

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

5:30 P.M.

ACTION AGENDA

Tuesday, September 1, 2015

REGULAR MEETING

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

INVOCATION will be given by Tracie Padilla of Praise Chapel

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 Work Session minutes of July 27, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.

b. The Regular Meeting and Executive Session minutes of August 4, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-0 WITH VICE MAYOR WIMPEE SR. AND COUNCILMEMBER YOUNG ABSTAINING.

c. The Work Session minutes of August 24, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0 WITH COUNCILMEMBER CARVER ABSTAINING.

2. APPOINTMENTS

Assignment to the Volunteer Firefighters Pension Plan Board

With the passing of John Osterman, there is a vacancy on the Volunteer Firefighters Pension Plan Board for the position of member of the public. Retired Fire Chief Chuck Osterman has volunteered to fill this vacancy. Chief Osterman is not enrolled in the volunteer firefighter pension plan. **Staff recommends appointing Chuck Osterman to fill the vacancy in the Volunteer Pension Plan Board. MOTION TO APPOINT CHUCK OSTERMAN TO FILL THE VACANCY ON THE VOLUNTEER FIREFIGHTER PENSION PLAN BOARD WAS PASSED BY A VOTE OF 7-0.**

3. 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.

4. 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. Resolution 4966 authorizing a Memorandum of Understanding (“MOU”) between the Arizona Department of Revenue (“ADOR”) and the City of Kingman to establish performance measures to promote the timely, efficient and accurate processing of municipal tax matters

The ADOR and City of Kingman recently entered into an intergovernmental agreement to establish a uniform method of administration, collection, audit and licensing as it relates to municipal tax matters. In order to establish performance measures to promote the timely, efficient and accurate processing of these municipal tax matters by the ADOR, an MOU has been created between the ADOR and the City of Kingman. The terms of the MOU run on an annual basis from July 1, 2015 through June 30, 2016 and will renew automatically subject to the annual review conditions provided for in the MOU. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. Authorization for the Purchase of a Self-Contained Breathing Apparatus (SCBA) Compressor

Staff is requesting authorization for the purchase of the SCBA Compressor utilizing the bid from LN Curtis and Sons in the amount of \$65,098.80 including sales tax. Staff recommends the addition of the hose reel option in the amount of \$1,916.00 including sales tax. Finally, staff recommends the facilitation of the phase converter which must be installed at a total of \$4,400.00. The total for the completion of this project is \$67,015.90. **Staff recommends Council approve acceptance of the bids from LN Curtis and Sons to include hose reel option and Barkhurst Electric for phase converter installation. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. Award of bid for Ford PI Interceptor Police Package vehicles

The Kingman Police Department solicited bids for four 2015 or newer Ford PI Interceptor Police Package vehicles. The only bid submitted totaled \$127,600.36 (individual cost of \$31,900.09) from Cerbat Hills Ford DBA Colorado River Ford in Kingman. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

d. Award of bid for Chevrolet Silverado half ton vehicle

The Kingman Police Department solicited bids for one 2015 or newer Chevrolet Silverado vehicle. The vehicle will be utilized for the Neighborhood Services Unit. The only bid submitted totaled \$35,234.10 from Kingman Chevrolet - Buick. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

e. Award of bid for Ford Explorer 4WD Vehicle

The Kingman Police Department solicited bids for one 2016 or newer Ford Explorer vehicle. The vehicle will be utilized for the Flex Team K-9. The only bid submitted totaled \$30,586.90 from Cerbat Hills Ford DBA Colorado River Ford in Kingman. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

f. Authorization to Purchase Toro Groundsmaster 5900 Rotary Mower

Staff is requesting Council to authorize the purchase of a new Toro Groundsmaster 5900 Rotary Mower. This is an 18 feet width of cut, 99 horse power turbo Diesel, Hydraulic Driven. The mower would replace two 72” Groundsmaster Rotary Mowers that pull after-market trail mowers,

these would be moved down in our fleet and used without pulling the trail mowers. **Staff is recommending Council authorize the purchase of new Toro Groundsmaster 5900 Rotary Mower from the Simpson Norton Corporation in the amount of \$88,367.23. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

g. Consideration of a professional services agreement with Patti Trahern, PE, PHD for a Downtown local limits study, a wastewater classification study and a Hilltop local limits update, ENG15-051

On August 6, 2013 the Council adopted Ordinance No. 1764 as the City of Kingman Pretreatment Ordinance. In October of 2013, the Arizona Department of Environmental Quality (ADEQ) approved the City's Pretreatment Ordinance. The Pretreatment Ordinance prohibits the discharge of certain substances into the City sewer system. The Clean Water Act [40 CFR 403.8(f)(4)] requires that the City develop Local Limits, which are site specific limits for Industrial users. The Local Limits are intended to prevent undesirable substances from "passing through" the plant and causing the City to violate its effluent discharge requirements. The Local Limits are also intended to prevent the occurrence of substances that will "interfere" with the treatment plant operations, or cause health concerns for the workers. When the Pretreatment Ordinance was created, the Local Limits Study for the Downtown facility was deferred because the plant was not yet operational. The Hilltop Local Limits requires an update to review certain pollutants of concern such as copper, mercury, selenium and others. The Wastewater Classification Study will review the wastewater strength classification rates from the Utility Regulations. The current Table has not been updated since the Regulations were adopted in 1987. Staff has asked for a proposal from Patti Trahern, PE, PhD to prepare all of the work under a single agreement. Dr. Trahern was involved with the City's initial Pretreatment Ordinance. **Staff recommends that Council approve the Professional Services Agreement with Patti Trahern and authorize the Mayor to sign the Agreement on behalf of the City. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

h. 60 Day Contract extension for the Powerhouse Rehabilitation Project Design to Seabury Fritz Architects Inc.

On March 18, 2015, a contract was awarded to Seabury Fritz Architects Inc. for the design plans for the Powerhouse rehabilitation grant project. Seabury Fritz Architects Inc. has complied with all schedule requirements. The original contract was for a 180 day timeframe to be completed. Due to ADOT plan review times, the process has taken longer than expected. The original agreement was to be completed by September 14, 2015. **Staff recommends extending the contract 2 months until November 13, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

i. Special Event Liquor License Application

Applicant Rebecca Fawson of Kingman Route 66 Rotary Foundation has applied for a Series 15 Special Event Liquor License for an event to take place Friday, October 2 and Saturday, October 3, 2015 from 10:00 A.M. to 9 P.M. each day at Locomotive Park in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

j. Special Event Liquor License Application

Applicant John Patt of Desert Diamond Distillery has applied for a Series 16W Wine Fest/Wine Fair Liquor License for an event to take place Friday, September 25, 2015 from 6 P.M. to 10 P.M., Saturday, September 26, 2015 from 12 P.M. to 10 P.M., and Sunday, September 27, 2015

from 10 A.M. to 4 P.M. at Locomotive Park in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

k. Special Event Liquor License Application

Applicant Billy T. Ward of Boys & Girls Club of Kingman has applied for a Series 15 Special Event Liquor License for an event to take place Friday, September 25, 2015 from 4 P.M. to 10 P.M., Saturday, September 26, 2015 from 10 A.M. to 10 P.M., and Sunday, September 27, 2015 11 A.M. to 5 P.M. at Locomotive Park in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

l. Liquor License Application

Applicant Michael Alexander Campbell of Ruyi Express has applied for a Series 12 Liquor License for a restaurant at 960 W Beale Street. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

m. Extension of Premises/Patio Permit Liquor License

Applicant Ronald P. Campbell of The Garlic Clove has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place October 10, 2015 at 509 Beale Street between 5th Street and 6th Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

n. Extension of Premises/Patio Permit Liquor License

Applicant Alton Floyd of Redneck's Southern Pit Barbeque has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place September 25 to September 27, 2015, at 420 Beale Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

o. Extension of Premises/Patio Permit Liquor License

Applicant Noble Zubaid of Canyon 66 Restaurant & Lounge has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place September 23 to September 27, 2015 at 3100 E Andy Devine Avenue in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

p. Request for Public Auction of Parcel IV-U-B-F at the Kingman Airport and Industrial Park

Kingman Airport Authority, Inc. is requesting a Public Auction of Parcel IV-U-B-F at the September 15, 2015 City Council Meeting. This parcel contains 2.93 acres and it has been appraised at \$130,000. The anticipated bidder may require ADEQ or EPS permits approving operations on the site. **Staff recommends scheduling a Public Auction of Parcel IV-U-B-F at the Kingman Airport and Industrial Park during the September 15, 2015 regular City Council Meeting. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

q. Grants of Utility Easements for UniSource Electric, Inc. at Powerhouse SBA cell tower site, 120 Andy Devine Avenue, and C.O.K. Main Water Storage Tank Farm, intersection of Anson Smith Road and White Cliffs Road (Project No. ENG15-057)

(Easement at Powerhouse Site) The City of Kingman is the owner of this 2.2 acre parcel (Parcel 304-18-040) which is the location of the Powerhouse, 120 Andy Devine Avenue. The parcel is located south of Andy Devine Avenue just west of its intersection with N. First Street. UniSource Electric, Inc. is rebuilding their substation located west of the Powerhouse. Their reconstruction

plan calls for a reconfiguration of the power connection to the SBA cell tower site which includes the installation of a new transformer adjacent to the cell tower site and within the City parcel. The proposed easement is not in conflict with any current site functions and improvements. This easement request will allow UniSource Electric, Inc. to install a new transformer for the SBA cell tower. (Easement at Main Water Storage Tank Farm Site) The City of Kingman is the owner of this 10.0 acre parcel (Parcel 305-09-008). This parcel is located at the intersection of Anson Smith Road and White Cliffs Road and is outside of the city limits. This is the site of the City of Kingman main water tank farm facility. UniSource Electric, Inc. discovered that their existing overhead power lines crossing this parcel do not have easements. The lines include a power transmission line and a distribution line which serves the City of Kingman water tanks. The proposed easement is for existing utility lines so there are no anticipated conflicts with site access, functions and improvements. This easement request will correct this omission and provided for legal access and placement of these overhead utility lines. **Staff recommends granting the utility easements for UniSource Electric, Inc. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

5. **OLD BUSINESS**

a. Presentation of a \$3,750 as the Final Installment to Repay Back the \$5000 Seed Money Granted by the City of Kingman to the Kingman and Mohave Manufacturing Association (KAMMA)

On September 4, 2012, the City granted \$5,000 to KAMMA as seed money to become organized and obtain its non-profit, tax exempt status. Since that time KAMMA has incorporated and gained its tax exempt status. Membership has grown and KAMMA wants to repay the grant in one final installment of \$3,750. An oversized check presentation for the final installment will be made at the City Council meeting, but the actual check will not be given to the City until December, 2015. **Staff recommends accepting the check. MAYOR ANDERSON ACCEPTED THE CHECK FROM MEMBERS OF KAMMA.**

b. Restructuring the Hilltop Wastewater Plant loan

Staff has been researching the potential to restructure the Hilltop Wastewater Plant loan from 13 to 15 years at 2.5% interest. The Water Infrastructure Finance Authority (WIFA) may or may not approve the application; however, it has been suggested to submit an application. **Staff agrees the City should try and refinance the loan now before interest rates begin to climb. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. Discussion and possible action on the Communication to Council form

Staff is seeking direction on the proper documentation for requested agenda items. Any form the Council wishes to use is fine with staff. The request is so that it is not left up to interpretation, or misinterpretation, of what the Councilmember is requesting. **Council discretion. THE COUNCIL PROVIDED DIRECTION TO STAFF THAT COUNCILMEMBERS WILL INCLUDE WRITTEN DOCUMENTATION FOR REQUESTED AGENDA ITEMS.**

d. Discussion and/or action concerning disbandment of the Tourism Development Commission (TDC)

At the Regular Meeting of April 7, 2015, the Council heard a presentation from Krystal Burge and Tom Spear of the Tourism Development Commission (TDC) concerning possible disbandment. At the Work Session of August 24, 2015, the Council held discussion of this item

and requested an action item for the September 1, 2015, Regular Meeting. The Council will discuss and take possible action on the proposal for disbandment of the TDC as well as options regarding a tourism contact with Kingman Visitor Center, Inc. **Council discretion. DIRECTION WAS PROVIDED TO HAVE A COUNCIL WORK SESSION OR REGULAR MEETING AGENDA ITEM TO DISCUSS THIS MATTER INCLUDING THE KINGMAN VISITOR CENTER, INC. BYLAWS, PRELIMINARY BUDGET, AND OTHER REQUESTED DATA WITH MEMBERS OF THE VISITOR CENTER.**

e. Discussion and possible action concerning Climatec

At the August 24, 2015 Council Work Session the Councilmembers who were present heard a presentation from Climatec concerning a proposal to assist the City in using savings on utility bills to pay for efficiency improvements. Climatec informed staff they are on the state bidders system so it is not required that the City offer a request for proposal to other vendors. Some of the clients Climatec has worked with are currently being contacted and the City Manager will have a verbal report ready for Council at the meeting. **Staff recommends contracting with Climatec to create a list of projects for Council's approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

6. NEW BUSINESS

a. Public hearing and consideration of Ordinance 1801, amending Section 5.000: RESIDENTIAL MANUFACTURED HOME and Subsection 26.900: RECREATIONAL VEHICLE PARKS of the Zoning Ordinance of the City of Kingman

Hugh P. & Moira J. Gallagher, applicants, have requested a text amendment to Section 5.000 RESIDENTIAL MANUFACTURED HOME and Subsection 26.900: RECREATIONAL VEHICLE PARKS of the Zoning Ordinance of the City of Kingman. The proposed amendment would permit recreational vehicles (RVs) to be allowed by Conditional Use Permit (CUP) within manufactured home parks located in an R-MH zoning district. The applicants are interested in allowing RVs within the Kingman Mobile Home Park at 1100 Topeka Street, which they own. The text amendment would allow no more than 40-percent of the park spaces to have RVs, and the space locations must be shown on an approved site plan, among other conditions. The Planning and Zoning Commission held the public hearing on August 11, 2015 to consider the proposed text amendment. The commission voted 5-2 to recommend denial of the proposed text amendment. The commissioners expressed concern regarding the impact of RVs on the manufactured home park and surrounding neighborhoods. A proposed ordinance has been prepared for the Council's consideration based on the requested text amendment and staff recommendations. **The commission's recommendation was to deny the requested amendment. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER ABRAM VOTING NAY.**

b. Proposed Resolution No. 4967, approving a change of beneficiary of a trust for Kingman Crossing, Tract 1993-A, a single family residential subdivision

Kingman Crossing Tract 1993-A is a single family residential subdivision located on the south side of Airway Avenue at Santa Rosa Drive and is not associated with nor a part of the city-owned parcel south of I-40. On January 17, 2012 the Kingman Common Council passed Resolution No. 4762-R which accepted a new property escrow assurance and released a surety bond for Kingman Crossing, Tract 1993-A. The property escrow assurance was accepted to

assure the completion of all remaining uncompleted off-site subdivision improvements for Kingman Crossing, Tract 1993-A east of Santa Rosa Drive. Under the assurance agreement, no individual lots can be sold until all required subdivision improvements are completed. The portion of Kingman Crossing, Tract 1993-A subject to the property escrow agreement is in a trust with Pioneer Title Agency, Inc. as Trustee under Trust No. 9289. The original beneficiary of the trust was WLN Construction, LLC. The property escrow agreement requires that Pioneer Title obtain the City's written approval prior to the transfer, release, or conveyance of any of the property in this section of Kingman Crossing, Tract 1993-A. In 2013 the Council passed Resolution No. 4846 which approved a change to the beneficiary of the trust to include Frank Moore Construction, LLC as the second beneficial interest. Angle Homes has recently entered into a purchase agreement for the subject property. As a result, Pioneer Title Agency proposed changing the second beneficial interest first to Francis P. Moore individually then to Angle Homes, Inc. **The Council is asked to approve Resolution No. 4967 which will provide the required written authorization for the change of beneficiary to Angle Homes, Inc. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0 AS COUNCILMEMBER CARVER WAS OUT OF THE ROOM.**

c. Discussion and direction concerning street closures

The City recently received an application for a street closure to hold an event downtown. The business owner was told he would have to make arrangements for the street closure barricades. Upon contacting a vendor in Fort Mohave the business owner decided the cost (\$1,100) was too prohibitive and talked about cancelling his event. The City Manager asked the Public Works Director to calculate the cost of the Street Department handling the street closure (\$390). Department personnel have been through training on doing street closures and the department has the equipment to do minor closures on a periodic basis. **In order to encourage events in the city, staff would like authorization from Council to do street closures using city personnel, at the City Manager discretion, when feasible and personnel are available. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

7. **REPORTS**

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**

Pursuant to ARS 38-431.03(A)(7), the City Manager requests that the Mayor and Common Council vote to go into executive session for discussion and later possible action.

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

a. E. Andy Devine Avenue property appraisal

MOTION TO PUT THE SUBJECT PROPERTY FOR SALE THROUGH THE BID PROCESS FOR THE MINIMUM APPRAISED AMOUNT WAS APPROVED BY A VOTE OF 7-0.

Pursuant to ARS 38-431.03(A)(1), the City Manager requests that the Mayor and Common Council vote to go into executive session for discussion and later possible action.

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

b. City Manager contract

DIRECTION WAS PROVIDED TO THE SUBCOMMITTEE TO MEET WITH THE CITY MANAGER DURING THE FOLLOWING WEEK TO DISCUSS THE CONTRACT.

ADJOURNMENT --- MOTION TO ADJOURN WAS PASSED BY A VOTE OF 6-0.