board of Adjustment to fill a partial term beginning immediately upon Council approval and expiring on June 30, 2023. Vice Mayor Brummett seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

4. Discussion and possible action to appoint a citizen to serve on the Bullhead City Franchise License Commission to fill a three-year term effective January 1, 2023, and expiring on December 31, 2025. (City Clerk Stein)

City Manager Cotter said Eva Corbett had expressed her interest in being re-appointed to the Franchise License Commission. He said there were other openings available on this commission.

MOTION: Council Member Lizarraga made a motion to appoint Eva Corbett to serve on the Bullhead City Franchise License Commission to fill a three-year term effective January 1, 2023, and expiring on December 31, 2025. Council Member Hecht seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS

5. **PUBLIC HEARING.** Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for an Interim Permit and Series 10 Liquor License, Job No. 217633, submitted by Amy S. Nations for Jackson #6798 (formerly Woody's) located at 3713 Highway 95 in Bullhead City. (City Clerk Stein)

City Manager Cotter said staff reviewed the application and had no objections.

Mayor D'Amico opened the public hearing. Having no one from the public requesting to speak, Mayor D'Amico closed the public hearing.

MOTION: Council Member Alfonzo made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for an Interim Permit and Series 10 Liquor License, Job No. 217633, submitted by Amy S. Nations for Jackson #6798 (formerly Woody's) located at 3713 Highway 95 in Bullhead City. Council Member Hecht seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

ACTION ITEMS

Building, Planning and Zoning Items

6. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2022-35 authorizing an amendment to Z05-017, Ordinance No. 2018-26, Stipulation No. 5, to allow the applicant (Bullhead City Fire Dept.) additional time (2 years) to obtain building permits for a commercial project located at 1495 Riverport Drive, and 2651, 2701, and 2571 Laughlin Ranch Blvd., and described as Laughlin Ranch, Tract 5090, Unit 1, Parcel E; and Laughlin Ranch, Tract 5127, Unit 2, Tracts G, H, and I. (Development Services Director Chooniyom)

City Manager Cotter said the proposed fire station had been talked about for many years. He said discussion on this item was not about the design of the building or the communications tower; it was about the zoning.

Planning Manager Loera said the original master plan designated the property as commercial and the project would match what the original master plan had called for in that area.

City Attorney Emery said towers were usually conditional use permits heard by the Planning and Zoning Commission. He said public safety towers were purely administrative, according to the city code.

Vice Mayor Brummett declared a conflict of interest and left the dais.

Council Member Head asked if the property was currently zoned as commercial.

Planning Manager Loera said the commercial zoning did not vest until the Fire Department submitted a building permit. He said the property was technically zoned as residential.

Mayor D'Amico said even if they voted against the application tonight, the Fire Department could legally move ahead with the project.

City Attorney Emery said denial of the extension would revert to the original zoning. He said the applicant could then come back to the Planning and Zoning Commission to ask for another extension, or they could appeal the decision.

Mayor D'Amico opened the public hearing.

Mylan Jurevich stated he represented some Laughlin Ranch home owners. He said their home on Esmeralda Drive would be directly impacted from the proposed antenna. He said they wanted a fire station in the community, and said unfortunately it appeared the size and scope of the original community facility had been expanded to a 5,000 square foot facility with a huge antenna tower that would affect views. He requested the city consider an alternate location and take more time to study the project. He said not enough notice was given to the constituents regarding the proposed project.

Scotty McClure said the voters approved the project in 2017. He said the city did not have authority to change the project, and said possibly the airport could stop it. He said he was not aware of the expanded size of the facility.

Sean Regan said the government received special exemptions; and said if a regular contractor asked for the same extension, the city probably would not approve it.

Having no one else from the public requesting to speak, Mayor D'Amico closed the public hearing.

Mayor D'Amico said he also spoke with some homeowners. He said he would like to table this item in order for the residents to have more time to have more discussions with the Fire Department and the homeowners association.

MOTION: Council Member Hecht made a motion to table Agenda Item No. 6 for additional discussion at the January 17, 2023, regular Council meeting. Council Member Alfonzo seconded the motion.

VOTE: AYES: D'Amico, Head, Hecht, Lizarraga
NAYS: Alfonzo ABSENT: Ring ABSTAIN: Brummett

MOTION CARRIED

Vice Mayor Brummett returned to the dais.

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

7. Discussion and possible action to approve the purchase of a new 2022 Ford F-550 Service Truck for the Fleet Services Division from Bradley Ford of Lake Havasu City, Arizona, for a total amount of \$116,032.99; and authorize the City Manager or his designee to approve the purchase, execute any necessary documentation, and issue resulting payments. (Public Works Director Johnson)

Public Works Director Johnson said this purchase was budgeted for this fiscal year. She said staff researched the purchase of both new and used service trucks. She said the new F-550 truck was found at Bradley Ford in Lake Havasu City, and a second quotation for the same truck was \$75,000 higher than Bradley Ford price, with a 120-day lead time.

Council Member Alfonzo asked if an extended warranty was available.

Public Works Director Johnson said the new truck would come with a free factory warranty, bumper to bumper, for three years or 36,000 miles; and a power train warranty for five years or 60,000 miles. She said an extended warranty could cost an additional \$5,400 to \$8,200.

Mayor D'Amico asked if anyone from the public wanted to speak. No one from the public spoke.

MOTION: Council Member Hecht made a motion to approve the purchase of a new 2022 Ford F-550 Service Truck for the Fleet Services Division from Bradley Ford of Lake Havasu City, Arizona, for a total amount of \$116,032.99; and authorize the City Manager or his designee to approve the purchase, execute any necessary documentation, and issue resulting payments. Vice Mayor Brummett seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

8. Discussion and possible action to approve the City Impound Yard Security System Installation and Maintenance Agreement with My Alarmtek, LLC, in the amount of \$54,985.00 plus an amount not to exceed 5% of the contract price for the cost of necessary bonding, and continuing at the rate of \$79.99 monthly after the first year; authorizing the City Manager to execute the agreement and issue resulting payments; and further, the City Council finds that waiver of competitive bidding in these circumstances to be in the best interests of the city under Bullhead City Municipal Code § 3.37.030(D). (Police Chief Trebes)

Police Chief Trebes said time and circumstances had changed, and the installation of a new and improved security system was an important addition for the security of the storage facility. He said My Alarmtek currently operated a number of services for the department and this added service was a natural extension of an integrated service. He said the purchase was included in the approved budget.

Council Member Alfonzo asked if this was a lease.

Police Chief Trebes said the monthly charge was for monitoring the alarm system.

Mayor D'Amico asked if anyone from the public wanted to speak. No one from the public spoke.

MOTION: Vice Mayor Brummett made a motion to approve the City Impound Yard Security System Installation and Maintenance Agreement with My Alarmtek, LLC, in the amount of \$54,985.00 plus an amount not to exceed 5% of the contract price for the cost of necessary bonding, and continuing at the rate of \$79.99 monthly after the first year; authorizing the City Manager to execute the agreement and issue resulting payments; and further, the City Council finds that waiver of competitive bidding in these circumstances to be in the best interests of the city under Bullhead City Municipal Code § 3.37.030(D). Council Member Lizarraga seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

9. Discussion and possible action to approve: 1) the purchase of two F-150 Ford Patrol Vehicles from Phil Long Dealerships in the amount of \$107,394.20; the City Manager's execution of an agreement with Arizona Emergency Products under Order Number ORD024223 for the full upfit of two F-150 patrol vehicles in the amount of \$39,815.00; and 3) transfer of \$73,604.60 from contingency for the purchase and upfit of one of the vehicles. (Police Chief Trebes)

Police Chief Trebes said the two vehicles would be purchased from the Phil Long dealership under a public cooperative purchasing arrangement available under Cooperative Educational Services of Albuquerque, New Mexico, for a total cost of \$107,394.20. He said the upfits included all equipment necessary for law enforcement purposes and would be installed by Arizona Emergency Products under the Yavapai Cooperative Arrangement for a total cost of \$39,815.00.

Council Member Lizarraga asked about the use of the trucks.

Police Chief Trebes said the trucks would be multi-purpose for supervisors, towing police boats, and for school resource officers.

Council Member Alfonzo asked if any extended warranties were available.

Police Chief Trebes said they typically did not purchase extended warranties as the patrol vehicles were used constantly all day long with multiple drivers.

Mayor D'Amico asked if anyone from the public wanted to speak. No one from the public spoke.

MOTION: Council Member Head made a motion to approve: 1) the purchase of two F-150 Ford Patrol Vehicles from Phil Long Dealerships in the amount of \$107,394.20; the City Manager's execution of an agreement with Arizona Emergency Products under Order Number ORD024223 for the full upfit of two F-150 patrol vehicles in the amount of \$39,815.00; and 3) transfer of \$73,604.60 from contingency for the purchase and upfit of one of the vehicles. Council Member Lizarraga seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

10. Discussion and possible action to adopt Resolution No. 2022R-70 approving the "Development Agreement – The Bullhead Commons;" and authorize the City Manager to execute the agreement and to take all actions consistent with its implementation. (City Manager Cotter)

City Manager Cotter said developer Elio Khalife recently purchased approximately 18 acres of land north of Merrill Avenue at a State Lands auction. He said the land was located on both the east and west sides of Highway 95. He said the developer proposed to construct a mixed-use development of high-density residential and commercial property that accentuated access to the Colorado River with the focus of residential zoning on the west and commercial on the east. He said the developer's plan would involve the abandonment of the street intersection currently located at Merrill Avenue and Highway 95, and re-align the portion of Merrill Avenue accessing Highway 95 northward through the eastern portion of the private property and connect to Lost Hills Drive/Pass Canyon Road. He said there would also be a new road bisecting the 18 acres east/west from the new Merrill Road alignment and result in the installation of a traffic signal at the new intersection with Highway 95. He said the intersection with Lost Hills Drive/Pass Canyon Road at Highway 95 would be closed and the new road would continue westward into the private property on the west side of the highway and also provide for connection to Community Park on the north through a controlled access point.

City Manager Cotter said turning south onto the highway from Merrill was very dangerous, with 21 reported accidents over the past five years. He said prior to the developer's acquisition of the land, city staff had been reviewing options for the abandonment and/or re-alignment of the current Merrill Avenue intersection with Highway 95 and signaling a new intersection for improved public safety and enhance traffic circulation. He said the developer's project and planned roadway dedications enabled those improvements to receive the viable implementation in the foreseeable future. He said the developer would grant all of the land for the new road to the city, and pay for half the cost of the engineering and half the cost of signalization. He said a sound wall was planned for construction next to the RV Park in order to not impact the area with traffic noise. He said the total cost to the city would be about \$1 million. He said they were looking at spending about the same amount of money prior to the purchase by the developer. He said the Arizona Department of Transportation (ADOT) would certainly approve of these improvements and the new road configuration would solve the transportation issues.

Elio Khalife said they were in agreement with city staff and said they came up with a great solution for the city.

Council Member Hecht asked about the narrower lanes entering the new roadway from the highway. Mr. Khalife said those lanes were deceleration lanes and were long enough to accommodate vehicles towing boats.

Council Member Alfonzo asked about the project timeline and if it would affect the ongoing traffic circulation.

Mr. Khalife said they would begin the engineering immediately.

City Manager Cotter said traffic should not be affected, as most of the work could be done off of the highway and at night.

Council Member Head asked if the businesses currently using Pass Canyon were aware of and agreeable to the proposed road location change.

City Manager Cotter said the businesses were aware of it and said staff would hold informational meetings as the process moved forward.

Mayor D'Amico asked if anyone from the public wanted to speak.

Scotty McClure said the traffic lights should be synchronized along the highway.

City Manager Cotter said the new signals would be state-of-the-art and able to be synchronized.

MOTION: Council Member Hecht made a motion to adopt Resolution No. 2022R-70 approving the "Development Agreement – The Bullhead Commons;" and authorize the City Manager to execute the agreement and to take all actions consistent with its implementation. Council Member Lizarraga seconded the motion.

VOTE: AYES: Alfonzo, Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: None ABSENT: Ring

MOTION CARRIED

11. Discussion and possible action to: 1) accept the conveyance of real property underlying the license property as outlined in the General Warranty Deed; 2) approve the entry of the Digital Marquee Placement License Agreement (1875 Highway 95), contingent upon Lamar Central Outdoor's compliance with regulatory requirements imposed by the Arizona Department of Transportation; and 3) authorize the City Manager to execute the agreement and all other documents necessary for implementation of the transaction. (City Manager Cotter)

City Manager Cotter said new billboards must be placed on city property. He said the applicant would purchase the property for the new billboard and give it to the city. He said there was also a revenue agreement that would generate revenue for the city, and said the city received 8 seconds per minute of free advertising.

Planning Manager Loera said there were some adjacent residential properties. He said Lamar proposed to use "sightline technology" with louvers that directed lighting where they wanted to face it. He said the lights would be directed to face the highway exclusively and prevent any excess light into the residential area.

City Manager Cotter said the city had successfully entered two other digital billboard agreements with the Lamar Company, which not only had the result of removing an older and static billboard in the city, but granting the city control of the property on which the billboard was placed, plus rents, as well as providing certain city advertising and community messaging opportunities. He said the other two billboards in operation were both on Highway 95, one near North Oatman Road and one near North Avenue. He said the static sign to be removed was currently located at Alta Vista Road. He said the proposed transaction would grant a license to the Lamar Company for the operation of a state-of-the-art digital billboard on the north side of the highway in the vicinity of 1875, adjacent to the former location of the El Palacio restaurant. He said the property was still owned by Lamar but approvals as part of this transaction would put into motion the conveyance of the property to the city, and upon which then the conditional use permit would become effective along with the license agreement. He said Lamar would pay the city a base rent of \$10,000 for the use, plus 15 percent of revenues achieved by Lamar from use of the site. He said the agreement term was 20 years with the option for an additional ten years unless either of the parties desired to terminate the agreement. He said base rent increased 1.5 percent annually.

JayeJ Tilley from Lamar Advertising said they were requesting approval of the digital billboard agreement. She said safety was their number one concern and they were proud to help local small businesses throughout their markets. She said emergency broadcasts allowed them to give back to the community.

Council Member Hecht thanked the Lamar Company for everything they did to help the community.

Council Member Lizarraga asked if the signs stayed on during a power failure. Ms. Tilley said they did not as they were powered by underground electricity.

Council Member Alfonzo said a previous study published in the newspaper showed a number of crashes on the 12-mile corridor in the city, and said the population and number of visitors had increased since then, which would change the ADOT statistics. He said the city could not afford to have additional driver distractions that could result in more accidents and possible legal settlements.

Vice Mayor Brummett said the sign would upgrade the look of the city, and said she did not find the digital signs along the highway to be distracting.

Mayor D'Amico asked if anyone from the public wanted to speak.

Scotty McClure said the neighbors should be notified about the new sign. He said Casa Serrano made a lot of money on federal loans, and asked if any of the money went to their employees. He said there would be problems with the site in the future.

Billy Pershing asked about the size of the land that would be deeded to the city.

City Attorney Emery said approximately 5,000 square feet.

MOTION: Council Member Hecht made a motion to: 1) accept the conveyance of real property underlying the license property as outlined in the General Warranty Deed; 2) approve the entry of the Digital Marquee Placement License Agreement (1875 Highway 95), contingent upon Lamar Central Outdoor's compliance with regulatory requirements imposed by the Arizona Department of Transportation; and 3) authorize the City Manager to execute the agreement and all other documents necessary for implementation of the transaction. Vice Mayor Brummett seconded the motion.

VOTE: AYES: Brummett, D'Amico, Head, Hecht, Lizarraga
NAYS: Alfonzo ABSENT: Ring

MOTION CARRIED

Other Business

None

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:15 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 20th day of December 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of January 2023.

Susan Stein
for Susan Stein, MMC, CPM
City Clerk