

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, February 6, 2018, in the City Council Chambers, 1255 Marina Boulevard, Bullhead City, Arizona.

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Brady called the meeting to order at 5:30 p.m. and invited Council Member Wegmann to deliver the invocation. Mayor Brady led the assembly in the Pledge of Allegiance to the Flag.

**ROLL CALL**

Council Present

Brady, Bruck, D'Amico, Ring, Shutts, Wegmann

Council Absent

Clark

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Brian Williamson

FINANCE DIRECTOR: Rudy Vera

PUBLIC WORKS DIRECTOR: Pawan Agrawal

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Absent

**PRESENTATIONS AND PROCLAMATIONS**

1. Presentation of a Certificate of Appreciation to Bullhead City from the Rotary Club

Scott Merrill presented a Certificate of Appreciation to Mayor Brady from the local Rotary Club. He thanked the city for its help with their humanitarian programs. Mayor Brady said the Rotary Club has donated hundreds of thousands of dollars towards all of the improvements at Rotary Park.

Mr. Merrill said one of the organization's main programs was to provide funds to prevent polio. He presented the prestigious Paul Harris Fellow Award from the Rotary Foundation to City Manager Cotter. He said this award was given to worthy recipients from countries around the world; for example, Mother Teresa, Jimmy Carter, and Jonas Salk. City Manager Cotter thanked the Rotary Club, and said the city had a wonderful relationship with the Rotarians.

2. Proclamation celebrating the 50<sup>th</sup> Anniversary of Chaparral Golf and Country Club

Mayor Brady read the proclamation and presented it to Kevin Nestruck, President of Chaparral Golf & Country Club.

Kevin Nestruck invited the public to attend their 50<sup>th</sup> Anniversary Celebration to be held on February 17<sup>th</sup>. He introduced Don Andrews, the longest tenured member of the club.

**OPEN CALL TO THE PUBLIC**

Mayor Brady opened the call to the public.

Douglas Sieker, representing New Horizons Disability Empowerment Center, said the Arizona Community Leadership Academy (AZCLA) sought to increase leadership and community involvement among people who had disabilities. He said the AZCLA provided free statewide training, mentoring, and peer support that prepared students to serve on local non-profit boards, community advisory boards, committees, and councils.

Jamie Starr said last fall, the City Council had over-ridden the Planning and Zoning Commission's recommendation to increase the building height limitation city wide to accommodate the new sports event center. She said she specifically questioned the fact that the property appeared to be in a flood zone that would require fill dirt to raise the grade, and as a result the overall height would be in excess. She said fill dirt was currently being trucked in and said it appeared they were intending to raise the grade. She asked if the height of the building would be reduced. She said she did not intend to renew her appointment to the Planning and Zoning Commission in June.

City Manager Cotter said there was a grading and elevation plan which was being monitored, and said they would be in communication with Ms. Starr and copy the Council with the response.

Jason Van Clief said there was a drug epidemic in the city, and asked the City Council to consider allocating funds for a new K-9 officer in next year's budget or possibly use RICO funds. He said a K-9 officer would help to make more drug arrests and reduce the drug problems.

Eva Corbett invited the public to attend the Mohave County Republicans' Lincoln Day Dinner on February 17<sup>th</sup> at the Riverside Casino.

Nick Parsons said he had previously discussed the opioid crisis and the possibility of using federal funds to assist those afflicted aged from 20 to 40 to help take care of their children. He said he hoped that non-violent drug offenders could be provided with job training programs.

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

### AGENDA MODIFICATIONS

None

### WAIVER MOTION

**MOTION:** Council Member Shutts made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann      NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

### MANAGER'S REPORT

City Manager Cotter said the Bluegrass Festival would take place from February 9<sup>th</sup> through February 11<sup>th</sup> at Rotary Park. He said Presidents' Day weekend would be the biggest sports

tournament weekend the community has ever seen. He said businesses should be prepared for the influx of visitors to the community.

City Manager Cotter said Bullhead City was again designated as the most affordable place to live in Arizona according to the most recent cost of living report.

### **MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS**

Mayor Brady said Saving Animals in Need Together would hold a bowling tournament fundraiser on February 10th, and said a team of four city staff members and he would be in competition with Hildy Angius and her team from the county. He said the Colorado River Veterans Invitational Drill Meet would be held on February 10<sup>th</sup> at Mohave High School, and encouraged the public to support the students. He said the Winter Visitors' Expo would be held on February 16<sup>th</sup> in the Mohave High School gym which would showcase 99 vendors. He said about 1,500 attendees were anticipated, and said he would be shaking every single person's hand that day.

### **ITEMS WITHDRAWN FROM CONSENT AGENDA**

None

### **CONSENT AGENDA**

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

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

### **MOTION CARRIED**

Items on the Consent Agenda were approved as follows:

1. Approval of the Minutes of the Regular Council Meeting held on January 16, 2018. (City Clerk Stein)

### **PUBLIC HEARINGS ON ITEMS PULLED FROM CONSENT AGENDA**

None

### **BOARD/COMMISSION/COMMITTEE APPOINTMENTS**

None

### **PUBLIC HEARINGS ON LIQUOR LICENSE APPLICATIONS**

None

### **ACTION ITEMS**

#### **Building, Planning and Zoning Items**

None

**Bid Awards, Contracts, Intergovernmental Agreement, and Purchases**

2. Discussion and possible action to authorize the purchase of a new 2018 Caterpillar 420F2 Backhoe Loader from Empire Machinery of Phoenix, Arizona through the NIPA Cooperative Purchasing Contract #161534 for a total of \$130,281.72; and authorize the City Manager or his designee to approve the purchase order and any resulting paperwork. (Public Works Director Agrawal)

Public Works Director Agrawal said the funding for a new backhoe was included in this year's wastewater capital budget, and said the purchase would be made using a cooperative purchasing program. He said the current 1999 backhoe was nearing the end of its useful life, and said the machine was used daily for sewer repairs, maintenance, and installations.

Mayor Brady asked about the use of the old backhoe. Public Works Director Agrawal said they would try to use it for a little while, but said eventually it would be auctioned.

Mayor Brady asked if anyone from the public wanted to speak. No one from the public spoke.

**MOTION:** Council Member D'Amico made a motion to authorize the purchase of a new 2018 Caterpillar 420F2 Backhoe Loader from Empire Machinery of Phoenix, Arizona through the NIPA Cooperative Purchasing Contract #161534 for a total of \$130,281.72; and authorize the City Manager or his designee to approve the purchase order and any resulting paperwork. Council Member Wegmann seconded the motion.

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

3. Discussion and possible action to approve the purchase contract for emulsion from Western Emulsions, Inc. in substantial form for the purchase and delivery of LMCQS-1h for Neighborhood Street Improvement Programs (NSIPs) 29 and 30 in an amount not to exceed \$514,140.00; and to authorize the City Manager to execute all appropriate documents and approve resultant payments. (Public Works Director Agrawal)

Public Works Director Agrawal said the emulsion would be used for the city's in-house slurry and micro surfacing program. He said the city went out to bid and three vendors responded. He said Western Emulsions, Inc. had the lowest quote at \$467.40 per ton delivered.

Mayor Brady asked if anyone from the public wanted to speak. No one from the public spoke.

**MOTION:** Council Member Wegmann made a motion to approve the purchase contract for emulsion from Western Emulsions, Inc. in substantial form for the purchase and delivery of LMCQS-1h for Neighborhood Street Improvement Programs (NSIPs) 29 and 30 in an amount not to exceed \$514,140.00; and to authorize the City Manager to execute all appropriate documents and approve resultant payments. Council Member Bruck seconded the motion.

**VOTE:**        AYES:    Brady, Bruck, D'Amico, Ring, Shutts, Wegmann        NAYS: None  
                  ABSENT: Clark

**MOTION CARRIED**

**Other Business**

4. **PUBLIC HEARING.** Discussion and possible action to: 1) adopt Resolution No. 2018R-01 authorizing submission of a Federal Transit Administration Section 5311 Rural Public Transit grant application to fund a portion of the annual administrative, operational, and capital expenses for the Bullhead Area Transit System for the period starting October 1, 2018, through September 30, 2020; and 2) authorize the City Manager or his duly authorized designee to execute the application, agreement, certifications, amendments, payments, and any other documents necessary to effectuate the intent of any resultant grant award. (Human Services Director Tipton)

Human Services Director Tipton said every two years, the city applied for Section 5311 federal grant funding. He said the program reimbursed transit agencies for a portion of their expenses using a variety of match ratios for administrative, operating, and capital costs. He said the local match was comprised of sponsorships, advertising revenue, in-kind contributions, and general fund subsidy. He said fare revenue was used to reduce operating costs. He said the Arizona Department of Transportation administered the program and distributed funds through a competitive grant process. He said the vital and essential program for the community serviced 180,000 rides annually and was named the 2015 Rural Transportation Provider of the Year.

Mayor Brady asked how the local match amount of \$157,000 compared with last year.

Transit Manager Michael Peluso said the number had gone down, and said they submitted an indirect cost allocation plan to help offset a portion of the indirect costs.

Mayor Brady opened the public hearing.

Nick Parsons asked if the grant funded the transit maintenance contract, and inquired about the number of vehicles in the system.

Mayor Brady said staff would be happy to provide the additional information to Mr. Parsons.

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

**MOTION:**    **Council Member Shutts made a motion to 1) adopt Resolution No. 2018R-01 authorizing submission of a Federal Transit Administration Section 5311 Rural Public Transit grant application to fund a portion of the annual administrative, operational, and capital expenses for the Bullhead Area Transit System for the period starting October 1, 2018, through September 30, 2020; and 2) authorize the City Manager or his duly authorized designee to execute the application, agreement, certifications, amendments, payments, and any other documents necessary to effectuate the intent of any resultant grant award. Council Member Bruck seconded the motion.**

**VOTE:**        AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann        NAYS: None  
                 ABSENT: Clark

**MOTION CARRIED**

5. Discussion and possible action to adopt Resolution No. 2018R-02 seeking financial support from Mohave County, Arizona, and Clark County, Nevada, to support the 2018 Colorado River Summer Water Safety Program. (City Manager Cotter)

City Manager Cotter said the resolution would give him the authority to discuss the possibility of sharing in the cost of the program with Mohave County and Clark County. He said this was the most beneficial program, and said it was expensive at a total cost of \$225,655. He said if it was split among all three agencies, the cost would be \$75,218 each. He said the counties might not be able to pay the entire amount, but said a portion would be appreciated. He said a correction needed to be made on the proposed resolution. He said the pilot program reduced accidents from 51 in 2016 to 50 in 2017; not to 39 in 2017, which was incorrect.

Police Chief Williamson said using the numbers of what could have happened to justify programs could not be quantified in law enforcement. He said the CSC lifeguard program did assist in responding to 4 major medical situations, 151 minor medical incidents, 266 rescues, and 322 assists last summer. He said the police responded to some of those incidents, but did not assist in all of them. He said the CSC lifeguards came with a tremendous amount of experience in the ocean, and said there was an increasing number of boat and jet ski traffic in the river each year. He said they had to continue this program because they needed to stop these incidents before they happened. He said accidents were mostly due to inexperience, slow reaction time, and not understanding how the watercraft operated. He said this program would also provide education which would prevent accidents. He said without this program in place, they were back to two officers on the water; and said this was a very important program.

City Manager Cotter played a three-minute video that would be shown to both counties prior to making their decision to financially support the program.

Council Member Ring said she believed that it was a good program.

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

Jerry Duvall said he supported the program, and said there was a definite need for it.

Eva Corbett asked if the program would also support the Regatta. Mayor Brady confirmed, and said CSC would be working on the river during the entire summer.

City Manager Cotter said all of the casinos in Laughlin had again donated all of the rooms for this summer.

Police Chief Williamson said he reached out to Arizona Game and Fish, the Nevada Department of Wildlife, and Nevada State Parks. He said there might be some future Coast Guard support, but said there was no firm commitment from any other agency at this time.

**MOTION:** Council Member Bruck made a motion to adopt Resolution No. 2018R-02 seeking financial support from Mohave County, Arizona, and Clark County, Nevada, to support the 2018 Colorado River Summer Water Safety Program; with a correction to Paragraph 5 of the resolution to reflect a reduction in accidents “from 51 in 2016 to 50 in 2017.” Council Member Shutts seconded the motion.

**VOTE:** AYES: Brady, Bruck, D’Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

6. Discussion and possible action to make a recommendation to the Arizona Department of Revenue to approve the application for a Class A Bingo License submitted by Roberta Norman on behalf of the Riverview Resort located at 2000 Ramar Road in Bullhead City. (City Clerk Stein)

City Clerk Stein said this was the resort’s third Class A Bingo License application, and said staff had no objections.

Mayor Brady asked if anyone from the public wanted to speak. No one from the public spoke.

**MOTION:** Council Member Ring made a motion to make a recommendation to the Arizona Department of Revenue to approve the application for a Class A Bingo License submitted by Roberta Norman on behalf of the Riverview Resort located at 2000 Ramar Road in Bullhead City. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, D’Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

7. Discussion and possible action to direct staff to oppose or support legislation being proposed in the Arizona Legislature. (City Manager Cotter)

City Manager Cotter said the Council had the opportunity to take a position in support or in opposition to some key bills being proposed in the legislative session.

Administrative Analyst Anthony Kozlowski said HB 2333 and SB 1175 were both related to home-based businesses, sponsored by Senator Farnsworth, with the backing of the Goldwater Institute and Free Enterprise Club, without any input from the League or local government. He said both bills would create ongoing issues with increased traffic and parking in neighborhoods, as well as allow home owners to make unnecessary exterior changes to their homes, impacting the overall feel of residential neighborhoods.

City Manager Cotter said in the past, there had been issues with illegal home-based businesses, and said the code enforcement division had taken a lot of action enforcing the related ordinances. He

said, for example; renting out a jet ski in a residential neighborhood would be allowed under this bill.

Mayor Brady said these bills took away the city's rights and gave them to the land owner, and said the city would have no regulatory authority. He said this was totally unacceptable, and said the city had to stand up and let the legislators know they were in opposition to this legislation.

**MOTION: Council Member Ring made a motion to oppose home based business related legislation (HB2333/SB1175); and any other new form, language, or similar legislation proposed in the future. Council Member Bruck seconded the motion.**

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

### **MOTION CARRIED**

Administrative Analyst Kozlowski said SB 1002 was sponsored by Senator Farnsworth and was amended to address a significant portion of the League of Arizona Cities and Towns' concerns. He said the bill in its current state would reduce the concerns with exterior modifications and reduce the overall footprint that a home-based business could potentially have within a residential community.

City Manager Cotter said the previous motion covered the Council's opposition to SB 1002. He said the city could not impose any city ordinance against any state legislation because the state would take away the city's state shared revenue.

Administrative Analyst Kozlowski said HB 2371 prescribed how cities and towns can and cannot regulate food trucks. He said this bill would restrict regulation on how long food trucks may operate on private property, require any kind of permit to operate, restrict a vendor from operating on public property, prohibit the use of illegal parking space, and require fingerprints.

City Manager Cotter said this bill appeared to be "dead" this session, but said a letter from the city should be sent laying out their specific concerns. He said the city was not opposed to food trucks, but said under this bill; food trucks would be totally unregulated. He said the Bureau of Land Management (BLM) regulations do not allow commercial vendors to set up in public parks, and said this bill would be in violation of the city's BLM agreement.

The Council Members concurred that the City Manager would send a letter to the League outlining their concerns regarding the proposed food truck bill.

Administrative Analyst Kozlowski said SB 1119 stated that each municipal court magistrate shall be selected and serve a term of office of not more than four years in a manner provided by the charter or ordinances of the city or town. He said a magistrate shall be elected for retention at the general election next preceding the expiration of a term of office, and said a magistrate may not be removed from office without cause by the entity that selected the magistrate. He said the League did not take a position on this bill.



City Manager Cotter said the Bullhead City Code provision appoints the City Council to select and retain the City Magistrate, not the voters.

City Attorney Emery said this bill was full of inconsistencies, and said the Council should oppose it. He said it was in conflict with the City Code.

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

Jerry Duvall said he and former City Councils had worked hard to make sure that Maricopa County did not tell them what to do. He said he did not want Maricopa County running Bullhead City or any other small city in the state.

Eva Corbett said she did not want people in Phoenix telling the city what to do.

**MOTION: Council Member Ring made a motion to oppose proposed Senate Bill 1119: Municipal Judges; Term; Retention Elections. Council Member Wegmann seconded the motion.**

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

#### **MOTION CARRIED**

Mayor Brady said SB 1412 referred to unclaimed property for electric cooperatives and credits. He said the Mohave Electric Cooperative (MEC) was a non-profit cooperative that returned any excess monies to their members. He said the state had introduced another bill proposing that any excess money to be sent to the state's general fund. He said he had worked with Tyler Carlson's staff at MEC to write a letter of support to Senator Sonny Borrelli from the City Council by tomorrow morning to be read at a committee meeting.

Mayor Brady read an excerpt from the letter.

*"Because electric cooperatives are not-for-profit, any "profit" is invested in the cooperative to keep costs low for all members and is eventually returned to the members. Historically, when a cooperative member or former member cannot be found - or they choose not to claim their payment - those funds are used, at the direction of the co-op boards, to benefit the cooperative members within the community."*

*"In Bullhead City, our local cooperative, Mohave Electric Cooperative, supports a number of critical community programs. These funds support programs for local high school students, the Washington D.C. youth tour, and classroom grants for teachers of all grade levels. They also support the River Fund (similar to United Way), energy assistance for low income members, and the Northern Arizona Veterans Resource Center, which supports local homeless, low-income at-risk veterans."*

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

Eva Corbett said she was in support of SB 1412.

**MOTION:** Council Member D'Amico made a motion to support proposed Senate Bill 1412: Unclaimed Property; Electric Cooperatives; Credits. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

**COUNCIL REQUESTED ITEMS**

None

**ADJOURNMENT**

**MOTION:** Council Member Wegmann made a motion to adjourn. Council Member Bruck seconded the motion.

**VOTE:** AYES: Brady, Bruck, D'Amico, Ring, Shutts, Wegmann NAYS: None  
ABSENT: Clark

**MOTION CARRIED**

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 6:53 p.m.

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct record of the regular meeting of the City Council of the City of Bullhead City held on the 6th day of February 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of February 2018.

  
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Susan Stein, MMC, CPM  
City Clerk