

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



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, January 23, 2018

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

Pastor Dale Ray, Lakeview Community Church, 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 Jeni Coke, Councilmember Gordon Groat, Councilmember David Lane, Councilmember Michele Lin, Councilmember Donna McCoy and Vice Mayor Cal Sheehy

### 5. CALL TO THE PUBLIC

There were no requests to address the Council.

### 6. CONSENT AGENDA

- 6.1 [ID 18-1493](#) Approve the January 9, 2018, City Council Regular Meeting Minutes
- 6.2 [ID 18-1468](#) Adopt Resolution No. 18-3194 Approving the Intergovernmental Agreement with the City of Yuma for the Use of the Yuma Public Safety Training Facility
- 6.3 [ID 18-1484](#) Adopt Resolution No. 18-3195 Approving and Authorizing the Police Chief to Execute the Intergovernmental Agreement with the City of Kingman, City of Bullhead City, Mohave County Attorney's Office, and Mohave County Sheriff's Office for the Purpose of Providing Commissioned Officers and to Continue the Ongoing Operations of the Mohave Area General Narcotic Enforcement Team (MAGNET)
- 6.4 [ID 18-1488](#) Adopt Resolution No. 18-3196 Approving and Authorizing the Execution of

the Planning and Design Technical Assistance Agreement with the Water Infrastructure Finance Authority for the Water Treatment Augmentation Feasibility Study

- 6.5 [ID 18-1481](#) Adopt Resolution No. 18-3197 Approving and Authorizing the Execution of Amendment No. One to the Intergovernmental Agreement with the Arizona Department of Transportation for Administration and Construction of Improvements to Lake Havasu Avenue
- 6.6 [ID 18-1490](#) Adopt Resolution No. 18-3198 Approving and Authorizing the Police Chief to Execute a Support Agreement with the Department of Veterans Affairs for the Provision of Law Enforcement Services
- 6.7 [ID 18-1489](#) Award Agreement for Professional Services to CDS Global, Inc. for Lockbox Services
- 6.8 [ID 18-1494](#) Call for Executive Session Pursuant to A.R.S. § 38-431.03(A) 5:00 p.m. Tuesday, February 13, 2018

City Attorney Kelly Garry stated that staff is requesting the Council remove Item 6.7 from the Consent Agenda. She explained that a couple of issues arose that staff needs to address and it will be brought back at a later date.

**Councilmember Coke moved to approve the Consent Agenda as presented with the exception of Item 6.7 which was removed from the Consent Agenda and tabled, seconded by Councilmember Lane, and carried by the following vote:**

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

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

- 7.1 [ID 18-1491](#) 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.

- 7.2 [ID 18-1492](#) City Manager's Report

City Manager Jess Knudson reported on the following:

- NAEBT – LHC Employees Win Fitbit Quarterly Belt Challenge
- LHC Treatment Court Graduation
- The Views at Lake Havasu Groundbreaking

- Police Explorer Post #93 – 2018 Chandler Tactical Competition; 1st Place in the 5.11 Tactical Breaching Event and 4th Place in the Borne Operations Event
- Kudos to Ed Donahue and Bill Young in Operations/Utilities and Swan Cooke in Aquatics/Recreation
- Entry Monuments and Wayfinding Signage
- New Trash Service Begins February 5, 2018
- Coffee with the Mayor and City Manager on February 2, 2018 at 7:30 a.m. at Jersey's Grill
- Historic Photographs of Lake Havasu City received from Bob and Sherrye Speer

Councilmember Groat asked about the number of different signs on Highway 95 that direct commuters to destinations in Lake Havasu City. Mr. Knudson stated that he would provide Councilmember Groat with that information.

## **8. PUBLIC HEARINGS**

- 8.1**     [ID 18-1495](#)     Adopt Resolution No. 18-3199 Appointing Member(s) to the Public Safety Personnel Retirement System Local Police and Fire Boards

Ms. Williams advised that the City Clerk's office received one application requesting consideration for appointment to the Public Safety Personnel Retirement System Local Police and Fire Boards. Ms. Williams noted that an appointment is needed to fill a citizen member vacancy on each Board with a term to expire on June 30, 2021.

Mr. Chip Shilosky, applicant, addressed the Council and said he has lived in Lake Havasu City for 44 years and has served on numerous boards. Mr. Shilosky said he worked for the Lake Havasu City Fire Department for 35 years, with 26 of those years working in law enforcement under the support of the Police Department. He said he believes he can apply his knowledge and background of the public safety system to this position.

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

**Councilmember Coke moved to adopt Resolution No. 18-3199 appointing Chip Shilosky to the Public Safety Personnel Retirement System Local Police Board and to the Public Safety Personnel Retirement System Local Fire Board with a term to expire on June 30, 2021, seconded by Councilmember McCoy, and carried by the following vote:**

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

- 8.2**     [ID 18-1469](#)     Introduce Ordinance No. 18-1189 Amending Lake Havasu City Code Title

6, Animals, to Make Certain Offenses Civil and Clarify Animals in City Parks

Police Chief Dan Doyle advised that the item before the Council is to introduce an ordinance recommending changes to the penalties located within Title 6 of the Lake Havasu City Code. He said there are a number of provisions that are classified as Class 2 Misdemeanors, specifically: dog license requirements, dog license fees and tags, refusing to show license, tag, or proof, vaccination, dogs at large, dogs in City parks, and dog waste removal. He said staff recommends that this be changed from a Class 2 Misdemeanor to a civil penalty which allows the City to issue a citation. He said in addition, staff made changes in the verbiage from “dog” to “animal” to include all pets and other animals, not just dogs.

Mayor Nexsen opened the public hearing.

Mr. Chuck Vaughn addressed the Council and asked if changing the wording to “animals” will affect anyone who brings horses to SARA Park, to which Chief Doyle said no because the area there for riding is not a City park.

Mayor Nexsen stated that it would also not be prohibited at the rodeo, to which Chief Doyle said that was correct.

David Byon addressed the Council regarding the City’s leash law. He said several of the residents in his apartment complex allow their pets to run loose and he would like to see the leash law enforced.

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

**Councilmember Lane moved to introduce Ordinance No. 18-1189 amending Lake Havasu City Code Title 6, Animals, to make certain offenses civil and clarify animals in City parks, seconded by Councilmember Groat, and carried by the following vote:**

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

**8.3**     [ID 18-1486](#)     Introduce Ordinance No. 18-1195 Amending Lake Havasu City Code Section 11.06.360, Pets, to Clarify Animals in City Parks

Recreation Services Manager Mike Keane advised that the item before the Council is to amend Section 11 of the Lake Havasu City Code to be consistent with the amendments in Title 6.

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

**Vice Mayor Sheehy moved to introduce Ordinance No. 18-1195 amending Lake Havasu City Code Section 11.06.360, Pets, to clarify animals in City Parks, seconded by Councilmember Coke, and carried by the following vote:**

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

- 8.4**     [ID 18-1471](#)     Adopt Resolution No. 18-3200 Granting a Three-Year Extension of Time for Planned Development No. 08-00200003, Millennium Plaza Project, on a 4.2-Acre Parcel Located at 1440 McCulloch Boulevard North

Vice Mayor Sheehy recused himself from participating and voting on this item.

Zoning Administrator Stuart Schmeling advised that this item is a request to extend zoning entitlements that were originally approved in 2008. He said the property is located in the southwestern part of town adjacent to the London Bridge. Mr. Schmeling noted that the applicant/owner has made multiple requests; one in 2011 and another in 2015. He reviewed the site plan for the property, and said it includes 88 residential units, an open plaza, and parking.

Mayor Nexsen noted that this project was approved in 2008 after a lot of public input and scrutiny from the community, and this site plan is what the Council arrived at. He said there is a fairly large commercial element to it as well and some landscaping. Mayor Nexsen said due to the downfall of the economy the project did not move forward which is why they have requested multiple extensions.

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

**Councilmember McCoy moved to adopt Resolution No. 18-3200 granting a three-year extension of Planned Development No. 08-00200003, known as the Millennium Plaza Project, located at 1440 McCulloch Boulevard North, seconded by Councilmember Coke, and carried by the following vote:**

**Aye:** 6 - Mayor Nexsen, Councilmember Coke, Councilmember Groat, Councilmember Lane, Councilmember Lin and Councilmember McCoy

**Recused:** 1 - Vice Mayor Sheehy

- 8.5**     [ID 18-1472](#)     Adopt Ordinance No. 18-1194 Approving the Removal of APNs 107-78-001, 107-78-002, 107-78-003, 107-72-003C, and 107-72-004,

Park Avenue, from Planned Development No. 93-001 (MCO Properties) and Rezoning the Properties from C-1/PD (Limited Commercial Planned Development District) to C-1 (Limited Commercial District)

Mr. Schmeling advised that this item is a request to rezone a Planned Development (PD) from 1993 that was entirely owned by MCO Properties. He said the balance of the PD is zoned C-1/PD and C-1, and reviewed the adopted site plan for the project. Mr. Schmeling noted that in 2017 the remaining corner property was rezoned to C-1 which essentially removed it from the PD. He said at that time the applicant, Mr. Dagon, reached out to the adjoining property owners but did not have the opportunity to convince them to rezone the entire property; however, this time they were able to do that, and added that there is also a City-owned parcel included in this rezone that will eliminate the PD in its entirety.

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

**Vice Mayor Sheehy moved to adopt Ordinance No. 18-1194 approving the removal of APNs 107-78-001, 107-78-002, 107-78-003, 107-72-003C, and 107-72-004 from Planned Development No. 93.001 and rezoning the properties from C-1/PD (Limited Commercial Planned Development District) to C-1 (Limited Commercial District), seconded by Councilmember Lane, and carried by the following vote:**

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

- 8.6**     [ID 18-1482](#)     Adopt Ordinance No. 18-1192 Approving a Major Amendment to Planned Development No. 97-005 (The Centre) by Removing from the Planned Development and Rezoning APN 120-54-013 (Parcel G, 17.87 Acres, 5601 North Highway 95) from C-2/PD (General Commercial Planned Development District) to C-2 (General Commercial District)

Mr. Schmeling advised that the item before Council is a PD from 1997, covering 17.87 acres, that was referred to at that time as The Centre development but is now known as the mall, located to the north just west of the airport. He noted that five small lots were removed from the PD in 2014. Mr. Schmeling reviewed the surrounding zoning as A-P, C-2, and C-2/PD. He said the PD includes a few elements that by rezoning out of the PD the owners are relinquishing. The first is a 46-foot building height which was an exception that was allowed throughout the entire PD; however, with the rezoning they will only be able to develop to the C-2 standards which is a 25-foot building height. Mr. Schmeling added that it also removes the sign restriction that was prohibited on Highway 95, as well as City Council site and design review approval.

Vice Mayor Sheehy asked what the owner's intentions are to develop this property, to

which Mr. Schmeling said he cannot guess as to the intentions of the applicant/owner; however, given the applicant has something to do with RV sales they probably intend to use a portion of the property for RV sales.

Councilmember Lane said he spoke with the owner of the property who said he plans to move a portion of his business, JR Motorsports, to that location.

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

**Councilmember Lane moved to adopt Ordinance No. 18-1192 amending Planned Development No. 97-005 by removing from the planned development and rezoning APN 120-54-013 from C-2/PD (General Commercial Planned Development District) to C-2 (General Commercial District), seconded by Councilmember Coke, and carried by the following vote:**

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

**8.7     [ID 18-1483](#)     Adopt Ordinance No. 18-1193 Approving a Major Amendment to Planned Development No. 00-007 to Allow 12 Accessory Courtesy Docks and Overnight Mooring**

Mr. Schmeling advised that this property is located in the Channel and includes the Heat Hotel, condominium units, and restaurant. He said as part of the original approval, they had an amendment in 2003 which allowed for boat parking spaces along the existing seawall. Mr. Schmeling said one element of that application was that they were going to cut staircases out of the seawall with guardrails; however, that portion of the development never occurred, but the rest of the site has been fully developed.

Mr. Schmeling reviewed the proposed site plan and said the applicant is requesting 12 standard-sized boat docks as shown on the plan. He noted that the applicant submitted this to the Army Corps of Engineers and Coast Guard and included the lanes of travel and location of the docks in a manner that minimizes the impact of traffic in the Channel. He said during the Planning & Zoning Commission meetings there were some questions regarding the dimensions of the docks and the setback, and noted that there is a 50-foot setback required from the bridge.

Councilmember Coke asked for clarification on the number of docks, to which Mr. Schmeling said he would let the applicant expand on that; however, it was his understanding that they originally discussed the opportunity to build 20 docks in association with the condominiums, but scaled that project back.

Mr. Larry Cooke, Manager of Big Bear Dock and Marine, said they have been building for over 40 years primarily manufacturers of dock systems including gangways for Americans with Disabilities Act (ADA) purposes. He said they initially submitted the plan to the Army Corps of Engineers for 20 slips; however, it was scaled back to a 12 slip dock after negotiations with the condominium owners and a comment from the City for the parking of boats in the sandy beach area. Mr. Cooke said they have tried to minimize all of the impacts in the area. He said there were questions at the Planning & Zoning Commission meeting about backing out into the flow of traffic. Mr. Cooke provided a navigation plan showing the turning basin and added that one of the advantageous of single slips is that the captain is in the boat and has a lot of control.

Mayor Nexsen said he can understand the concern about backing out; however, if boats are able to back out in the narrow portion of the Channel, they can manage it in the bay area.

Councilmember Lane said he spent some time in the area, and stated that this project starts on the outside of the first pillar of the bridge which is not a heavy traffic area due to the shallow water.

Councilmember Lane asked if the docks will only be used by the people staying at the Heat Hotel, to which Mr. Cooke said the docks would be open to the general public.

Councilmember Lane asked if overnight mooring will be allowed, to which Mr. Cooke said yes. Councilmember Lane asked if overnight mooring will be available to the general public, to which Mr. Cooke said that would be the Council's decision, but stated that the Heat Hotel wants to combine the slips with the rental of a unit in the hotel. Councilmember Lane asked how they are going to ensure that the overnight mooring are guests, to which Mr. Cooke said that it will come down to management control.

Councilmember Lane said for clarification, the management of the docks will be controlled by the Heat Hotel and not the City, to which Mr. Cooke replied yes.

Mayor Nexsen said to clarify "overnight mooring" means parking of the boat overnight and not sleeping on the boat overnight, to which Mr. Cooke and Mr. Schmeling replied yes.

Mayor Nexsen opened the public hearing.

Mr. Chuck Vaughn asked if the ramp will be ADA compliant.



Mr. Cooke said in 2010 the Department of Justice developed new ADA guidelines. He said marinas and those facilities are now allowed to go at any angle as long as the gangway is 80-feet long; however, that did not work here, so they took the elevations of the lake. Mr. Cooke stated that the site is unique as it has a small recess that they were able to put in a 48-foot gangway, which meets the 1-in-12 requirements for ADA and all elevation differences.

Ms. Rondi Lichtl addressed the council and said as a private user of the lake she would like to see the public parking truly be public parking and possibly time limited. She said she shares the concerns regarding overnight parking and suggested that during the day it be public use and at night be mooring use.

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

Vice Mayor Sheehy asked if the Planning & Zoning Commission had any concerns regarding the timeframes for public use versus overnight mooring, to which Mr. Schmeling said there was not as much concern over the timeframes versus the concern about backing out into the traffic area. He stated that the Planning & Zoning Commission did add the following to the list of conditions in regards to the ADA concerns: "The proposed dock shall extend no further than 58 feet from the seawall".

**Councilmember Lane moved to adopt Ordinance No. 18-1193 approving a major amendment to Planned Development No. 00-007 to allow 12 accessory courtesy docks and overnight mooring with the following conditions:**

- 1. The applicant shall be responsible to obtain all necessary permits from outside agencies, including the Army Corps of Engineers;**
- 2. The applicant shall be responsible for obtaining all necessary building permits;**
- 3. The proposed improvements must meet all ADA standards;**
- 4. No fueling of boats shall be allowed at the docks;**
- 5. The docks must comply with the 2012 IFC, Chapter 36 (Marinas); and**
- 6. The proposed dock shall extend no further than 58 feet from the seawall.**

**Motion seconded by Councilmember Groat, and carried by the following vote:**

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

Thursday, January 25, 2018 @ 8:30 a.m. – Planning Session @ Islander Resort

Friday, January 26, 2018 @ 8:30 a.m. – Planning Session @ Islander Resort

Tuesday, February 13, 2018 @ 6:00 p.m. – Regular Meeting

Tuesday, February 27, 2018 @ 6:00 p.m. – Regular Meeting

**12. FUTURE AGENDA ITEMS**

There were no requests for future agenda items.

**13. ADJOURN**

Upon motion by Councilmember Coke and seconded, the meeting adjourned at 6:54 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 January, 2018. 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