



City Council Regular Meeting Minutes - Final

Tuesday, February 14, 2017

6:00 PM

1. CALL TO ORDER

Mayor Nexsen called the meeting to order at 6:10 p.m.

2. INVOCATION: Pastor Lan Blair, Sr., Abundant Grace Church

There was no invocation given.

3. PLEDGE OF ALLEGIANCE

The Mayor led in the Pledge of Allegiance.

4. ROLL CALL

Present: 7 - Mayor Mark S. Nexsen, Councilmember Donna McCoy, Vice Mayor Jeni Coke, Councilmember Cal Sheehy, Councilmember Michele Lin, Councilmember David Lane and Councilmember Gordon Groat

5. CALL TO THE PUBLIC

Ms. Diane Klostermeier addressed the Council and stated some years ago the Patriotic Americans Constitutional Education (PACE) program was started which provides free after school classes for students. She said the City Council, and former Councilmembers Don Callahan and Dean Barlow, have been outstanding in their support and help in what the PACE program is trying to give the students. Ms. Klostermeier stated the PACE program provides an education and knowledge of our history, our founding fathers, the beginning of our constitution and what the contents of the constitution are. She presented a certificate of appreciation to the Mayor and City Council for their commitment and involvement with the program. Ms. Klostermeier read the following into the record: "Certificate of appreciation and recognition for supporting Patriotic Americans Constitutional Education. Awarded to Mayor Mark Nexsen and the Lake Havasu City Councilmembers for guest speaking at events, officiating at student assemblies, hosting City Council tours and education talks, providing grants for PACE classes and education." Ms. Klostermeier stated that Council support has an impact on the students and is something that will last with them the rest of their lives.

Mayor Nexsen thanked Ms. Klostermeier and stated that the Council enjoys being there for the students and it is an honor and a pleasure to help them.

6. CONSENT AGENDA

Groat - payroll deductions.

- 6.1 [ID 17-1069](#) Approve the January 24, 2017, City Council Work Session and Regular Meeting Minutes
- 6.2 [ID 17-1056](#) Adopt Resolution No. 17-3117 Abandoning the Entire 10-foot Public Utility and Drainage Easement Along the Northeasterly Property Line of Tract 2209, Block 1, Lot 3
- 6.3 [ID 17-1053](#) Adopt Resolution No. 17-3118 Approving a Grant Application with the Federal Aviation Administration for Construction and Installation of an Electrical Vault and Emergency Back-Up Generator at the Lake Havasu City Municipal Airport
- 6.4 [ID 17-1064](#) Adopt Resolution No. 17-3119 Approving a Payroll Deduction Agreement with Lake Havasu Unified School District No. 1 to Allow City Employees to Voluntarily Participate in the Extracurricular Activity Fee Program through Payroll Deductions for the 2017 Tax Year
- 6.5 [ID 17-1066](#) Adopt Resolution No. 17-3120 Authorizing the Submission of a Grant Application to the U. S. Department of Justice Office of Justice Programs, National Institute of Justice for a UV/IR Camera and Related Equipment
- 6.6 [ID 17-1070](#) Call for Executive Session Pursuant to A.R.S. § 38-431.03(A) 5:00 p.m. Tuesday, February 28, 2017

Councilmember Groat moved to approve the Consent Agenda as presented, seconded by Councilmember Sheehy, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

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

- 7.1 [ID 17-1052](#) Investment Report at December 31, 2016

Mayor Nexsen noted this was for informational purposes only.

- 7.2 [ID 17-1071](#) 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 17-1068](#) City Manager's Report

City Manager Charlie Cassens reported on the following:

- Havasu Youth Advisory Council (HYAC) traveled to Phoenix on February 2nd to represent Lake Havasu City in the final presentation of the DemocraSeed competition. To date, they are pursuing the creation of a website that will connect the community with its local teachers year-round. HYAC aspires to create an environment where educators from all over will be drawn to Lake Havasu City to make it their home-town. HYAC will present their final presentation to Council at a future date following the completion of the website.
- Code Enforcement update. There are currently 35 open cases.
- Building update.
- The 28th Annual Western Winterblast Event will be held February 16-19, 2017, at the Havasu 95 Speedway at SARA Park.
- The Hangar 24 Grand Opening Event will be held February 25, 2017, at the Lake Havasu City Airport.
- The Havasu Girls Amateur Softball Opening Day Ceremony will be held February 25, 2017, at the Rotary Park Softball Fields.
- The Annual Line Dance on the London Bridge will take place on February 26, 2017.

Councilmember Lin asked if the dog park would remain open during the Pyrotechnic event. Mr. Cassens replied no and explained how the park got the name, Dylan's Dog Park. Councilmember Groat asked if maintenance activities would be taking place during the closure. Mr. Cassens stated that he did not have that information available but would contact Maintenance Services and get back to Councilmember Groat with the answer.

8. PUBLIC HEARINGS

8.1 [ID 17-1054](#) Approve Addendum No. 2 to the License Agreement with Allied Waste Transportation, Inc., for the Collection, Transportation, and Disposal of Solid Waste

City Attorney Kelly Garry stated the current license agreement for the collection, transportation, and disposal of solid waste was entered into in July of 2007 with Allied Waste Transportation, Inc. She said the agreement expires on June 30, 2017, and recently staff underwent a solicitation for proposals and is now in the process of negotiating a new agreement. Ms. Garry stated that without knowing how long the negotiations will take or if any operational changes may be necessary, this addendum will allow sufficient time to

complete the necessary steps without haste. She said this addendum extends the current agreement until December 31, 2017. She noted that the extension will not include commercial, industrial, and some multi-family services as defined by the Arizona Revised Statutes (ARS). She stated the applicable statutory definition of multi-family residential properties differs from traditional planning and zoning definition and in this instance means any real property that has one or more structures and contains five or more dwelling units for rent or lease, are subject to Title 33, Chapter 10. Ms. Garry stated that this extension does not include commercial, industrial and some multi-family services because ARS 49.7.46 prohibits restraining private enterprise from delivering these services. She added that in 2010 the statute was amended to apply to all municipalities and not just those with populations in excess of 60,000 as existed prior to 2010. Ms. Garry stated that the current agreement is considered grandfathered but now that it is going to expire, these license restraints can no longer apply to these services which will be open market as of July 1, 2017. She said staff recommends adoption of the proposed addendum.

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

Vice-Mayor Coke moved to approve addendum No. 2 to the license agreement for the collection, transportation, and Disposal of solid waste with Allied Waste Transportation, Inc., seconded by Councilmember Groat, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

- 8.2** [ID 17-1060](#) Adopt Ordinance No. 17-1171 Approving a Request to Rezone a 40-acre Portion of Planned Development No. 07-00200005 APN 120-03-016 from LI/PD (Light Industrial Planned Development) to LI (Light Industrial District)

Zoning Administrator Stuart Schmeling stated the property at 2205 Victoria Farms Road is generally on the north end of town, just south of the airport and just east of the Havasu RV Park. He said the 40 acre parcel was originally rezoned in 2007 to be what would have been Phase II of the Havasu RV Park. He said the applicant is requesting to have the Planned Development (PD) removed and rezone the parcel back to Light Industrial (LI). Mr. Schmeling stated that the General Plan Land Use Map indicates that the entire area is employment which means the appropriate zoning designation is light or heavy industrial.

Mayor Nexsen stated if he recalled correctly back in the day the owner wanted this

rezoned because they wanted to possibly expand the Havasu RV Park. Mr. Schmeling stated that was correct and added at the time that Phase I was developed, he believed the owners at that time had an option to buy two 40 acre parcels for Phase II and Phase III. Mayor Nexsen stated with light industrial zoning, the more residential you get out into that industrial area really causes some future problems. Mr. Schmeling state that because the RV Park requires a conditional use permit, some concern has been expressed by the residents of the RV Park with zoning in this area.

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

Councilmember McCoy moved to adopt Ordinance No. 17-1171 rezoning APN 120-03-016, from LI/PD (Light Industrial Planned Development) to LI (Light Industrial District), seconded by Councilmember Sheehy, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

8.3 [ID 17-1073](#) Adopt Resolution No. 17-3121 Approving the Intergovernmental Agreement with Mohave County Flood Control District to Facilitate FEMA Cooperating Technical Partners Grant Funding Management

Community Investment Director Greg Froslic stated this agreement with the Mohave County Flood Control District will allow the City to take advantage of some funding that is made available through the Federal Emergency Management Agency (FEMA). He said the project is proposed to be a modeling effort, remodeling the City's upper watershed. Mr. Froslic stated there are a series of protection dikes that were built in the 1960's by the Army Corp of Engineers that captures and diverts stormwater runoff from the mountains to the washes that travels through the city and ultimately discharges to the Colorado River. He said this project will use FLO-2D modeling software which is an updated version of the software that was originally used in the 2008 Drainage Master Planning effort for flow volumes and scour depths. He said that staff is anticipating that the results of this new effort will show less impact and staff can also use these new flow volumes and flow rates to confirm the Capital Improvement Plan (CIP) that was identified in the 2008 Drainage Master Plan and quite possibly might result in re-prioritizing some of the projects. Mr. Froslic stated that it will also allow staff to evaluate the dikes themselves to see if they are in need of any maintenance which has not been done in ten years. Mr. Froslic said the fiscal impact for the total project is \$250,000 and the City's portion would be a FEMA required 25 percent match which equals \$62,500 and the Mohave County Flood Control District requires a five percent administrative fee of \$12,500 so the total fiscal impact to Lake Havasu City is \$75,000. He added that money is available and is

budgeted for this project.

Councilmember Groat asked where the dikes are located, to which Mr. Froslic explained that they are along the north end and east side of the city limits. He added that one of the concerns is that motorcycles and ATV's travel on the roads that go over the dikes and it is creating low points which could impact stormwater runoff.

Councilmember Sheehy stated that it looks as if the County is administering the grant but wondered if City staff would be managing the work. Mr. Froslic explained that the scope of work was negotiated based on city needs but the County administers the grant and also meets with staff regularly for an update on the progress of the project.

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

Councilmember Groat moved to adopt Resolution No. 17-3121 approving the Intergovernmental Agreement with the Mohave County Flood Control District for FEMA Cooperating Partners grant funding management, seconded by Councilmember McCoy, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

8.4 [ID 17-1072](#) Award Agreement for Engineering Services for Landfill Support to CH2M Hill Engineers, Inc.

Mr. Froslic stated that the Lake Havasu City landfill has been in operation since 1971 and has been under the City's control since 1982. He said the current operator is Republic Services and that the contract was entered into in July of 2012 and is set to expire June 30, 2017. Mr. Froslic stated that the City has never gone through a public solicitation for proposals on the operation of the landfill so staff has decided to go through that process. He said in addition to that, the landfill is approaching the end of its useful life. Mr. Froslic stated he toured the landfill with the operations superintendent who anticipated that we have approximately 8 more years at our current landfill. He added recently, he and the City Manager met with the general manager of the landfill and he estimated that there is a little more than ten years left of capacity in our landfill. Mr. Froslic stated at the same meeting, he was notified of the New Source Performance Standards which contractually obligates the operator of the landfill to keep the city from crossing a certain threshold with volume and capacity at the landfill. He said if the city crosses that threshold that triggers more regulations and requires methane gas monitoring systems which are anticipated to cost approximately \$1 million, plus six figures annually to operate. Mr. Froslic stated their recommendation to the city, to meet their contractual

obligation and keep from crossing that threshold, was to reduce the volume of the landfill. He said in their minds it is a simple permit modification but what it does is it reduces the useful life of the landfill by as much as 5 years. Mr. Froslic stated that solicitations need to occur to see if there are other operators other than Republic Services to operate the landfill. He said in light of that, staff has negotiated a contract with CH2M Hill who are experts in landfills and will review all of the historical data to determine what is important to the City. He added they will determine exactly what the remaining useful life of our landfill is by completing a detailed capacity analysis and from that analysis, they will provide the city with recommendations moving forward.

Mayor Nexsen stated to confirm his understanding they will also look for other sites as part of this agreement. Mr. Froslic stated that they will look for all recommendations for solid waste management once this landfill reaches capacity which would include another site. Mayor Nexsen stated he assumed if the landfill were to be located at another site, the city would have to negotiate with the Bureau of Land Management. Ms. Garry stated that would depend on whether they can identify another site if that is even necessary. She added that there are some other possibilities that staff will be exploring through the process but staff is not prepared to talk about those possibilities until further information is gathered. Mayor Nexsen added if the useful life of the landfill is ten years, the city should start looking for another site. Ms. Garry stated that is why staff was initiating the process right now to get all of the facts and get on a path in the right direction.

Councilmember Lin asked how long the study would take, to which Mr. Froslic stated he believed it to be six months. Ms. Garry stated that staff would come back at the next meeting with another addendum to the CH2M Hill contract which would extend it one year to allow staff the time to complete the evaluation.

Councilmember Sheehy stated that CH2M Hill Engineers has been doing a lot of things for the City and wondered if they were experts in landfills. Mr. Froslic stated that CH2M Hill is a worldwide consulting firm with an entire section dedicated to landfills.

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

Councilmember Groat stated that Mr. Froslic had mentioned a set of regulations that are relatively new to us that could change the time frame from ten to five years and asked Mr. Froslic to review his previous statement. Mr. Froslic stated there is a clause in the contract that refers to New Source Performance Standards that is related to compaction and the amount of waste versus the volume you have left in the landfill. He said at a certain threshold the State Department of Environmental Quality requires you to start methane gas monitoring so the city would have to install that system. He added that the Republic Services contract states, at their expense, they are required to monitor the

landfill so that the city never crosses that threshold. Mr. Froslic stated because of the impact with shrinking that volume, one of the analysis is going to have to be the cost benefit to expending the money on the gas methane system. He said if the city can expand the capacity by doing that, it may be less expensive than a new landfill. Ms. Garry noted that the current landfill is a Section D landfill which means it is exempt from a lot of the requirements of a new landfill. She added that if the city were to create a new landfill, there is a host of regulations and requirements, so it is important to note the cost difference in our current landfill versus creating a new landfill.

Councilmember Lane moved to award the agreement for engineering services for landfill support to CH2M Hill Engineers, Inc., seconded by Vice Mayor Coke, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

8.5 [ID 17-1065](#) Award Bid for Building New Server Room to Durham Construction Inc. and Approve Use of Contingency Funds in the Amount of \$505,675

Administrative Services Director Tabatha Miller stated staff was requesting two items; approve the request to use \$505,675 in contingency funds and award of a bid for construction of a server room to Durham Construction, Inc. She said one of the reasons staff is requesting use of the contingency funds is because the project was not anticipated when the budget was developed last year. She said the server room has been in the works but was not a critical need until recently. Ms. Miller reviewed the Contingency Fund for Council.

Ms. Miller stated installing the Motorola servers in the server room is the final piece of the Motorola Radio Public Safety Improvement Project that was discussed last May. She said the server room is housed at the Police Department because it is secure and the building is set up on a generator for redundancy. She said the servers were much larger than anticipated and one of the requirements was a new uninterrupted power source (UPS). She said the current electrical source would not support the additional backup power sources and the cooling system in the server room would not support the new servers and the new UPS. Ms. Miller stated that staff had looked at creating a temporary server room while upgrading the current server room but added, the ongoing issue with the existing server room is that the fire suppression system is water based. She said Chief Doyle offered his current training room which is double the size of the current existing server room where the floor could be raised creating better circulation, the air conditioning would be improved, and there is ample room to protect the City's \$15 million plus in assets.

Councilmember Sheehy stated that Ms. Miller did a great job of presenting and explaining why the new server room is needed. He added, from his perspective, it is a common sense thing that we need to do today. Mayor Nexsen stated that he agreed with Councilmember Sheehy.

Mr. Cassens reviewed the contingency fund background and stated this project could have been completed by moving it to the CIP and taking something off the schedule to complete the project. He added that he felt this project was an appropriate use for contingency dollars and that would also allow the CIP to move forward to complete those projects.

Councilmember Groat stated to make the observation of being able to rescue \$15 million worth of equipment from living underneath sprinkler systems is a remarkably good idea and extended his appreciation to Chief Doyle for making this space available. He added the Police Department is the logical place for the server room because of the redundancy of backup systems.

Councilmember Lane asked if all of the city servers would be in the proposed new server room, to which Ms. Miller stated she believed all of the IT servers would be in that room and be protected, so they will be secure and locked in the Police facility. She added the servers would no longer have fire sprinklers above them and they will have all of the proper ventilation, backup power and electricity. Councilmember Lane asked if the air conditioning was to keep the servers cool, to which Ms. Miller stated absolutely and added the real high cost items in the bid packet are the air conditioning, the fire suppression system, and the electrical upgrade.

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

Councilmember Groat moved to award the bid for building a new server room to Durham Construction Inc. and approve use of contingency funds in the amount of \$505,675, seconded by Councilmember Lane, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

- 8.6** [ID 17-1061](#) Ratify City Manager's Execution of Change Order No.1 to the Contract for the Island Treatment Plant Influent Screens Piping Replacement/Installation with Tri-Suns Engineering, Inc.

Wastewater Utility Supervisor Mike Slettebo addressed the Council and stated while staff was working on the headworks, they discovered heavy deterioration and determined that

they needed to add a valve to assist staff in isolating the screens for safety reasons.

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

Councilmember Sheehy moved to ratify the City Manager's execution of Change Order No. 1 to the contract for the Island Treatment Plant Influent Screens Piping replacement/installation with Tri-Suns Engineering, Inc., seconded by Councilmember McCoy, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lin, Councilmember Lane and Councilmember Groat

9. CURRENT EVENTS

There were no council committee reports.

10. FUTURE MEETINGS

Tuesday, February 28, 2017 @ 6:00 p.m. – Regular Meeting

Tuesday, March 14, 2017 @ 6:00 p.m. – Regular Meeting

11. FUTURE AGENDA ITEMS

There were no requests for future agenda items.

12. ADJOURN

Upon motion by Councilmember McCoy and seconded, the meeting adjourned at 6:59 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 14th day of February, 2017. I further certify that the meeting was duly called and posted, and that a quorum was present.

Kelly Williams, City Clerk/CMC

Prepared By:

Sacia Graber, City Clerk Assistant/CMC