

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 17, 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 of Spirit Life Church to deliver the invocation. Council Member Lizarraga 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: Garnet Emery

CITY CLERK: Susan Stein

POLICE CAPTAIN: Jason Harms

FINANCE DIRECTOR: Robert Drexler

PUBLIC WORKS DIRECTOR: Angie Johnson

UTILITIES DIRECTOR: Absent

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Absent

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation declaring Wednesday, October 25, 2023, as “Walk Away From Drugs Day” in Bullhead City.

Mayor D’Amico read the proclamation and presented it to members of the Bullhead City Police Department.

OPEN CALL TO THE PUBLIC

Mayor D’Amico opened the call to the public.

Steven Lee requested that public officials read the proposed bills before considering their vote.

Harvey Pryor said he had been having fun with the RC events. He said city staff had talked to him about his legal issue and being banned from Rotary Park. He said the city was corrupt.

Jeff Krause asked the city to help clean up the empty lot next to the Canyon Trails Club House.

Sue Demarco said she represented Saving Animals In Need Together. She discussed their need for funding and foster homes. She asked the community to support the Last Chance Ranch. She requested the Council to consider stronger animal abuse laws.

Sean Regan invited the community to attend the Arizona K-9 Veterans fund raising event to be held on Veterans' Day at Black Bear Diner. He requested the Council to enact stronger animal abuse penalties.

Julie Hassett provided information about the upcoming Colorado River Concert Association performances.

Nick Parsons said racing the solar cars on the paved street track was fun. He suggested moving the next street race location to the paved airport lanes, as the pavement there was flatter than on Trane Road.

Pamela Smith invited the community to attend a Bingo and Burgers fund raiser to be held on September 20th, and the upcoming Colorado River Republican Women's Club meeting to be held on November 1st.

Jim Fuller said the Mohave County Republican Committee was divided and he would like to have dialogue to get it fixed.

Scotty McClure said the Republican and County meetings were recorded. He said he would like to form a civil grand jury to investigate and review citizens' complaints regarding the operations of the city and county government.

Gary Genovese provided information on the Colorado River Museum Honey Baked Ham fund raising efforts. He invited the community to attend a fundraiser to be held at the Mohave Market Place on November 5th.

Eva Corbett invited the public to attend the eleventh annual Howl-O-Ween pet costume contest fund raising event to be held on October 28th.

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 Head made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Ring seconded the motion.

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

MOTION CARRIED

MANAGER'S REPORT

1. Update on Second Bridge Progress

City Manager Cotter said the City Council toured the new bridge site that afternoon. He said the bridge construction was anticipated to be completed in spring 2024. He provided a drone video of the site.

2. Highway 68 and Highway 95 Construction Update

City Manager Cotter said the Highway 95 milling and refinishing project would begin soon and major construction would happen at night. He said once the construction was over, the city would have total control of the highway.

3. Special Events

City Manager Cotter provided information on upcoming special events in the community.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Lizarraga invited the public to attend the Corn Fest to be held on October 20th and 21st.

Mayor D'Amico said he volunteered to have pie thrown in his face at the upcoming American Legion fund raising event. He said Wii-Bowling with the Mayor would be held at the Bullhead City Senior Center on November 9th.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Vice Mayor Head 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 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 Regular Council Meeting held on August 15, 2023; and the Minutes of the Regular Council Meeting held on September 5, 2023. (City Clerk Stein)

2. Acceptance of the Warranty Deed (Vicinity of 2541 Highway 95, Bullhead City, Arizona/Portion of APN 220-01-030) for a new well site on Riverview Drive. (Utilities Director Clark)
3. Approval of Resolution No. 2023R-44 authorizing the abandonment of a portion of the public utility easement that lies within the parcels of land located at 2380 Highway 95 and 2385 Miracle Mile, described as Lot 1 of Riverview Mall Unit 3B, Tract 5068, and Parcel 1C1 of the plat recorded in Book 14, Page 59, Section 23, T20N, R22W, Bullhead City, Arizona. (Development Services Director Chooniyom)

PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA

None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

4. Discussion and possible action to appoint two citizens to serve on the Municipal Property Corporation to fill one three-year term and one partial term. (City Clerk Stein)

MOTION: Council Member Ring made a motion to appoint Mel Stein to serve on the Municipal Property Corporation to fill one three-year term and to appoint Paul Bull to fill one partial term. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

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

City Manager Cotter said there is one applicant to fill one position. The applicant was not present.

MOTION: Council Member Lizarraga made a motion to appoint Michael Gagnon to serve on the Bullhead Area Transit System (BATS) Commission to fill a partial term effective immediately and expiring on September 30, 2024. Council Member Alfonzo 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 adopt Resolution No. 2023R-45 expressing support for Tom Brady’s application for appointment to the Arizona State Transportation Board for District 6. (Assistant City Manager Pruitt)

Assistant City Manager Pruitt said the Arizona State Transportation Board ruled on matters pertaining to all of the highways in the State of Arizona. He said the resolution would support the appointment of former Bullhead City Mayor Tom Brady to fill a position on the Board.

Mayor D'Amico said this was an important position, and said he highly recommended the appointment.

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 adopt Resolution No. 2023R-45 expressing support for Tom Brady's application for appointment to the Arizona State Transportation Board for District 6. Council Member Ring 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

None

ACTION ITEMS

Building, Planning and Zoning Items

7. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-23 authorizing the repeal of Ordinance Numbers 93-616, 99-978, 2004-13, 2004-47, 2006-50, 2012-1, and 2019-17, and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 28, T21N, R21W. (Development Services Director Chooniyom)

City Manager Cotter said agenda items no. 7, 8, and 9 were essentially the same and they required a public hearing.

Planning Manager Loera said the applicant had been given 30 years to finalize the project. He said to date; staff had reviewed only the specific and zoning plans. He said the applicant had been granted six extensions of time since the original approval in 1993 without demonstrating any progress towards achievement of goals necessary to complete the project and has not had any progressive submission of additional required information.

Council Member Alfonzo asked if the number of extensions of time requests could be limited in the future.

Planning Manager Loera said the code stipulated that would be a Council decision.

Mayor D'Amico opened the public hearing.

Scotty McClure asked if this project was holding up the progress of the Landon Drive extension.

City Manager Cotter said it did not, and said the city was waiting from the state to auction the parcel of land required for the process to continue.

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

MOTION: Council Member Lizarraga made a motion to approve Ordinance No. 2023-23 authorizing the repeal of Ordinance Numbers 93-616, 99-978, 2004-13, 2004-47, 2006-50, 2012-1, and 2019-17, and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 28, T21N, R21W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

8. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-24 authorizing the repeal of Ordinance Numbers 93-623, 99-979, 2004-12, 2004-48, 2006-51, 201202, and 2019-18; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 30, T20N, R21W. (Development Services Director Chooniyom)

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 Hecht made a motion to approve Ordinance No. 2023-24 authorizing the repeal of Ordinance Numbers 93-623, 99-979, 2004-12, 2004-48, 2006-51, 201202, and 2019-18; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 30, T20N, R21W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

9. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-25 authorizing the repeal of Ordinance Numbers 93-623, 99-980, 2004-11, 2004-49, 2006-52, 2012-3, and 2019-19; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 36, T20N, R22W. (Development Services Director Chooniyom)

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 Lizarraga made a motion to approve Ordinance No. 2023-25 authorizing the repeal of Ordinance Numbers 93-623, 99-980, 2004-11, 2004-49, 2006-52, 2012-3, and 2019-19; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 36, T20N, R22W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

10. Discussion and possible action to approve: 1) the purchase of five (5) Patrol Vehicles from Phil Long Dealerships in the amount of \$304,346.60; 2) the City Manager's execution of a contract with Arizona Emergency Products No. QTE081423-1 for the full upfit of five patrol vehicles in the amount of \$133,483.55; and 3) the adoption of Resolution No. 2023R-46 authorizing the purchase of goods and services under the Cooperative Educational Services Procurement Cooperative. (Police Chief Trebes)

City Manager Cotter said the city budgeted for the replacement of five police vehicles each year.

Police Captain Harms said the five vehicles were proposed to be purchased from Phil Long Dealerships, Inc. under the Cooperative Educational Services public solicitation process. He said the upfits consisted of all equipment necessary to add to a vehicle for law enforcement purposes. He said the equipment would be installed by Arizona Emergency Products under the Yavapai Cooperative Arrangement. He said funding to purchase the vehicles was included and approved in this year's budget. He said they would implement the warranty program before the original warranties expired.

Council Member Alfonzo asked about the amount of revenue received from auctioning the old vehicles.

City Manager Cotter said the vehicles were at end of life and sold for a few thousand dollars at public auction.

Council Member Lettman asked about the selection of particular public safety vehicles.

City Manager Cotter said the vehicles were specially made for law enforcement and limited in number.

Police Captain Harms said the 2024 vehicles were on the lot and ready to go.

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

Scotty McClure said the used vehicles sold at auction were very run down. He said the new lighting systems on public safety vehicles were too bright.

Sean Regan said bright lights were definitely needed to be seen by drivers. He asked if the new police motorcycles were on patrol.

Police Captain Harms said they were working on finalizing the motorcycles for street use as quickly as possible.

Gary Genovese asked if the extended warranty repairs would be performed locally.

Police Captain Harms said repairs would be local.

MOTION: Council Member Ring made a motion to approve: 1) the purchase of five (5) Patrol Vehicles from Phil Long Dealerships in the amount of \$304,346.60; 2) the City Manager's execution of a contract with Arizona Emergency Products No. QTE081423-1 for the full upfit of five patrol vehicles in the amount of \$133,483.55; and 3) the adoption of Resolution No. 2023R-46 authorizing the purchase of goods and services under the Cooperative Educational Services Procurement Cooperative. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

11. Discussion and possible action to adopt Resolution No. 2023R-47 approving the "Mohave County Court Automation Project Bullhead City Municipal Court Site Maintenance and Operation Intergovernmental Agreement." (City Magistrate Speer)

City Magistrate Speer said the agreement supported the continued automation of the business functions of the court, which was a shared responsibility of all Mohave County courts. He said the current agreement would expire on June 30, 2024. He said the Mohave County Court automation Project had been a successful endeavor since it was first organized and implemented in 1994, as a result of a Supreme Court of Arizona administrative order. He said Mohave County provided certain equipment, technical support, and system security; and the city paid its proportionate share of fixed and ongoing court automation costs, which might include expenses for equipment, maintenance, and communications software. He said the new agreement would continue through June 30, 2029.

Council Member Lettman asked about the city's costs associated with the agreement.

City Magistrate Speer said the city would be responsible for approximately \$257,342.00 over the next five years.

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

MOTION: Council Member Alfonzo made a motion to adopt Resolution No. 2023R-47 approving the “Mohave County Court Automation Project Bullhead City Municipal Court Site Maintenance and Operation Intergovernmental Agreement.” Council Member Ring seconded the motion.

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

MOTION CARRIED

Other Business

12. Discussion and possible action to adopt Resolution No. 2023R-48 approving the City Manager’s coordination of an excise tax exempt bond issuance in an amount not to exceed \$14,200,000.00; and authorize the City Manager’s execution of agreements and documents in order to successfully complete the bond issuance. (Assistant City Manager Pruitt)

City Manager Cotter said the city’s expenditure limitation had been previously discussed with the City Council. He said there was a limit to the amount the city was allowed to spend. He said tonight they would explain how money could be expended for the city’s projects and not exceed the expenditure limitation. He said no property tax was collected in Bullhead City, no taxes would be raised, and there was \$40 million in the city’s bank account that could not be spent under the current limitation.

Mark Reader, Managing Director of Stifel Public Finance, said Bullhead City was not the only Arizona city or county in this predicament. He said a constitutional amendment was approved by Arizona voters in 1980 that controlled the expenditure of certain revenues and limited future spending increases based on population and inflation adjustments. He said the Economic Estimates Commission determined each year the expenditure limitation for each city. He said the city base limit for calculation may be modified permanently with approval of city voters. He said not every expenditure was specifically excluded under the expenditure limitation. He said a constitutional provision set forth several items that were exempt from the expenditure limitation, including: 1) amounts received from the issuance of bonds or other long-term obligations, and 2) payment of principal and interest on such bonds or other long-term obligations. He said there was an exception to the statute that would help cities, towns, and counties with this predicament until they fix it. He said the city could get short-term financing/borrowing with an exception that would allow spending of an additional \$14 million on the proceeds and the annual debt service requirements. He shared information on some recent transactions in Coconino and Maricopa Counties.

Mr. Reader provided information on 2022 election results of eighteen cities and towns that held an election for either the permanent base expenditure limit or the alternative expenditure limitation renewable every four years (home rule). He said all of those elections were successful, as the municipalities did an excellent job of educating the voters. He said 48 percent of Arizona cities and towns have adopted a permanent based adjustment and 52 percent have adopted the home rule option.

City Manager Cotter said the city would move forward in 2024 and ask the voters to approve the permanent base limit.

Mr. Reader said the final exemption amount needed was \$14,015,733, which would be funded through the issuance of tax exempt bonds to fund projects over a two-year period. He said the city had sufficient cash to make debt service payments. He said, due to the modest amount of debt and strong revenue collections, the city had significant legal borrowing capacity based on current revenue bond covenants. He said the city had strong underlying credit ratings of AA. He said they would incorporate the ability to prepay this debt quickly.

Mr. Reader said the early repayment of principal on the bonds would begin in November 2024 and be paid off by March 2025.

City Manager Cotter said the city would have to hold the debt for one year, and said interest on the bonding would be paid, but the amount borrowed would also be invested in securities and earn interest.

Mr. Reader said based on their assumptions, the estimated interest payment at 4.5 percent would be \$669,407; the estimated interest earnings at 5.21 percent would be \$471,521, and the estimated net cost to the city to borrow the \$14 million would be \$197,885. He said bids would be held on October 19th and closing would occur on or around November 2nd.

Council Member Alfonzo asked if there were pre-payment penalties and if the bonds were asset based. Mr. Reader said they were revenue bonds secured by pledged revenues of the city, and he did not think there were pre-payment penalties.

Council Member Alfonzo asked what would happen if the Council did not approve the bonding.

City Manager Cotter said the state would withhold the equal amount of funding the city spent over the cap, staff and services would need to be cut, and projects would have to stop.

Council Member Lettman asked about the exceptions to the limit.

City Manager Cotter said ARPA funding, WIFA funding, grants, loans, special assessment districts, and interest income are exempt.

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

Scotty McClure said the state law should be done away with, and asked if the funding was discussed during the budget session.

Grace Telsner said the voters had to be apprised of this issue. She asked about the outcome if the ballot issue did not pass. City Manager Cotter said the public education process had begun and would continue until next year's election.

Pamela Smith asked about the future plan for the Optimum Center. City Manager Cotter said they had been working with the school district to take ownership and renovate the entire center.

Eva Corbett said she thought the school district donated the Optimum Center to the city. City Manager Cotter said the city had a \$1 per year lease with the school district; but in order to invest millions of dollars in renovation, they city had to own the property.

Sean Regan spoke in support of the resolution.

MOTION: Council Member Ring made a motion to adopt Resolution No. 2023R-48 approving the City Manager's coordination of an excise tax exempt bond issuance in an amount not to exceed \$14,200,000.00; and authorize the City Manager's execution of agreements and documents in order to successfully complete the bond issuance. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

13. Discussion and possible action to: 1) approve the sale of city-owned properties at public auction and set minimum bids as presented; 2) authorize the City Manager or designee to determine auction processes and issue any transactional documents as necessary; and 3) authorize the Mayor to execute resulting deeds in accordance with previously issued city policy. (Finance Director Drexler)

City Manager Cotter said the REO Committee set the minimum bids to sell the properties at their last meeting. He provided a brief description of each of the three properties that would be sold as excess property.

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

MOTION: Council Member Lizarraga made a motion to: 1) approve the sale of city-owned properties at public auction and set minimum bids as presented; 2) authorize the City Manager or designee to determine auction processes and issue any transactional documents as necessary; and 3) authorize the Mayor to execute resulting deeds in accordance with previously issued city policy. Council Member Ring seconded the motion.

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

MOTION CARRIED

14. Discussion and possible action to adopt Resolution No. 2023R-49 approving an amendment to the Bullhead City Municipal Code Section A3.40.030.04 concerning boat launch annual pass fees for commercial sales and repair. (City Manager Cotter)

City Manager Cotter said this was a staff driven fee reduction. He said a commercial business owner had objected to the \$500 annual pass fee for the launch because he only repaired watercraft and used the ramp just for testing the watercraft.

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

MOTION: Council Member Ring made a motion to adopt Resolution No. 2023R-49 approving an amendment to the Bullhead City Municipal Code Section A3.40.030.04 concerning boat launch annual pass fees for commercial sales and repair. 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 7:36 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 17th day of October 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of November 2023.



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 17, 2023, in the City Council Chambers, 1255 Marina Boulevard, Bullhead City, Arizona.

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Council Absent

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CITY MANAGER: Toby Cotter

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DEVELOPMENT SERVICES DIRECTOR: Absent

PRESENTATIONS AND PROCLAMATIONS

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NAYS: None ABSENT: None

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

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MOTION: Council Member Ring made a motion to appoint Mel Stein to serve on the Municipal Property Corporation to fill one three-year term and to appoint Paul Bull to fill one partial term. Council Member Lizarraga seconded the motion.

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

MOTION CARRIED

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MOTION: Council Member Lizarraga made a motion to appoint Michael Gagnon to serve on the Bullhead Area Transit System (BATS) Commission to fill a partial term effective immediately and expiring on September 30, 2024. Council Member Alfonzo seconded the motion.

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NAYS: None ABSENT: None

MOTION CARRIED

6. Discussion and possible action to adopt Resolution No. 2023R-45 expressing support for Tom Brady's application for appointment to the Arizona State Transportation Board for District 6. (Assistant City Manager Pruitt)

Assistant City Manager Pruitt said the Arizona State Transportation Board ruled on matters pertaining to all of the highways in the State of Arizona. He said the resolution would support the appointment of former Bullhead City Mayor Tom Brady to fill a position on the Board.

Mayor D'Amico said this was an important position, and said he highly recommended the appointment.

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 adopt Resolution No. 2023R-45 expressing support for Tom Brady's application for appointment to the Arizona State Transportation Board for District 6. Council Member Ring 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

None

ACTION ITEMS

Building, Planning and Zoning Items

7. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-23 authorizing the repeal of Ordinance Numbers 93-616, 99-978, 2004-13, 2004-47, 2006-50, 2012-1, and 2019-17, and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 28, T21N, R21W. (Development Services Director Chooniyom)

City Manager Cotter said agenda items no. 7, 8, and 9 were essentially the same and they required a public hearing.

Planning Manager Loera said the applicant had been given 30 years to finalize the project. He said to date; staff had reviewed only the specific and zoning plans. He said the applicant had been granted six extensions of time since the original approval in 1993 without demonstrating any progress towards achievement of goals necessary to complete the project and has not had any progressive submission of additional required information.

Council Member Alfonzo asked if the number of extensions of time requests could be limited in the future.

Planning Manager Loera said the code stipulated that would be a Council decision.

Mayor D'Amico opened the public hearing.

Scotty McClure asked if this project was holding up the progress of the Landon Drive extension.

City Manager Cotter said it did not, and said the city was waiting from the state to auction the parcel of land required for the process to continue.

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

MOTION: Council Member Lizarraga made a motion to approve Ordinance No. 2023-23 authorizing the repeal of Ordinance Numbers 93-616, 99-978, 2004-13, 2004-47, 2006-50, 2012-1, and 2019-17, and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 28, T21N, R21W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

8. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-24 authorizing the repeal of Ordinance Numbers 93-623, 99-979, 2004-12, 2004-48, 2006-51, 201202, and 2019-18; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 30, T20N, R21W. (Development Services Director Chooniyom)

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 Hecht made a motion to approve Ordinance No. 2023-24 authorizing the repeal of Ordinance Numbers 93-623, 99-979, 2004-12, 2004-48, 2006-51, 201202, and 2019-18; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 30, T20N, R21W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

9. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2023-25 authorizing the repeal of Ordinance Numbers 93-623, 99-980, 2004-11, 2004-49, 2006-52, 2012-3, and 2019-19; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 36, T20N, R22W. (Development Services Director Chooniyom)

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 Lizarraga made a motion to approve Ordinance No. 2023-25 authorizing the repeal of Ordinance Numbers 93-623, 99-980, 2004-11, 2004-49, 2006-52, 2012-3, and 2019-19; and voiding the specific and zoning plans as a development plan for the parcels of land described as Section 36, T20N, R22W. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

10. Discussion and possible action to approve: 1) the purchase of five (5) Patrol Vehicles from Phil Long Dealerships in the amount of \$304,346.60; 2) the City Manager’s execution of a contract with Arizona Emergency Products No. QTE081423-1 for the full upfit of five patrol vehicles in the amount of \$133,483.55; and 3) the adoption of Resolution No. 2023R-46 authorizing the purchase of goods and services under the Cooperative Educational Services Procurement Cooperative. (Police Chief Trebes)

City Manager Cotter said the city budgeted for the replacement of five police vehicles each year.

Police Captain Harms said the five vehicles were proposed to be purchased from Phil Long Dealerships, Inc. under the Cooperative Educational Services public solicitation process. He said the upfits consisted of all equipment necessary to add to a vehicle for law enforcement purposes. He said the equipment would be installed by Arizona Emergency Products under the Yavapai Cooperative Arrangement. He said funding to purchase the vehicles was included and approved in this year’s budget. He said they would implement the warranty program before the original warranties expired.

Council Member Alfonzo asked about the amount of revenue received from auctioning the old vehicles.

City Manager Cotter said the vehicles were at end of life and sold for a few thousand dollars at public auction.

Council Member Lettman asked about the selection of particular public safety vehicles.

City Manager Cotter said the vehicles were specially made for law enforcement and limited in number.

Police Captain Harms said the 2024 vehicles were on the lot and ready to go.

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

Scotty McClure said the used vehicles sold at auction were very run down. He said the new lighting systems on public safety vehicles were too bright.

Sean Regan said bright lights were definitely needed to be seen by drivers. He asked if the new police motorcycles were on patrol.

Police Captain Harms said they were working on finalizing the motorcycles for street use as quickly as possible.

Gary Genovese asked if the extended warranty repairs would be performed locally.

Police Captain Harms said repairs would be local.

MOTION: Council Member Ring made a motion to approve: 1) the purchase of five (5) Patrol Vehicles from Phil Long Dealerships in the amount of \$304,346.60; 2) the City Manager’s execution of a contract with Arizona Emergency Products No. QTE081423-1 for the full upfit of five patrol vehicles in the amount of \$133,483.55; and 3) the adoption of Resolution No. 2023R-46 authorizing the purchase of goods and services under the Cooperative Educational Services Procurement Cooperative. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

11. Discussion and possible action to adopt Resolution No. 2023R-47 approving the “Mohave County Court Automation Project Bullhead City Municipal Court Site Maintenance and Operation Intergovernmental Agreement.” (City Magistrate Speer)

City Magistrate Speer said the agreement supported the continued automation of the business functions of the court, which was a shared responsibility of all Mohave County courts. He said the current agreement would expire on June 30, 2024. He said the Mohave County Court automation Project had been a successful endeavor since it was first organized and implemented in 1994, as a result of a Supreme Court of Arizona administrative order. He said Mohave County provided certain equipment, technical support, and system security; and the city paid its proportionate share of fixed and ongoing court automation costs, which might include expenses for equipment, maintenance, and communications software. He said the new agreement would continue through June 30, 2029.

Council Member Lettman asked about the city’s costs associated with the agreement.

City Magistrate Speer said the city would be responsible for approximately \$257,342.00 over the next five years.

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

MOTION: Council Member Alfonzo made a motion to adopt Resolution No. 2023R-47 approving the “Mohave County Court Automation Project Bullhead City Municipal Court Site Maintenance and Operation Intergovernmental Agreement.” Council Member Ring seconded the motion.

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

MOTION CARRIED

Other Business

12. Discussion and possible action to adopt Resolution No. 2023R-48 approving the City Manager’s coordination of an excise tax exempt bond issuance in an amount not to exceed \$14,200,000.00; and authorize the City Manager’s execution of agreements and documents in order to successfully complete the bond issuance. (Assistant City Manager Pruitt)

City Manager Cotter said the city’s expenditure limitation had been previously discussed with the City Council. He said there was a limit to the amount the city was allowed to spend. He said tonight they would explain how money could be expended for the city’s projects and not exceed the expenditure limitation. He said no property tax was collected in Bullhead City, no taxes would be raised, and there was \$40 million in the city’s bank account that could not be spent under the current limitation.

Mark Reader, Managing Director of Stifel Public Finance, said Bullhead City was not the only Arizona city or county in this predicament. He said a constitutional amendment was approved by Arizona voters in 1980 that controlled the expenditure of certain revenues and limited future spending increases based on population and inflation adjustments. He said the Economic Estimates Commission determined each year the expenditure limitation for each city. He said the city base limit for calculation may be modified permanently with approval of city voters. He said not every expenditure was specifically excluded under the expenditure limitation. He said a constitutional provision set forth several items that were exempt from the expenditure limitation, including: 1) amounts received from the issuance of bonds or other long-term obligations, and 2) payment of principal and interest on such bonds or other long-term obligations. He said there was an exception to the statute that would help cities, towns, and counties with this predicament until they fix it. He said the city could get short-term financing/borrowing with an exception that would allow spending of an additional \$14 million on the proceeds and the annual debt service requirements. He shared information on some recent transactions in Coconino and Maricopa Counties.

Mr. Reader provided information on 2022 election results of eighteen cities and towns that held an election for either the permanent base expenditure limit or the alternative expenditure limitation renewable every four years (home rule). He said all of those elections were successful, as the municipalities did an excellent job of educating the voters. He said 48 percent of Arizona cities and towns have adopted a permanent based adjustment and 52 percent have adopted the home rule option.

City Manager Cotter said the city would move forward in 2024 and ask the voters to approve the permanent base limit.

Mr. Reader said the final exemption amount needed was \$14,015,733, which would be funded through the issuance of tax exempt bonds to fund projects over a two-year period. He said the city had sufficient cash to make debt service payments. He said, due to the modest amount of debt and strong revenue collections, the city had significant legal borrowing capacity based on current revenue bond covenants. He said the city had strong underlying credit ratings of AA. He said they would incorporate the ability to prepay this debt quickly.

Mr. Reader said the early repayment of principal on the bonds would begin in November 2024 and be paid off by March 2025.

City Manager Cotter said the city would have to hold the debt for one year, and said interest on the bonding would be paid, but the amount borrowed would also be invested in securities and earn interest.

Mr. Reader said based on their assumptions, the estimated interest payment at 4.5 percent would be \$669,407; the estimated interest earnings at 5.21 percent would be \$471,521, and the estimated net cost to the city to borrow the \$14 million would be \$197,885. He said bids would be held on October 19th and closing would occur on or around November 2nd.

Council Member Alfonzo asked if there were pre-payment penalties and if the bonds were asset based. Mr. Reader said they were revenue bonds secured by pledged revenues of the city, and he did not think there were pre-payment penalties.

Council Member Alfonzo asked what would happen if the Council did not approve the bonding.

City Manager Cotter said the state would withhold the equal amount of funding the city spent over the cap, staff and services would need to be cut, and projects would have to stop.

Council Member Lettman asked about the exceptions to the limit.

City Manager Cotter said ARPA funding, WIFA funding, grants, loans, special assessment districts, and interest income are exempt.

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

Scotty McClure said the state law should be done away with, and asked if the funding was discussed during the budget session.

Grace Telsner said the voters had to be apprised of this issue. She asked about the outcome if the ballot issue did not pass. City Manager Cotter said the public education process had begun and would continue until next year's election.

Pamela Smith asked about the future plan for the Optimum Center. City Manager Cotter said they had been working with the school district to take ownership and renovate the entire center.

Eva Corbett said she thought the school district donated the Optimum Center to the city. City Manager Cotter said the city had a \$1 per year lease with the school district; but in order to invest millions of dollars in renovation, they city had to own the property.

Sean Regan spoke in support of the resolution.

MOTION: Council Member Ring made a motion to adopt Resolution No. 2023R-48 approving the City Manager's coordination of an excise tax exempt bond issuance in an amount not to exceed \$14,200,000.00; and authorize the City Manager's execution of agreements and documents in order to successfully complete the bond issuance. Council Member Alfonzo seconded the motion.

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

MOTION CARRIED

13. Discussion and possible action to: 1) approve the sale of city-owned properties at public auction and set minimum bids as presented; 2) authorize the City Manager or designee to determine auction processes and issue any transactional documents as necessary; and 3) authorize the Mayor to execute resulting deeds in accordance with previously issued city policy. (Finance Director Drexler)

City Manager Cotter said the REO Committee set the minimum bids to sell the properties at their last meeting. He provided a brief description of each of the three properties that would be sold as excess property.

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

MOTION: Council Member Lizarraga made a motion to: 1) approve the sale of city-owned properties at public auction and set minimum bids as presented; 2) authorize the City Manager or designee to determine auction processes and issue any transactional documents as necessary; and 3) authorize the Mayor to execute resulting deeds in accordance with previously issued city policy. Council Member Ring seconded the motion.

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

MOTION CARRIED

14. Discussion and possible action to adopt Resolution No. 2023R-49 approving an amendment to the Bullhead City Municipal Code Section A3.40.030.04 concerning boat launch annual pass fees for commercial sales and repair. (City Manager Cotter)

City Manager Cotter said this was a staff driven fee reduction. He said a commercial business owner had objected to the \$500 annual pass fee for the launch because he only repaired watercraft and used the ramp just for testing the watercraft.

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

MOTION: Council Member Ring made a motion to adopt Resolution No. 2023R-49 approving an amendment to the Bullhead City Municipal Code Section A3.40.030.04 concerning boat launch annual pass fees for commercial sales and repair. 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 7:36 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 17th day of October 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of November 2023.


Susan Stein, MMC, CPM
City Clerk