



## City Council Regular Meeting Minutes - Final

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Tuesday, September 22, 2015

6:00 PM

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### 1. CALL TO ORDER

Mayor Nexsen called the meeting to order at 6:00 p.m.

### 2. INVOCATION: Pastor Dale Ray, Lakeview Community Church

The invocation was given by Pastor Dale Ray, Lakeview Community Church.

### 3. PLEDGE OF ALLEGIANCE

The Mayor led in the Pledge of Allegiance.

### 4. ROLL CALL

**Present:** 7 - Mayor Mark S. Nexsen, Councilmember Dean Barlow, Vice Mayor Donna Brister, Councilmember Don Callahan, Councilmember Jeni Coke, Councilmember Cal Sheehy and Councilmember Michele Lin

### 5. CALL TO THE PUBLIC

Mr. William Hoose addressed the Council regarding the lack of dog leash signs at the London Bridge Beach Park. He said Lake Havasu City Code §6.20.010, states that dogs should be kept on a leash no longer than six feet at all times except while in the designated off-leash areas. He said unfortunately there are no signs at the London Bridge Beach Park with this code and many dog owners use the sidewalks and grassy areas in the park where there are leash laws. Mr. Hoose said it can be very dangerous at times with large and small dogs running around elderly and young people without a leash. He requested that the City post several signs at the London Bridge Beach Park that all dogs be on a leash. He listed the following suggestions: 1) use the existing signs in the park which list prohibited activities and add "no unleashed dogs," 2) install new, separate leash law signs with the City Code number and a statement that says "all dogs must be leashed" along with the telephone number of the local animal control.

Mayor Nexsen asked City Manager Charlie Cassens to follow up on this issue.

Ms. Nicole Norona addressed the Council and said that she has lived in Lake Havasu City since 1979. Ms. Norona said her daughter has been diagnosed with a rare type of leukemia, Type B Cell

with high risk, and through this difficult time her daughter has brought her inspiration as a mother and resident of Lake Havasu City to open a non-profit company in the State of Arizona that is designated by the Internal Revenue System (IRS). She explained that she has been in touch with the directors of Havasu Regional Hospital and Kingman Regional Hospital to help her open a clinic to treat children who need various medical treatments without having to leave Lake Havasu City.

Ms. Norona listed the following upcoming “Norona Effect” fundraising events:

- Saturday, September 26, 2015 – HavaSLIDE Event on McCulloch Boulevard
- Saturday, October 23, 2015 – Partnering with Dark Army to hold a car show behind Mudshark Brewery
- (Date not announced) – Wake & Skate Event
- April 30, 2016 – Slide for Spring Break

## 6. CONSENT AGENDA

- 6.1 [ID 15-0408](#) Approve the September 8, 2015, City Council Regular Meeting Minutes
- 6.2 [ID 15-0394](#) Adopt Resolution No. 15-2985 Abandoning the Existing Three Unit Horizontal Regime Condominium Subdivision Cordell Terrace Condominiums and Reverting the Property to Acreage/Steve Smith and Linda Easley
- 6.3 [ID 15-0396](#) Adopt Resolution No. 15-2987 Accepting Dedication of a 10-foot by 132.43-foot Public Sewer Easement Along the Southern Property Line of Tract 2171, Block 3, Lot 10 and a 10-foot by 132.43-foot Public Sewer Easement Along the Northern Property Line of Tract 2171, Block 3, Lot 11; Lake Havasu City, Applicant/Helen Hoff, Owner
- 6.4 [ID 15-0403](#) Adopt Resolution No. 15-2988 Approving a Highway Safety Contract with the State of Arizona, Governor's Office of Highway Safety, for DUI/Impaired Driving Enforcement
- 6.5 [ID 15-0406](#) Recommend Approval of a Special Event Liquor License Application for the Chillin 'n Swillin', Inc. event on November 7, 2015, at 1400 Smoketree Avenue / Guitierrez
- 6.6 [ID 15-0409](#) Call for Executive Session Pursuant to A.R.S. 38-431.03(A) 4:00 p.m. Tuesday, October 27, 2015

**Councilmember Callahan moved to approve the Consent Agenda as presented, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

## **7. CORRESPONDENCE, COMMUNICATIONS, PETITIONS, ANNOUNCEMENTS, CITY MANAGER REPORT**

### **7.1 [ID 15-0398](#) Lake Havasu City Convention & Visitors Bureau Quarterly Update**

Mr. Doug Traub, President of the Lake Havasu City Convention & Visitors Bureau (CVB), addressed the Council and listed a summary of the CVB's top ten accomplishments for Fiscal Year 2014-15:

#### #10) New City Maps – Free For Download

- Lighthouses
- Multi-Use Trails
- Rotary Park
- SARA Park

#### #9) London Bridge Defended in National Media

#### #8) ABC Competition “Vision 20/20” Assembled

#### #7) Expansion of Lake Havasu City Brand

#### #6) Local Public School Education Programs Launched

#### #5) 2014 Benchmark Visitors Study Completed

#### #4) Revised & Printed All New 2015 Brochure Collection

- New In-Market Lake Havasu City Visitors Guide
- Tri-City Tourism Brochure Published

#### #3) Launched Responsive GoLakeHavasu.com

- New Website Content – “One Stop Shop” Almost Realized

#### #2) Bassmaster Elite Series Fishing Tournament Secured & HITS Triathlon Rescued

#### #1) Phoenix TV Ad Campaign & TV Commercials in LA, Vegas & Phoenix Broadcast

Mr. Traub also provided a brief recap of the CVB's electronic marketing efforts for Fiscal Year 2014-15.

### **7.2 [ID 15-0410](#) Announce Vacancies on Lake Havasu City Boards, Committees, and Commissions**

City Clerk Kelly Williams announced the current vacancies on various Lake Havasu City Boards, Committees, and Commissions.

### **7.3 [ID 15-0407](#) City Manager's Report**

City Manager Charlie Cassens reported on the following:

- The Maintenance Services Division has completed improvements at Rotary Community

Park Beach to facilitate persons with disabilities to launch their kayaks. Crews removed a sand wall and completed a concrete walkway down to the 450-foot level to enable users to roll their kayaks close to the water for launching. The new launch area is adjacent to the swim area at Rotary Beach.

- The City now has a live camera feed of the Tinnell Memorial Skate Park on the City's website at [www.lhcaz.gov](http://www.lhcaz.gov).
- Code Enforcement Updates. There are currently 43 active and open cases.
- The next Coffee with the Mayor is scheduled for October 2, 2015, at Street Side Coffee Company, at 2127 Swanson Avenue, from 7:30 a.m. to 9:00 a.m.
- Special Event Updates:
  - o September 24th – 7th Annual Great Pineapple Race at London Bridge Beach at 5:00 p.m.
  - o September 25th – Norona Effect HavaSLIDE Event on McCulloch Blvd. at 11:00 a.m.
  - o September 27th – Gold Star Mother's Day Event at Wheeler Park at 6:30 p.m.

Mayor Nexsen handed out plaques of appreciation to Mr. Jim Liesen and Mr. John Kendig for their dedication and years of service as a member on the Lake Havasu City Planning & Zoning Commission.

## 8. PUBLIC HEARINGS

- 8.1 [ID 15-0412](#) Recommend Approval of a Special Event Liquor License Application for the Lake Havasu Area Chamber of Commerce Birthday BBQ on October 28, 2015, at 2119 McCulloch Boulevard / Krueger

Ms. Williams stated that Ms. Lisa Krueger has applied for a special event liquor license for the Lake Havasu Area Chamber of Commerce Birthday BBQ to be held at 2119 McCulloch Boulevard on October 28, 2015, from 4:00 p.m. to 7:00 p.m. Ms. Williams noted that all fees have been paid and no objections were received.

Councilmember Coke recused herself from participating and voting on this item.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Callahan moved to recommend that the Arizona Department of Liquor Licenses & Control approve a Special Event liquor license for the Lake Havasu Area Chamber of Commerce Birthday BBQ, on October 28, 2015, from 4:00 p.m. to 7:00 p.m. at 2119 McCulloch Boulevard, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 6 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Sheehy and Councilmember Lin

**Recused:** 1 - Councilmember Coke

**8.2**     [ID 15-0397](#)   Series #12 Liquor License, Azul Agave, 1561 Palo Verde Boulevard South/Allen

Ms. Williams advised that Mr. Paul Allen Sr. has applied for a Series #12 Restaurant Liquor License for Azul Agave located at 1561 Palo Verde Boulevard South. Ms. Williams noted that all posting requirements have been met, all fees have been paid, and no objections were received.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Sheehy moved to recommend that the Arizona Department of Liquor Licenses and Control approve a Series #12 liquor license for Azul Agave, 1561 Palo Verde Boulevard South, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:**                     7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.3**     [ID 15-0378](#)   Series #06 Liquor License, BJ's Tavern, 2122 McCulloch Boulevard North/Schelstraete

Ms. Williams advised that Mr. Peter Schelstraete has applied for a Series #06 Bar Liquor License for BJ's Tavern located at 2122 McCulloch Boulevard. She noted that all posting requirements have been met, all fees have been paid, and no objections were received.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Barlow moved to recommend that the Arizona Department of Liquor Licenses and Control approve a Series #06 liquor license for BJ's Tavern, 2122 McCulloch Boulevard North, seconded by Councilmember Brister, and carried by the following vote:**

**Aye:**                     7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.4**     [ID 15-0401](#)   Series #03 Liquor License, OUTLAW Brewery & Tasting Room, 1600 West Acoma Boulevard, Unit 47/Lawless

Ms. Williams advised that Mr. Shawn Lawless has applied for a Series #03 Microbrewery Liquor License for OUTLAW Brewery & Tasting Room located at 1600 West Acoma Boulevard, Unit 47. She noted that all posting requirements have been met, all fees have been paid, and no objections were received.

Ms. Williams stated that this location is within the M-1P Zoning District, which allows beverage product manufacturing, warehouse, wholesale, and distribution, but prohibits the sale of alcoholic

beverages.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

Councilmember Callahan asked if there was an issue with the Series #03, to which City Attorney Kelly Garry answered that there are no issues with the Series #03 request as long as it does not allow the onsite sale of alcoholic beverages. Ms. Garry noted that she believes in the coming weeks the Council will receive another request from the applicant for a Series #12 license. Ms. Garry added that originally there was a Series #07 license tied with the Series #03 license and there were some issues with that; however, staff does not have any objections with the Series #03.

Councilmember Barlow asked if the number of seats on the site plan was in anticipation of the Series #12 license, to which Ms. Garry said that was her understanding but she would direct any questions specifically related to the site plan to the applicant.

Mr. Shawn Lawless addressed the Council and said their initial plan was to have an onsite microbrewery with a tasting room; however, due to the location being zoned M-1P, they are in the process of converting to a restaurant and will be applying for a Series #12 and Series #07 at the next council meeting. He explained that there is adequate seating inside the facility as they have completely redesigned the space from the initial application to include a full kitchen along with a seating area to offer full food in addition to the draft brew onsite, brews from other microbreweries in the area, and wine.

Mayor Nexsen said the location is in a condominium association and asked if there were any prohibitions by the association for this type of activity, to which Mr. Lawless replied no. He said the association showed excitement as this type of activity will bring more traffic which will benefit the other businesses. He said their operating hours will be from 3:00 p.m. to 10:00 p.m. on weekdays so they do not conflict with the other businesses and there will not be any issues with parking. Mr. Lawless added that they will also be receiving a resolution from the board that will be provided to the Council with the Series #07 and Series #12 licenses. He further added that they currently do not conflict with any of the other CC&R's as the area is a first-come, first-serve with regard to parking.

**Councilmember Brister moved to recommend that the Arizona Department of Liquor Licenses and Control approve a Series #03 liquor license for OUTLAW Brewery & Tasting Room, 1600 West Acoma Boulevard, Unit 47, seconded by Councilmember Coke, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.5**     [ID 15-0221](#)     Approve Renewal of Liability Insurance through Willis of Arizona

Human Resources/Risk Manager Shirlee Palbicki advised that various liability policies are scheduled to expire November 1st and before the Council is the quote recommended from the City's broker, Willis of Arizona, to renew the various liability coverages effective November 1st.

Mayor Nexsen asked how the quote compares to the previous year, to which Ms. Palbicki said last year's annual premium was \$818,000 with an annual premium this year of \$834,000.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing. Councilmember Barlow asked for the number of claims over the last year, to which Ms. Palbicki replied that she did not have that information with her.

**Councilmember Callahan moved to direct City staff to bind coverage as recommended by Willis of Arizona for a total premium of \$833,697.40, payable directly to Willis of Arizona, seconded by Councilmember Brister, and carried by the following vote:**

**Aye:**                     7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.6**     [ID 15-0366](#)     Adopt Resolution No. 15-2981 Approving Tax-Exempt Non-Bank Qualified Municipal Lease Purchase Agreement with JPMorgan Chase Bank, N.A. for Acquisition of Motorola and Creative Communications Equipment and Declaring an Emergency

Police Chief Dan Doyle advised that the next four items are related to the replacement of the City radio system. He said the first item is a resolution to approve the lease purchase through JPMorgan Chase Bank. Chief Doyle said this project was budgeted in Capital Improvement Projects (CIP) for \$3.5 million but was brought in under budget for a total of \$3,046,010, due to lower financing costs with a 7-year lease.

Mayor Nexsen asked if the reason for declaring the resolution an emergency was due to time constraints, to which Chief Doyle responded yes, and explained that the current rate is at 1.78-percent, which if locked-in will save additional funds, and the emergency is also because the City is running out of time for the incentives that were offered by Motorola.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

Councilmember Callahan asked if this would replace all the radios City-wide, to which Chief Doyle replied yes, and explained that the system would replace the dispatch system radios, vehicle radios, and portable radios. He added that by staying with this system, there were a number of radios and portable radios that were already compatible so they did not have to replace all the

mobile radios City-wide. He said the main system will be brand new.

Councilmember Sheehy asked about the lifespan of the new radio system, to which Chief Doyle explained that the average lifespan is approximately 10 years; however, due to changes in technology that lifespan tends to drop. He said the City would be looking at approximately 10 years, but they could certainly go beyond that depending on the state of the system.

**Councilmember Callahan moved to adopt Resolution No. 15-2981 approving the Tax-Exempt Non-Bank Qualified Municipal Lease Purchase with JPMorgan Chase, N.A. for financing to acquire Motorola and Creative Communications equipment to replace the City's radio system, authorizing the City Manager to execute all related documents to effectuate the transaction on behalf of the City, and declaring an emergency, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

- 8.7**     [ID 15-0368](#)   Approve Cooperative Purchase for 800MHZ P25 Trunked Radio and MCC 7500 Dispatch System from Motorola Solutions

Chief Doyle advised that this item is to approve the purchase of the system from Motorola Solutions.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Barlow moved to approve a cooperative purchase for an 800MHZ P25 Trunked Radio and MCC7500 Dispatch System utilizing State of Arizona Contract # ADSP013-036880 in an amount not to exceed \$2,959,248.00, seconded by Councilmember Coke, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

- 8.8**     [ID 15-0369](#)   Approve Cooperative Purchase for MotoTRBO Digital Trunked Radio System from Creative Communications

Chief Doyle said the current Operations Department radios are not compliant with the new system; therefore, in order to bring them on the new system the Police and Fire Departments are utilizing, they would need to replace all of the handheld radios which would require an additional \$200,000 to \$300,000. Chief Doyle said as a cost savings measure, for \$44,000, the City is able to add this MotoTRBO component which will allow the Operations Department to keep their radios and be in-sync with the system.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Coke moved to approve the cooperative purchase for MotoTRBO Digital Trunked Radio System from Creative Communications in an amount not to exceed \$44,811.93, plus any applicable taxes, seconded by Councilmember Brister, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.9 [ID 15-0373](#) Approve Sole Source Purchase and Installation of North Radio Tower from Creative Communications**

Chief Doyle advised that this final item is to complete the system by erecting a north side tower to expand radio coverage north at the mall and airport. Chief Doyle explained that this is a sole source purchase with Creative Communications as they are also installing the radio system and this allows the City to keep the entire system under one vendor.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Barlow moved to approve the sole source purchase and installation of North Radio Tower from Creative Communications in an amount not to exceed \$41,950.00, plus any applicable taxes, seconded by Councilmember Callahan, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.10 [ID 15-0395](#) Adopt Ordinance No. 15-1138 Request for a Rezoning of APN 120-03-042 and 120-03-043; 6600 and 6700 Chenoweth Drive from A-1, Limited Agricultural, to M-2, Heavy Manufacturing District**

Senior Planner Stuart Schmeling explained that the two 5-acre properties are generally located on the north end of town on Chenoweth Drive. He said the zoning in the areas is M-1P, Light Industrial, and M-2, Heavy Manufacturing. Mr. Schmeling noted that the Council received a copy of the letter of objection that was submitted to the City.

Mr. Schmeling reviewed the definitions of an M-1P and M-2P Zoning District:

- M-1P (Industrial Park) District – The M-1P Zoning District is applied to areas characterized by or appropriate for clean industry in a campus type setting.
- M-2 (Heavy Manufacturing) District – The M-2P Zoning District is applied to areas characterized by or appropriate for heavy industrial/manufacturing activities.

He listed the following uses that are allowed in an M-2 Zoning District but are not allowed in an M-1P Zoning District:

M-2, Heavy Manufacturing District	M-1P, Industrial Park District
Asphalt and asphalt products	Medical marijuana (infusion, dispensary, cultivation)
Concrete and cement products	Printing and publishing
Gypsum product manufacturing	Health Fitness Facilities
Quarry materials storage/processing	Auto parts store
Recycle facility/process heavy	Auto sales and rentals
Scrap and dismantling yards	Building materials store
Storage or use of hazardous materials	RV Park (conditional use)

Mayor Nexsen said for clarification the letter of objection was from the property next door which went through a Conditional Use Permit in February of 2015 for an RV resort.

Mr. Schmeling stated that was correct and added that the property was subject to a rezoning of a Planned Development (PD) amendment for an RV park with some ancillary uses and approximately 222 units.

In response to Councilmember Callahan's question, Mr. Schmeling replied that a designated wash does run between the two properties.

Mr. Victor Zaharchenko addressed the Council and said he is the owner of the two 5-acre properties, and explained that after talking to his neighbors of the Horizon RV Development and reviewing the uses of the M-1P and M-2 Zoning Districts, he has decided to rezone the property furthest east to M-2 (6700) and ask for rezoning on the property furthest west to M-1P (6600).

Mayor Nexsen asked if the western property (6600) could be changed to M-1P and the eastern property (6700) rezoned to M-2, to which Ms. Garry said in this point in time the Council can move forward with the property that has gone through the zoning process (6700), but the City cannot change the zoning that has been requested without going back through the application process, the Planning & Zoning Commission, and back to the Council. She added that the posting requirements and everything that is required by State Statute has not been met for a different zoning designation. Mayor Nexsen asked if they are still able to rezone the 6700 property to M-2, to which Ms. Garry replied yes, as it has gone through the process.

Mayor Nexsen opened the public hearing.

Mr. Tony Caputo, with Horizon RV Development, addressed the Council and said he and Mr. William Kaufman (owner of the future RV park, Havasu Shores RV Resort, LLC) have been working with Mr. Zaharchenko to accomplish the rezoning of the properties to M-1P and M-2, and

said he supports the laws that are in place and what needs to be done to make the changes.

Mayor Nexsen said for clarification the Council can choose to deny the request, or can approve the rezoning of 6700 Chenoweth Drive from A-1 to M-2; however 6600 Chenoweth Drive cannot be rezoned to M-1P at this time because it has not met all the requirements and posting notices per State Statute.

Mr. Doug Chiapuzio addressed the Council on behalf of the Havasu Shores RV Resort, LLC, owned by Mr. William Kaufman, who sent the letter opposed to the rezone of 6600 to M-2. He said they are supportive of rezoning 6700 to M-2 as well as the process that is required to rezone 6600 to M-1P.

Mayor Nexsen said he was glad to hear that there was agreement between the two parties; however, the RV Park came before the Council back in February requesting a Conditional Use Permit (CUP), and said at that time he specifically asked if there would be any issues when others needed to rezone so that they can conduct industrial activity around them, and said the response he received was no because RV parks typically go into industrial areas and they were going to be building a wall. Mayor Nexsen said while he is happy that both parties have come to an agreement, he wanted to caution that there will be others that will probably want to do heavy industrial, and said the only reason he voted “yes” to the CUP was on the promise and assurance that he would not object to others wanting to conduct industrial activity.

Mr. Chiapuzio added that with the industrial overlay that is there it encompasses both M-1P and M-2. He added that with an approved CUP next door, it seems more appropriate especially for the evaluation in what the RV Park will bring to the community and the economics that come from the residents staying there. Mr. Chiapuzio added that they feel having the buffer in place is appropriate, is within the industrial overlay, and allows for industrial activity and employment growth within an M-1P.

Mayor Nexsen said he understood that; however, what typically happens when an area requests a rezone to allow for some residential is it begins to encroach on other industrial areas, like the airport, and then people complain that they do not want industrial areas around them.

Mr. Caputo said he was unclear as to what was being proposed and asked if the Council was rejecting the western (6600) property and accepting the eastern (6700) property, to which Mayor Nexsen said that would depend on how the Council votes; however, the western (6600) property would be required to start over and go through the process to be rezoned to M-1P.

There being no further comments, Mayor Nexsen closed the public hearing.

Councilmember Barlow asked if the storage facility would occupy both properties, to which Mr.

Zaharchenko said the plan is to build something simple, like industrial storage, and then build something that is allowed on the M-1P that would benefit him and the properties around him.

In response to Councilmember Callahan's question, Mr. Caputo replied that a block wall will be added completely around their property with the exception of the wash.

**Councilmember Sheehy moved to adopt Ordinance No. 15-1138 rezoning the 5-acre property located at 6700 Chenoweth Drive from A-1, Limited Agricultural, to M-2, Heavy Manufacturing, seconded by Councilmember Brister, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

- 8.11**    [ID 15-0404](#)    Introduce Ordinance No. 15-1139 Amending Lake Havasu City Code Section 11.06.330 to Clarify No Launching of Motorized Watercraft and to Prohibit Overnight Mooring in City Parks

Aquatic/Recreation Manager Dan Keyes advised that this item is to introduce an amendment to the Lake Havasu City Code Section §11.06.330 to clarify "no launching of motorized watercraft" and to prohibit overnight mooring in City parks. Mr. Keyes said the current Code states that "it is unlawful to launch or retrieve any watercraft at or in any park except on designated launching ramps or other facilities provided." He noted that by definition, standup paddleboards, kayaks and canoes are considered "watercraft," and while the City has not received any formal complaints about non-motorized watercraft activity launching from City parks, a strict interpretation of the current Code prohibits non-motorized watercraft launching in City parks; therefore, if a complaint is received, the City would be obligated to enforce the current City Code.

Mr. Keyes advised that as part of the review process, the item was brought before the Parks and Recreation Advisory Board (Board) on August 25, 2015, and the Board voted to recommend the proposed amendment to City Code Section §11.06.330.

He added that the proposed prohibition of overnight mooring in City parks was added to the amendment after concerns were expressed by the Police Department.

Mr. Keyes said City staff and the Board strongly support the use of non-motorized watercraft and believes an amendment to the City Code will clarify the use of non-motorized watercraft and demonstrates the support of the City to the community in this life-long activity.

Mayor Nexsen asked if the amendment related to overnight mooring was to clarify the hours, to which Ms. Garry replied that the issue of overnight mooring did not exist with respect to City parks, and added that the only ordinance the City currently has relates to the Channel. She said the

City would have issues with people mooring their boats in Rotary Park because the current ordinance does not stretch that far; therefore, by adding it to this ordinance, overnight mooring would also be prohibited in City parks.

Councilmember Callahan asked if there would be an issue now with trailers for non-motorized watercraft entering areas like Rotary Park where trailers are not allowed, to which Mr. Keyes said the sign at Rotary Park reflects the current City Code ordinance relating to motorized watercraft; however, it also has various park rules. He said it was his understanding that the trailer verbiage is a park rule and not something that is covered in the ordinance. He said currently there is not a problem with trailers; however, the City will watch this closely.

Mayor Nexsen said he would like the trailers to be monitored closely because earlier in the day he received a complaint of a trailer in the park that was occupying five or six parking spots.

Councilmember Sheehy asked if the overnight mooring hours would remain 11 p.m. to 5 a.m., to which staff replied that was correct.

Mayor Nexsen opened the public hearing.

Mr. Dereck Walton addressed the Council and said he was representing the model boat and model airplane clubs, and objected to the first part of the proposed amendment which prohibits motorized watercraft in the parks because the model boat and airplane clubs do utilize a 10-foot aluminum boat as well as a jolly-boat which have small motorized engines to retrieve stalled model boats and model airplanes. He said a motorized boat is needed because the models often stall too far out to paddle, especially if there is any wind. Mr. Walton said the clubs follow strict safety rules and do not fly or boat if there is a swimmer in the water. He added that the clubs have been using the park for over 15 years now, and asked the Council to consider allowing watercraft with small engines in the park areas.

Mayor Nexsen asked if this issue was discussed with the Board, to which Mr. Keyes replied that as they went through this process they tried to identify all the stakeholders and he did meet with both clubs. He said they support all recreational activity in all forms and recently there have been some events addressed by the Police Department and park host that have questioned the use of the trailers and boats by these groups in the parks. Mr. Keyes said the City currently has agreements in effect for clubs that essentially allows them to retrieve their craft using the park site, and while those agreements do refer to rowboats and not motorized watercraft, one possibility may be to draft an amendment to their agreement that would allow them that flexibility.

Mayor Nexsen asked if a draft amendment would be inconsistent with the ordinance, to which Ms. Garry replied yes. Ms. Garry stated that the City would need to add a clause within the ordinance that allows it, if there is an agreement or something in writing, and added that a clarification within

the ordinance would then allow the City to enter into an agreement with such a group to use motorized vehicles in an agreed upon fashion.

There being no further comments, Mayor Nexsen closed the public hearing.

**Councilmember Sheehy moved to introduce Ordinance No. 15-1139 amending Lake Havasu City Code Section 11.06.330 to clarify no launching of motorized watercraft, unless otherwise agreed upon by the City, and prohibit overnight mooring in City Parks, seconded by Councilmember Brister, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.12** [ID 15-0399](#) Award Bid for Rotary Park Improvements - Tinnell Skate Park ADA Parking & Aquatic Center Parking Tie to ABC Asphalt, LLC (Project No's PK1040 & PK1050)

Project Manager Jeremy Abbott advised that this project includes the parking tie to the Aquatic Center and the Americans with Disabilities Act (ADA) expansion adjacent to the Tinnell Skate Park. Mr. Abbott provided aerial photos and planned views of the Tinnell Skate Park parking lot and connector road from the Aquatic Center to Rotary Park.

He said the ADA parking expansion project will include 20 new parking spaces, with four of those spaces being ADA van accessible. Mr. Abbott explained that the City is only required to have one ADA van accessible space; however, the idea was to increase the number of spaces in the event that the lot is used for bleachers during a special event, the City would still meet ADA requirements.

Mr. Abbott said the sidewalk extension will provide bench and emergency phone access and will also improve pedestrian flow.

Mayor Nexsen opened the public hearing.

Mr. Doug Sieker addressed the Council and asked if the emergency phone access would be concrete, to which Mr. Abbott replied yes. Mr. Sieker said ADA requires one out of every 25 parking spaces to be ADA van accessible, and pointed out that the lower right-hand ADA accessible space on the planned view of the parking lot is not ADA van accessible because when pulling into that space the ADA accessibility would be on the wrong side. He asked that the City consider moving all four ADA van accessible spaces over one space to the right so that all four spaces are ADA van accessible.

Mr. Abbott noted that staff could correct that with a striping change.

There being no further comments, Mayor Nexsen closed the public hearing.

**Councilmember Barlow moved to award the Base Bid and Alternate #1 for the Rotary Park Improvements – Tinnell Skate Park ADA Parking & Aquatic Center Parking Tie to ABC Asphalt, LLC, in the amount of \$166,989.22, seconded by Councilmember Callahan, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

**8.13** [ID 15-0380](#) Award Bid for the Chesapeake Boulevard Drainage Improvements Project to Pioneer Earthmovers, Inc. (Project No. DR 1000)

Project Manager Rich Wells said this project has been a discussion topic for quite some time. He said during and after a rainstorm Chesapeake Boulevard is dangerous and requires extensive cleanup. Mr. Wells provided the Council with a vicinity map of the proposed project on Chesapeake Boulevard from Jamaica Boulevard to McCulloch Boulevard. He added that the project includes widening the street as well as curbing for general safety and drainage improvements.

Mr. Wells said the goals of the project included:

- Manage the storm water that flows from the streets north of Chesapeake Boulevard by widening and adding curb and gutter.
- Create a safe environment during and after storm events.
- Minimize erosion along the roadway edge and cleanup efforts that have been occurring routinely.
- Protect private property from damage.
- Provide a finished look to the street.
- Allow for a future multi-use path along the south side of the street.

Councilmember Sheehy asked if the project was for improvements on Chesapeake Boulevard all the way from McCulloch Boulevard down to Jamaica Boulevard, to which Mr. Wells replied yes, with the exception of the section of street between Silversaddle Drive and Jamaica Boulevard, as well as a few other small sections that have already been improved.

Councilmember Callahan asked if the project would include resurfacing the street, to which Mr. Wells replied no because the pavement is relatively new from the Wastewater Expansion Project.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Callahan moved to award the bid for the Chesapeake Boulevard Drainage Improvements Project to Pioneer Earthmovers, Inc., in an amount not to**

**exceed \$823,107.25, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

- 8.14** [ID 15-0392](#) Award Contract for Construction Management Services for the Chesapeake Boulevard Drainage Improvements Project to Carollo Engineering, Inc. (Project No. DR 1000)

Mr. Wells advised that due to staff limitations the City is requesting to hire consultants for the construction management and inspection services of the Chesapeake Boulevard Drainage Improvements Project. Mr. Wells said Carollo Engineering, Inc. (Carollo), was selected through a Request for Qualifications (RFQ) process in January of 2015, and added that Carollo will supply a full time inspector to ensure the project is being built to specifications, as well as keeping track of quantities and pay estimates, and collaborating with in-house engineers.

Councilmember Lin asked how long this project is anticipated to take, to which Mr. Wells replied approximately 150 calendar days and anticipates the work will begin in a month. Councilmember Lin asked if the consultants would be used for the entire length of the project, to which Mr. Wells replied yes.

Councilmember Sheehy asked who worked with the consultants on the estimates, to which Mr. Wells said City staff worked with the consultants to determine the estimates based on the scope of work and project calendar days. Councilmember Sheehy asked if the City would only be billed for what is actually used, to which Mr. Wells replied yes. He noted that the project is based off an amount not to exceed; however, if the project is completed in half the time the City will see a savings. Mr. Wells added that the City will oversee the project to ensure efficiency in project costs and hours.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Callahan moved to award the Contract for Construction Management Services for the Chesapeake Boulevard Drainage Improvements Project to Carollo Engineering, Inc., in an amount not to exceed \$167,600, seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

- 8.15** [ID 15-0402](#) Approve Cooperative Purchase of Waterborne Traffic Paint from Ennis Paint, Inc.

Operations Director Gary Parsons advised that this item is requesting the Council's approval of a cooperative purchase of Waterborne Traffic Paint from Ennis Paint, Inc. Mr. Parsons said the white and yellow traffic paint is used to restripe the streets after chip sealing, and also used to stripe the boulevards and crosswalks each year. He noted that the City has expended approximately \$44,937, to date, and anticipates another purchase request in January which will exceed the \$50,000 threshold.

Mayor Nexsen opened the public hearing. There being no comments, he closed the public hearing.

**Councilmember Brister moved to approve a cooperative purchase of waterborne traffic paint from Ennis Paint, Inc., seconded by Councilmember Barlow, and carried by the following vote:**

**Aye:** 7 - Mayor Nexsen, Councilmember Barlow, Vice Mayor Brister, Councilmember Callahan, Councilmember Coke, Councilmember Sheehy and Councilmember Lin

## **9. CURRENT EVENTS**

There were no council committee reports.

## **10. CALL TO THE PUBLIC**

Mr. Sieker addressed the Council and said as an advocate for people with disabilities he would like to request a future agenda item regarding the possibility of installing an elevator to the slide at the Aquatic Center to accommodate people with disabilities.

## **11. FUTURE MEETINGS**

Tuesday, October 6, 2015 @ 4:30 p.m. – Special Meeting  
Tuesday, October 13, 2015 @ 5:30 p.m. – Work Session - CANCELED  
Tuesday, October 13, 2015 @ 6:00 p.m. – Regular Meeting - CANCELED  
Tuesday, October 20, 2015 @ 4:30 p.m. – Special Meeting  
Tuesday, October 27, 2015 @ 5:00 p.m. – Work Session  
Tuesday, October 27, 2015 @ 6:00 p.m. – Regular Meeting

## **12. FUTURE AGENDA ITEMS**

Councilmember Sheehy requested a future agenda item regarding effluent rates.

## **13. ADJOURN**

Upon motion by Councilmember Barlow and seconded, the meeting adjourned at 8:04 p.m.

CERTIFICATION

I hereby certify that the foregoing is a full and true copy of the Regular Meeting Minutes of the Lake Havasu City Council held on the 22nd day of September, 2015. I further certify that the meeting was duly called and posted, and that a quorum was present.

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Kelly Williams, City Clerk/CMC