



City Council Regular Meeting Minutes - Final

Tuesday, May 23, 2017

6:00 PM

1. CALL TO ORDER

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

2. INVOCATION: Mr. Farron Eckelbarger, Advanced Ministries

Mr. Farron Eckelbarger with Advanced Ministries gave the invocation.

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

There were no requests to address the Council.

6. CONSENT AGENDA

- 6.1 [ID 17-1208](#) Approve the May 4, 2017, City Council Budget Overview Work Session and May 9, 2017, City Council Work Session and Regular Meeting Minutes
- 6.2 [ID 17-1177](#) Adopt Resolution No. 17-3132 Approving and Authorizing the City Manager to Execute an Intergovernmental Agreement with the Lake Havasu Unified School District No. 1 for District Events Performed in Conjunction with the City During 2017-22
- 6.3 [ID 17-1165](#) Adopt Resolution No. 17-3128 Ratifying the Submission of a Grant Application to the Arizona Department of Emergency and Military Affairs for a State Emergency Council-Mitigation Opportunity for the Stabilization of Washes and Implementation of the Activities Funded - Hillsdale Drain 5

- 6.4 [ID 17-1179](#) Adopt Resolution No. 17-3129 Abandoning the Entire 20-Foot by 130.61-Foot Public Utility and Drainage Easement Along the Common Property Line of Tract 109, Block 1, Lot 11 and Lot A-2
- 6.5 [ID 17-1180](#) Adopt Resolution No. 17-3130 Abandoning the Westerly 3.5-Foot by 109.79-Foot Portion of the 10-Foot by 117.78-Foot Public Utility and Drainage Easement Along the Eastern Property Line of Tract 2229, Block 3, Lot 27
- 6.6 [ID 17-1181](#) Adopt Resolution No. 17-3131 Abandoning the Condominium Plat Entitled 2730 Condominiums and Reverting the Property Back to the Original Tract 121, Block 11, Lot 1
- 6.7 [ID 17-1178](#) Adopt Resolution No. 17-3144 Abandoning the Northeasterly 10-Foot by 20-Foot Portion of the 10-Foot by 50-Foot Public Utility and Drainage Easement Along the Southern Property Line of Tract 2223, Block 7, Lot 9
- 6.8 [ID 17-1196](#) Approval of a Final Subdivision Plat for Tract 2384 in Havasu Foothills Estates to Include the Completion of Phase I Cherry Tree Boulevard Extension and Commercial Lots 1 and 2
- 6.9 [ID 17-1207](#) Call for Executive Session Pursuant to A.R.S. § 38-431.03(A) 5:00 p.m. Tuesday, June 13, 2017

Vice Mayor Coke moved to approve the Consent Agenda as presented, 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

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

- 7.1 [ID 17-1186](#) FY 2016-2017 3rd Quarter Grant Agency and Contracted Service Agency Reports

Mayor Nexsen noted this was for informational purposes only.

- 7.2 [ID 17-1209](#) Announce Vacancies on Lake Havasu City Boards, Committees, and Commissions

City Clerk Assistant Sacia Graber announced the current vacancies and upcoming vacancies on various Lake Havasu City Boards, Committees, and Commissions.

7.3 [ID 17-1210](#) City Manager's Report

City Manager Charlie Cassens reported on the following:

- Code Enforcement Updates. There are currently 49 open cases.
- Building Permit Updates
- City Offices will be closed on Monday, May 29, 2017, in observance of Memorial Day.
- Two Havasu Youth Advisory Council seniors, Stephanie Nelson and Garrett McNerney, will be graduating this Thursday. Stephanie has served on the youth council for three years and Garret has served for two years and most recently served on the Parks and Recreation Advisory Board as a student representative. They also served as members on the Vision 20/20 team and were a part of the success of the American's Best Communities contest. We are very proud of Stephanie and Garrett and are thankful for their service to this community, and wish them both well in their future endeavors.
- Special Events:
 - o Saturday, June 10, 2017, Tunnel and Friends Boat Regatta at Rotary Park from 9:00 a.m. to 8:00 p.m.
 - o Saturday, June 17, 2017, Ultra-Fest Boat Regatta at Rotary Park from 9:00 a.m. to 9:00 p.m.

Mayor Nexsen added a Memorial Service will be held at 10:00 a.m., on Monday, May 29, 2017, at Lake Havasu Memorial Gardens.

8. PUBLIC HEARINGS**8.1** [ID 17-1187](#) Introduce Ordinance No. 17-1178 Amending City Code Chapter 5.12, Alcoholic Beverage License, To Delegate Approval for Special Event, Fair/Festival, and Extension of Premise Liquor Licenses to Reduce Processing Time

City Attorney Kelly Garry stated the City had received a request from the Arizona Department of Liquor Licensing and Control requesting help in decreasing the processing time for certain liquor licenses, especially for special events, fair/festival, and extension of premise liquor licenses. She said staff drafted a process which delegates approval for those specific licenses to the City Manager or his designee.

Councilmember Groat asked if that would be delegated strictly to the City Manager. Ms. Garry stated the City Manager could delegate the responsibility to a designee.

Mayor Nexsen said if the City Manager would deny an event, he assumed there would be an appeal process to Council. Ms. Garry replied that the appeal process would be to Council.

Councilmember Lin stated she was uncomfortable with this because a few years back, Mohave County (County) was having an accountability issue whether non-profit organizations were actually receiving the funds. She said that she does understand that it may make things easier but stated she was not comfortable with this and thought the Council needed more information as to why the County decided not to change the approval process. Ms. Garry stated she was not familiar with what the County is doing but said a lot of cities across the state have already adopted a similar process. She stated this is only relative to special events that occur within Lake Havasu City and instead of going before Council for approval it would be processed internally through staff. Ms. Garry stated the City does not receive any fair/festival licenses at this time but extension of premises applications are currently handled internally. She added she would bring that information back to Council.

Councilmember Groat stated it would be great to have additional information but wondered if there had been any liquor licenses that were not granted because it took too long. Ms. Garry stated, specific to special events, the Council recommends or does not recommend approval to the State. She added she was not aware of any instance where that has occurred but stated there have been instances where staff has had to scramble to get it on an agenda or had to hold a special meeting to get it approved in order for an event to occur. Ms. Garry stated it would be a benefit to those who apply for the special event liquor licenses not having to wait the additional time for a City Council meeting but said if the Council prefers to keep it the way they are currently processed, that is fine but it does add a couple of weeks to the processing time.

Councilmember Sheehy stated it is important to note that the Arizona Department of Liquor License and Control is asking for this request based on the mission for government to move up the speed of business. He said it does not have anything to do with the County or what other agencies are doing. Councilmember Sheehy stated with regard to special event liquor license requirements, a percentage of the proceeds need to go to a non-profit organizations which is managed at the state level, not at the City level. He said in a festival and event driven economy like we have in Lake Havasu City, from his perspective, this is a great win to really assist the event organizers.

Councilmember Lin stated she was not disagreeing with Councilmember Sheehy but said she would like to know what the reasons were that the County decided not to change their process. She stated because the City works closely with the County on some of the events and where they are located, such as Rockabilly, even though they are not on City property it still affects our City. Mayor Nexsen stated he was not aware that the City works with the County at all regarding special events. Councilmember Lin said she was not saying that the City works directly with the County but some of the events like Rockabilly are

granted final approval by the Mohave County Board of Supervisors.

Mayor Nexsen stated the only change is instead of waiting for a Council meeting it would go to the City Manager for approval and with a denial they still have an opportunity to bring it back to the Council. He said he agrees with Councilmember Sheehy that the special event approval process would allow the non-profit organizations to get approval quicker. Mayor Nexsen stated that there have been several times in the past, for whatever reason, they did not submit their application on time, and staff has had to scramble to get it approved. He said he does like to go with the speed of business as opposed to the speed of government.

Mayor Nexsen opened the public hearing.

Mr. Chuck Vaughn addressed the Council and stated that he thought this would streamline the situation and if it is denied, they still have enough time to appeal it to the City Council.

Ms. Frankie Lyons addressed the Council and expressed concern with the accountability on making sure that the proceeds go to the non-profit organizations and wondered who monitors or follows-up on that.

Mayor Nexsen stated that he did not believe this would change the process whatsoever. Ms. Garry stated that was correct and added it is just recommending approval or disapproval and the application is sent back to the state and they are ultimately responsible for the approval and the oversight. In response to Mayor Nexsen's question, Ms. Garry stated staff would bring information back to Council as to who is responsible in making sure that the non-profit organizations receive their proceeds. Councilmember Lin stated it was her understanding that information has to be brought back to the County to show that 25 percent of the proceeds have gone to the non-profit organization.

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

Councilmember Sheehy stated for a point of clarification this is an introduction of an ordinance and the questions that were asked today will be answered prior to adoption of the ordinance at the next meeting.

Councilmember Groat stated he agreed with Councilmember Sheehy's point that we should move at the speed of business and not at the speed of government but said at the same time, he would like to have the information back as to what the relative reasons were that were raised by the County. He said in terms of making the verification that the non-profit organizations are actually receiving that 25 percent they are entitled to and it is

important that they are treated well. Councilmember Groat stated he could see his way through a successful reading contingent on receiving additional information otherwise he would ask for a subsidiary motion to table this item.

Councilmember Sheehy moved to introduce Ordinance No. 17-1178 amending Lake Havasu City Code Chapter 5.12, Alcoholic Beverage License, to delegate approval for special event, fair/festival, and extension of premise liquor licenses to reduce processing time, seconded by Councilmember Lane, and carried by the following vote:

Aye: 6 - Mayor Nexsen, Councilmember McCoy, Vice Mayor Coke, Councilmember Sheehy, Councilmember Lane and Councilmember Groat

Nay: 1 - Councilmember Lin

8.2 [ID 17-1163](#) Adopt Ordinance No. 17-1177 Amending Lake Havasu City Code Section 2.62.020, Employee Groups, to Amend Eligible Position Classifications

Ms. Garry stated this item was introduced at the previous Council meeting and removes the duplication of different positions that are eligible through the Memorandum of Understanding (MOU) process in the City Code and the Operating Policies and Procedures (OPP's) of the City.

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

Councilmember Lane moved to adopt Ordinance No. 17-1177 amending City Code Section 2.62.020 Employee Groups, to amend eligible position classifications, 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

8.3 [ID 17-1172](#) Discussion and possible action, if necessary, to comply with Arizona Open Meeting Law following the executive session regarding:

A) Annual Evaluation of City Manager

Possible actions include, but are not limited to, finding of satisfactory or unsatisfactory performance, salary adjustment, or any direction or action necessary to place an item on a future agenda relating to the City Manager's evaluation, salary adjustment, or employment agreement.

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

hearing.

Vice Mayor Coke said based on the favorable evaluation conducted today and in light of his desire to retire December 29, 2017, she moved to direct staff to prepare an employment contract addendum as discussed in Executive Session, to be considered at the next City Council meeting, 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

- 8.4** [ID 17-1174](#) Discussion and possible action, if necessary, to comply with Arizona Open Meeting Law following the executive session noticed above regarding:

A) Annual Evaluation of City Magistrate

Possible actions include, but are not limited to, finding of satisfactory or unsatisfactory performance, salary adjustment, or any direction or action necessary to place an item on a future agenda relating to the City Magistrate's evaluation, salary adjustment, or employment agreement.

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

Vice Mayor Coke said based on the favorable evaluation conducted today, she moved to direct staff to prepare an employment contract as discussed in Executive Session, to be considered at the next City Council meeting, 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

- 8.5** [ID 17-1173](#) Discussion and possible action, if necessary, to comply with Arizona Open Meeting Law following the executive session noticed above regarding:

A) Annual Evaluation of City Attorney

Possible actions include, but are not limited to, finding of satisfactory or unsatisfactory performance, salary adjustment, or any direction or action necessary to place an item on a future agenda relating to the City Attorney's evaluation, salary adjustment, or employment agreement.

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

hearing.

Councilmember Sheehy noted the contracts will be brought back to the Council at the next meeting.

Vice Mayor Coke said based on the favorable evaluation conducted today, she moved to direct staff to prepare an employment contract as discussed in Executive Session, to be considered at the next City Council meeting, 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 17-1194](#) Adopt Ordinance No. 17-1179 Approving a Request to Amend Planned Development No. 07-00200001, Havasu Foothills Estates, to Rezone the Four Commercial Parcels at the Intersection of Cherry Tree Boulevard and Foothills Avenue from C-1/PD (Limited Commercial Planned Development) and MU-N (Mixed Use Neighborhood) to MU-G (Mixed Use General) and Rezone the 4.12 Acre Parcel "M" from C-1 (Limited Commercial) to RE (Residential Estates)

Zoning Administrator Stuart Schmeling advised that Havasu Foothills Estates is located in the eastern end of the community. He said the current General Development Plan for this area is MU-N all the way to the intersection of Cherry Tree Boulevard and Havasu Foothills. Mr. Schmeling stated a C-1 parcel and a C-1/PD parcel are the last remaining commercial parcels from Phase I.

Mr. Schmeling stated the developer's request includes five lots:

- A four-acre parcel with a cul-de-sac that will go from C-1 to RE
- Two corner lots associated with Phase II that will go from MU-N to MU-G
- Two commercial lots from Phase I that will go from C-1/PD to MU-G

Mr. Schmeling stated the rezoning is supported by all of the policies within the General Plan and the General Plan Map. He said the proposed new zoning designations, if approved, will have MU-G at all four corners of the intersection and the four-acre parcel will be rezoned to RE.

Mayor Nexsen asked Mr. Schmeling to review what can be built in a MU-G zone. Mr. Schmeling stated when the new zoning code and zoning map were adopted in 2016 one thing staff did not account for or overlooked was that RE was not allowed in a MU-G designation. He said when the developer came before Council in 2016 for Phase II, they determined it would be more appropriate to revert that back to RE and integrate it back

into the neighborhood. Mr. Schmeling stated at that time they noticed there were two left over parcels from Phase I that had a C-1/PD designation which is a standard typical retail commercial application. He said their intent is to have those four corners all developed uniformly. Mr. Schmeling stated one of the differences between MU-G and MU-N is that MU-N allows a 25-foot building height and MU-G allows a 30-foot building height. He said RE allows a 30-foot building height so there will be more continuity between commercial and residential.

Mr. Schmeling stated there are approximately ten uses allowed in MU-G that are not allowed in a MU-N zone which includes clubs, lodges, private meeting halls, golf course, public safety facilities, bars and night clubs, hotel/motel conference facilities, research and development labs, theatres, auditoriums, self-storage, convenience stores with fuel sales, general large retail, car wash, and light vehicle sales and rentals. He said the reason for that is several of those uses typically take up larger lots and have a different impact on a smaller neighborhood than they would on a major intersection. Mayor Nexsen asked if the developer has expressed any intentions at this point, to which Mr. Schmeling replied no.

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

Vice Mayor Coke moved to adopt Ordinance No. 17-1179 amending the zoning classification and district Boundary for Tract 2384, Lots 1 and 2, from C-1/PD (Limited Commercial Development) to MU-G (Mixed Use General), and Tract 2392, Parcels "C" and "D," from MU-N (Mixed Use Neighborhood) to MU-G (Mixed Use General), and Tract 2392, Parcel "M," from C-1 (Limited Commercial) to RE (Residential Estates) in the Havasu Foothills Estates Development, 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

8.7 [ID 17-1193](#) Award Bid for Janitorial Services for Various Facilities on a Requirements Basis to Done Right Cleaning Resources

Maintenance Services Division Manager Mark Clark stated the item before Council is for janitorial service at City Hall, the Aquatic Center, and the main Maintenance Yard. He said this has been done privately for approximately five years and is much more cost effective than to have our own janitorial staff.

Councilmember Lane asked if the City is currently using Done Right Cleaning Resources. Mr. Clark explained they had the bid several years ago but the contract has been

alternating back and forth over the last several years. Councilmember Lane asked during the time they had the contract if there were any issues, to which Mr. Clark replied no.

Mayor Nexsen opened the public hearing.

Mr. Roger Gaumond with Advanced Janitorial Services in Kingman addressed the Council and stated that the Mayor had questioned Procurement Official Lynette Singleton why this was an all or nothing bid and why each building could not be bid out individually.

Ms. Garry stated that question arose and was discussed amongst staff and that was not how the item was bid. She stated no questions arose at the meeting so unless there were any other questions, that concludes this issue. Ms. Garry explained it was all or nothing, a complete package.

Mr. Ken Vicker with Done Right Cleaning Services asked for clarification if it was an all or nothing bid or if it could be divided up. Ms. Garry stated the information that she had received from staff was it is an all or nothing bid. Mr. Cassens added it was not the intention to break out any individual item and was a single award for all of it. Mr. Clark stated that it has always been bid out as all or nothing. He added it was not broken out with the intention of being able to pick and choose but was broken out if questions arose at a particular location or if staff wanted to change what was happening at a different building. Mr. Clark stated it was also broken out to quantify as part of our priority based budgeting what the cost of janitorial services are at each of the areas. He said that has always been the intention and that is how staff has always bid and awarded the work.

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

Councilmember Lane moved to award the bid for janitorial services for various facilities on a requirements basis to Done Right Cleaning Resources, Inc., of Lake Havasu City, Arizona, for a three year term with the option to extend the contract for two additional one year terms, 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

8.8 [ID 17-1189](#) Approve Expenditure Over \$50,000 for Concrete Repair and Construction To Kelm Concrete Inc. for FY 2016-17

Mr. Clark stated that the City Code requires staff to notify the Council when they have expended over \$50,000. He said this year staff has completed more concrete repairs as

well as some sidewalk improvements.

Councilmember Sheehy pointed out that they are not over budget but are spending over \$50,000 with Kelm Concrete. Mr. Clark stated that was correct and added the expenditure for concrete work is typically \$75,000 to \$100,000 per year.

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

Vice Mayor Coke moved to approve the expenditure over \$50,000 for concrete repair and construction to Kelm Concrete Inc. for FY 2016-17, 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

9. CURRENT EVENTS

There were no council committee reports.

10. CALL TO THE PUBLIC

There were no requests to address the Council.

11. FUTURE MEETINGS

Tuesday, June 13, 2017 @ 6:00 p.m. – Regular Meeting & Tentative Budget & CIP Adoption

Tuesday, June 27, 2017 @ 6:00 p.m. – Regular Meeting & Final Budget Adoption

12. FUTURE AGENDA ITEMS

There were no requests for future agenda items.

13. ADJOURN

Upon motion by Vice Mayor Coke and seconded, the meeting adjourned at 6:47 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 23rd day of May, 2017. I further certify that the meeting was duly called and posted, and that a quorum was present.

Sacia Graber, City Clerk Assistant/CMC