

Mayor Mark S. Nexsen  
Vice Mayor Jeni Coke  
Councilmember Gordon Groat  
Councilmember David Lane  
Councilmember Michele Lin  
Councilmember Donna McCoy  
Councilmember Cal Sheehy



Lake Havasu City  
Police Facility  
2360 McCulloch Blvd North  
Lake Havasu City, Arizona  
86403  
www.lhcaz.gov

## City Council Regular Meeting Minutes - Final

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Tuesday, September 26, 2017

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: Chaplain Bea Evans, City On A Hill International Church

Chaplain Bea Evans with City On A Hill International Church gave the invocation.

### 3. PLEDGE OF ALLEGIANCE

The Mayor led in the Pledge of Allegiance.

### 4. ROLL CALL

**Present:** 5 - Councilmember Donna McCoy, Vice Mayor Jeni Coke, Councilmember Michele Lin, Councilmember David Lane and Councilmember Gordon Groat

**Absent:** 2 - Mayor Mark S. Nexsen and Councilmember Cal Sheehy

### 5. CALL TO THE PUBLIC

There were no requests to address the Council.

### 6. CONSENT AGENDA

6.1 [ID 17-1366](#) Approve the September 12, 2017, City Council Regular Meeting Minutes

6.2 [ID 17-1368](#) Adopt Resolution No. 17-3172 Authorizing the Police Chief to Execute a Program-Funded State and Local Task Force Agreement with the Drug Enforcement Administration for the DEA Phoenix Task Force

6.3 [ID 17-1362](#) Approve Small Enterprise Agreement for City-Wide Geographic Information System with Environmental Systems Research Institute, Inc.

6.4 [ID 17-1367](#) Call for Executive Session Pursuant to A.R.S. § 38-431.03(A) 5:00 p.m. Tuesday, October 10, 2017

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

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

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

### **7.1 [ID 17-1354](#) FY 2016-2017 4th Quarter Grant Agency and Contracted Service Agency Reports**

Vice Mayor Coke advised that this item was for informational purposes only.

### **7.2 [ID 17-1364](#) 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 17-1365](#) City Manager's Report**

City Manager Charlie Cassens reported on the following:

- Arizona State Parks and Trails today won the Gold Medal for best managed state park system in the nation from the National Recreation and Park Association (NRPA). The award was announced this morning during the national NRPA conference in New Orleans, Louisiana. Over the last two years, Arizona State Parks and Trails has established a self-sufficient funding structure, achieved record visitation and revenue and implemented a plan to reinvest in the system and create new parks.
- Code Enforcement Updates. There are currently 59 open cases.
- Building Permit Updates.
- Celebrate + Learn + Participate will be held on September 29, 2017, from 6:30 p.m. to 8:30 p.m. at the Downtown Catalyst Project site on McCulloch Boulevard and Querio Drive to celebrate, learn and participate in the successes of the Vision 20/20 plan in the America's Best Communities competition.
- National Public Lands Day will be held on September 30, 2017 at the SARA Park Trailhead.
- Special Events:
  - o IJSBA World Finals – October 1-8, 2017 at Crazy Horse Campground
  - o Concerts in the Park – October 3, 13, 20 & 27, 2017, at London Bridge Beach from 5:00 p.m. to 10:00 p.m.
  - o The 9th Annual Great Pineapple Race – October 5, 2017, at London Bridge Beach from 5:00 p.m. to 7:00 p.m.
  - o Breast Cancer Awareness Walk – October 7, 2017 at the Aquatic Center from 8:00 a.m. to 10:00 a.m.

- o IJSBA World Finals PWC Freestyle Event – October 7, 2017 in the Bridgewater Channel from 5:00 p.m. to 10:00 p.m.

## 8. PUBLIC HEARINGS

### 8.1 [ID 17-1352](#) Series #12 Liquor License, El Paraiso Family Mexican Restaurant/Cisneros Jimenez

Ms. Williams advised that Maribel Cisneros Jimenez has applied for a Series #12 Restaurant Liquor License for El Paraiso Family Mexican Restaurant, located at 440 El Camino Way. Ms. Williams said all posting requirements have been met, all fees have been paid, and no objections were received. She further advised that the location is properly zoned for a liquor license.

Vice Mayor Coke opened the public hearing. There being no comments, she closed the public hearing.

**Councilmember McCoy moved to recommend that the Arizona Department of Liquor Licenses & Control approve a Series #12 liquor license for El Paraiso Family Mexican Restaurant, 440 El Camino Way, seconded by Councilmember Lane, and carried by the following vote:**

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

### 8.2 [ID 17-1363](#) Class “A” Bingo License Transfer of Location for Havasu Masonic Lodge No. 64

Ms. Williams advised that the item before the Council is a transfer of location of a Class “A” Bingo License for the Havasu Masonic Lodge No. 64. She said this license was approved by the Council in 2014, and the applicant is requesting to transfer the license from 186 London Bridge Road (Knights of Columbus) to 271 Lake Havasu Avenue South (Quality Inn & Suites). Ms. Williams stated that no objections were received.

Vice Mayor Coke opened the public hearing. There being no comments, she closed the public hearing.

**Councilmember Lane moved to recommend that the Arizona Department of Revenue approve a Class “A” Bingo License Transfer of location for the Havasu Masonic Lodge No. 64 from 186 London Bridge Road to 271 Lake Havasu Avenue South, seconded by Councilmember Lin, and carried by the following vote:**

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

**8.3**     [ID 17-1338](#)     Adopt Ordinance No. 17-1186 Amending Lake Havasu City Code Chapter 8.26, Fireworks, to Conform to State Statutes

Fire Chief Brian Davis advised that this ordinance was introduced at the last meeting and is before the Council for final adoption. He explained that the ordinance is a housekeeping item to conform to Arizona State Statutes and said the only notable changes are the dates that permissible consumer fireworks are allowed, extending the dates from June 24th through July 6th and December 24th through January 3rd each year. Chief Davis said the City will be placing this information on the website to assist citizens with the date changes.

In response to Councilmember Lane's question, Chief Davis explained that the change is required to conform to state statutes to include expanding the allowable dates for consumer permissible fireworks.

Vice Mayor Coke opened the public hearing. There being no comments, she closed the public hearing.

**Councilmember McCoy moved to adopt Ordinance No. 17-1186 amending Lake Havasu City Code Chapter 8.26, Fireworks, to conform to state statutes, seconded by Councilmember Groat, and carried by the following vote:**

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

**8.4**     [ID 17-1369](#)     Adopt Resolution No. 17-3175 Opposing the Proposed Transfers of Colorado River Water to the Central Arizona Water Conservation District from the Town of Quartzsite and Lands Situated in the Mohave Valley Irrigation and Drainage District

City Attorney Kelly Garry advised that this item was requested by Councilmember Groat at the last council meeting. She added that the Mohave County Water Authority (MCWA) also asked its members to adopt ordinances of this nature and said the MCWA and Mohave County have ready adopted similar resolutions which will be presented to the Central Arizona Water Conservation District Boards meeting in October.

Water Resources Coordinator Dr. Doyle Wilson said the Central Arizona Water Conservation District, which is part of the Central Arizona Project Group (CAP), is looking for water allocations from the Colorado River. He added that the City has been fairly stable over the last 20 years because of the agreements between the Central Arizona On-River Use and the Bureau of Reclamation (BOR); however, things are changing. He

said there are a couple of investment companies in the Mohave Valley Irrigation and Drainage District that are not just farmers but also invest in the selling of water. Dr. Wilson said the CAP has been in negotiations and held a meeting earlier this month and decided to defer it until their October 5th meeting and added that the Mohave Valley Irrigation and Drainage District will be voting on this on October 3rd. Dr. Wilson explained that approximately 11,000 acre feet of Priority 4 water and 2,000 acre feet of Priority 1 water is at stake. He stated that according to the MCWA Attorney, it would take an act of congress to move Priority 1 water off the river; however, the CAP has different opinions. Dr. Wilson said the Town of Quartzsite has agreed with CAP to lease 1,000 acre feet of their Priority 4 water, which essentially takes it off the river. He said he also learned that the CAP is talking, along with the Salt River Project, with the Colorado River Indian Tribes (CRIT) who has Priority 2 water. He said Priority 2 water is equal to Priority 1 water, and would move tens of thousands of acres of water off the river in lease agreements. Dr. Wilson said the Governor, State and Congressional Delegates, and the BOR have been involved, and added that, as of today, it is not legal for the Indian tribes to lease water to non-Indian entities especially off the river because it takes an act of congress to approve that.

Dr. Wilson said the political machine is moving and with all the players involved we need to pay attention, because this is a precedent setting that can threaten future water interactions. He said if we do not use all of our water allocation in the future, they may target our allocation; however, if the political machine is so strong for the Indian tribe transaction we might be able to piggyback and reserve some excess water from the CRIT, even at a high price, because it would protect us from long term shortage in the future. Dr. Wilson noted that these are all brand new developments and approving this resolution helps move us in the right direction.

Councilmember Groat asked if learning how to more accurately measure groundwater (subsurface water) would possibly start a spark to make subsurface water rights more aggressive anywhere in the state, to which Dr. Wilson said we have very limited supplies and are wholly dependent on the Colorado River at this point. He said what this is all about is the CAP reaching out and making a sweeping grade at river water.

Councilmember Groat said when looking at the GRACE Mission, which shows that we have lost over 2 ½ times the volume of water in Lake Mead in a nine year period, and the research does not require other municipalities, states, or other entities to report it because we are able to obtain it from satellite, now is the first time that we have actually been able to look at subsurface water and realize that we have a crisis. He said there are organizations that are basically selling water rights and using unregulated, unreported water because they can drill down freely and access all the water they want. Councilmember Groat questioned whether the conversation will become harder when everyone is able to talk openly and honestly about groundwater supplies. Dr. Wilson said that has been a

problem for a long time especially in the Phoenix and Tucson area where groundwater levels and subsurface water dropped dramatically, but noted that it has happened everywhere. Dr. Wilson said groundwater has been highly dependent upon for a very long time, and added that the Groundwater Act in Arizona has helped to stem that tide and actually put water back in the ground which is what the CAP and its members have done since the late 1990's. Dr. Wilson explained that they have approximately 4 ½ million acre feet of storage in the ground; however, one of the problems is that the excess water that they receive from the canal system will eventually go away due to various contracts and usages in the upper basin. He said they have at least eight to nine years of water in the ground; however, as that goes away it becomes a threat to them to store more water. He said they will be able to take some of the groundwater all the time, but that has decreased dramatically over the years because by law each city by year 2025 must meet a sustainable use of groundwater to grow their levels if they can.

Vice Mayor opened the public hearing. There being no comments, she closed the public hearing.

**Councilmember Groat moved to adopt Resolution No. 17-3175 opposing the proposed transfers of Colorado River water to the Central Arizona Water Conservation District from the Town of Quartzsite and lands situated in the Mohave Valley Irrigation and Drainage District, seconded by Councilmember McCoy, and carried by the following vote:**

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

- 8.5**     [ID 17-1372](#)     Approve Professional Services Agreement with Southwest Behavioral Health Services, Inc., for Substance Abuse and Behavioral Health Treatment Services for Veteran Treatment Courts in Conjunction with the SAMHSA Grant

City Magistrate Mitchell Kalauli advised that the agreement before the Council is part of the grant process for veteran treatment services. He said the City sent out letters of intent and received only one applicant, Southwest Behavioral Health Services, Inc. Judge Kalauli said the City has an ongoing relationship with Southwest Behavioral Health Services, Inc., and look forward to with them. He said the amount of the grant is \$150,000 a year in treatment services.

Councilmember Groat said he thought it was interesting that on Exhibit 1, Section 1, the services include "Provide available or coordinated viral hepatitis testing", to which Judge Kalauli said that is a requirement of the grant.

Councilmember Groat said the agreement is to provide services to a minimum of 43 veteran participants and asked if they would all be from Lake Havasu City and City of Kingman, to which Judge Kalauli replied yes and added that Lake Havasu City currently has 65 veterans and five pending. He said the City is averaging approximately 50-60 veterans each year depending on how fast they advance through the program, and the City of Kingman currently has between 7-10 veterans. He added that they have also entered into an agreement with the Justice Courts to post adjudicate them to bring them into their program. He noted that the Justice Courts has nearly doubled the number of veterans in their courts. Judge Kalauli said their goal is to reach as many veterans as possible in all jurisdictions including the Superior Court.

Councilmember Groat asked what the meetings in Exhibit 1, Section 1, Item 9 “Attend established monthly meetings to discuss new treatment options, concerns, and internal improvements” would entail, to which Judge Kalauli said they will continue to hold monthly meetings with the treatment providers to discuss the treatments they are utilizing and the latest treatments available to ensure the veterans are receiving the best possible treatment.

Vice Mayor Coke opened the public hearing. There being no comments, she closed the public hearing.

Councilmember Groat moved to approve the professional services agreement with Southwest Behavioral Health Services, Inc., for substance abuse and behavioral health treatment services for Veteran Treatment Courts in conjunction with the SAMHSA Grant, seconded by Councilmember Lane.

Ms. Garry said the suggested motion includes the option to renew the grant without having to come back to Council each year since they are allocated in the grant for those amounts.

**Councilmember Groat amended his motion to approve and authorize the City Manager to execute a Professional Services Agreement with Southwest Behavioral Health Services, Inc., in the amount not to exceed \$112,530.00 annually and further authorize City staff to exercise the options to renew for two (2) additional one (1) year terms contingent on receiving the allotted grant funding. Councilmember Lane seconded the amended motion and carried by the following vote:**

**Aye:** 5 - Councilmember McCoy, Vice Mayor Coke, Councilmember Lin, Councilmember Lane and Councilmember Groat

**Absent:** 2 - Mayor Nexsen and Councilmember Sheehy

## **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, October 10, 2017 @ 6:00 p.m. – Regular Meeting

Tuesday, October 24, 2017 @ 6:00 p.m. – Regular Meeting

**12. FUTURE AGENDA ITEMS**

There were no requests for future agenda items.

**13. ADJOURN**

Upon motion by Councilmember Groat and seconded, the meeting adjourned at 6:37 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 26th day of September, 2017. 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