

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

5:30 P.M.

AGENDA

Tuesday, June 16, 2015

REGULAR MEETING

CALL TO ORDER & ROLL CALL --- ALL COUNCILMEMBERS WERE PRESENT.

INVOCATION will be given by Grif Vautier of Kingman Presbyterian Church
PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

- a. The Special Meeting minutes of September 12, 2014. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-0 AS COUNCILMEMBERS ABRAM AND YOCUM WERE NOT YET ON THE COUNCIL WHEN THE MEETING TOOK PLACE.**
- b. The Regular Meeting and Executive Session minutes of June 2, 2015. MOTION TO APPROVE WITH A CHANGE NOTED BY COUNCILMEMBER YOUNG WAS PASSED BY A VOTE OF 5-0 AS MAYOR ANDERSON AND COUNCILMEMBER MILES WERE NOT PRESENT FOR THE MEETING.**
- c. The Special Meeting and Executive Session Minutes of June 4, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0 AS COUNCILMEMBER CARVER WAS NOT PRESENT FOR THE MEETING.**
- d. The Special Meeting and Executive Session Minutes of June 5, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0 AS COUNCILMEMBER CARVER WAS NOT PRESENT FOR THE MEETING.**

2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

3. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Arizona Criminal Justice Commission Grant Award DC-16-007

On June 3, 2015 the Arizona Criminal Justice Commission (ACJC) awarded the Kingman Police Department, on behalf of the Mohave Area General Narcotics Enforcement Team

(MAGNET), a grant in the amount of \$345,254.00 to fund our drug task force. Total grant funding is for \$258,940.00 with matching funds totaling \$86,314.00 required from MAGNET. Those matching funds will be paid from the MAGNET RICO account. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. Resolution No. 4955 – Approving Water Service for an Unsubdivided Parcel at 2800 Hualapai Mountain Road for an Office Building (ENG15-034)

On May 28, 2015 the Municipal Utility Commission reviewed a request from Doug Angle for water service to an unsubdivided parcel at 2800 Hualapai Mountain Road (Tax Parcel 321-06-084). This water service request is for development of a new office building on a 1.68 acre commercial property. Resolution No. 4955 grants water service to the subject parcel with the following condition: (1) that any connection to the water or sewer system is made in accordance with the Utility Regulations and applicable building codes. The Commission voted 5-0 to recommend approval of water service to Tax Parcel 321-06-084. **Staff recommends approval of Resolution No. 4955. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. Resolution No. 4954 – Sale of Real Property at 854 Berk Avenue

This item was originally approved March 3, 2015, with Resolution No. 4936. Due to a clerical error, Resolution No. 4936 was assigned to two separate items. This item will re-approve the authorization for the sale of certain real property located at 854 Berk Avenue. The property was bid on through a sealed competitive bid process on February 23, 2015. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

d. Authorizing the purchase of real property on Gates Avenue for drainage purposes, ENG15-018

On March 17, 2015, Council approved Resolution 4936, which authorized staff to proceed with acquiring vacant property on Gates Avenue for drainage purposes. The property is owned by Gregory V. Davis and is identified as tax parcel 311-14-326. The property is 5,000 square feet in area and is a natural low point which ponds with storm runoff. Staff recommends proceeding with the Gates property acquisition. Upon Council approval, staff will open an escrow with one of the local title agencies to finalize this land purchase. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

e. Mohave County Jail Costs IGA FY15-16

Staff has submitted the Mohave County Jail Costs IGA dated July 1, 2014, email correspondence with Mohave County, and Mohave County Board of Supervisors May 5, 2015 agenda item and meeting minutes regarding the FY15-16 booking and per diem fees for city inmates. The booking fee has been reduced from \$62.00 to \$61.00. The per day fee has been reduced from \$69.50 to \$66.64. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

f. Resolution 4956 Authorizing an Intergovernmental Agreement between the Arizona Department of Revenue (ADOR) and the City of Kingman for ADOR administration, billing, collection, auditing and licensing of transaction privilege taxes, use taxes or other taxes imposed by the City or State

The Arizona Department of Revenue has prepared a revised intergovernmental agreement to renew authorization for the Department of Revenue to act on behalf of the City of Kingman in regard to joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the City of Kingman or State of Arizona. With the modification of ARS §42-6001 as it relates to the Local Transaction Privilege Tax administration, there are significant improvements in the State collection program as a result of the simplification process. The intergovernmental agreement includes revisions to 1) address confidentiality, 2) provide clear direction regarding the sharing of general taxpayer license information, legal interpretations and written guidance, and rate and fee tables, 3) identify exact data fields to provide to the DOR and detailed reports that will be provided to the cities, 4) provide guidance for handling voluntary disclosure by taxpayers, and 5) provide a formal review process using the new “State and Local Uniformity Group” made up of four city and four DOR tax experts who will work together to iron out any problems or conflicts between the cities and the State. The terms of the intergovernmental agreement run on an annual basis from July 1, 2015 through June 30, 2016 and will renew automatically each year. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

g. National League of Cities Service Line Program

At the June 2, 2015 Regular Meeting of the Common Council, Utility Service Partners presented information on the National League of Cities Service Line Program, which provides citizens with the opportunity to purchase insurance to cover water and sewer line repairs that are the responsibility of the property owner. Staff has worked with Utility Service Partners to draft a contract to allow the City to participate in this program. **Staff recommends approval. MOTION TO APPROVE WITH A STIPULATION ON LANGUAGE TO BE INCLUDED IN THE LETTER FOR THE PROGRAM WAS PASSED BY A VOTE OF 7-0.**

4. EXECUTIVE SESSION

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)(1). THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

MOTION TO GO INTO EXECUTIVE SESSION WAS PASSED BY A VOTE OF 7-0.

a. Review and discussion of the draft contract for the City Magistrate position.

b. Discussion and/or action concerning the contract for the City Magistrate position.

5. **OLD BUSINESS**

a. Ratification of City Magistrate Employment Agreement

On June 5, 2015, Council appointed three Council members and HR Director to negotiate terms and conditions of an employment agreement with Jeffrey Singer for City Magistrate. Attached is the agreed upon contract with City Magistrate Jeffrey R. Singer. Highlights of the contract include: effective June 29, 2015; two year contract; annual base salary of \$111,936. **MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. Swearing in ceremony for new city magistrate

Pending approval of the proposed contract for new City Magistrate Jeffrey R. Singer, retiring Magistrate Kathy McCoy will swear in Judge Singer to his new position before the Mayor and Council.

6. **NEW BUSINESS**

a. Discussion and direction concerning possible consolidation and extension of repayment of WIFA loans for infrastructure improvements

Upgrades to the Downtown and Hilltop Wastewater Treatment Plants were completed in 2011 and 2012. The primary funding source for each of these projects was through loans obtained from the Water Infrastructure Finance Authority (WIFA), \$14,439,487 for the Downtown plant and \$33,783,632 for the Hilltop plant. Both loans are on a 20-year repayment schedule. The combined interest rate and administrative fee for the Downtown plant's loan is 3.185% and Hilltop plant's loan is 3.60%. The Downtown plant's outstanding loan balance is \$13,125,155 and has 16 years remaining on it. The Hilltop plant's outstanding loan balance is \$27,924,337 and has 14 years remaining on it. There has been some inquiry into the possibility of consolidating and extending these loans if additional funding from WIFA is needed for infrastructure improvements. **Staff is looking for direction on whether or not to research the inquiry of consolidation and extension of repayment of the WIFA loans if additional funding is needed for infrastructure improvements. DIRECTION WAS PROVIDED TO STAFF TO PROCEED AND BRING BACK TO THE COUNCIL FOR FURTHER DISCUSSION AND POSSIBLE ACTION.**

b. Golf Course Manager Agreement

The term of the current Golf Course Manager Agreement ends December 31, 2015. After lengthy discussion at the May 20th meeting of the Golf Course Advisory Commission, the commission voted 5 in favor of renegotiating the Golf Course Manager Agreement with the current Golf Course Manager Levi Pitts of Cerbat Golf L.L.C. One commissioner cast an opposing vote. The current term of the Golf Course Manager Agreement ends December 31, 2015. **Council discretion. MOTION TO CREATE SUBCOMMITTEE AND RENEGOTIATE THE CONTRACT WITH MR. PITTS WAS APPROVED BY A VOTE OF 6-1 WITH MAYOR ANDERSON VOTING NAY.**

c. Discussion and/or action regarding possibly changing the date of or cancelling the second Regular Council Meeting in August

The second Regular Council Meeting for the month of August is currently scheduled to take place August 18th. The League of Cities and Towns Annual Conference is scheduled to take place Tuesday, August 18th through Friday, August 21st in Tucson, Arizona. Given that the majority of the Council is scheduled to attend this conference beginning August 19th, staff has

requested an item for the Council to discuss and possibly take action regarding changing the date of or cancelling the second Regular Meeting of August 18, 2015. **Council discretion.**

MOTION TO CANCEL THE REGULAR COUNCIL MEETING OF AUGUST 18, 2015, WAS PASSED BY A VOTE OF 7-0.

d. Consideration of the City Council Initiating a C-3 Planned Development District Zoning for the 151-Acres of City Owned Property in the Kingman Crossing Area that is Designated “Regional Commercial”

With the adoption of Resolution 4949 on May 5, 2015, the 151.32-acres of the Kingman Crossing area owned by the City is designated “Regional Commercial” on the Projected Land Use Map of the Kingman General Plan Update 2013. The property can be rezoned to a zoning district that is in conformance with the General Plan. A compatible zoning district for a Regional Commercial Zoning District is Commercial: Service Business (C-3). However, as was discussed in the General Plan Amendment public meetings and other discussions with the land owner on the north side of the future Kingman Crossing Traffic Interchange, some uses permitted in the C-3 Zoning District are not desirable. Therefore, a Planned Development District, which permits a change in the permitted, conditionally permitted uses, and minimum development standards, can be adopted to establish a desirable zoning district. Staff and Council will discuss stipulations for the development of the property. If the City Council desires to initiate rezoning of its Kingman Crossing property, direction on what zoning district and/or planned development district is desired needs to be made. If initiated at this meeting, the Planning and Zoning Commission can hold its public hearing on July 14, 2015, and the City Council can hold its public hearing on August 4, 2015. **Staff recommends initiation of the C-3 PDD zoning district and rezoning of the Kingman Crossing property. MOTION TO TABLE AND HOLD A PUBLIC WORK SHOP ON THIS TOPIC WITHIN 30 DAYS WAS PASSED BY A VOTE OF 5-2 WITH MAYOR ANDERSON AND COUNCILMEMBER CARVER VOTING NAY.**

e. Adopt Public Notice for Public Hearing on July 21, 2015 to Amend the City of Kingman Tax Code by Removing the Sunset Date on the Increased Taxation Rate of 0.50% on All Categories

On May 7, 2013, Council adopted Ordinance 1751R which increased the taxation rate on all categories by 0.50% effective July 1, 2013 through June 30, 2016. The purpose of the temporary TPT increase was to supplement funding for necessary public safety equipment and fleet replacement, public safety facilities, street improvements and maintaining a general fund balance of 25% of its operating expenditures. Some of these items are ongoing and need funding to complete and other items, such as general fund expenditures, have become a priority. During budget work sessions there was much discussion surrounding the 0.50% TPT tax increase and removing the June 30, 2016 sunset date. Since there was not a consensus during budget work sessions on moving forward with a public hearing process to remove the sunset date, staff is looking for direction from Council on how to proceed. It should be noted that if Council directs staff to move forward with a public hearing process, as other revenue sources are implemented, the 0.50% TPT increase can be revised or removed in its entirety. **Staff is looking for direction from Council on whether to proceed with a public hearing process to amend the City of Kingman tax code or to allow the temporary 0.50% TPT increase to expire on June 30, 2016. MOTION TO PROCEED WAS APPROVED BY A VOTE OF 6-1 WITH COUNCILMEMBER CARVER VOTING NAY.**

7. **REPORTS**

a. **Historical Preservation Commission report to Council on member's attendance to State Annual Historic Preservation Conference, May 12-16, 2015 in Flagstaff, AZ.**

From May 12th through the 16th, 2015, Historical Preservation Commission members D'Arcy Wagner and Angele Florisi attended the State Historic Preservation Office's annual preservation conference in Flagstaff, Arizona. These commissioners attended various workshops which provided a wealth of information about local government preservation and redevelopment methods and strategies. Commissioners wish to report to Council on the education they received during this valuable conference.

b. **Board, Commission and Committee Reports by Council Liaisons**

8. **ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.

If needed.

9. **EXECUTIVE SESSION**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH A.R.S.38-431.03(A)(4) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

MOTION TO GO INTO EXECUTIVE SESSION WAS PASSED BY A VOTE OF 7-0.

Discussion and guidance provided to staff for contract negotiations with Kingman Visitor Center Inc.

DIRECTION WAS PROVIDED TO SET UP A PUBLIC WORKSHOP ON THIS TOPIC.

ADJOURNMENT--- MOTION TO ADJOURN WAS PASSED BY A VOTE OF 7-0.

Posted _____ by _____