

Mayor Cal Sheehy
Vice Mayor Jeni Coke
Councilmember Nancy
Campbell
Councilmember Jim Dolan
Councilmember David Lane
Councilmember Michele Lin
Councilmember Cameron
Moses



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

City Council Regular Meeting Minutes - Final

Tuesday, November 23, 2021

6:00 PM

1. CALL TO ORDER

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

2. INVOCATION: Stephanie Lueras, Community Presbyterian Church

Ms. Stephanie Lueras, Community Presbyterian Church, gave the invocation.

3. PLEDGE OF ALLEGIANCE: River Riders MC

Mr. Paul Blazer, River Riders M/C, led in the Pledge of Allegiance.

4. ROLL CALL

Present: 7 - Mayor Cal Sheehy, Vice Mayor Jeni Coke, Councilmember Nancy Campbell, Councilmember Jim Dolan, Councilmember David Lane, Councilmember Michele Lin and Councilmember Cameron Moses

5. CALL TO THE PUBLIC

Mr. Steven Tuminello, citizen, addressed the council and played a recording from Sheriff David Hathaway, Santa Cruz County, regarding an Executive Order signed by Arizona Governor Doug Ducey on October 8, 2021.

Ms. Sara Jones, citizen, addressed the Council and spoke on the state of emergency proclamation issued by President Donald Trump and Arizona Governor Doug Ducey in March 2020, proclamation declaring local emergency by Mayor Sheehy, and local task force that included Mayor Sheehy, the Lake Havasu Chamber of Commerce, and the Police and Fire Departments. Ms. Jones said the proclamation and task force were established before the first case of COVID-19 in Lake Havasu City and asked the council to start listening to the citizens.

Ms. Karen Vanderjagt, citizen, addressed the council with a short historical story about Davy Crockett who was a congressional representative in 1827.

Mr. David Learner, citizen, addressed the council with a quote from Davy Crockett

regarding appropriations of public money. He asked when the city council knew about the water issue in Lake Havasu City? What does PED stand for? Did any of the voters or residents in Lake Havasu City vote to spend \$500,000 for PED? How much money in CARES Act did Lake Havasu City receive and where did it go? The money that is at the county right now, will that go to the water issue we have in Lake Havasu City? What is the Creative Comrades?

Mr. Dominic Lopez, citizen, addressed the council regarding the unmatched patriotism and unity of Lake Havasu City, and how Lake Havasu City handled years 2020 and 2021 in comparison to other cities. He spoke on the recent hospital vaccine mandates and protests. He said his fear is that if we start the trend towards bad policies and decisions, what will stop us from becoming like them (other cities)?

Mr. Greg Befort, citizen, addressed the council and spoke on the recent water rate issue and rescinded local emergency proclamation.

Mr. Ben Peterson, citizen, addressed the council and said he is leading the upcoming Citizens Coronavirus Commission. He spoke on modified DNA, gene therapy, origin of COVID-19 and vaccines.

Ms. Shari Deruder, citizen, addressed the council on behalf of the Havasu Patriots and read a portion of Resolution 1776 declaring Lake Havasu City a constitutional republic sanctuary city into the record (copy on file).

Mr. Derick Deruder, citizen, read the remaining portion of the resolution into the record and requested the council adopt Resolution 1776.

Mr. Tommy Goodfellow, citizen, addressed the council regarding their sworn oath of office to uphold and defend the constitution.

Mr. David Diaz, citizen, addressed the council concerning incorrect meeting information for the Parks and Recreation Advisory Board on the city's website.

Mr. John Levine, citizen, addressed the council and said he supports the statements that have been made during call to the public regarding the overreach of government and request for the council to adopt Resolution 1776.

Mr. Bill Wilson, citizen, addressed the council in support of the denial of the storage/U-Haul facility on Highway 95. He said he attended the protest at the hospital where there were five police vehicles parked half a block away. He asked if there are that many people on patrol that the city can afford to have five police vehicles parked watching

a peaceful demonstration?

Mr. Norman Stephens, citizen, addressed the council in opposition to the city allowing more storage facilities. He requested the council start looking at building living facilities for people on limited incomes.

Ms. Wendy Befort, citizen, addressed the council regarding a city council in California that recently voted to declare their city a constitutional republic city to protect its citizens' rights.

Mr. Don Wisdom, citizen, addressed the council and requesting an update on the courthouse and results of the water and wastewater rate adjustments.

Mr. David Heckindorn, citizen, addressed the council concerning several issues trying to clean up his deceased father's property and receiving an APS report. He said the process has been chaotic and hopes society can get better as a civilization and make better decisions.

6. CONSENT AGENDA

- 6.1** [ID 21-3081](#) Approve the October 26, 2021, City Council Regular Meeting Minutes and November 9, 2021, City Council Regular Meeting Minutes (Kelly Williams)
- 6.2** [ID 21-3073](#) Approve Landscaping Agreement with Bradley Investments, Inc. d/b/a Riverview Auto., to Provide Landscaping Improvements along Highway 95 Corridor (Kelly Garry)
- 6.3** [ID 21-3082](#) Approve a Ground Lease Agreement with Partnership for Economic Development, Inc., for Placement of a Refuse Enclosure (Kelly Garry)
- 6.4** [ID 21-3070](#) Approve the Purchase and Partial Sole Source Purchase of Mifram Security Modular Vehicle Barriers and Accessories from Security Pro USA Utilizing U.S. General Services Administration (GSA) Contract GS-07F-0577T (Chief Doyle)
- 6.5** [ID 21-3080](#) Call for Executive Session Pursuant to A.R.S. § 38-431.03(A) 5:00 p.m. Tuesday, December 14, 2021 (Kelly Williams)

Vice Mayor Coke moved to approve the Consent Agenda as presented with the exception of Item 6.1, which was removed for separate discussion, seconded by Councilmember Moses, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

- 6.1** [ID 21-3081](#) Approve the October 26, 2021, City Council Regular Meeting Minutes and November 9, 2021, City Council Regular Meeting Minutes (Kelly Williams)

Councilmember Campbell requested additional time to review the October 26, 2021, City Council Regular Meeting Minutes.

Councilmember Campbell moved to table the October 26, 2021, City Council Regular Meeting Minutes, seconded by Councilmember Lin, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

Councilmember Campbell moved to approve the November 9, 2021, City Council Regular Meeting Minutes, seconded by Councilmember Lane, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

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

- 7.1** [ID 21-3063](#) Investment Report as of September 30, 2021 (Jill Olsen)

Mayor Sheehy noted that this item is for informational purposes only.

- 7.2** [ID 21-3077](#) Announce Vacancies on Lake Havasu City Boards, Committees, and Commissions (Kelly Williams)

City Clerk Kelly Williams announced the current vacancies on various Lake Havasu City Boards, Committees, and Commissions. She added that applications are available at City Hall and on the city's website at www.lhcaz.gov.

- 7.3** [ID 21-3079](#) City Manager's Report (Jess Knudson)

City Manager Jess Knudson reported on the following:

- Announced various events and ceremonies.
- An Arizona Department of Environmental Quality (ADEQ) Community meeting will be held on Tuesday, November 30, 2021, at 5:30 p.m. at the Police Facility Meeting Room.
- The next Coffee with the Mayor and City Manager Featuring Special Guests will be held on Friday, December 3, 2021, at 8:30 a.m. at the Police Facility Meeting Room.
- City offices will be closed on Thursday, November 25, 2021, through Friday,

November 26, 2021 in observance of the Thanksgiving holiday.

8. PUBLIC HEARINGS

8.1 [ID 21-3011](#) Environmental Learning Center Update (Kelly Garry)

Mr. Charlie Cassens, Vision 20/20 Pillar 4 member, addressed the council and provided an update on the concept and planning of the Environmental Learning Center. He outlined the following in his presentation:

- Overview
 - o The new Environmental Learning Center (ELC) will be located southeast of downtown and adjacent to Lake Havasu at the intersection of Arizona Highway 95 & Acoma Boulevard. The ELC will be a 15,000-20,000 square foot facility on a master planned site of approximately 280 acres. This new regional public destination will be a model of sustainable building strategies and water consciousness. It is envisioned as a “green” facility dedicated to education, research, and public gathering with a specific focus on the collection and dissemination of data and knowledge related to water in the arid west.
 - o The facility and grounds, in addition to being open to the public, will serve multiple entities, including a multitude of government agencies, water authorities, special districts, schools, universities, and Lake Havasu City.
- Mission
 - o To promote awareness and stewardship of water and desert resources of Lower Colorado River region.
- Vision
 - o To be a regional model of sustainability, a collaborative educational resource and a dynamic destination celebrating all things related to water in the desert.
- Project Site
 - o The new ELC will be located southeast of downtown and adjacent to Lake Havasu at the intersection of Arizona Highway 95 & Acoma Boulevard. The project site is located in the Ecotone that blurs the Sonoran Desert together with the Mojave Desert and is characterized by less than 4” of annual rainfall. The naturally beautiful and rugged terrain supports highly diverse, yet sparse vegetation. The views from the site connect the visitor to dramatic mountains in all directions as well as the vibrant contrast of Lake Havasu directly to the south.
- Site Features
 - o The site topography is dramatic with elevation changes of approximately 150’ from lake surface to the building finish floor. The surface of the site’s ridges are modeled by a beautiful patina of rocks and stones that have been baked by the sun to dark, color-saturated crust called Desert Varnish. The site’s valleys expose a diverse and wide array of geological colors, textures, and

variations. Striations, fissures, cracks and edges also define a significant amount of contrasting and unique elements.

- Architectural Inspiration
 - o The conceptual vision for the new ELC is inspired by the site's dramatic and beautiful features. Taking a cue from an array of highly saturated, colorful and fractured stones found on site, a diagrammatic floor plan was developed to accommodate a modular system of programmatic elements supported by circulation in the dark stripes or cracks.
- Placement & Experience
 - o Utilizing a previously bladed portion of the northern area of the site, the building acts as a portal connecting visitors to the site and lake experience while leaving the cars and highway behind. To achieve this transition, the walls of the building are opaque and solid to the highway (north). Visitors will enter through a "crack" at the center of the facility. The lake side, in contrast, is mostly glazed with large overhangs and shade.
- Function
 - o Operating simultaneously as a fully functioning water quality lab, research destination, exhibit venue, restaurant, event center and trail head, the ELC is dedicated to all things water and the dissemination of water knowledge and research of the arid west.
- Net Zero – Water & Energy
 - o All rain, building water and available waste water will be considered "one" water and precious. The facility will capture, treat, process, store and reuse this valuable resource in an effort to be "water zero."
 - o The architecture is designed to minimize energy usage and will utilize an integral roof shingle photo-voltaic system to offset on-site energy demand. Net zero energy usage will be the design target.
- ELC – Next Steps
 - o Establish the DESERT WATER ALLIANCE
 - ☐ 5-member founding Board of Directors
 - ☐ Adopt bylaws – file Articles of Incorporation with ACC
 - ☐ File for 501c3 non-profit status and EIN
 - ☐ Prepare business plan to include banking, fundraising and ELC operations
 - ☐ Negotiate operating agreement with LHC
 - o Prepare and execute comprehensive marketing plan
 - ☐ Web and social media
 - ☐ Create seamless pathway for online contributions
 - o Commerce fundraising
 - ☐ Seek agency partnerships and pledges
 - ☐ Grants
 - ☐ Federal recognition in the form of appropriation

In response to Councilmember Lin's question, Mr. Cassens said the PED is the caretaker of the remaining ABC funds.

Councilmember Lin asked how this project addresses demographic starvation, to which Mr. Cassens said when this project matures, the vision is for it to become a destination for water researchers and the clearinghouse for all data related to the water quality in the Colorado River.

Councilmember Lin asked what types of agencies would potentially be leasing this facility, to which Mr. Cassens said several universities, including Arizona State University and University of Arizona, and the United States Fish & Wildlife Service.

Councilmember Lin asked if those agencies would be investors financially, to which Mr. Cassens said agencies leasing space would be contributing financially through their lease agreements. He said if agencies choose to become an investor or partner in the project with a significant contribution to the facility, that could be something that is reflected in the lease. He said the lease agreements and naming opportunities would be something that is decided by the board.

Councilmember Lin said there were concerns from the Parks and Recreation Advisory Board members on the best use of space for the Downtown Catalyst Project, and said she feels there will be similar concerns with this project as it is very grand, to which Mr. Cassens stated that it is a vision, and there is a lot of speculation, but it is based on input received over the span of several years and several agencies including the Clean Colorado River Sustainability Coalition (CCRSCo).

Mr. Cassens said this project is a learning process but it is inventive, innovative, and new, so there is an element of risk that takes courage to see it through. He expressed his passion for water and recognized the need when meeting with CCRSCo with so much data on water quality scattered but no amalgamation or consistency in the data.

Councilmember Lin said in reviewing prior planning session minutes she had asked the question about investors and it was mentioned that CCRSCo was "supportive as a facility but no funding dream to reality." Mr. Cassens explained that during those discussions they did not have anything to show them; however, since that time they have met with various agencies who have expressed their support, endorsements and interest. He said their next step is to go back to ask to what level and how serious are they about this project. He said he has every expectation that they will get commitments from many agencies.

In response to Councilmember Lin's question, Mr. Cassens explained that the city cannot

make any money on this project because it is a provision in the Recreational & Public Purposes Act. He added that the city leases this land at no cost from the federal government and the land has to be used for recreational and public purposes. He said any monies generated must go back into the site.

Councilmember Lin asked about the commercial development in the Havasu Riviera, to which Mr. Knudson said there are forthcoming applications coming from the developer for the Havasu Riviera area. There was discussion regarding what was being proposed in the early stages of the Havasu Riviera; however, Mr. Cassens said he imagines their audiences would be different.

Mayor Sheehy added that the board or foundation would operate the facility and raise funds, not the city.

Councilmember Lin asked about the water lab and what the city's relationship would be, to which Mayor Sheehy said the city would be a tenant of the facility. Mr. Cassens added that the city will own the facility but cannot convey the property; therefore, the foundation would operate and run the facility under an agreement with the city.

Councilmember Lin asked what happens if the foundation were not able to manage the facility, to which Mayor Sheehy said those discussions would come forward in an agreement.

Mr. Cassens said their next step is to set up the mechanisms to start receiving funds.

Councilmember Lane asked if the United States Fish & Wildlife Service has plans to join this project or build their own facility, to which Mr. Cassens said they still have plans to do a visitors center but he believes they are committed to putting that center on their property. He said this facility could offer them a presence or when they have visiting researchers/investigators on assignment this would give them an ideal work spot.

Councilmember Moses asked if they had cost estimates from the project architect, to which Mr. Cassens said yes, approximately \$1.8 million per year for operational costs and \$8.5 to \$10 million for construction.

Councilmember Lin asked how the facility plans to generate \$1.8 million per year for operational costs, to which Mr. Cassens said fundraising, federal appropriations, and partnerships with participating agencies. He added that he believes it should be relatively easy to raise the operating costs for this facility outside of the revenue generated from leasing, renting event space, or even entry fees.

Mayor Sheehy opened the public hearing.

Mr. Diaz addressed the council and asked if Mr. Cassens could expand on the individuals serving on the Desert Water Alliance Board, to which Mr. Cassens said he could not release the names at this time without their consent. Mr. Cassens said he would also propose adding a sixth seat on the board to include a City Council seat.

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

Mayor Sheehy thanked Mr. Cassens and Pillar 4 for the update on the ELC.

- 8.2** [ID 21-2992](#) Adopt Ordinance No. 21-1269 Amending Lake Havasu City Code Section 3.20.040, Schedule of Fees and Service Charges, to Update Costs Recovered (Jill Olsen)

Administrative Services Director Jill Olsen stated that this item is adoption of an ordinance amending the schedule of fees and service changes that was introduced in September 2021. She added that staff did not receive any comments or feedback from the public.

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

Councilmember Campbell moved to adopt Ordinance No. 21-1269 amending Lake Havasu City Code Section 3.20.040, seconded by Councilmember Moses, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

- 8.3** [ID 21-3018](#) Adopt Ordinance No. 21-1267 Amending Lake Havasu City Code Section 2.56.111, Municipal Court Administrative Fee Schedule and Jail Cost Recovery, to Increase the Warrant Fee, Repeal the Suspension Fee, and Establish a Default Fee (Mitchell Kalauli)

City Magistrate Mitchell Kalauli stated that this item is adoption of an ordinance introduced in September 2021. He said since then there have been no changes or comments.

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

Councilmember Moses moved to adopt Ordinance No. 21-1267 to amend Lake Havasu City Code Section 2.56.111, seconded by Councilmember Lane, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

- 8.4** [ID 21-3068](#) Adopt Ordinance No. 21-1273 Amending the Zoning Classification and District Boundary for 2200 Victoria Farms Road, APN 120-03-024, a 10-Acre Metes & Bounds Parcel, from A-P (Agriculture/Preservation) District to LI (Light Industrial) District (Luke Morris)

Planning Division Manager Luke Morris stated that the subject property is located on Victoria Farms Road, currently vacant, approximately 10 acres in size, and zoned Agriculture/Preservation (A-P). He said the abutting properties are a mix of undeveloped properties and open storage uses. Mr. Morris explained that the property lies outside the city's water service area and wastewater is currently not available at this property. He reviewed the surrounding zoning and said the applicant is requesting to rezone the property to Light Industrial (LI) to use the property for a storage yard. He said the Planning & Zoning Commission (Commission) heard this item at their meeting and recommended approval with a vote of 6 to 1.

Councilmember Lin requested clarification on the applicant's intention, to which Mr. Morris stated that the applicant's letter of intent is for a storage yard (open storage) for construction materials, which is an allowed use in LI District.

Mr. Andy Lunsford, applicant, said they have been in Lake Havasu City for 31 years and the materials would be used for future construction.

Mayor Sheehy opened the public hearing.

Ms. Sara Jones, citizen, addressed the council and asked if the council is able to approve the rezone allowing open storage but restrict storage units.

Mr. Lunsford said they have had multiple lumberyards throughout Lake Havasu City over the years and are currently renting; however, due to high rent they are about to lose their property. He said this is the only piece of property they found that they are able to afford.

Mayor Sheehy said if rezoned, all uses under LI would be allowed.

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

Councilmember Lane moved to adopt Ordinance No. 20-1273 rezoning the property at 2200 Victoria Farms Road, APN 120-03-024, a 10-Acre Metes & Bounds Parcel, from Agriculture/Preservation District to Light Industrial District, seconded by

Councilmember Dolan, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

- 8.5** [ID 21-3069](#) Adopt Ordinance No. 21-1274 Amending Title 14, Zoning (Development Code), Section 14.03.02, Table 3-1, Permitted Use Table, to Remove Self-Storage (Mini-Storage) from the List of Permitted Uses in the General Commercial (C-2), Mixed-Use General (MU-G), and Commercial Southgate (C-SGD) Districts (Luke Morris)

Mr. Morris stated that Lake Havasu City has processed many applications for storage units over the past few years. City Council has expressed concerns regarding prime commercial properties used for storage unit developments and has stated publicly that the north and south entrances should be protected. He said planning staff reviewed the current code relative to “Self-Storage (Mini-Storage)” and where they are permitted through the community.

Mr. Morris said storage units are currently allowed in five zoning districts: Mixed-Use General (MU-G), Commercial Southgate (C-SGD), General Commercial (C-2), Light Industrial (LI), and Industrial (I). Staff has initiated this proposed text amendment to allow for discussion of the topic and possibly modify the Permitted Uses Table to eliminate storage units from the following zoning districts: General Commercial (C-2), Mixed-Use General (MU-G), and Commercial Southgate (C-SGD), and continue to allow storage units in Light Industrial (LI) and Industrial (I).

Mr. Morris reviewed maps showing the current locations for C-2, MU-G, C-SGD, LI, and I zoning districts.

He said the Commission heard this request at their October 20, 2021, meeting and recommended approval with a vote of 6 to 1 to remove self-storage units from the C-2 and C-SGD Districts, but to continue to allow them in the MU-G district. He explained that the Commission members generally felt that storage facilities could be removed from the C-2 and C-SGD districts to encourage other types of commercial development. He said the Commission’s motion to leave the MU-G District as an allowable location suggest storage units may be appropriate in the MU-G District, and added that the suggested motion tonight reflects the Commission’s recommendation to remove the use from the C-2 and C-SGD districts and continue to allow it in the MU-G district.

Mr. Morris added that the council has the ability to approve/deny self-storage units as a permitted use within any or all of the districts and may adopt the ordinance with an effective date greater than 30 days.

Mr. Morris said applications submitted prior to the effective date of the code change would be vested as follows:

- With complete Building Permit application – Vested
- With an approved Design Review – Vested for 1 Year
- With an approved Planned Development (PD)
Rezone – Vested for 3 Years

He reviewed the following projects currently in Design Review or PD Rezone request as follows:

- 30 Retail Centre Boulevard – C-2 Zone: 6 Buildings, 123 Units (Design Review)
- 80 Retail Centre Boulevard – C-2 Zone: 7 Buildings, 208 Units (Design Review)
- 2010 Chaparral Drive – C-2 Zone: 2 Buildings, 7 Units (Design Review)
- 7000 Cherry Tree Boulevard – MU-G Zone: 2 Buildings, 29 Units (Design Review)
- 3204/3208 Sweetwater Avenue – 2 Buildings, Approximately 60 Units (PD Rezone request from R-M/PD to C-2/PD)

Mayor Sheehy asked if the projects Mr. Morris identified in his presentation were vested, to which Mr. Morris said three of the projects are currently in Design Review and are not vested. He said the PD Rezone request from R-M/PD to C-2/PD was submitted by the applicant to gain traction prior to these changes and will be heard by the council on December 14, 2021. He said if the council removed C-2, the process the applicant is going through (with a PD) would still allow them to rezone to C-2 with the council's approval for storage units.

There was discussion regarding the current and proposed zoning for the 3204/3208 Sweetwater Avenue project.

There was discussion regarding the current MU-G locations in Havasu Riviera, Havasu Foothills Estates, and along London Bridge Road.

Councilmember Lin said she agreed with Commission Member Bergen on prohibiting storage units in MU-G.

Councilmember Campbell said she was not in favor of prohibiting storage units as a permitted use as property owners should have the right to do business in those zones and prohibiting storage units will only increase the cost of storage units beyond affordability.

Mayor Sheehy said an applicant could still request the use through the PD process.

Councilmember Lane said the list of current projects is the reason for the ordinance and why the council needs to limit storage units out of C-2. He said some of the property is prime property and was in favor of prohibiting in MU-G.

Mayor Sheehy said he was in favor of permitting storage units in MU-G as they are primarily located in Home Owner's Association (HOA) communities with the exception of the property along London Bridge Road. He said many HOAs have restrictions on parking and number of vehicles allowed; therefore, storage units may be one solution for them.

There was discussion regarding the PD rezone process.

Mayor Sheehy opened the public hearing.

Ms. Joanna Pellerito (attending via remote conferencing) addressed the Council and said she represents the applicant for the PD Rezone on Sweetwater Avenue. She read a statement (email) into the record requesting the council's consideration protecting the property rights as well as the financial investments and tax expense the property owners have incurred for the past 30 years. Ms. Pellerito requested the ordinance include a 60 or 90-day effective date.

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

Mayor Sheehy said he was in favor of a 60 or 90-day effective date.

Councilmember Moses was also in favor of a 90-day effective date.

Councilmember Campbell expressed concerns regarding personal property rights and future legal issues.

City Attorney Kelly Garry clarified that the effective date would be 90-days from adoption and not a grace period.

Councilmember Moses moved to adopt Ordinance No. 21-1274 amending Title 14, Zoning (Development Code), Section 14.03.02, Table 3-1, Permitted Use Table, to Remove Self-Storage (Mini-Storage) from the List of Permitted Uses in the General Commercial and Commercial Southgate Districts with an effective date of 90-days, seconded by Councilmember Dolan, and carried by the following vote:

Aye: 5 - Mayor Sheehy, Vice Mayor Coke, Councilmember Dolan, Councilmember Lane and Councilmember Moses

Nay: 2 - Councilmember Campbell and Councilmember Lin

- 8.6** [ID 21-3067](#) Award Task Order Agreement No. 1 to the Master Professional Services Agreement with Narasiman Consulting Services, Inc., for the Booster Station 5A Upgrades Project (Hayder Bajjalan)

Assistant City Engineer Dan Sloan introduced Public Works Project Manager Hayder Bajjalan.

Mr. Bajjalan said this item is to award an agreement for the Booster Station 5A upgrades project located on Colt Drive. Mr. Bajjalan displayed pictures of the tank and booster station pumps (installed in 1988) and said the project entails:

- New booster pumps with variable frequency drives (VFDs).
- New valves, piping for the new pump installation.
- Pump controls and instruments.
- Replace the existing electrical and SCADA systems with new systems including a new emergency generator and automatic transfer switch (ATS).
- Replace the existing hydro pneumatic tank with two new tanks.

He said Public Works has negotiated a fee of \$138,770 with Narasiman Consulting Services for professional services, and added that the design will require 150-calendar days for completion.

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

Councilmember Campbell moved to award Task Order Agreement No. 1 to the Master Professional Services Agreement with Narasiman Consulting Services, Inc. for the Booster Station 5A Upgrade Project in the amount of \$138,770, seconded by Councilmember Moses, and carried by the following vote:

Aye: 7 - Mayor Sheehy, Vice Mayor Coke, Councilmember Campbell, Councilmember Dolan, Councilmember Lane, Councilmember Lin and Councilmember Moses

- 8.7** [ID 21-3057](#) Discussion Regarding Lake Havasu City Code Chapter 2.04, Administration and City Council, Council Requests and Public Requests (Kelly Williams)

Ms. Williams said this item is discussion regarding Lake Havasu City Code Chapter 2.04, Council Requests and Public Requests. She said Chapter 2.04 of the City Code identifies several city council processes, including: elected officers and council composition, filling of vacancies, oath of office, financial disclosure statements, council meetings, quorum

meetings, quorum attendance, chairperson's role and responsibilities, agendas, order of business, council and public requests, minutes, staff reports and recommendations, rules of order, public comments, and ordinances and resolutions. Ms. Williams said a presentation and discussion regarding Lake Havasu City Code Title 2, Chapter 2.04, was given at the City Council Planning Session on January 24, 2019. The presentation reviewed current processes and examples, and suggested changes from staff that focused on public requests, council requests, call to the public, a new call to the public/speaker request form, and review of the council communication (staff report). She said on March 12, 2019, Ordinance No. 19-1214 was introduced amending Chapter 2.04 with changes as discussed at the planning session, and on March 26, 2019, Ordinance No. 19-1214 was adopted amending Lake Havasu City Code Chapter 2.04. Ms. Williams stated that a discussion item was requested at the City Council Regular Meeting on October 26, 2021, relating to Ordinance No. 19-1214 concerning council and public requests.

Ms. Williams reviewed the prior and current processes for council requests (§2.04.280) and public requests (§2.04.290).

Councilmember Campbell stated that she requested this agenda item and reviewed Ordinance No. 19-1214 with strikethrough of changes and planning session minutes. She said she looked into the current process after she requested a future agenda item that was denied and learned that the language in the City Code does not have any final jurisdiction of who is right or wrong, or who gets the item on the council agenda. She asked the council to review and consider having an agenda item request form (example of agenda request form provided to City Council) that is clear and explains the process and proper etiquette. She said she passed this on to others, including past mayors, who found it very important that the council get control back and make their voices heard.

Mayor Sheehy said the council's intention in 2019 was to make the process easier, more open and transparent to get an item on the agenda. Prior to the changes, the mayor had the opportunity to control the agenda. He said as it is written today, if a citizen were to request an item and the city manager did not feel it was appropriate to put on an agenda, a citizen can still request a future agenda item through the council. Mayor Sheehy said in terms of council and public requests, the council can leave the code as written today or direct staff to make changes to update the code.

Councilmember Lane said he was involved with the discussion and changes in 2019, and reviewed the current process for public and council requests. He said they currently do not have to fill out a form or submit any documentation, and added that the city manager does not have the authority or legal responsibility to tell a city council member that an item cannot be placed on an agenda.

Ms. Garry said her interpretation of §2.04.280, Council Requests, is that when there is a motion and second, the requesting councilmember will work with the city manager to determine the best course of action for handling the request. She said if the councilmember and city manager are unable to come to a conclusion, she would assume the councilmember could then go to another councilmember or to the mayor to find a resolution under this section and proceed that way. She added that the code does not outline a final say and in no way means that the city manager has a final determination.

Councilmember Lane added that he does not believe there needs to be a form.

Councilmember Dolan said the current language as written is working; however, there was concern about a previous motion from Councilmember Campbell that he seconded for a scheduled agenda item to be heard by council two weeks earlier if possible. He said Councilmember Campbell's request was not denied, it was already planned and on the agenda but the consultant was not available two weeks earlier. He added that there was no conspiracy or denial of the request and he does not believe there is anything in the code that says if you request a future agenda item it must be placed on the next meeting agenda.

Councilmember Campbell reviewed the prior and current process for council requests. She said she is not convinced that the amended (current) process is better or in the best interest of the community. She suggested the council go back to the prior process and have a public request form. She said her two priorities are: 1) how the council is allowed to speak for their citizens, and 2) how the citizens can have an open conversation with the council.

Ms. Garry said the previous language states, "any member of the council may request that an item be placed on an agenda." She said the question then becomes - who are you making that request to, who grants that request, or who denies that request? She suggested the following revision, "any member of the council may place an item on an agenda" to make it clear as the previous language was extremely vague and one of the reasons it was changed. She said if this is the direction of the council it needs to be clear that one motion places an item on the agenda.

Councilmember Campbell said she would be comfortable with the requesting councilmember needing a second to place an item on an agenda. She suggested the same motion and second be required to place a public request on an agenda.

Ms. Garry suggested the council consider removing the need for a motion and second and have a form for both council and public requests. Councilmember Campbell said she would rather have the motion and second on public record.

There was discussion regarding past requests under the previous process that were never

placed on an agenda.

Councilmember Moses requested clarification on what Councilmember Campbell was proposing, to which Councilmember Campbell said through a motion and second a councilmember could request a discussion or action item. Councilmember Moses thought that was the current process and said he did not understand what nuance Councilmember Campbell was requesting.

Councilmember Dolan said he believes there is confusion regarding the term “motion” when a councilmember makes a motion for a future agenda item.

Ms. Garry read the following proposed changes “any member of the council may place an item on the agenda for consideration, discussion or legal action by making a motion and receiving a second, no vote necessary, during the future discussion items portion of the city council meeting” removing “and then the requesting councilmember will work with the city manager to determine the best course of action for handing the request.” She stated that even with this language removed the councilmember will still need to work with staff to draft the language and materials necessary. She said the reason “researched further or placed on” was added is because the city sometimes receives requests for items that can be handled administratively and may not need to come back to council.

Mr. Knudson said the council determines and directs staff on how to handle how items go on the agenda. He said staff will never stand in the way of an item appearing on the agenda as long as we are following the process in place and requested the council’s consideration to allow staff the time to do the research and get the information to bring to council to make an informed decision. He explained the current public request process, which allows the city manager to work with the public on whether their request can be handled administratively.

There was consensus from the council to move forward with the changes as proposed for council requests as read by Ms. Garry (above).

Councilmember Dolan asked if the council could discuss or set a date, during a future agenda item, for a certain agenda date if needed, to which Ms. Garry said yes.

There was discussion regarding the changes to §2.04.130, Executive Sessions. Ms. Garry explained that an executive session may be scheduled as requested in accordance with Section §2.04.280. She added that there are far more ways to get an executive session on the agenda now than previously.

Mayor Sheehy opened the public hearing.

Mr. Gordon Groat, citizen, addressed the council and said he thinks any councilmember is entitled to put anything they want on the agenda as it is a foundational bedrock democratic principle that evokes the power of the people. He said the council serves the people and the administration serves the council. He said he believes the changes were a solution in search of a problem that threatened to take away the power of the city council to put items on the agenda. He said the city council at the planning retreat and tonight are not prepared to give up their power or the power of the people. Mr. Groat said the legal issue at stake is the normal application of statutory context and purpose and intention of the city council to put anything on the agenda without the city manager having the ability to override it. He said he believes this is an absurdity that represents an implied unwillingness to trample on the rights of the people and have their grievances addressed by government, and added that it constitutes a bedrock principle that many have fought for.

Councilmember Dolan questioned why Mr. Groat, as a former councilmember, voted for the changes, to which Mr. Groat said he did not want to confuse Councilmember Dolan but he was there and should have a good memory. He said he voted for the changes because of the way it was being rammed down the councils' throats, there was no way the council was going to be able to get anything on the agenda completely without having some kind of compromise. He said Councilmember Dolan was also speaking about this and expressed the same opinion as the other councilmembers, including himself, that the council has the right to add an item and the only way that was going to happen was with a "fallback position," which he agreed with because he realized that the council is either going to get nothing and their power stripped, or at least have it so a councilmember can get something added with a motion and second.

Mr. Greg Logan, citizen, addressed the council and said the prior process for public requests was a simple, clean, and unambiguous way to do business. He requested the council go back to the prior process.

Ms. Jones addressed the council in favor of the changes proposed by Councilmember Campbell. She said they have questions and the City Council is not listening to the people.

Councilmember Dolan said he is listening; however, there is a difference between listening and agreeing. He said there were people tonight that got up and spoke about parts that he agrees with and does not agree with; however, he tries to show respect in the process and just because he disagrees in certain areas does not mean he is not listening.

Mr. Bill Wilson, citizen, addressed the council. He said the council is responsible for running the city and does not understand the role of the city manager position. He said the council makes the rules of the city and should be able to add something to the agenda

without having to go through the city manager.

Mayor Sheehy explained the council-manager form of government.

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

Councilmember Dolan said under the previous ordinance there were issues with adding a future agenda item and in his opinion, the current changes are better but not perfect. He said the council is trying to make adjustments and appreciates the recommendations to improve the process. He supported Councilmember Campbell's adjustments as discussed.

Councilmember Lane addressed Ms. Jones' comments about the city manager. He said the public is addressing the council not the city manager. He said the public voted for the council who represents the people not the city manager.

There was discussion regarding the previous process for council requests.

Councilmember Lin requested changes to §2.04.130, Executive Sessions, as it does not state that a councilmember has to request an executive session through the mayor. Ms. Garry reviewed the three separate ways, under §2.04.280, Council Requests, that the council can request an executive session. There was discussion on the proposed changes to executive sessions and minutes of the introduction and adoption of Ordinance No. 19-1214.

Mayor Sheehy advised that any changes to council requests affect the code sections for special meetings, work sessions and executive sessions.

Ms. Garry read the proposed changes to §2.04.280, Council Requests, as follows "any member of the council may place an item on the agenda for consideration, discussion or legal action by making a motion and receiving a second, no vote necessary, during the future discussion items portion of the city council meeting."

Mayor Sheehy asked if council wanted to include "further research" to the proposed changes. Councilmember Campbell was in favor of the proposed changes including both "further research" and "consideration, discussion or legal action."

Ms. Garry read the revised proposed changes to §2.04.280, Council Requests, as follows "any member of the council may request an item be researched further or place an item on the agenda for consideration, discussion or legal action by making a motion and receiving a second, no vote necessary, during the future discussion items portion of the city council meeting."

There was consensus from the council in support of the revised proposed changes.

Mayor Sheehy advocated for §2.04.080(C) remaining in the code and removing §2.04.080(B).

Ms. Garry requested clarification on whether the council wanted to keep or remove §2.04.280(A)(2), to which there was consensus from the council to keep as currently written.

There was discussion regarding the current public request process and proposed form. There was discussion that the proposed request form would need at least one sponsor from council.

Mayor Sheehy stated that a public request could go through council as part of the council request process, or by submitting public request form that has at least one sponsor from council.

Councilmember Lane said he feels the council is making the process too difficult. He said if a member of the public contacts a councilmember to request an item on the agenda and has support from a councilmember it can be requested through the council request process.

Councilmember Moses said he feels the council is making the process too complicated as well and echoed Councilmember Lane's comments. He said he believes the changes in 2019 made the process simpler.

Ms. Garry read the proposed changes to §2.04.290, Public Requests, as follows "interested parties or their authorized representatives may request that an item be placed on the City Council meeting agenda by submitting a written request to the City Clerk." Ms. Garry explained that the City Clerk would then forward any public requests to the City Council to decide whether to bring it back and make a motion during the future agenda items and if there is a second it will be placed on a future agenda. She said this would allow the public to submit any type of written request (letter, email, form).

There were no further changes or comments from the council for public requests or council requests.

9. CURRENT EVENTS

Councilmember Lin reported that DIG Studios is holding an Open House on the Downtown Catalyst Project on December 6, 2021, at 4:00 p.m., at the Lake Havasu City Aquatic Center.

Councilmember Moses provided an update from Go Lake Havasu and upcoming events.

10. FUTURE MEETINGS

Tuesday, December 14, 2021 @ 6:00 p.m. – Regular Meeting

Tuesday, December 28, 2022 @ 6:00 p.m. – CANCELED

11. FUTURE DISCUSSION ITEMS

There were no requests from council for future discussion items.

12. ADJOURN

Upon motion by Councilmember Lane and seconded, the meeting adjourned at 10:14 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 23th day of November, 2021. I further certify that the meeting was duly called and posted, and that a quorum was present.

Kelly Williams, City Clerk/MMC