

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, April 17, 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 Pastor David Arnold of City Bible Church to deliver the invocation. Council Member Ring led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

Council Present

Brady, Bruck, Clark, D'Amico, Ring, Shutts (via telephone), Wegmann

Council Absent

None

Staff Present:

CITY MANAGER: Toby Cotter

CITY ATTORNEY: Garnet Emery

CITY CLERK: Susan Stein

POLICE CHIEF: Brian Williamson

FINANCE DIRECTOR: Rudy Vera

INTERIM PUBLIC WORKS DIRECTOR: Keegan Littrell

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Glen Wiltse

PRESENTATIONS AND PROCLAMATIONS

1. Presentation of Rural Transit Award to Bullhead City.

Transit Manager Michael Peluso said the Bullhead Area Transit System was awarded the "2018 Outstanding Rural Transit Award" from the Arizona Transit Association and the Arizona Department of Transportation at their state conference.

Mayor Brady congratulated the city transit staff and thanked them for all their hard work provided to the community.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

Julie Hassett provided information on the Colorado River Concert Association's upcoming world-class performances. She said season tickets were currently available for sale.

Eva Corbett invited the public to attend the Republican Women's Luncheon to be held on April 18th at Chaparral Country Club.

Mack Boone invited the public to attend the recognition of "World Tai Chi Day" on April 28th to be held in Community Park.

Perry Bacon said drivers were speeding on Rio Grande and would like speed bumps installed in order to slow them down.

Nick Parsons said he could not dig a well, leaving him vulnerable to breaches of the anti-trust laws. He said Epcor was a corporate monopoly that was imposing unreasonable price hikes.

Ken Probst said he owned Gringo's Tacos food trailer. He requested that Council consider an ordinance allowing food trucks to operate within the city limits.

Roger Chris said his neighbor was creating excessive noise and running a business inside his home. He said he did not understand why the abatement process was taking so long. He played a recording of the noise he had to listen to every day.

Scotty McClure said fire trucks drove around without doing anything which was a waste of money. He said he did not want the Bullhead City residents to have to pay for other communities' water. He said he was in favor of acquiring the Epcor water company.

Mark Thompson asked if there was a city ordinance against feeding pigeons. He asked the city to help enforce the ordinance because his neighbor was feeding the birds and it was causing problems.

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

AGENDA MODIFICATIONS

None

WAIVER MOTION

MOTION: Vice Mayor Clark made a motion to waive the reading in full of all ordinances and resolutions presented for adoption at this meeting. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

MANAGER'S REPORT

1. Update on Gary Keith Park

Olivia McCormick provided a presentation and update on the development of Gary Keith Park. She said they were getting ready to kick off the second phase, and said the first phase was completed in October before the Corn Fest. She said they were working on the fabrication of well equipment, testing the main water line that was installed in phase one, and finished the 170,000 square foot open event center. She said they began the landscaping, parking lot preparation, and installation of pathways. She said there was a tremendous amount of cooperation with local construction companies, and said they relied on donations of money and services to complete this project. She

said they had scheduled a presentation for a large grant to fund the pathway lighting in May. She said the estimate for the second phase was approximately \$700,000.

Mayor Brady thanked Ms. McCormick and the committee for their dedication to improve Gary Keith Park.

2. Opportunity Zones

City Manager Cotter said two opportunity zones had been designated by the State of Arizona. He said the zones were eligible for private investment and other incentives. He said the areas near the new event center and Hancock Road were both designated as opportunity zones within the city.

3. Budget Workshops

City Manager Cotter said the City Council would hold workshops on April 30th, May 1st, and May 2nd to discuss the upcoming 2018-2019 fiscal year budget. He said the public was welcome to attend these meetings and provide comments.

4. EPCOR Water Potential Acquisition Study Update

City Manager Cotter said the city began an investigation into the acquisition of Epcor Water. He said experts have provided some insights to date and said they were working on additional analyses. He said the city would be represented at the May 14th rate case hearing of the Arizona Corporation Commission (ACC) in Phoenix and they would provide testimony. He said ACC Commissioner Tobin would listen to the public's concerns at a Town Hall to be held on April 23rd in the City Council Chambers.

City Manager Cotter said Vice Mayor Clark was recently appointed by Governor Ducey as a member of the Arizona Water Banking Authority.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Shutts said she would post information regarding donations to the Gary Keith Park project on Facebook.

Vice Mayor Clark said the Bicycle Safety Rodeo was held last week for children. He said he was a proponent of bicycle safety for all ages and said motorists should leave a distance of three-feet from cyclists on roadways. He displayed a video on bicycle safety.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Vice Mayor Clark made a motion that Items No. 1 through 4 on the Consent Agenda be approved in accordance with the reports, certifications and recommendations furnished each Council Member and without further discussion. Council Member D'Amico seconded the motion.

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

MOTION CARRIED

Items on the Consent Agenda were approved as follows:

1. Approval of the Minutes of the Special Council Meeting held on April 3, 2018; and the Minutes of the Regular Council Meeting held on April 3, 2018. (City Clerk Stein)
2. Adoption of Resolution No. 2018R-16, approving the request for a partial abandonment (northern 5 feet) of a 16-foot public utility easement located on the south side of the parcel of land described as Rio Lomas, Tract 1206, Unit 4, Block H, Lot 9, Section 11, T19N, R22W, and located at 1612 Kyle Ave., Bullhead City, AZ. (Development Services Director/Building Official Wiltse)
3. Adoption of Resolution No. 2018R-17, approving the request for the abandonment of two 16-foot public utility easements located on the north side of a parcel of land described as Mohave Crossroads, Unit 1, Tract 5163, Lots 10 & 11, Section 11, T19N, R22W, and located at 3699 Highway 95, Bullhead City, AZ. (Development Services Director/Building Official Wiltse)
4. Adoption of Resolution No. 2018R-18, approving the request for a partial abandonment (north six feet) of a 16-foot public utility easement located on the south side of the parcel of land described as Riverview Park, Tract 1070, Lot 107, Section 29, T20N, R22W, and located at 1036 Papago Drive, Bullhead City, AZ. (Development Services Director/Building Official Wiltse)

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

5. **PUBLIC HEARING.** Discussion and possible action to adopt Ordinance No. 2018-04, approving the request for a zoning map change from C2 (General Commercial) zoning district to C3 (Commercial and Minor Industrial) zoning district for a 1.40 acre parcel of land that is respectively described as a portion of Section 26, T20N, R22W, Colorado River Estates, located at 2466 Miracle Mile in Bullhead City. (Development Services Director/Building Official Wiltse)

Planning Manager Clint Stevens said this was a general zoning map change request. He said the Planning and Zoning Commission recommended approval of this zoning change.

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

MOTION: Council Member Bruck made a motion to adopt Ordinance No. 2018-04, approving the request for a zoning map change from C2 (General Commercial) zoning district to C3 (Commercial and Minor Industrial) zoning district for a 1.40 acre parcel of land that is respectively described as a portion of Section 26, T20N, R22W, Colorado River Estates, located at 2466 Miracle Mile in Bullhead City. Council Member Ring seconded the motion.

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

MOTION CARRIED

6. Discussion and possible action to adopt Ordinance No. 2018-05, adopting the "Miscellaneous Housekeeping Changes 2018" code amendments by reference; and approving Resolution No. 2018R-19, declaring "Miscellaneous Housekeeping Changes 2018" a public record. (Development Services Director/Building Official Wiltse)

City Manager Cotter said Council Member Ring had requested the city remove the permitting requirement for block walls, and said those proposed changes were included under this item.

Planning Manager Stevens said the "Exemptions" section number should be corrected to read "17.06.320." He said the city would remove the requirement for permits for fences or block walls under the 6-foot height limitation. He said the rules and regulations would still be in place for the locations and heights of walls. He said the Planning and Zoning Commission recommended approval.

Mayor Brady asked for clarification about the requirements for swimming pool walls.

Development Services Director Wiltse said swimming pool wall approvals would still be required under the pool code.

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

George McAdoo asked if the proposed change included landscaping walls. Planning Manager Stevens said any wall under the 6-foot height limitation that was not a retaining wall would no longer require a permit. He said the change would be effective 30 days after Council approval.

MOTION: Council Member Ring made a motion to adopt Ordinance No. 2018-05, adopting the “Miscellaneous Housekeeping Changes 2018” code amendments, with the correction to the “Exemptions” Section Number as 17.06.320, by reference; and approved Resolution No. 2018R-19, declaring “Miscellaneous Housekeeping Changes 2018” a public record. Vice Mayor Clark seconded the motion.

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

MOTION CARRIED

7. Discussion and possible action to adopt Ordinance No. 2018-06, adopting a code amendment entitle “Chemical Dependency Treatment Center 2018” by reference; and approving Resolution No. 2018R-20, declaring that code amendment entitled “Chemical Dependency Treatment Center 2018” a public record. (Development Services Director/Building Official Wiltse)

City Manager Cotter said the city code currently did not allow chemical dependency treatment facilities by right; but said under the proposed ordinance, the facilities would be allowed in certain zoning districts with a conditional use permit. He said the conditional use permit was a complex working document, and said there would be a process. He said the city had not been presented a proposal for chemical dependency treatment center for any specific location. He said an address was given at a previous meeting, but no official proposals had been received. He said tonight’s discussion was about a zoning code change that would allow treatment centers in specific locations.

City Manager Cotter read the proposed amendment to the Zoning Code, as follows:

“Chemical dependency treatment center” means a facility providing inpatient intervention and treatment of chemical dependency to not more than 16 individuals for not more than 30 days, and for whom meals are provided, have medical and behavior health support available, are not generally allowed visitors, are accompanied by provider staff when outside the facility, and in conformity in all other respects as many be required by the Arizona Department of Health Services under Arizona Administrative Code Title 9, Chapter 10, Article 14.”

He said, if approved, chemical dependency treatment centers would be allowed in C2, C3, M1, and M2 zoning districts through a conditional use permit.

Mayor Brady asked for clarification on the state law that governed this type of facility in a residential zoning district.

City Attorney Emery said residential drug rehabilitation facilities were allowed “by right” which means they could be set up without any prior authority by the municipalities. He said residential treatment facility occupants lived in a home as a family and were engaged in drug treatment; and

said the chemical dependency treatment center would be allowed to operate in a commercially zoned area under the guidelines according to the proposed code language.

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

Steve Slatt said he lived in the Fox Creek area and spoke in opposition to the proposed location of a future treatment center.

Royanne Ortiz said she supported the proposed ordinance. She said drug addicts were not "evil" and were in treatment. She said the city had a drug problem, and said she was in favor of having a drug treatment center in the city.

Raynell McAdoo said she was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center. She asked if the zoning would be changed if the ordinance was approved. City Manager Cotter said the zoning would not be changed, but said a facility would be allowed in certain zoning districts within the city.

Robert Hopkins said he was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center.

Dennis Cone said he was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center.

Jim Zaborsky said a doctor's office was currently in the same location and said drug addicts visited the facility there every day. He said he supported the ordinance.

Robert Gehre said he was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center.

Julie Heinrichs said she was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center.

George McAdoo said he was a resident of Fox Creek and spoke in opposition to the proposed location of a future treatment center.

Jerry Duvall said the community needed a treatment center and spoke in support of the ordinance. He said the location could be debated later, and said drug dependency was a problem for Bullhead City and cities all over the country.

Vice Mayor Clark asked about the authority the city would have over the facility under a conditional use permit.

City Manager Cotter read the definition of a conditional use permit, as follows: *"Conditional use permit" means a discretionary entitlement which may be granted under the provisions of this code and when granted authorizes a specific use to be made on a specific property, subject to compliance with all terms and conditions imposed on the entitlement."*

City Manager Cotter said the city could impose terms and conditions such as a plan of operation, security plans, landscaping, lighting and parking plans.

City Attorney Emery said restrictions could be placed upon a facility under the conditional use permit, but said the restrictions would be dependent on the contents of the application, which was not known at this time.

Mayor Brady said the City Council and the public needed more information. He suggested consideration be tabled to the next regular Council meeting to include a workshop for additional discussion.

Cheryl DeBatt said she represented the applicant West Care Arizona. She said no application had been submitted to date, and said she would love the opportunity to provide additional details to the public. She said they now had everything they needed to move forward. She said they extended their deadlines until the next fiscal year.

MOTION: Vice Mayor Clark made a motion to table Agenda Item No. 7 for consideration at the May 15, 2018, Regular Council Meeting, and schedule a work session to be held at 3:00 p.m. immediately preceding the May 15, 2018 Regular Council Meeting for additional discussion. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

8. Discussion and possible action to adopt Ordinance No. 2018-07, adopting a code amendment entitled "Homeless Shelter/Multiservice Center 2018" by reference; and approving Resolution No. 2018R-21, declaring that code amendment entitled "Homeless Shelter/Multiservice Center 2018" a public record. (Development Services Director/Building Official Wiltse)

City Manager Cotter read the description of "Shelter Multiservice Center" as follows: *"Shelter, Multiservice Center, as defined in Chapter 17.04.651B of the City Code, provided the facility is located on a parcel of land that is 300 feet or more from any single-family residential use, public park, or public kindergarten through 12th grade curriculum school to include any other Multiservice Center shelter, as measured from the closest property line."*

City Manager Cotter said the request was for an amendment to the zoning code to allow homeless shelters in certain zoning districts under a conditional use permit. He said a specific location had been proposed by Catholic Charities located near Miracle Mile and N. Oatman Road. He said this item was similar to the previous agenda item.

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

Darlene Evans said Catholic Charities did fabulous work, but said she was concerned that large multi-national corporations would come in with strong legal teams and take advantage of the city.

Eva Corbett spoke in support of the amendment.

Royanne Ortiz asked about the location of the proposed shelter. City Manager Cotter said the applicant identified a location near Miracle Mile on N. Oatman Road near the Catholic Church.

MOTION: Council Member D'Amico made a motion to adopt Ordinance No. 2018-07, adopting a code amendment entitled "Homeless Shelter/Multiservice Center 2018" by reference; and approving Resolution No. 2018R-21, declaring that code amendment entitled "Homeless Shelter/Multiservice Center 2018" a public record. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

9. Discussion and possible action to accept the Perpetual Drainage and Access Easement Agreement between Roy Dragojlovic, Zoran and Carmelina Lakovic, Colorado River Lodging, Colorado River Events, Colorado River Hospitality and the City; and authorize the City Manager to execute the easement on behalf of the City. (City Manager Cotter)

City Attorney Emery said this easement was the last legal instrument to be transacted in connection with the development of the Holiday Inn project. He said easements were required to bring utilities and proper drainage to the site. He said the developer was responsible for all of the costs of development, and said the city was simply a party to the property rights. He said approval was recommended.

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 accept the Perpetual Drainage and Access Easement Agreement between Roy Dragojlovic, Zoran and Carmelina Lakovic, Colorado River Lodging, Colorado River Events, Colorado River Hospitality and the City; and authorize the City Manager to execute the easement on behalf of the City. Vice Mayor Clark seconded the motion.

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

MOTION CARRIED

Bid Awards, Contracts, Intergovernmental Agreement, and Purchases

None

Other Business

10. **PUBLIC HEARING.** Discussion and possible action to approve Ordinance No. 2018-08, adopting by reference that document entitled "Animal Adoption Amendment 2018" as an amendment to the Bullhead City Municipal Code Section 6.08.170; and declaring the document a public record under Resolution No. 2018R-22. (City Manager Cotter)

City Manager Cotter said the proposed code amendment authorized limited activities of non-profit organizations to assist in animal adoption services.

Mayor Brady opened the public hearing.

Royanne Ortiz spoke in support of the amendment.

Gail Moscato, President of S.A.I.N.T., said the organization had been in discussions with the city for some time. She said they required clear, consistent policies and procedures with Bullhead City Animal Care & Welfare in order to adopt an animal. She said their relationship continued to move forward in a positive manner that helped more animals in the community.

Eva Corbett spoke in support of the amendment. She asked if some dogs could be trained to help the veterans.

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

MOTION: Council Member D’Amico made a motion to approve Ordinance No. 2018-08, adopting by reference that document entitled “Animal Adoption Amendment 2018” as an amendment to the Bullhead City Municipal Code Section 6.08.170; and declaring the document a public record under Resolution No. 2018R-22. Vice Mayor Clark seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

11. Discussion and possible action to approve the Agreement for Animal Adoption and Placement Services with S.A.I.N.T. (Saving Animals In Need Together) and authorizing the City Manager to execute the agreement on behalf of the city. (City Manager Cotter on behalf of Councilman Steve D’Amico)

City Manager Cotter said Council Member D’Amico had initiated conversations about working relationships with animal rescue organizations from the day he elected. He said the city’s relationships had improved, and said they would work hand-in-hand with S.A.I.N.T. in order to assist more animals in the community.

Council Member D’Amico said this was a win/win/win situation for the city, S.A.I.N.T., and the animals.

Mayor Brady thanked Council Member D’Amico for his dedication to help the animals in the community.

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 approve the Agreement for Animal Adoption and Placement Services with S.A.I.N.T. (Saving Animals In Need Together) and authorizing the City Manager to execute the agreement on behalf of the city. Council Member Wegmann seconded the motion.

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

MOTION CARRIED

COUNCIL REQUESTED ITEMS

None

ADJOURNMENT

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

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

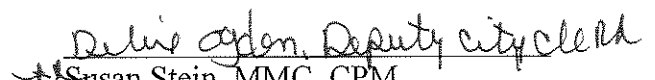
MOTION CARRIED

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 7:32 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 April 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of May 2018.


Susan Stein, MMC, CPM
City Clerk