

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, May 21, 2019, 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 Retired Air Force Chaplain Paul Pitts to deliver the invocation. The Tri State Honor Guard presented the colors. The National Anthem was sung by Mohave High School student Jacob Gray.

ROLL CALL

Council Present

Brady, Bruck, Clark, D'Amico, Ring, Shutts, 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: Angie Johnson

HUMAN SERVICES DIRECTOR: Jeff Tipton

DEVELOPMENT SERVICES DIRECTOR: Glen Wiltse

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation recognizing May 25 - May 27, 2019, and November 9 – November 11, 2019, as “Buddy Poppy Days” in Bullhead City.

Mayor Brady read the proclamation and presented it to Gerry Hart, Commander of VFW Post 10005.

2. Retirement of Military Banners Presentation by the Tri-State Military Moms, Inc.

Cindy Frizelle, President of the Tri-State Military Moms, Inc., said they were celebrating the fifth year anniversary of Heroes’ Highway, and said 200 banners had been displayed along the highway since the beginning of the program. She said Bullhead City was the first city in Arizona to display military banners along the highway. She thanked all of their supporters, the City Council, and the Arizona Department of Transportation. Banners and Certificates of Appreciation were presented to eight families of retiring military personnel by Mayor Brady and the Tri-State Military Moms.

OPEN CALL TO THE PUBLIC

Mayor Brady opened the call to the public.

David Lipinski said he was the Student Council Advisor and a teacher at Mohave High School. Members of the Student Council presented a plaque to the Bullhead City Parks and Recreation staff

and Human Services Director Jeff Tipton as a token of their appreciation for everything they did for Mohave High School.

Al Scigliano said EPCOR Water did not address the methodology as to how the rate base was derived and how the Arizona Corporation Commission determined the rates for public utilities. He said the H2O Committee offered their support in order to inform the public regarding the takeover of the water system.

Eva Corbett said Council Member Clark should resign from the City Council as he was employed by a subsidiary of EPCOR Water, and said this was a conflict of interest.

Jack Hakim said Council Member Clark had provided years of outstanding service to the city. He said many city officials had conflicts of interest and disclosed them, and said he should not resign. He thanked the City Council and staff for their efforts in fighting for the water system.

Scotty McClure said the handicapped button in the Council Chambers did not work. He said the police vehicles should have better decals and signage. He asked if the Police Department was considering purchasing equipment that tested for fentanyl and other dangerous drugs on the spot.

Tom Meinzenbach said Rotary Park was beautiful and said the city staff was doing a great job. He said the beach in Section 12 looked great. He suggested implementing a community service project to clean up the trash along Highway 95.

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

AGENDA MODIFICATIONS

None

WAIVER MOTION

MOTION: Vice Mayor Ring 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. Summer Water Safety Program

City Manager Cotter said they were headed for an extremely busy summer season. Police Chief Williamson said they would kick off the waterways patrol on Memorial Day weekend. He reviewed the Jet Ski safety program. He played a video entitled, "Don't Wreck Your Weekend."

2. EPCOR Valuation and Interim Rate Case

City Manager Cotter said they hoped to have the evaluation study completed within the next few weeks and said it would be presented to the Council at that time.

City Manager Cotter thanked Mayor Brady, and Council Members Wegmann and Clark, for attending the International Shopping Center Convention in Las Vegas. He said there was standing room only at their booth, and said some deals were made to bring more businesses to Bullhead City.

MAYOR AND COUNCIL MEMBERS' REPORTS ON CURRENT EVENTS

Council Member Clark said he would like to correct a comment that was made earlier. He said Johnson Utilities was not a subsidiary of EPCOR. He said he, as well as EPCOR, were consulting with them; and said because of that, he did not want any perception of any untoward activity. He said he had recused himself from all activities relating to the evaluation of the city's water system. He said he did not have a legal conflict, but wanted to avoid any perception of that happening.

ITEMS WITHDRAWN FROM CONSENT AGENDA

None

CONSENT AGENDA

MOTION: Council Member Clark 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 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 Regular Council Meeting held on May 7, 2019. (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

2. Discussion and possible action to adopt Resolution No. 2019R-14, approving a minor amendment to the Land Use Plan of the Bullhead City General Plan to change the land use designation from Medium Density Residential (MDR) to Commercial Resort (CR) for two parcels of land that are a portion of Section 3, T19N, R22W, Bullhead City, AZ. (Development Director Wiltse)

Planning Manager Loera said the land owner had requested the General Plan designation for two parcels be changed to Commercial Resort (CR) which allowed for a mix of retail, office, commercial, and high density residential uses that supported economic development activities along the Colorado River. He said the subject parcels covered approximately 78.68 acres west of the recently completed Anderson Auto Group Fieldhouse.

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

MOTION: Council Member Shutts made a motion to adopt Resolution No. 2019R-14, approving a minor amendment to the Land Use Plan of the Bullhead City General Plan to change the land use designation from Medium Density Residential (MDR) to Commercial Resort (CR) for two parcels of land that are a portion of Section 3, T19N, R22W, Bullhead City, AZ. Council Member Wegmann 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

3. Discussion and possible action to adopt Resolution No. 2019R-15, approving the Intergovernmental Agreement between the State of Arizona and the City of Bullhead City for the administration of city transaction privilege tax. (Finance Director Vera)

Finance Director Vera said the proposed changes to the intergovernmental agreement included definitions for numerous tax revenue administrative processes. He said the agreement provided for a formal review process to resolve disputes or handle complex issues through the “State & Municipal Audit Resolution Team,” made up of four individual city representatives and four Department of Revenue representatives.

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 adopt Resolution No. 2019R-15, approving the Intergovernmental Agreement between the State of Arizona and the City of Bullhead City for the administration of city transaction privilege tax. Council Member Shutts seconded the motion.

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

MOTION CARRIED

4. Discussion and possible action to approve the fiscal year 2019-2020 Memorandum of Understanding (MOU) between the City of Bullhead City and the Bullhead City Fraternal Order of Police Officers' Association (FOPOA); and authorize the Mayor to execute the MOU on behalf of the City. (City Manager Cotter)

City Manager Cotter said the annual MOU between the city and the FOPOA included a 2.8 percent cost of living adjustment for both sworn and dispatch members, and said the SWAT Medic Unit was reinstated to one member with specialty pay of \$3,000 annually.

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

MOTION: Council Member Bruck made a motion to approve the fiscal year 2019-2020 Memorandum of Understanding (MOU) between the City of Bullhead City and the Bullhead City Fraternal Order of Police Officers' Association; and authorize the Mayor to execute the MOU on behalf of the City. Vice Mayor Ring seconded the motion.

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

MOTION CARRIED

5. Discussion and possible action to adopt Resolution No. 2019R-16, approving the Intergovernmental Agreement between the Mohave County Flood Control District and the City of Bullhead City, Arizona, for flood control, and accept an allocation of funds from the District in the amount of \$880,094.00. (Interim Public Works Director Johnson)

City Manager Cotter said the agreement included funding that came from a portion of the flood control money that Mohave County collected from property taxes and shared with the cities each year to allow cities to perform flood control work. He said this year's allocation for Bullhead City was \$880,094. He said the city performed capital improvement projects for flood control each year.

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

Eva Corbett asked if the money went into the General Fund or if the funds were used specifically for flood control.

City Manager Cotter said these funds were used solely for flood control projects and were included in the Capital Improvement Projects (CIP) fund.

MOTION: Council Member Wegmann made a motion to adopt Resolution No. 2019R-16, approving the Intergovernmental Agreement between the Mohave County Flood Control District and the City of Bullhead City, Arizona, for flood control, and accept an allocation of funds from the District in the amount of \$880,094.00. Council Member Clark seconded the motion.

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

MOTION CARRIED

Other Business

6. Discussion and possible action to adopt Ordinance No. 2019-10, adopting the document effectuating the code changes and entitled “Video Service (Cable Communications) Amendment 2019” by reference; and adopt Resolution No. 2019R-17, declaring the document entitled “Video Service (Cable Communications) Amendment 2019” a public record. (City Attorney Emery)

City Attorney Emery said last year, the State Legislature enacted provisions declaring the regulation of what was known as cable TV, a matter of state-wide concern. He said the new legislation required city issuance of non-exclusive licenses for work and structures within the city right-of-way, but held over the local government ability to charge a five percent fee on gross revenues for use of the right-of-way. He said it allowed the one current cable licensee (Suddenlink) in Bullhead City to either continue its current license until its expiration in 2024 or apply for a new license between January 1 and July 1, 2020. He said the amendment took a lot of local control away from the cities. He said a new form of license application and agreement would be submitted for the City Council’s consideration in the near future.

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

Royanne Ortiz asked if competitors would then be allowed to operate in the city. She said she was not happy with the service from Suddenlink. City Attorney Emery confirmed.

MOTION: Council Member Clark made a motion to adopt Ordinance No. 2019-10, adopting the document effectuating the code changes and entitled “Video Service (Cable Communications) Amendment 2019” by reference; and adopt Resolution No. 2019R-17, declaring the document entitled “Video Service (Cable Communications) Amendment 2019” a public record. Vice Mayor Ring 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 discuss funding options related to the structural costs of the second bridge connecting Bullhead City to Clark County, Nevada and direct the City Manager in regards to those future discussions with Clark County related to additional City funding of the bridge structure. (City Manager Cotter)

City Manager Cotter said the Council would need to make an important decision. He said in-depth information regarding the historical background of the second bridge was included in the packet. He said the location of the bridge ended up at Bullhead Parkway. He said the Council was ready to award a bid a few months ago to begin construction on the Arizona side infrastructure. He said at the same time, the Laughlin Town Board passed a resolution objecting to the expenditure of Clark County funds on the bridge and related Nevada infrastructure. He said since that time, they had been awaiting a response from Clark County. He said he has had conversations with Clark County. He said the conversation for tonight was about sharing the difference in cost. He said the four-lane bridge was estimated to cost approximately \$30 million. He said the State of Nevada and Clark County have approximately \$21 million in federal funding for the project leaving a \$9 million difference in available funding. He said Clark County was requesting a cost sharing between both agencies to cover the difference. He said the project could possibly come in cheaper during the bidding process. He said, if not, the city would have to commit to spending an approximate additional \$4.5 million for the new bridge.

Mayor Brady said they were being asked to add \$4.5 million for the bridge to the current \$3.2 million of secured bonds for the infrastructure, or a total of \$7.7 million for the project.

Vice Mayor Ring said the city had been working on this issue for a long, long time; and asked if the reason the money was short was because the length of time made the cost go up.

City Manager Cotter said there was a multitude of reasons for the delay over time.

Mayor Brady said the costs went up every year, and said the city was now being asked to spend \$7.7 million.

City Manager Cotter said Clark County's philosophy was that a four-lane bridge with full build out made the most sense because studies showed that in 20 years, the current Laughlin Bridge would be failing, and this bridge would need to be four lanes by 2040. He said they felt that a two-lane bridge would save about 10 percent.

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

Daniel Alfonso asked about the return of investment for the project, and asked if bids have gone out. He asked if any of the casinos were willing to help with the project.

City Manager Cotter said the environmental assessment provided information on return of investment. He said it was difficult to quantify the dollar amount on a sales tax derivative, but said other variables could be considered. He said the current bridge was failing and said the second bridge would alleviate some traffic. He said the city bid out the Arizona side infrastructure, but said this project would have to be re-bid. He said the actual bridge construction had not been bid out, and said the bids would most likely come from national bridge construction companies. He said he spoke with Don Laughlin and his son, and said they were not willing to assist at this time.

Ray Rhines from the Bullhead Area Chamber of Commerce said Laughlin would benefit from another bridge.

Royanne Ortiz said she supported the project and said they should be thinking about the future.

Jack Hakim said he had hoped the bridge would have been built by now. He said when the area near the Anderson Auto Group Field House was developed; there would be more traffic on the bridge. He said he did not want the city to be at the whim of the Laughlin Town Advisory Board, and suggested the city go back to the negotiating table with Laughlin.

Scotty McClure said he read the report and asked if the city's money would be used for the Laughlin side. He said the Laughlin Town Board was holding the city hostage at the last second.

Lori Deschenes said in order for the city to grow, the city would need a second bridge. She said it would be a safety issue if anything happened to the original Laughlin Bridge.

Tom Meinzenbach said the bridge should have been built a long time ago. He said the bridge was for growth and people in the future, and said \$4 million in the big scheme was nothing.

Ed Catalfamo said the Fieldhouse was built in the location it was because of the location of the future second bridge. He said the entire city would benefit from a second bridge, and said more arguments would just delay the project longer. He said the city was growing at a rate of 2.6 percent each year.

Eva Corbett said the city needed a bridge.

Council Member D'Amico said the city needed a bridge, but said he was afraid the process would again be delayed, and then city would be asked to pay even more money. He said he would need to be assured the project would move forward the next day.

City Manager Cotter said he received word from Clark County that they would move the intergovernmental agreement forward upon the Council's decision, which would cap the city's expense of \$4.5 million.

Council Member Shutts said Clark County did not keep their promises. She said she had a problem with this because of all of the previous delays were incurred by Clark County.

Gaylor Cope said the project would cost more in five years; and said at the rate this city was growing, it would need more than two bridges in the future.

Council Member Shutts asked if the new IGA would include monetary obligations.

City Attorney Emery said Clark County had paid for the full design of the bridge under a previous IGA. He said the new IGA would cover the expenses as well as future maintenance and anything else that dealt with the bridge.

Mayor Brady said there were not many decisions that came before the City Council that made him lose sleep. He said the project started when the City Council allocated \$86,000 for a study for the

bridge location. He said a final site was finally decided upon in 2010. He said all of the proposed sites were dependent upon the federal government's approval which was part of the problem because of all the strings attached. He said according to previous newspaper articles, no one liked the current site selected. He said he did not think anyone living north of the bridge would use it except in an emergency. He said he had calculated that trips would be faster getting to Harrah's Casino going north on Highway 95 than from the new bridge on the Nevada side. He said when the federal government got involved in a project, many more costs were added. He said Don Laughlin built the existing bridge in the 1980's for \$3 million. He said the total cost of the new bridge would be \$55 million, which was totally unacceptable. He said one of the design criteria for the bridge location was that it would be a four-lane bridge and four-lane approach on both sides. He said that design excluded any residential neighborhoods from consideration, which resulted in the rejection of many sites except the Parkway and Rainbow. He said he had studied this long and hard, and has had many sleepless nights over the decision. He said the Laughlin Town Board had supported the bridge since 2010 until November on a 3-1 vote, which stopped all future movement on the bridge. He said he was in favor of building a bridge in another location without the federal government's involvement. He suggested negotiating with the Laughlin Town Board to build a two-lane bridge someplace that made more sense and gets residents off of Highway 95 and more directly to the casinos. He said casino workers would continue to use Highway 95 to get to work from the proposed bridge. He said he would vote "no," and said the city could not afford another \$4.5 million at this time. He said the Bullhead Parkway would cost about \$12 million to reconstruct, and said the bridge would not serve as many residents. He said the city should spend money on projects that would benefit city residents.

Council Member Clark said he agreed with much of what Mayor Brady said. He said he was a strong proponent of economic development, and said the city needed the development of the second bridge to grow the city. He said the bridge would get used as the city grew. He said for the long term future of Bullhead City, they needed to build the bridge. He said he was upset about the Laughlin Town Board's decision at the eleventh hour, but said unfortunately their hands were tied at this point. He said people were coming to the city and spending money, and said the bridge would make it more convenient for people to come to the city. He said the cost would continue to increase as more time went by, and said they might not be able to afford it in the future. He said he would be voting "yes," as the bridge was important for the future growth of the city.

Council Member Shutts asked for more time to consider their decision and allow members of the public to provide comments.

MOTION: Council Member Shutts made a motion to table Agenda Item No. 7 for additional discussion at a Council work session to be held on June 4, 2019. Council Member Bruck seconded the motion.

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

MOTION CARRIED

8. Discussion and possible action to 1) reconsider the placement of Poki and return the item to the Parks and Recreation Commission, or 2) reconsider the placement of Poki and place the Desert Tortoise at 1st Street. (City Manager Cotter)

City Manager Cotter said the Parks and Recreation Commission Chair requested the Council make a motion to reconsider allowing additional discussion of the placement of "Poki" in another location within Community Park.

MOTION: Council Member Bruck made a motion that Agenda Item No. 8 be returned to the Parks and Recreation Commission for further consideration and recommendation. Vice Mayor Ring seconded the motion.

VOTE: AYES: Brady, Bruck, Clark, D'Amico, Ring, Shutts, Wegmann 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 7:40 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 21st day of May 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of June 2019.



Susan Stein, MMC, CPM
City Clerk