

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 Wednesday, July 5, 2023, 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 Earl Johnson from Spirit Life Church to deliver the invocation. Council Member Lettman led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Alfonzo, D'Amico, Head, Hecht, Lettman, Lizarraga, Ring

Council Absent

None

Staff Present

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Gamet Emery

DEPUTY CITY CLERK: Debie Ogden

POLICE CHIEF: Robert Trebes

FINANCE DIRECTOR: Robert Drexler

PUBLIC WORKS DIRECTOR: Angie Johnson

TRANSIT MANAGER: Michael Peluso

UTILITIES MANAGER: Mark Clark

HUMAN SERVICES DIRECTOR: Jeff Tipton

PRESENTATIONS AND PROCLAMATIONS

None

OPEN CALL TO THE PUBLIC

Mayor D'Amico opened the call to the public.

Eva Corbett said We Care for Animals is having a fundraising event at the newly renovated Mohave Steakhouse on July 9th. She invited community members to attend the Annual Republican picnic to be held on July 29th in the Hualapai Mountains.

Cindy Frizelle from the Tri State Military Moms group thanked the Council and community for supporting the military members, especially with the banners along Highway 95. She said every other month; the group prepares troop packages at the VFW to be sent to military service members who are deployed.

Sue Demarco invited community members to Bingo Night at the Realtor Center on July 21st. She expressed concern with illegal fireworks and the impact it has on animals, the elderly, and the potential fire hazard. She asked the Council to ban fireworks.

Scotty McClure said Council Member Hecht should not have voted on the previous Council agenda item for “Food for Families,” and she should have declared a conflict of interest. He said Council Member Ring should have included a disclaimer on her recent “Letter to the Editor.”

Sean Regan stated in his opinion, Council Members can be unprofessional and not listen to citizens’ concerns. He said it was the citizens’ right to express their opinions.

Barbara Anderson asked the Council for help in obtaining affordable local veterinary care.

Having no one else present requesting to speak, Mayor D’Amico closed the call to the public.

AGENDA MODIFICATIONS

None

WAIVER MOTION

MOTION: Vice Mayor Head 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, D’Amico, Head, Hecht, Lettman, Lizarraga, Ring
NAYS: None ABSENT: None

MOTION CARRIED

MANAGER’S REPORT

City Manager Cotter addressed issues discussed during the call to the public. Although the Food for Families grant may have been presented at a public hearing with some conceptual thoughts including ADA parking, it has not been designed or brought to the Council for consideration. In response to Mr. McClure’s concern regarding police and fire response, there is a system in place for citizens to notify the city of any special needs, which are entered into the EMS and 911 systems for future emergencies. For example, if you want us to knock on your door to make you aware of any emergencies in your neighborhood because you have hearing difficulties, let us know and it will become part of the process when responding to emergencies. In response to Ms. Demarco’s concern regarding fireworks, State law prohibits the City Council from banning the use of legal fireworks. Police respond to calls related to the use of illegal fireworks; however, they must prioritize their calls, as they also respond to calls related to domestic violence, robbery, and other situations. If a citizen wanted to file a petition against fireworks, it should go to the state level.

City Manager Cotter introduced Robert Drexler, who was promoted to Finance Director upon the retirement of Rudy Vera.

1. Animal Shelter Survey Results

Assistant to the City Manager Pruitt said the survey went out to the public between May 31st and June 27th and received 695 responses with 81% from Bullhead City residents. In response to a self-service dog washing station, 66% of the respondents wanted it, but only 50% would use it for their own pet, and 41% felt \$15-\$20 was too expensive. Respondents felt it would engage the community more with the shelter and be a useful service to advance tourism. The top three preferred services at the shelter were vaccine clinics, expanded hours, and community cat trapping, spaying, and neutering. Dog training, education, and check out dogs for a day program were least important.

Human Services Director Tipton said staff has conducted over 60 tours and everyone was excited about expanded hours and vaccine clinics. He noted TLC comes to the shelter the second and fourth Thursdays of the month, and they will continue to work with local cat programs, groups, and agencies.

Assistant to the City Manager Pruitt said 98% of the respondents said they would like to see veterinary services offered at the shelter and half of the responses selected emergency services as their preferred service, along with affordable spaying, neutering, and vaccination. The free text responses again focused on emergency veterinary services, greeting and play areas, affordability, no kill shelter, volunteer opportunities, and fostering. Human Services Director Tipton said to be considered a no kill shelter; a 90% save rate was needed. The shelter currently has a 90.45% save rate, and they will continue to work on reducing that percentage.

Assistant to the City Manager Pruitt said these responses provide good insight and direction on the focus on services to be offered at the new shelter.

City Manager Cotter said he has asked staff to provide plans at the next meeting for conceptual approval so the project can go out to bid and have construction begin as soon as possible. There is a \$3 million approved budget in place for this project.

2. Recreation - Summer Camp Recap

Parks and Recreation Superintendent Dave Heath said the June summer camps were a success with 583 children attending 30 camps, which started with track and field and wrapped up with theater camp and 250 people attending the performance. Many community volunteers provided a fun opportunity for campers. The feedback was incredible, including one parent who stated, "This is the most organized camp I have ever brought my kid to." City Council has already approved the budget for the camps next year and they cannot wait to see what Claire Adams comes up with for another fun-filled season.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Alfonzo thanked Public Works Director Johnson and her team for an outstanding job maintaining the roadways. He also thanked the police and fire department for all that they do, especially over the Fourth of July weekend.

Council Member Hecht clarified that she volunteered her time at the nonprofit organization, "Make Bullhead Better," which is why she did not recuse herself from the vote related to the "Food for Families" agenda item. She provided an update on the little boy in the community battling leukemia.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Alfonzo made a motion to accept the Consent Agenda as presented. Council Member Ring seconded the motion.

VOTE: AYES: Alfonzo, D'Amico, Head, Hecht, Lettman, Lizarraga, Ring
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 June 20, 2023, and the Minutes of the Regular Council Meeting held on June 20, 2023. (City Clerk Stein)

HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

PROCEDURES FOR PUBLIC COMMENT ON PUBLIC HEARING ACTION ITEMS

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

2. Discussion and possible action to appoint a citizen to serve on the Bullhead Area Transit System (BATS) Commission for a partial term expiring on September 30, 2024. (City Clerk Stein)

Applicant Cindy Frizelle expressed her desire to work with City Council and the community.

MOTION: Council Member Ring made a motion to appoint Cindy Frizelle to serve on the Bullhead Area Transit System (BATS) Commission for a partial term expiring on September 30, 2024. Mayor D’Amico seconded the motion.

VOTE: AYES: Alfonzo, D’Amico, Head, Hecht, Lettman, Lizarraga, Ring
NAYS: None ABSENT: None

MOTION CARRIED

PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS

3. **PUBLIC HEARING,** Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for two (2) Liquor Licenses Series 9 (liquor store) and Series 10 (beer and wine store) Job No. 247122, for an establishment known as Smart & Final located at 2250 Highway 95, Suite M480, in Bullhead City, Arizona. (City Clerk Stein)

City Manager Cotter said this is a renewal due to a change of agent and requires a public hearing. Staff had reviewed the application and had no concerns.

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

MOTION: Council Member Lizarraga made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for two (2) Liquor Licenses Series 9 (liquor store) and Series 10 (beer and wine store) Job No. 247122, for an establishment known as Smart & Final located at 2250 Highway 95, Suite M480, in Bullhead City, Arizona. Council Member Alfonzo seconded the motion.

VOTE: AYES: Alfonzo, D’Amico, Head, Hecht, Lettman, Lizarraga, Ring
NAYS: None ABSENT: None

MOTION CARRIED

4. **PUBLIC HEARING,** Discussion and possible action to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a Liquor License Series 6 (bar) Interim Permit and Owner Transfer Job No. 247763 submitted by Jared Michael Repinski for the Hardyville Tavern located at 877 Hancock Road in Bullhead City. (City Clerk Stein)

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

Mayor D’Amico opened the public hearing. Having one present requesting to speak, Mayor D’Amico closed the public hearing.

MOTION: Council Member Ring made a motion to make a recommendation to the Arizona Department of Liquor Licenses and Control to approve the application for a Liquor License Series 6 (bar) Interim Permit and Owner Transfer Job No. 247763 submitted by Jared Michael Repinski for the Hardyville Tavern located at 877 Hancock Road in Bullhead City. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

ACTION ITEMS

Building, Planning and Zoning Items

None

Bid Awards, Contracts, Intergovernmental Agreements and Purchases

5. Discussion and possible action to approve the Third Amendment to the Memorandum of Agreement between Bullhead City and Catholic Charities Community Services in support of the Legacy Foundation Christine Stamper Center for Help and Hope, effective July 1, 2023; and authorize the City Manager to execute the agreement on behalf of the city and to take all actions necessary to effectuate the intent of the agreement. (Human Services Director Tipton)

City Manager Cotter said this item was part of continued discussions to support the homeless across the community. The city made the decision to partner with Catholic Charities. They provide homeless services in one 24/7 location, including meals, showers, laundry, referral services, and a place to sleep. \$127,000 was approved in the budget to support this partnership that benefits the entire community.

Carie Thwaites, Catholic Charities Program Manager, provided statistics for June and year to date for services provided at the Bullhead City Shelter. This is a 48-bed facility that year to date has served 37,689 meals, 7,178 bed nights, and 3,408 showers. They work with community partners for food donations, medical care, clothing, and other resources.

Council Member Alfonzo inquired what happens if a person in need of shelter services has a pet. Ms. Thwaites stated at this time they can only accommodate service animals overnight, but pets can be kenneled when day services are used. City Manager Cotter said there will be a partnership with the new animal shelter that would allow the pets to stay overnight.

Council Member Hecht inquired how many volunteers the shelter has, the importance of the volunteers, and how someone can become a volunteer. Ms. Thwait's said she has ten volunteers and without them it would be difficult to do many of the day-to-day duties. If anyone is interested in volunteering, they can go to the catholiccharitiesaz.org website and complete the brief application. Council Member Ring inquired if the volunteers outnumber paid staff. Ms. Thwait's stated they are close to equal.

Council Member Lettman inquired how often the shelter is operating at capacity and if they must turn clients away for lack of space. Ms. Thwait's stated they currently have 44 of the 48 beds full and they frequently must turn people away for lack of space. City Manager Cotter said there are additional resources in the community such as River Fund and other nonprofits that help find places for people to stay. The goal is to keep individuals and families from sleeping on the streets.

Council Member Hecht asked who could obtain a hot meal or come in for a cooling station. Ms. Thwait's said the day center is open to anyone in the community for meals, laundry services, or socialization.

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

Sean Regan expressed displeasure with providing \$128,000 to Catholic Charities based on their revenue and other donations. He felt it took away from smaller nonprofit organizations such as his own.

Scotty McClure stated the money should be used to build a fence at the back of the property.

Bart Anderson said the shelter has done a great job addressing the homeless problem in a short period of time.

Council Member Hecht suggested that City Manager Cotter explain why they increased the budget for Catholic Charities. City Manager Cotter said homeless encampments are being removed every day and people are sent to the shelter, where they get compassion, food, showers, computer services, opportunities to find employment, and to be rehoused. The city has been working with Catholic Charities for several years and has recently asked them to operate 24/7 and maintain all their services, which cost money. They followed the process and came to the city during the budget process and asked for funding. This request could increase or decrease next year depending on outside funding.

Council Member Hecht said they are a great resource for the community and offer more than just a homeless shelter, such as foster care and adoption services.

Mayor D'Amico said the money was well spent.

MOTION: Council Member Hecht made a motion to approve the Third Amendment to the Memorandum of Agreement between Bullhead City and Catholic Charities Community Services in support of the Legacy Foundation Christine Stamper Center for Help and Hope, effective July 1, 2023; and authorize the City Manager to execute the agreement on behalf of the city and to take all actions necessary to effectuate the intent of the agreement. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to approve the Agreement for Professional General Materials Testing Services with Sunbelt Engineering and Testing, LLP, of Fort Mohave, Arizona, in connection with general materials testing for upcoming public works projects in an amount not to exceed \$60,000.00 annually. (Public Works Director Johnson)

Public Works Director Johnson provided an overview of what the testing service does. She said the request for qualifications was advertised in March with two firms submitting qualifications. After review by staff, Sunbelt Engineering was the most qualified as they also conduct geotechnical and other types of testing. This is a four-year contract with the option for a one-year renewal.

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

Scott McClure inquired if Sunbelt would be part of TWN and cut up the streets. Public Works Director Johnson said they would not.

MOTION: Council Member Lizarraga made a motion to approve the Agreement for Professional General Materials Testing Services with Sunbelt Engineering and Testing, LLP, of Fort Mohave, Arizona, in connection with general materials testing for upcoming public works projects in an amount not to exceed \$60,000.00 annually. Council Member Hecht seconded the motion.

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

MOTION CARRIED

7. Discussion and possible action to approve the Agreement for Professional Engineering Services for the Bullhead City Multimodal Transit Facility with Selberg Associates, Inc. in an amount not to exceed \$208,277.44; and authorize the City Manager to execute the agreement, issue payments, and take actions consistent with the development and implementation of plans for the facility. (Human Services Director Tipton)

Transit Manager Peluso said they have obtained grant funding that will cover 90% of the engineering costs and when they move into the construction phase, they would qualify for continued 90% grant funding for an ADA multimodal facility.

City Manager Cotter said acreage has been set aside located between the motor vehicle and public works departments to build this major bus depot facility inclusive of administrative offices, maintenance/service bays, and covered bus parking.

Council Member Alfonzo asked if 10,000 square feet would be enough land to allow future growth; and was there adequate space to store additional parts and equipment and if so, would it be kept outside or covered. Transit Manager Peluso said there is adequate space based on current needs and anticipated growth. There will be covered parking for the buses, which they do not have now. Additional presentations will be made to the City Council and the public to seek input on additional amenities.

Council Member Alfonzo asked if there is extra money in the budget to build bus shelters. Transit Manager Peluso explained the funds being utilized are for a specific capitalized project and shelters would not be part of the project. City Manager Cotter said they plan to have an indoor air-conditioned waiting area.

MOTION: Council Member Lizarraga made a motion to approve the Agreement of Professional Engineering Services for the Bullhead City Multimodal Transit Facility with Selberg Associates, Inc. in an amount not to exceed \$208,277.44; and authorize the City Manager to execute the agreement, issue payments, and take actions consistent with the development and implementation of plans for the facility. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

Other Business

8. Discussion and possible action to adopt Resolution No. 2023R-27 approving the application for, and receipt of, Lower Colorado River Basin Conservation and Efficiency Program Funds from the United States Department of the Interior. (City Manager Cotter)

City Manager Cotter said they are asking to apply for a \$300 million grant which is part of a \$4 billion fund offered by the federal government to address drought and extreme water conditions along the Colorado River area.

Utilities Director Clark said this is a transformational project for the city's water system. Two 6 million gallons per day, solar powered, surface water treatment plants would be constructed on two 20-acre parcels with room for ancillary things and expansion. The plants will cost approximately \$200 million and would remove minerals and disperse clean water to customers in the community. This would benefit the environment and customers to the south of Bullhead City, as water softening systems would not be needed as water could be consumed right out of the taps.

Utilities Director Clark said the Bureau of Reclamation is seeking water savings in return for the grant funding. It is anticipated Bullhead City would have 3,000 to 4,000 acre-feet of water savings using the plants and pledge an additional 3,000 acre-feet of water from the reuse section. This would result in over 6,000 acre-feet of water going back into the system. From 2005 to 2022, Bullhead City's population increased by 14% and water usage decreased by 1%, indicating the community practices good water conservation. This water conservation and positive environmental impact make Bullhead City a good candidate for the grant funding.

Utilities Director Clark said the 25 wells in Bullhead City produce between 100 to 1,000 gallons per minute. When the plants are up and running, the smaller wells will no longer be needed and become energy efficient, which is more environmentally friendly. There are several pros to Bullhead City's story and the probability is good for the grant being approved.

Mayor D'Amico said this was an opportunity to get the project done faster than expected, and said he hoped the grant would be approved.

City Manager Cotter said partnering with the Federal Government is a novel idea that allows Bullhead City to become a sustainable river community that continues to grow, flourish, and use water efficiently. The Federal Government would help create these efficiencies by providing funding. Partnerships with cities that save water like Bullhead City will keep more river water behind the dams.

Council Member Lettman asked for clarification on what is due on July 19th. Utilities Director Clark said the full proposal for the grant application is due on July 19th, inclusive of technical information from the engineers, community information, and opportunity zones. City Manager Cotter explained the information is readily available based on the work done on the water master plan and through the purchase of EPCOR. The Federal Government is looking for an immediate return and the city can give them 5,000 acre-feet of water per day upon the contracts being signed.

Council Member Lettman asked if citizens not on city water would still be required to use water softeners. Utilities Director Clark said their water supply would continue to come from Bermuda Water.

Council Member Alfonzo inquired if the government would offer any revenue sharing. Utilities Director Clark said they would not, as they are looking for water savings.

Council Member Hecht asked for clarification that the current water is safe to drink. Utilities Director Clark said the water is safe to drink and meets all EPA and Arizona Department of Environmental Quality standards for drinking water. The consumer confidence reports are available on the city's website, including all testing results.

Vice Mayor Head inquired about the land commitments for the ground water plants and how big the plants will be. Utilities Director Clark said they are looking at 20-acre parcels, one already owned by the city. These parcels allow for future expansion.

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

Barbara Pape said the city is self-sufficient, self-reliant, always looking towards the future; and this plan is a great advantage to the community.

Scotty McClure inquired if the ground plants would exclude anyone, what will be done with the salt as part of the desalination process, what happens when people start drinking more water, and if the water bill will increase. Utilities Director Clark said anyone not on the city water system would be excluded. The final process has not been determined but it would not be desalination because the water is not salty enough. Most of the water savings will come from the lack of water softeners. Any increase in the water bill would come from inflation as the ground water plants would be grant funded.

Bart Anderson said this is too good to be true and there must be risks involved, such as future costs for maintenance. Utilities Director Clark said when the water master plan was approved, one of the goals was to look at surface water treatment. This process has been extensively researched as part of the water master plan. The city will not receive funding for nothing, since Bullhead City would provide approximately 8,000 acre-feet of water per year. The current market value for one acre-foot of water is \$13,000, making the city's 8,000 acre-feet of water worth millions annually. The only risk is not getting the grant. Additional cost savings will come from discontinuing use of inefficient wells and not needing to drill new ones.

MOTION: Council Member Ring made a motion to adopt Resolution No. 2023R-27 approving the application for, and receipt of, Lower Colorado River Basin Conservation and Efficiency Program Funds from the United States Department of the Interior. Council Member Hecht seconded the motion.

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

MOTION CARRIED

9. Discussion and possible action to approve the settlement amount of \$665,694.00 to resolve the eminent domain litigation between the City of Bullhead City and Arizona Series 5 (Mohave County Superior Court No. CV-2018-01106); and authorize the City Manager to execute the settlement agreement, issue resulting payment from contingency funds, and take all other actions necessary to conclude the transaction. (City Manager Cotter)

City Manager Cotter said during the process of acquiring the parkway and land for the new bridge construction, there was a dispute between the State of Arizona and a private property owner as to who owned the five-acre parcel at the river. Believing the State of Arizona owned the parcel, Bullhead City condemned the property and took it. The bridge construction began, and the private property owner sued the State of Arizona; and upon adjudication by the Supreme Court, it was determined the private property owner did own this parcel of land.

City Manager Cotter said Bullhead City is currently in a condemnation lawsuit with the property owner. Through recent discussions a settlement agreement has been reached, which is before the Council for approval. The agreement is to pay Arizona Series 5, the entity that owns the parcel in question, \$139,500 per acre for a total of \$665,694. Although this seems a little high this is fair compensation, it is within range of comparable properties along the river, and the original appraisal was for \$1 million. There is also an inherent risk in continuing the condemnation lawsuit related to legal fees and the risk that a jury could award a higher amount.

Mayor D'Amico said the city got the land, will pay the owner, and move on.

Council Member Hecht asked for the reason that the State of Arizona is not paying this as they are the ones who thought they owned the land and did not. City Attorney Emery explained twenty-plus years ago the land along the Colorado River was considered sovereign land that could not be sold or owned by any entity. The State believed that to be the case with this parcel, but it had been obtained through other means and parceled out. City Manager Cotter said if the settlement is approved, the city will own the land, everything on the parkway, and all right of ways through Championship Blvd. The bridge will be part of a partnership with Clark County.

Council Member Hecht inquired about the difference between leasing the land from the government and owning it. City Manager Cotter said if the State owned it, Bullhead City would have been given a right of entry permit and a long-term lease. With this purchase, the city would own the property forever.

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

Scotty McClure said he thought the city made out better with the compromise.

MOTION: Council Member Ring made a motion to approve the settlement of 665,694 to resolve the eminent domain litigation between the City of Bullhead City and Arizona Series 5 (Mohave County Superior Court No. CV-2018-01106); and authorize the City Manager to execute the settlement agreement, issue resulting payment from contingency funds, and take all other actions necessary to conclude the transaction. Council Member Alfonzo seconded the motion.

VOTE: AYES: Alfonzo, D'Amico, Head, Hecht, Lettman, Lizarraga, Ring
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 7:35 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 5th day of July 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of September 2023.



Susan Stein, MMC, CPM
City Clerk