

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

**5:30 P.M.**

**ACTION AGENDA**

**Tuesday, October 6, 2015**

**REGULAR MEETING**

**CALL TO ORDER AND ROLL CALL --- ALL COUNCILMEMBERS WERE PRESENT.  
INVOCATION --- THE INVOCATION WAS GIVEN BY CITY MANAGER JOHN A.**

**DOUGHERTY.**

**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 Regular Meeting and Executive Session minutes of September 15, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-0 WITH VICE MAYOR WIMPEE SR. AND COUNCILMEMBER YOUNG ABSTAINING.**

**2. AWARDS/RECOGNITION**

**a. Citizen recognition**

On August 17, 2015 the Kingman Police Department responded to a check welfare call in the 2100 block of Seneca Street. Officers met with William Ponusky, a concerned neighbor, who reported that his neighbor's lights had been on for three days without any activity around the home. Upon looking through the windows of the home, officers observed a lone male occupant lying on the floor. Officers summoned the Kingman Fire Department and made entry into the home. The occupant had suffered a severe medical episode and it was believed he was down a couple of days. Without the keen observation and caring attitude of Mr. Ponusky, it is highly likely the individual would have died. The Kingman Police and Fire Department jointly recognize and applaud Mr. Ponusky for his life saving action on August 17, 2015. He is the epitome of a "Good Neighbor." **Staff recommends recognizing William Ponusky and providing him a Life Saving Award.**

**b. Employee Recognition**

In appreciation for their hard work, dedication, and loyalty the Mayor and Council would like to recognize employees who have reached years of service milestones, beginning at five years of service and continuing at each five year interval. Tonight the Mayor and Council hereby convey their earnest appreciation to:

<b>Yrs of Service</b>	<b>Name</b>	<b>Title</b>	<b>Department</b>
30	Bland, Phillip	Equipment Operator A	Streets
30	Pethers, Dean	Water Technician A	Water Operating
25	Abraham, Bradley	Fire Engineer	Fire

20	Bonfield, William	Equipment Mechanic	Building/Fleet Maint.
20	Cornett, Terry	I T Coordinator	Info. Technology
20	Lash, David Sr.	Building Inspector	Building Inspection
15	Clemens, James	Crew Leader	Building/Fleet Maint.
15	Henry, Greg	City Engineer	Engineering
15	King, Donna	Administrative Assistant	Building/Fleet Maint.
15	Rogers, Kiley	Equipment Operator B	Water Operating
15	Zach, Paul Equipment	Operator B	Sanitation
10	DeHerrera, Casey	Administrative Secretary	Police
10	Dill, Dan	Crew Leader	Parks
10	Duszynski, John	Equipment Mechanic	Building/Fleet Maint.
10	Gifford, Jeffrey	Equipment Operator B	Streets
10	Furr, Robert	Equipment Operator B	Sanitation
10	Hardy, Joel	Code Enforcement Officer	Police
10	Johnson, Paul	Crew Leader	Fire
10	O'Haver, Maria	Court Clerk	Magistrate Court
10	Reed, Tiffany	Administrative Assistant	Police
5	Brown, Gabriel	Police Officer	

**Mayor and Council would like to congratulate the following retirees on their retirement:**

David Patriquin who retired for the Fire Department on July 31, 2015 with 30 years of outstanding service.

**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. Authorizing the purchase of real property on Golden Gate Avenue for drainage purposes, ENG15-018**

The property is described as the easterly 75 feet of tax parcel 311-14-319g, is zoned commercial C2, and includes three 25 x 100 foot vacant lots which pond with drainage from Gates Avenue and often flood the City's alley. The property would outlet drainage to Golden Gate Avenue. The property owner will accept a minimum of \$42,500 for the property. **Staff recommends proceeding with the Golden Gate property acquisition. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**b. Award of bid for one refuse side-load truck**

The Public Works Sanitation Department received three bids on September 1, 2015 for one refuse side-load truck for the Fiscal Year 2015/2016 budget. **Staff recommends accepting the primary bid from Rush Truck Center and Scorpion Body for a Peterbilt Chassis and Scorpion Body for \$250,033.00 plus tax. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**c. Fiscal Year 2015 bulletproof vest partnership grant award**

The Kingman Police Department was awarded a Bureau of Justice assistance grant award in the amount of \$4,784.42 under the FY 2015 bulletproof vest partnership solicitation. The grant will be used to purchase new ballistic vests for police officers. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**d. Request from Turf Paradise to renew its off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill**

David Johnson, Vice President of Turf Paradise, is requesting approval to renew the Turf Paradise off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill, located at 3631 Stockton Hill Road. Turf Paradise is currently in the process of renewing its permit to operate additional wagering facilities with the Arizona Department of Racing. The term of the permit applied for is from June 1, 2015 through May 31, 2018. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**e. Liquor license sampling privileges application**

Applicant Clare Hollie Abel of Wal-Mart Supercenter #2051 has applied for Sampling Privileges for an existing Series 9 Liquor License at 3396 Stockton Hill Road. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**f. Consideration of Resolution 4973 for a City owned sewer payback**

The City installed a sewer line with 3 manholes and service stub outs on Lovin Avenue from approximately 37 feet west of Washington Street to Eastern Street under project ENG14-090. The proposed payback agreement in Resolution 4973 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4973. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**g. Consideration of Resolution 4974 for a City owned sewer payback**

The City installed a sewer line with 4 manholes and service stub outs on Colorado Avenue from approximately 350 feet west of Washington Street to Eastern Street under project ENG14-091. The proposed payback agreement in Resolution 4974 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4974. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**h. Resolution 4975 - Consideration of Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District for mapping and hydrology studies with FEMA CTP grant funding**

City staff has identified and prioritized mapping needs and hydrology/hydraulic studies that would best help mitigate flood hazards and improve the management of flood prone areas within the City. The proposed work using Cooperating Technical Partners (CTP) grant funding will map the entire City Water Service Boundary (61 square miles) at 1 foot contour giving a higher level of detail and the remainder of the new mapping will be east of and outside of the Water Service Boundary at 2 foot contours. The mapping and hydrological studies will assist City staff and end users in planning for and evaluating drainage hazards and will provide the necessary data for the update to the City Master Drainage Plan. The total cost of the mapping and studies will be \$220,000 of which \$20,000 is mapping work requested by and will be paid for by the Mohave County Flood Control District. The remaining project cost of \$200,000 are for mapping and studies requested by the City. The required 25% percent City matching for \$200,000 is \$50,000. The remaining 75% of the cost (\$150,000) will be paid by the FEMA CTP grant. Mohave County Flood Control District agreed to administer the project and CTP grant with a 5% fee (\$10,000) of the project cost to cover its expenses. Mohave County Flood Control District has prepared an Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District to allow the Mohave County Flood Control District to administer and manage the CTP grant on the City's behalf and in compliance with FEMA's request. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**i. Approval of Title VI Plan for Kingman Area Regional Transit (KART)**

The FTA requires all grantees have a comprehensive Title VI Plan approved by their governing board. KART has developed the necessary plan and presented it to the Transit Advisory Commission (TAC) for review and approval at the quarterly meeting held on July 15, 2015. The TAC voted unanimously (5-0) to approve the Title VI Plan and forward to Council for ratification. **Staff recommends approving the Title VI Pan as written. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**j. Annual review of bylaws for the Transit Advisory Commission (TAC) for KART**

The TAC bylaws require annual review. This review was accomplished during TAC's quarterly meeting held on July 15, 2015. The commission voted unanimously (5-0) to amend the bylaws to state that a quorum is based on a majority of members rather than a specific number and forward to Council for ratification. **Staff recommends approving the bylaws as revised. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**5. OLD BUSINESS**

**a. Public Hearing and adoption of Ordinance 1799 amending the Kingman Tax Code by removing the sunset date of June 30, 2016 on the 0.50% increased taxation rate and keeping the Transaction Privilege Tax rate at 2.50%**

On May 7, 2013, Council adopted Ordinance 1751R which increased the taxation rate on most 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. At the June 16, 2015 City Council meeting, staff was given direction to move forward with the public hearing process to remove the sunset date of June 30, 2016 on the increased taxation rate. **Staff recommends adopting Ordinance 1799. MOTION TO EXTEND THE SUNSET DATE ON THE 0.5% TPT INCREASE TO DECEMBER 31, 2-17 WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER YOUNG VOTING NAY.**

## **6. NEW BUSINESS**

### **a. Authorization for General Fund Contingency transfer to fund abatements**

Four nearly completed abatement projects will cost the City \$34,361. Seven other projects will cost approximately \$42,500. In addition, there are still a number of properties that will begin the abatement process in the upcoming months. The FY2015-16 budget for abatements is \$61,900. In order to fund all of the existing projects as well as any upcoming projects, staff requests a general fund contingency transfer of \$50,000. **Staff recommends Council authorize a general fund contingency transfer of \$50,000 to fund future abatements during FY 2015-16. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

### **b. Proposed change to Ordinance 1681, Section 3-22, related to the number of pets allowed per residence**

Resident Amber Novak sent a letter to Vice Mayor Wimpee, Sr. requesting the City Council make changes to City of Kingman Ordinance 1681, Section 3--22, related to the number of pets allowed per residence to allow the livestock allowances on properly zoned property to be interchangeable. **Staff is seeking direction from Council on whether to draft an ordinance allowing the number of livestock pets allowed to be interchangeable in properly zoned areas. MOTION TO DIRECT STAFF TO DRAFT AN ORDINANCE ALLOWING THE NUMBER OF LIVESTOCK PETS ALLOWED TO BE INTERCHANGEABLE IN PROPERLY ZONED AREAS WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER YOUNG VOTING NAY.**

### **c. Public Hearing and consideration of Ordinance 1804 approving the modification of Ordinance 951-Revised to allow the splitting of a lot located at 3320 Stockton Hill Road**

This is a request from Mohave Engineering Associates, Inc., applicant, and SK & M Investments, Inc., property owner, for the modification of certain zoning conditions of Ordinance 951-R. The proposal is to split this parcel into two lots. A future building, a maximum of 1,600 square feet, is proposed on the future north lot. The existing Taco Bell restaurant will be located on the south lot after the property is split. The Planning and Zoning Commission held a public hearing on September 8, 2015. The Planning and Zoning Commission voted 5-0 to recommend approval of the request with certain conditions. **Staff recommends approving Ordinance 1804. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**d. Consideration of Resolution 4971, approving a cash payment street deferral for Manzanita Baptist Church**

The Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued. Gates Avenue adjacent to the location of the gymnasium is presently improved with some asphalt paving and no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000.00, the Streets and Sidewalks Development Rules and Regulations require that the adjacent street improvements be completed on Gates Avenue. The scope of the required improvements would be a section, 187.5-feet in length, with curb, gutter, a four-foot wide sidewalk, two driveways, additional paving, and engineering and staking. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral. The Traffic Safety Committee (TSC) reviewed the deferral request on August 20, 2015. The TSC recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the city rather than granting a non-payment deferral. **Staff recommends adopting Resolution 4971 if Council wishes to accept a cash payment for the required street improvements on Gates Avenue. MOTION TO DENY RESOLUTION NO. 4971 AND RETURN WITH A COMPLETE DEFERRAL OF THE IMPROVEMENTS WAS PASSED BY A VOTE OF 7-0.**

**e. Second annual Rattlers Mountain Bike Race**

The Colorado River Area Trail Association (CRATA) is holding the Second Annual Rattler Mountain Bike Race in the Cerbat Foothills Recreation Area, west of downtown Kingman. The group is seeking \$4,000 to help on this event, which they believe will become self-sufficient after this year's event. This event is growing and is expected to be a great annual tourism event for Kingman. **The Tourism Development Commission recommends approval of this request. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**f. Public hearing and consideration of Ordinance 1803 to amend Section 16.000: LIGHT INDUSTRY (I-1) of the Zoning Ordinance of City of Kingman**

This amendment is to add air ambulance services with accessory helicopter pads as an allowable use with a conditional use permit to Section 16.000: Light Industry. The light industry zoning district appears to be the most suitable district to allow for an air ambulance service compared to a commercial zoning district. Upon approval of this text amendment, if an air ambulance service is proposed, the applicant will apply for a conditional use permit. Staff and other reviewing agencies will conduct a more detailed review of the conditional use permit application. **The Planning and Zoning Commission held the public hearing on September 8, 2015 to consider this request. The Commission voted 5-0 to recommend approval of the proposed text amendment as written. Staff recommends approving Ordinance 1803. MOTION TO APPROVE WAS DENIED BY A VOTE OF 3-4 WITH MAYOR ANDERSON, COUNCILMEMBER CARVER, COUNCILMEMBER MILES AND COUNCILMEMBER YOUNG VOTING NAY.**

**g. Presentation on Kingman's tourism potential**

James Hinckley, an author, promoter, and lecturer on Route 66, will provide information on Kingman's tourism potential.

**h. James Hinckley funding request**

James Hinckley, an author, promoter, and lecturer on Route 66, is seeking monies through the Tourism Development fund to promote Kingman. Mr. Hinckley is seeking funding to finance his travels to the Miles of Possibilities Conference in Edwardsville, Illinois, and other Route 66 conventions in Missouri, Los Angeles and Germany. **The Tourism Development Commission met on September 17, 2015 and recommended denial of this request and believed that funding for these activities should come from the Kingman Powerhouse Visitor Center budget. THIS ITEM WAS TABLED UNTIL LEGAL COUNCIL COULD PROVIDE CLARIFICATION.**

**i. Discussion and possible action concerning the Kingman City Council Values and Code of Ethics**

The original Values and Code of Ethics was completed in 2012 and updated in 2014. Since the election of new members it has never been discussed or signed by the current Council Members. Staff has provided the previous editions of the Values and Code of Ethics for review and comment. **Council discretion. MOTION TO APPROVE WITH THE STIPULATION THAT THE DOCUMENTS BE REVIEWED, APPROVED AND SIGNED ANNUALLY BY THE COUNCILMEMBERS 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.*

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