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

5:30 P.M. **MINUTES** **Tuesday, April 21, 2015**

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor EXCUSED	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice-Mayor	Jackie Walker, Human Resource Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Keith Eaton, Assistant Fire Chief	
Jen Miles	Greg Henry, City Engineer	
Stuart Yocum	Rusty Cooper, Deputy Chief of Police	
Carole Young	Mike Meersman, Parks and Recreation Director	
	Diane Richards, Budget Analyst	
	Rich Ruggles, Principal Planner	
	Jack Plaunty, Street Superintendent	
	Joe Clos, Information Services Director	
	Burley Hambrick, Public Works Project Manager	
	Sydney Muhle, City Clerk	
	Erin Roper, Deputy City Clerk and Recording Secretary	

CALL TO ORDER & ROLL CALL

Vice-Mayor Wimpee, Sr. called the meeting to order at 5:30 P.M. and roll call was taken. All councilmembers were present except for Mayor Anderson who was excused. The invocation was given by Tracie Padilla of Praise Chapel after which the Pledge of Allegiance was said in unison.

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. **Proclamations**
   a. PowerTalk 21® Day

Vice-Mayor Wimpee, Sr. read the proclamation.

b. 2015 Arbor Day

Vice-Mayor Wimpee, Sr. read the proclamation.

c. KABAM Festival Day

Literacy is the foundation of the economic, educational and cultural wellbeing of a community. The Mohave Library Alliance seeks to promote literacy, the love of books and the joy of reading and has received the support of various local organizations and groups. The Mohave Library Alliance is sponsoring the KABAM! (Kingman Area Books Are Magic) Festival to promote literacy in the Kingman area.

Vice-Mayor Wimpee, Sr. read the proclamation and presented it to the members of the Mohave Library Alliance.

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.

Citizen Harley Petit addressed the Council and stated the front door of the City Complex should remain unlocked during Council and Commission meetings since it provided the only ramp access to the building.

Vice-Mayor Wimpee, Sr. directed City Manager John Dougherty to look into Mr. Petit's comment.

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. High Intensity Drug Trafficking Area (H.I.D.T.A.) Grant Award

The Kingman Police Department has been awarded $52,000 in grant funding from the High Intensity Drug Trafficking Area (H.I.D.T.A.). The grant funds are for implementation of a patrol K-9 program for the department. Funding will provide for the purchase and training of two K-9s, equipment and the retrofitting of two patrol units. **Staff recommends approval**.

b. 2015 Governor's Office of Highway Safety Grant Award

The Kingman Police Department has been awarded $1,000 from the Governor's Office of Highway Safety (G.O.H.S.). The funding will support continued enforcement programs focused on safety belt and child passenger safety laws during the "Buckle Up Arizona…It's the Law!" campaign. **Staff recommends approval.**

c. Special Event Liquor License Application

Applicant Fawson Zane of Kingman Route 66 Rotaract Trailblazers has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, May 2, 2015 from 4:00 P.M. to 11 P.M. at Beale Celebrations, 201 N 4th Street in Kingman. **Staff recommends approval.**

d. Special Event Liquor License Application

Applicant Carlos Cella of Cella Winery LLC has applied for a Series 16W Wine Fest/Wine Fair Liquor License for an event to take place Saturday, May 16, 2015 from 11 A.M. to 6 P.M. at Firefighter's Park, 2001 Detroit Ave. in Kingman. **Staff recommends approval.**

e. Special Event Liquor License Application

Applicant Cory Whalin of Su Vino Winery has applied for a Series 16W Wine Fest/Wine Fair Liquor License for an event to take place Saturday, May 16, 2015 from 11 A.M. to 6 P.M. at Firefighter's Park, 2001 Detroit Ave. in Kingman. **Staff recommends approval.**

f. Proposed Resolution No. 4946 naming two private streets located within the city limits of Kingman as "Hotel Way" and "Bonelli Avenue."

Stockton Airway Center, Tract 6007 is a commercial subdivision located west of Stockton Hill Road between Airway Avenue and Sycamore Avenue. The subdivision includes two private streets which provide the sole access to six internal lots. In 2010 these lots were given Stockton Hill Road addresses even though they did not have direct frontage on that street. In the original development concept these streets were intended to function like driveways that would access common parking areas associated with a possible shopping center. However, several lots have been sold in recent years and are being developed separately by different property owners. A building permit has been submitted for La Quinta Inn on Lot 10-A. The sole access to this lot is via the private street that connects between Airway and Sycamore. The Fire Department determined that the hotel should be addressed off of the private street for public safety purposes in compliance with our 9-1-1 system. Planning staff sent letters to the two property owners who own the lots directly affected by the possible street name change. The owner for the La Quinta Inn suggested the name "Hotel Circle" for the street abutting this property and Lot 9 which is also owned by him. The other owner, who is the original subdivision developer, did not directly respond. However, his broker indicated that "Stockton Hill" needed to be part of any new street names. Sections 4-1(b) and (c) of the Streets and Sidewalks Development Rules and Regulations would appear to disallow that option as this particular street does not have direct access to and from Stockton Hill Road. The other street connects to Stockton Hill Road but is not a terminating street and, therefore, would also not be eligible for a Stockton Hill name. "Hotel Way" is recommended by staff for the street that extends from Airway to Sycamore because it is a through- street. "Bonelli Avenue" is recommended by staff for the other street in honor of a pioneering family in Kingman and because 2015 marks the 100th anniversary of the construction of the Bonelli House, which is on the National Register of Historic Places. It is intended that these streets will remain private as they do not meet all city street improvement standards. **Staff recommends approval.**

g. Authorization for purchase and scrub application of 120 tons of PASS Emulsion for the 2014-2015 fiscal year chip seal project.

The City of Kingman Street Department requested quotes for supply and scrub application of PASS CR Emulsion per City of Kingman Municipal Code 2-160f. Upon receipt of quotes it was found that two of the three bidders had not submitted their offer as required in the Request for Quotes. The price provided on the "Per Ton" line was for only the emulsion and did not include any labor, transportation or incidental costs related to application of the emulsion as required. The only contractor to correctly submit a bid was Hawker and Evans Asphalt Company. **Staff recommends approval.**

h. Authorization for purchase and application of 515 Tons of CRS-2P Emulsion for the 2014-2015 fiscal year chip seal project.

The City of Kingman Street Department requested quotes for supply and application of CRS-2P Emulsion per City of Kingman Municipal Code 2-160f. Upon receipt of quotes it was found that two of the three bidders had not submitted their offer as required in the Request for Quotes. The price provided on the "Per Ton" line was for only the emulsion and did not include any labor, transportation or incidental costs related to application of the emulsion as required. The only contractor to correctly submit a bid was Hawker and Evans Asphalt Company. **Staff recommends approval.**

Councilmember Abram made a MOTION to APPROVE the Consent Agenda as presented. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

4. OLD BUSINESS

None.

5. NEW BUSINESS

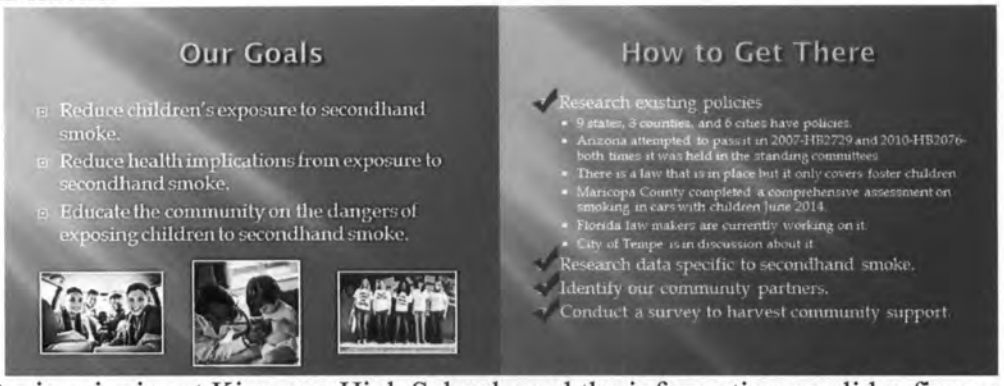
a. Discussion on a proposed smoking ban in vehicles

The Kingman Youth Coalition Beating Up Teen Tobacco (KYC – BUTT) has approached staff and members of the City Council in an effort to adopt a city ordinance that would ban an individual from smoking in a vehicle occupied by a minor. Currently 9 states have adopted similar legislation with an additional 5 states working through the legislative process. The KYC – BUTT Coalition has also located 3 counties and 6 cities that have adopted ordinances. The KYC – Butt Coalition is requesting that the City of Kingman consider adopting the ordinance, including electronic smoking devices, in order to enhance child endangerment laws. **Council discretion.**

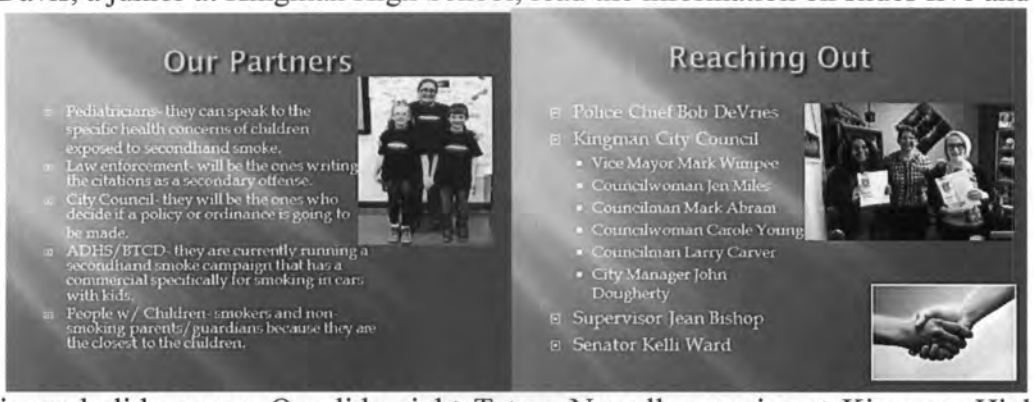
The following slides were presented:

Slide one was an introductory slide. On slide two Stefeni Merit, a junior at Lee Williams High School, stated KYC-BUTT's goal was to reduce youth tobacco use and second-hand smoke exposure.

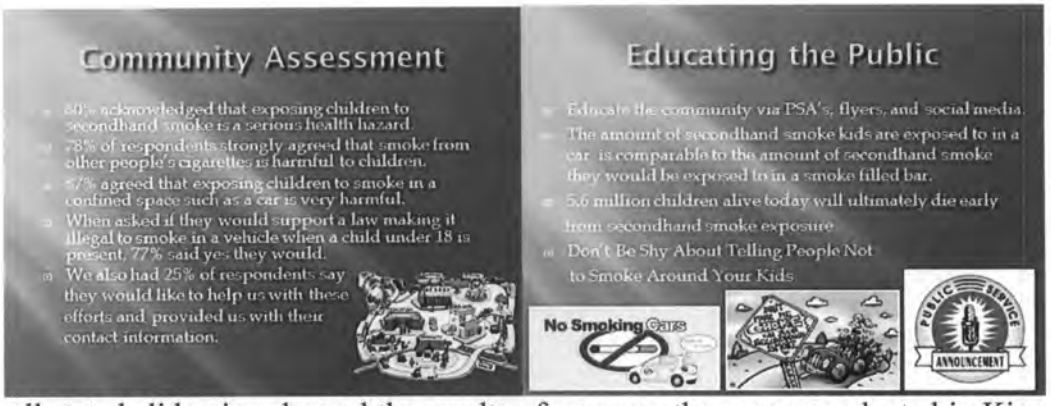
On slide three Ms. Merit stated secondhand smoke killed hundreds of babies and children every year. On slide four Ms. Merit stated scientific research showed children should not breathe secondhand smoke.



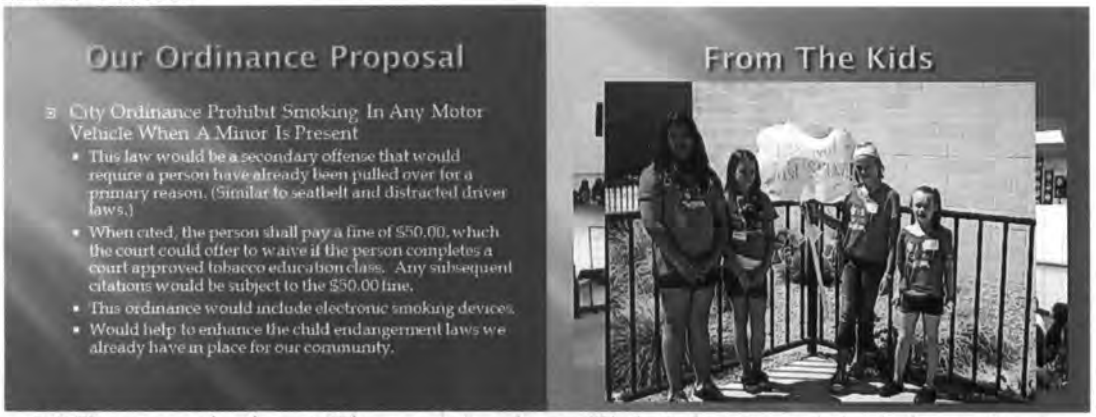
Victoria Davis, a junior at Kingman High School, read the information on slides five and six.



Ms. Davis read slide seven. On slide eight Tatum Newell, a senior at Kingman High School, stated KYC-BUTT met with community leaders and received valuable feedback on the proposed ordinance. Ms. Newell stated KYC-BUTT's goal was to eventually bring the law to Mohave County and the state of Arizona.



Ms. Newell stated slide nine showed the results of a survey the group conducted in Kingman. On slide 10, Ms. Newell stated many children did not feel comfortable asking an adult to refrain from smoking inside a car and the proposed law and accompanying educational outreach would help give children a voice.



Madison McKowan, a junior at Kingman Academy High School, read the information on slide 11 and stated a local tobacco cessation program offered to provide free quarterly classes. Ms. McKowan stated the agenda packet contained sample policies from other areas with bans. On slide 12 Ms. McKowan stated KYC-BUTT conducted educational programs throughout the community and the kids they worked with wanted adults to know smoking in cars was harmful to children and there was no safe level of exposure to secondhand smoke.

On slide 13 Ms. McKowan stated the proposed ordinance would help improve the lives of the children in the community.

Chief of Police Robert DeVries stated he would work with the City Attorney's Office on a draft

ordinance to bring back to Council if Council wanted to pursue the proposal.

Velta Soto, a Kingman resident and a nurse at Kingman Regional Medical Center, stated she saw the effects of smoking and secondhand smoke in patients. Ms. Soto stated heart disease in children was related to secondhand smoke exposure. Ms. Soto stated Kingman was a small community with a lot of heart disease related to smoking cigarettes. Ms. Soto stated she was the parent of a child with heart disease and she supported the proposed ordinance.

Monica Pierce, a Kingman resident, stated she was a former smoker and the mother of two young children. Ms. Pierce stated she did research on the effects secondhand smoke had on children and she fully supported the proposed ordinance.

Councilmember Abram asked if there were court approved tobacco education classes.

City Attorney Carl Cooper stated there might be classes in place for youth, but he needed to research what was available for adults. Mr. Cooper stated it might be possible to find a program that was completed through a workbook instead of an attendance-based class.

Chief DeVries stated if the proposed ordinance was adopted he hoped enforcement would be predominantly carried out through self-policing and peer pressure. Chief DeVries stated the ordinance banning smoking in City parks worked through this method. Chief DeVries stated a ticket had not been issued for smoking in parks, however, there were no complaints and he had not observed any violators.

Councilmember Young asked if there were any other cities in Arizona with this type of ordinance.

Chief DeVries stated Tempe, Arizona was in the process and Maricopa County had completed a detailed study, which was included in the Council's packet. Chief DeVries stated this was Kingman's chance to take the lead.

Councilmember Carver asked if it was possible to make the violation a cause for a primary stop if the age of the child was obvious such as the child was in a car seat.

Mr. Cooper stated it was Council discretion on how the ordinance was drafted.

Councilmember Carver asked for a draft ordinance to be brought back to the Council for review.

b. Discussion and possible action on a City funded 4th of July fireworks display.

Over the past few years the Boomers have raised money for City fireworks. The Boomers have disbanded and are being sued by the family of the injured worker and there has been no interest expressed by any other group to fundraise. Money has been included in the next fiscal year budget to have fireworks if Council wants to fund the display. A decision needs to be made now or the two bidders may not be available. **Council discretion.**

Mr. Petit addressed the council and asked if Lantis was one of the bidders.

Mr. Dougherty stated that was correct.

Mr. Petit stated Lantis was not a good choice and the City would have difficulties finding a location to hold the fireworks.

City Attorney Carl Cooper stated the Mohave County Fairgrounds was named in the lawsuit due to a rental agreement. Mr. Cooper stated the City was also being sued by the family for $10 million.

Assistant Fire Chief Keith Eaton addressed the Council and stated the Fairgrounds was the only place suited for the fireworks display based on the size of shells used in the show. Assistant Chief Eaton stated other locations could be used if the size of the shell was reduced, however, this would require the project to be re-bid. Assistant Chief Eaton stated he contacted the bidders and there would not be enough time to re-bid the show in time for the 4th of July. Assistant Chief Eaton stated the City's procurement policy did not allow a bid's specifications to be altered. Assistant Chief Eaton stated he examined the City's parks with Parks & Recreation Director Mike Meersman and it would be possible to hold a close proximity fireworks display in the parks in the future. Assistant Chief Eaton stated reducing the size of the shells would also reduce liability, which would increase the number of bidders as well as include local bidders such as the company that handled the fireworks display in Valle Vista.

Councilmember Miles stated there did not seem to be a decision for the Council to make as it was not possible to have fireworks on the 4th of July this year. Councilmember Miles stated the City could look at finding a new type of celebration for the 4th of July.

Councilmember Carver asked what the distance requirements were for the fireworks display.

Assistant Chief Eaton stated the largest shells used in the display were five inches and there needed to be 412 feet from crowds and streets. Assistant Chief Eaton stated the Fairgrounds worked well for the display because there was 600 feet between the fireworks and the crowd. Assistant Chief Eaton stated the bid included the five inch shells because Staff did not know there would be facility issues.

Vice-Mayor Wimpee, Sr. requested an agenda item to discuss alternative ideas for a 4th of July celebration to be added to the next Regular Meeting agenda.

Councilmember Carver asked if Mohave County's land located behind the Kingman Branch of the Mohave County Public Library would provide enough space.

Assistant Chief Eaton stated if there was it would be close to the minimum required amount. Assistant Chief Eaton stated when fireworks were displayed on the land in the past there were not as many buildings. Assistant Chief Eaton stated the City would need to buy or rent fencing and landowner approval would need to be obtained within the next one or two days.

Councilmember Carver asked if field four in Centennial Park would provide enough space if fencing was put up from the field to the administration building and the soccer field behind field four.

Mr. Meersman stated there would also need to be space allotted for fallout from the fireworks,

which would reduce the amount of available space for spectators.

Assistant Chief Eaton stated it also took a few days to set up for the show, which would require the sports fields to be shut down during the week of the 4th of July. Assistant Chief Eaton stated this would create problems for activities scheduled to take place in the park.

Mr. Meersman stated there was a state tournament the weekend after the 4th of July and he would be worried about field damage from the fireworks.

c. Consideration and possible action on Resolution No. 4945 authorizing the Mayor to sign any and all documents to submit applications for funding of the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange projects through the FY2015 TIGER Discretionary Grant Program.

The President signed the Consolidated and Further Continuing Appropriations Act, 2015 which appropriated $500 million dollars to be awarded by the Department of Transportation (DOT) for National Infrastructure Investments. This appropriation is similar, but not identical to, the appropriation for the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program. Because of the similarity in program structure, DOT is referring to the grants for National Infrastructure Investments under the FY 2015 Consolidated and Further Continuing Appropriations Act simply as "TIGER Discretionary Grants." As with the previous TIGER programs, funds for the FY 2015 Tiger Discretionary Grant program are to be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area or a region. DOT is soliciting applications for TIGER Discretionary Grants. The City submitted applications for funding for capital improvement projects of the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange through the TIGER, TIGER II, TIGER III, TIGER IV, TIGER V, and VI Discretionary Grant programs. None of these projects were funded in any of the previous TIGER grant programs. If the City desires to submit applications for funding of the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange projects through the FY 2015 TIGER Discretionary Grant program, Council will need to authorize the Mayor to sign any and all documents and certifications necessary to submit these applications, including the Federal Wage Certification stating that the City of Kingman will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (Federal wage rate requirements), as required by the FY 2015 Consolidated and Further Continuing Appropriations Act. Applications are to be submitted by 5:00 p.m. EDT on June 5th, 2015. **Staff recommends approval.**

Public Works Project Manager Burley Hambrick addressed the Council and stated the grant process was a yearly cycle and the City submitted applications for both projects for the last six years. Mr. Hambrick stated the City asked for 100% coverage for the construction costs and there was no preference towards either project.

Councilmember Miles asked if the grant applications were updated each year with current information.

Mr. Hambrick stated the applications were updated. Mr. Hambrick stated he added information about the Interstate 11 project as well as updated letters of support from the City Mayor, Mohave County, ADOT and the Kingman Airport Authority.

Councilmember Miles recommended obtaining a letter from the Kingman and Mohave Manufacturing Association and asked to review the applications before they were submitted.

Mr. Hambrick stated the due date for the applications was June 5th, 2015 and they were filed electronically.

Councilmember Miles made a MOTION to TABLE the item until the applications could be reviewed at the Council's Regular Meeting on May 19th, 2015. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

6. REPORTS

Board, Commission and Committee Reports by Council Liaisons

Councilmember Abram stated he attended a Planning & Zoning Commission meeting on Tuesday, April 14th, 2015, which included a public hearing for the proposed General Plan Amendment. Councilmember Abram stated there were good arguments on both sides of the issue and the participants were evenly split. Councilmember Abram stated the second hearing would be on April 28th, 2015 at 9:00 A.M. at the Mohave County Administration Building.

7. 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.

Mr. Dougherty encouraged the citizens of Kingman to celebrate Earth Day by picking up trash around the City. Mr. Dougherty stated there would be a budget workshop in the Council Chambers on Thursday, April 23, 2015 at 8:00 A.M. Mr. Dougherty stated volunteers were needed to help clean up trash at Stockton Hull Road and Atlantic Avenue on Saturday, April 25th, 2015 at 7:30 A.M. Mr. Dougherty stated there would be a tree planting in Monsoon Park on Saturday April 25th, 2015 to celebrate Arbor Day. Mr. Dougherty stated there would be a Tri-City Council meeting at the Kingman Police Department on Wednesday, April 22nd, 2015 at 10:00 A.M.

Councilmember Young stated the Third Annual Badges of Courage Basketball Game would be May 16th, 2015 at 2:00 P.M. at Lee Williams High School. Councilmember Young stated advanced tickets were available for $3 at the City Complex and Lee Williams High School. Councilmember Young stated tickets would be available at the door for $5 and children would be free with a paying adult.

Vice-Mayor Wimpee, Sr. stated the May 5, 2015 Council Meeting would be held at the Mohave County Administration Building in the auditorium.

Councilmember Abram made a MOTION to ADJOURN. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

ADJOURNMENT 6:30 P.M.

ATTEST:

Sydney Muhle

APPROVED:

Richard Anderson

City Clerk Mayor

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on April 21, 2015.

Dated this 5th day of May, 2015.

Erin Roper, Deputy City Clerk and Recording Secretary

REQUEST TO ADDRESS COUNCIL & COMMISSION MEETINGS

Date: 4-21-15

If you wish to speak during the meeting you are required to complete all sections marked *.
Failure to complete all mandatory sections may result in your request to address meetings being denied.

DETAILS OF APPLICANT

Resident of Kingman Yes ✓ No ____

*Name: HARLEY PEITT *Phone Number: 753-0329

*Address: _____

*Representing: SELF

*Topic: WHO ARE THE FIREWORKS BIDDERS
WHY 10K MORE THAN THE LAST 3 YEARS?
WHERE IS THE PROPOSED LAUNCH SITE

Agenda Item #
5B

REQUEST TO ADDRESS COUNCIL & COMMISSION MEETINGS

Date: 4/21/15

If you wish to speak during the meeting you are required to complete all sections marked *.
Failure to complete all mandatory sections may result in your request to address meetings being denied.

DETAILS OF APPLICANT

Resident of Kingman Yes ✓ No ____

*Name: Monica Pierce *Phone Number: 9283038894
*Address: 2895 N Jerome St

*Representing: ~~Agenda Item~~ Proposed smoking ban

*Topic: Supporting Kycbutt Kids

Agenda Item # 5A

REQUEST TO ADDRESS COUNCIL & COMMISSION MEETINGS

Date: 4/21/15

If you wish to speak during the meeting you are required to complete all sections marked *.
Failure to complete all mandatory sections may result in your request to address meetings being denied.

DETAILS OF APPLICANT

Resident of Kingman Yes A No ____

*Name: Velta Soto *Phone Number: 928-293-1121
*Address: 1911 Fairgrounds

*Representing: proposed smoking ban

*Topic: _____

Agenda Item #
5a

REQUEST TO ADDRESS COUNCIL & COMMISSION MEETINGS

Date: 4-21-15

If you wish to speak during the meeting you are required to complete all sections marked *.
Failure to complete all mandatory sections may result in your request to address meetings being denied.

DETAILS OF APPLICANT

Resident of Kingman Yes ____ No ____

*Name: HARLEY PENTT *Phone Number: 753-0329

*Address: _____

*Representing: SELF

*Topic: ADA ACCESS TO MEETINGS - OPEN FRONT DOOR

Agenda Item # 2

VISITORS IN ATTENDANCE

City of Kingman

Meeting of the Common Council

Council Chambers – 310 N. 4th Street – Kingman, Arizona

Meeting Date: 04/21/2015

	NAME - PLEASE PRINT	EMAIL ADDRESS AND PHONE NUMBER
1	C of Nan Russell	
2	HARLEY PETTIT	ON FILE
3	Tatum Newell	1LYC-BUTT 928-727-7305
4	Tiffany Newell	taffynewt@gmail.com 928 727 7304
5	Victoria Davis	951-219-2527
6	Madison McKowan	928-279-3026 mckowanmaddi@gm
7	Stefeni Merrett	928-533-3454
8	Annie Meredith	480-203-3087
9	Velta Soto	928-293-1121
10	Monica Pierce	928 303 8894
11	Tracie Padilla	traciepadilla@yahoo.com
12	Sarah Herrero	smherrero@yahoo.com
13	Randall Vaella	[illegible]
14	Regina Vaella	"
15	William O. Andrus	A93Scooter@gmail.com 928-279-1438
16	Stephanie McKowan	Smckowan@kusd.org
17	Elizabeth Merrett	lizzm35@gmail.com
18	Trent Meins	trentmeins@gmail.com
19	Bill Wales	billwales1@aol.com 928-753-5774
20	Sandie Womack	Cerbat Garden Club
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