



Mayor Mark S. Nexsen
Vice Mayor Don Callahan
Councilmember Crystal Alger
Councilmember Dean Barlow
Councilmember Donna Brister
Councilmember Jeni Coke
Councilmember David McAtlin

Lake Havasu City
Regular Meeting Minutes - Final
City Council

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

Tuesday, April 22, 2014

6:00 pm

Regular Meeting

1. CALL TO ORDER

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

2. INVOCATION: Pastor Kay Zimmerman, City On A Hill Ministries

Pastor Kay Zimmerman, City On A Hill 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 Dean Barlow, Councilmember Crystal Alger, Councilmember Donna Brister, Vice Mayor Don Callahan, Councilmember Jeni Coke and Councilmember David McAtlin

5. CALL TO THE PUBLIC

There were no requests to address the council.

6. CONSENT AGENDA

6.1 [ID 14-0224](#) Approval of April 8, 2014, Regular Meeting Minutes

6.2 [ID 14-0213](#) Adopt Resolution No. 14-2812 to authorize the adoption of owner occupied housing rehabilitation guidelines dated June 11, 2013

6.3 [ID 14-0206](#) Adopt Resolution No. 14-2816 Abandoning an approximately 6-foot by

30-foot portion of a 11-foot by 30-foot public utility, drainage, and anchor easement along the eastern property line of Lot 15, Tract 2278, Block 24, 2049 Gold Dust Drive, APL Surveying/Applicant

- 6.4 [ID 14-0222](#) Call for Executive Session Pursuant to A.R.S. 38-431.03(A) 5:00 p.m. Tuesday, May 13, 2014.

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

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

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

- 7.1 [ID 14-0225](#) Announce Vacancies on Lake Havasu City Boards, Committees, and Commissions

City Clerk Kelly Williams announced the current vacancies for various Lake Havasu City Boards, Committees, and Commissions.

- 7.2 [ID 14-0212](#) FY 13-14 2nd Quarter Reports of Contracted Agencies

Mayor Nexsen announced that this item was for informational purposes only.

- 7.3 [ID 14-0214](#) FY13-14 2nd Quarter Reports of Grant Agencies

Mayor Nexsen announced that this item was for informational purposes only.

- 7.4 [ID 14-0221](#) City Manager's Report

City Manager Charlie Cassens reported on the following:

- City Quarterly Retirement Announcements from April through July 2014. Mr. Cassens reported that nine employees have or will be retiring this quarter with 203 total years of service.
- Citizen's Police Academy culmination dinner was held on April 21, 2014 at the Hampton Inn. A total of 30 citizens attended the class for this session.
- Elections update
- Subscribe to receive City Council meeting agendas by email at www.lhcaz.gov
- Airport runway pavement overlay project update
- Sales tax update

- 7.5 [ID 14-0235](#) Annual Presentations of Contract and Grant Funded Agencies

Ms. Kim Fiumara, Purchasing and Grants Supervisor, stated that as a part of the grant and contract agency agreements, it is necessary that the agencies give an annual presentation to inform the City

Council and staff about their progress, accomplishments and goals over the past year.

Ms. Fiumara announced that H.A.V.E.N. was unable to attend the meeting tonight due to an emergency board meeting, but will be presenting to the City Council before the end of June.

The following grant funded agencies presented to the City Council:

- Havasu for Youth – Diana Butler
- Lake Havasu Social Services Interagency – Michael Eigenbrodt
- Patriotic Americans for Constitution Education (P.A.C.E.) – Diane Klostermeier
- Mohave County Search & Rescue – Gene Hepler

A representative from Special Olympics was also unavailable to present to the City Council.

The following contract funded agencies presented to the City Council:

- Western Arizona Humane Society – Patti Gilmore

8. PUBLIC HEARINGS

8.1 [ID 14-0228](#) Adopt Resolution No. 14-2815 Appointing Member to the Airport Advisory Board

City Clerk Kelly Williams advised that the City Clerk's office received one application requesting consideration for appointment to the Airport Advisory Board. She said this appointment is needed to fill a regular pilot member vacancy that expires June 30, 2014. Ms. Williams noted that the applicant was in attendance to make a brief presentation and answer any questions from the City Council.

Mr. David McNary addressed the City Council and said that he retired from the Sheriff's Department in San Diego County after 30 years of service. He said his last job there was with the Sheriff's Aviation and also ran the Search & Rescue Unit. Mr. McNary said he noticed an ad for a vacancy on the Airport Advisory Board and thought it would be something that he would like to do. Mr. McNary said he feels airports provide a wonderful service for cities, for not just travel but also for emergencies, business, and other flight needs.

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

Councilmember Barlow moved to adopt Resolution No. 14-2815 appointing Mr. David McNary as a regular pilot member to the Airport Advisory Board with a term beginning July 1, 2014 and ending June 30, 2017, seconded by Councilmember Alger, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

8.2 [ID 14-0226](#) Adopt Resolution No. 14-2814 Calling Lake Havasu City Primary and General Elections

Ms. Williams advised that this item is to adopt a resolution calling the Lake Havasu City Primary and General Elections. Ms. Williams stated that the resolution before the City Council designates Tuesday, August 26, 2014, as the date for holding the Primary Election in Lake Havasu City for the purpose of nominating candidates for one mayor and three councilmember positions. She added that Lake Havasu City will also hold its General Election on Tuesday, November 4, 2014; however, any candidates receiving a majority of all votes cast at the Primary Election will be declared elected without running in the General Election. Ms. Williams reviewed the deadlines for voter registration and also for filling nomination papers and other required forms. Ms. Williams advised that candidates must file by the deadline of 5 p.m. on May, 28, 2014, in order for their names to appear on the Primary Election ballot.

Ms. Williams said staff recommends adoption of this resolution calling the Lake Havasu City Primary and General Elections for 2014.

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

Councilmember Alger moved to adopt Resolution No. 14-2814 designating the Primary and General Election dates and the purpose of the elections, designating the deadline for voter registration, and designating the place and last date for candidates to file nomination papers, seconded by Councilmember Barlow, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

8.4 [ID 14-0215](#) Adopt Resolution No. 14-2813 Approving Lease Agreement with the Lake Havasu Metropolitan Planning Organization for Office Space at City Hall

Mayor Nexsen noted that Item 8.4 had been postponed to a future meeting.

8.5 [ID 14-0210](#) Adopt Resolution No. 14-2811 for authorization to submit a HOME grant application and enter into an agreement for State Housing Funds

Ms. Holly Morin introduced herself as the Grants Administrator for Lake Havasu City. Ms. Morin requested that the City Council authorize the submission of the HOME Grant application.

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

Councilmember Barlow moved to adopt Resolution No. 14-2811 authorizing City staff to submit an application for Federal FY2013 State Housing Funds from the Home Investment Partnerships Program in the amount of \$275,000 for housing repairs for eligible, owner occupied, single family residences, located within the City limits, seconded by Councilmember Coke, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

- 8.6** [ID 14-0236](#) Approve a Ground Lease Agreement for property owned by Lake Havasu City located at 6000 and 6001 Whelan Drive with Raceway Park Development, LLC

Deputy City Manager Larry Didion advised that the purpose of this item is to approve a Ground Lease Agreement. He said this is the continuation of the original Memorandum of Understanding that the City entered into in 2013. He added that the City is looking to enter into the Ground Lease Agreement and allow the raceway organizers and developers to come in and conduct the studies that are necessary to determine the feasibility of the development. Mr. Didion said what the City has is the due diligent portion and this will allow the engineers to come in and perform the soil testing and any other testing that may be necessary to ensure the land can be developed for the intended purpose.

Mr. Didion noted that the term of the Ground Lease Agreement is for two years, from July 1, 2014, to June 30, 2016. He said it is an interim agreement for a very specific purpose and is not the last agreement that the City Council will see on this item. He explained that as the partnership moves towards the conclusion and development of this project, the City Council will see more detailed and specific lease agreements with the responsibility of each party.

Mr. Didion said as the City starts to become more exclusive with the development and starts looking at one particular use or development type, it gets to the point where the community has to reserve some return on investment of the public property and that is why there is a payment associated with this lease agreement. He explained that the Memorandum of Understanding did not have a payment and was unbinding; however, the City is now starting to narrow down on this particular development and needs to see some return on this public investment.

Mr. Didion said staff is recommending that the City Council approve the Ground Lease Agreement. He noted that representatives from the Motorsports Facility were also in attendance to answer questions.

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

Councilmember Alger asked how the City determined the annual lease figures for the monthly installments, to which Mr. Didion explained that most leases are based on the return on the value of the asset. He said in this particular case the City took the appraised value and calculated a one percent return.

Councilmember Brister moved to approve a Ground Lease Agreement with Raceway Development, LLC, and authorize the City Manager to execute this Agreement on behalf of the City, seconded by Councilmember Alger, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

- 8.7** [ID 14-0205](#) Adopt Ordinance No. 14-1111 amending Section 14.30.090 entitled "Pools and Spas" to allow alarms as an acceptable enclosure for doors with direct access to a pool

Senior Planner Stuart Schmeling advised that the item before the City Council is a proposed amendment to the section of the Development Code that regulates pool enclosures. He said the Planning & Zoning Commission recommended unanimously the addition of language which would allow audible alarms as an acceptable alternative enclosure for doors with direct access to a pool. Mr. Schmeling added that the language is identical to other Arizona communities that allow audible alarms.

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

Councilmember Callahan asked why audible alarms needed to be added to the Development Code, to which Mr. Schmeling replied that the discussion at the Planning & Zoning Commission level was the most traditional type of door that has direct access is the typical sliding glass door, which is somewhat easily retrofitted with a sliding screen door that meets the enclosure requirements. He said builders are finding that more specialty homes are installing specialty doors that are not so easily retrofitted to meet the pool enclosure requirements without an audible alarm system.

Councilmember Alger asked whether one could meet the requirements by just installing the door handles higher, to which Mr. Schmeling replied yes. He said handles on French doors for example can be raised; however, the self-closing, self-latching part becomes a little tricky. He said in other instances, like with glass panel doors, they cannot be adjusted without a significant expense.

Councilmember Alger asked if there was any fear that the audible alarms could be disabled, to which Mr. Schmeling said yes there is always a fear that the alarm could be shut off; however the Fire Department found that about 40 percent of the communities they researched within Arizona

also allow the audible alarms.

Councilmember McAtlin asked if this would require audible alarms on every door, to which Mr. Schmeling replied that it would be required on all doors that have direct access to the pool unless the door is already equipped with another enclosure.

Councilmember Callahan asked if this also includes windows, to which Mr. Schmeling said it could include the windows; however, there are other ways to adjust windows.

Councilmember McAtlin moved to adopt Ordinance No. 14-1111 amending section 14.30.090(C)(4) of the City Code to allow alarms as an acceptable enclosure for doors with direct access to the pool, seconded by Councilmember Alger, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

8.8 [ID 14-0174](#) Adopt Resolution No. 14-2817 Renaming London Bridge Shopping Center Alley to Veterans Way

Mr. Didion advised that this item is a request submitted by the VFW, London Bridge Shopping Center, and the American Legion. He stated that the intent is to take one of the unnamed alleys located in the London Bridge Shopping Center that runs from Paseo del Sol Avenue North to Palo Verde Boulevard, parallel to Highway 95, and honor military veterans by changing the name to "Veterans Way".

Mr. Didion said the City contacted all the property owners that have any connection to the roadway and did not receive any comments for or against changing the name. Mr. Didion added that none of the businesses use the connecting alley way as their business address; therefore, the City will not be affecting anyone's address with this name change. Mr. Didion added that the City would be installing the two street signs.

Mayor Nexsen said personally he believes Lake Havasu City is the most patriotic city in America, and feels that this name change is highly appropriate.

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

Councilmember Alger moved to adopt Resolution No. 14-2817 designating that the London Bridge Shopping in Tract 2183 be renamed to Veterans Way, seconded by Councilmember Brister, and carried by the following vote:

Aye: 7 - Mayor Nexsen, Councilmember Barlow, Councilmember Alger, Councilmember Brister, Vice Mayor Callahan, Councilmember Coke and Councilmember McAtlin

9. CURRENT EVENTS

There were no council committee reports.

10. FUTURE MEETINGS

Tuesday, May 6, 2014 @ 1:30 p.m. - Budget Overview & Budget Work Session

Tuesday, May 13, 2014 @ 6:00 p.m. - Regular Meeting

11. FUTURE AGENDA ITEMS

There were no requests for future agenda items.

12. ADJOURN

Upon motion by Councilmember Callahan and seconded, the meeting adjourned at 7:37 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 22nd day of April, 2014. I further certify that the meeting was duly called and posted, and that a quorum was present.

Kelly Williams, City Clerk