

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL**

**Council Chambers
310 N. 4th Street**

5:30 P.M.

ACTION AGENDA

Tuesday, August 4, 2015

REGULAR MEETING

CALL TO ORDER & ROLL CALL --- ALL COUNCILMEMBERS WERE PRESENT EXCEPT COUNCILMEMBER YOUNG WHO WAS EXCUSED.

INVOCATION will be given by **City Attorney Carl Cooper.**

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

The Regular Meeting minutes of July 21, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-0 WITH VICE MAYOR WIMPEE SR. ABSTAINING.

2. AWARDS

Recognition of Jim McErlean as the 2014/2015 Building Official of the Year by the Arizona Building Officials

Jim McErlean has served as the building official for the City of Kingman since February 27, 2014. In this short time Mr. McErlean has been recognized by his peers as the Arizona Building Official of the Year. Mr. McErlean was presented this award on July 22, 2015 by the Arizona Building Officials. Staff would like the Council to recognize Mr. McErlean for his great service, abilities and professionalism.

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. Consideration of Amendment No. 2 to engineering contract ENG14-001

On May 6, 2014 the Council approved construction contract ENG14-001 with TR, Orr, Inc. for various street and drainage related construction. The Contract included the replacement of a warped glass block panel on Fourth Street adjacent to the Central Commercial Building. The new budget includes a capital project for replacement of two reinforced concrete panels which are bowed, and potentially a trip hazard. Staff has asked TR Orr to provide a guaranteed maximum price (GMP) price proposal to remove two additional panels and replace with glass block panels.

The work will be incorporated into the original Contact which was signed on May 7, 2014. The cost for the work will not exceed \$58,968 as shown on the attached Amendment No. 2. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

b. Consideration of a professional services agreement with Sunrise Engineering, Inc. for a Reclaimed Water Reuse Study, ENG15-047

The Adopted Budget includes a project for a Reclaimed Water Reuse Evaluation for the Hilltop Wastewater Treatment Facility (WWTF). The Hilltop WWTF is currently permitted to produce up to 1 million gallons per day of A+ reclaimed water and up to 5.1 million gallons per day of B+ reclaimed water. The study will review the allowable uses and requirements for each category of reclaimed water. The evaluation will specifically look at the following options for reuse: groundwater injection, airport industrial use, and City golf course and parks reuse. Staff has been in negotiations with Sunrise Engineering, Inc. regarding a proposal for the work and Sunrise has provided a scope and fee of \$97,500. **Staff recommends approving the agreement with Sunrise Engineering for the Reuse Study. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

c. Consideration of a Professional Services Agreement with AECOM Technical Services, Inc. for the Interstate 40 (I-40) Crossing Feasibility Study, ENG15-042

The Adopted Budget includes a project for a Feasibility Study to evaluate potential crossings of I-40 in the vicinity of the future Kingman Crossing Interchange. The purpose of the study is to determine the best location, design concepts, right of way needs, and estimated costs for an interim crossing of I-40. It is envisioned that an interim crossing will help relieve the traffic congestion on Eastern Street as well as provide better public safety access across I-40. The study will evaluate two locations for a possible interim crossing. The Kingman Crossing option will look at connecting Louise Avenue to Santa Rosa Boulevard using the proposed Kingman Crossing Boulevard alignment. The Prospector Street option will look at connecting Louise Avenue to Diamond Joe Road/Santa Rosa Boulevard using the Prospector Street alignment. Neither option will look at providing access to I-40, but will instead examine the best means for providing a road across the interstate. Staff has been in negotiations with AECOM Technical Services, Inc. regarding a proposal for the work and AECOM has provided a scope and fee of \$113,053. **Staff recommends approving the agreement with AECOM Technical Services, Inc. for the Feasibility Study. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

d. Agreement with Ritoch-Powell & Associates for Design Services for Eastern Street Improvements from Pasadena Avenue to Airway Avenue (ENG 15-048)

Staff has requested a proposal from Ritoch-Powell & Associates (RPA) to prepare design plans and specifications for the improvement of Eastern Street from Pasadena Avenue to Airway Avenue. Major items of design include roadway design inclusive of pavement, curbing, sidewalks, possible bike lanes, drainage features, utility and agency coordination, right of way needs identification, and Airway Avenue intersection design. RPA has submitted a proposal dated July 24, 2015 to create the Eastern Street plans. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

e. Consideration of Amendment No. 2 to contract ENG14-084 for additional pavement repair on Lovin Avenue and changes to the Castle Rock booster station

On March 15, 2015 Council approved construction contract ENG14-084 with Freiday Construction, Inc. to begin Phase 1 of a series of water and sewer projects throughout the City.

On May 19, 2015 Council approved Amendment No. 1 that added the Phase 2 projects to the contract. During the course of construction, changes to the original scope of work have been proposed by Staff. This amendment proposes changes for two projects: Lovin Avenue sewer line extension (ENG14-090) and Castle Rock forebay tank restoration (ENG14-105). Freiday Construction has prepared a change order in the amount of \$16,802.47 to perform the necessary work for Loving Avenue and \$23,258.45 to perform the necessary work for Castle Rock. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

f. Special Event Liquor License Application

Applicant Karen Lopez of the Kingman / Golden Valley Association of Realtors has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, September 19, 2015 from 11:00 A.M. to 3:00 P.M., at Centennial Park 3333 Harrison Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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 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 is being made at the August 4, 2015 City Council meeting, but the actual check will not be presented to the City until December, 2015. **Staff recommends accepting the check. THIS ITEM WAS MOVED TO THE SEPTEMBER 1, 2015, REGULAR COUNCIL MEETING AT THE REQUEST OF KAMMA.**

b. Public Hearing and adoption of Ordinance 1799 amending the Kingman Tax Code by removing the Sunset Date on the 0.50% increased rate of taxation

According to ARS § 9-199.15, a municipality that proposes to increase the rate of an existing tax or fee on a business must provide written notice on the home page of its website at least sixty days before the date the proposed new rate is approved or disapproved by the governing body of the municipality. At the time of this communication, staff has not provided written notice on the home page of the City's website and will need to postpone this Public Hearing until October 6, 2015, which will meet the requirements of the aforementioned statute. **THIS ITEM WAS TABLED UNTIL THE OCTOBER 6, 2015, REGULAR COUNCIL MEETING.**

c. Consideration of the 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 2030. 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 designated area is Commercial: Service Business (C-3). However, as was discussed in the General Plan Amendment public meetings and other discussions with Council and 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 uses, conditionally permitted uses, and minimum development

standards, can be adopted to establish a desirable zoning district. If the Council desires to initiate rezoning of its Kingman Crossing property, direction on the zoning district and/or planned development district needs to be provided. If initiated at this meeting, the Planning and Zoning Commission can hold its public hearing on September 8, 2015, and the City Council can hold its public hearing on October 6, 2015. **Staff recommends initiation of the C-3 PDD zoning district and rezoning of the Kingman Crossing property. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

6. NEW BUSINESS

a. Public hearing and consideration of Resolution 4965 to approve the vacation (abandonment) of a portion of Vermont Street

This is a request from Steven Latoski to vacate (abandon) a 42' X 107.13' portion of Vermont Street located between Sunset Boulevard and Arlington Street adjacent to his property. The Planning and Zoning Commission held a public hearing on July 14, 2015 and there were some objections from nearby property owners heard during the public testimony over the loss of public property which could be used for hiking or other purposes. However, aerial photos indicate the hiking trails are on private property. Planning staff recommend that the full width of Vermont Street (50' X 214.26') be vacated because an 8' x 107.13' remnant street would be of no use to the City for utilities or other purposes. The Planning and Zoning Commission voted 4-1 to recommend approval of the vacation of only the 42' X 107.13' portion (4,500 sq. ft.) of Vermont Street requested by the applicant. Conditions included a recommended value of the vacated right-of-way to be no less than \$500 per each 25' x 107.13' (2,678 sq. ft.) section of the street, which works out to approximately \$5.36/sq. ft. This would be \$840 for the 4,500 sq. ft. area recommended by the commission. Upon payment by the applicant, title to this section of the right-of-way shall pass to the applicant as the adjacent property owner. This would leave an 8' X 107.13' remnant right-of-way section for Vermont Street. **Staff recommends approval of Resolution 4965. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-1 WITH COUNCILMEMBER CARVER VOTING NAY.**

b. Public Hearing and consideration of Ordinance 1796-R, amending Section 10.000 LANDSCAPING of the Zoning Ordinance of the City of Kingman

Section 10.000 LANDSCAPING of the Zoning Ordinance of the City of Kingman, adopted in 1998, provides minimal standards for landscaping for new commercial, industrial, and multiple family developments. IT also requires some landscaping for remodels and expansions of existing developments where the improvement costs exceed \$20,000 and/or the developed portion of the property increases by 25 percent or more. The ordinance has not been changed since its adoption. The proposed amendment would make the following changes to the Landscape Ordinance: Repeal the appeal process and the 2:1 credit for landscaping in the right-of-way, add an updated recommended plant list, require an area equivalent to 5-percent of the development area to be landscaped for remodels and expansions of existing development, add parking lot landscape standards, revise plan submittal requirements and irrigation standards, allow up to 10% of the landscape area to be artificial turf, require dead plants to be removed within 45-days, and exempt remodeled properties that are over 95% developed from the landscaping requirements. The Planning and Zoning Commission held a number of public meetings and workshops over the last several months to discuss possible changes to the ordinance. At the direction of the City Council, a subcommittee of the P&Z Commission met with representatives of NABA as well as landscape

firms to develop a consensus regarding the proposed text changes. The proposed ordinance reflects the consensus that was developed. **The Planning and Zoning Commission held the public hearing on July 14, 2015 to consider the proposed text amendment The commission voted 5-0 to recommend approval of the proposed text amendment as shown in Exhibit “A” of the attached Ordinance No. 1796-R. Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

c. 2016 League Resolutions

Each year the League of Cities and Towns conducts an annual process for the development, consideration, and approval of city and town resolutions on topics of interest to comprise its Municipal Policy Statement. The statement is subsequently provided to legislators to inform them of important municipal issues and seek their support for the goals, policies, and actions set forth by the various resolutions. Resolutions adopted to move forward by the Policy Committees will appear as resolutions on the agenda for the Resolutions Committee meeting on August 18th at 1:30 p.m. in Tucson. Mayor Anderson will represent Kingman at this meeting and will be voting on each of the proposed resolutions. It is suggested that the Council as a whole discuss any policy differences with any one of the League Policy Committee’s recommendations and provide guidance to the Mayor on just those differences. **Council discretion. DIRECTION WAS PROVIDED TO STAFF TO SUPPORT A PROPOSED RESOLUTION THAT COULD PROMOTE AN INTERNATIONAL TRADE CORRIDOR THROUGH KINGMAN.**

DIRECTION WAS PROVIDED TO ALLOW THE MAYOR TO REPRESENT KINGMAN AT THE 2016 LEAGUE OF ARIZONA CITIES AND TOWN RESOLUTIONS COMMITTEE MEETING AUGUST 18, 2015.

d. Discussion and possible action on the creation and review process for Council meeting agendas

At the July 27, 2015 Council Work Session, discussion took place regarding how items are placed on or removed from Council meeting agendas. Councilmember Yocum requested delaying the discussion in order to include all councilmembers on the discussion of possible changes to the ordinance. The current ordinance allows any councilmember to request an agenda item. **Staff recommends adding verbiage to specify that only the requesting councilmember can agree to have an item removed or deferred from the next available agenda. DIRECTION WAS PROVIDED TO STAFF TO ADD LANGUAGE TO THE CURRENT ORDINANCE REGARDING SETTING COUNCIL MEETING AGENDAS TO CLARIFY THAT ONLY THE REQUESTING COUNCIL MEMBER CAN REMOVE AN ITEM THEY REQUESTED FROM THE AGENDA.**

e. Discussion regarding adoption of an “entertainment district” in downtown Kingman

The Kingman Downtown Merchants’ Association has requested an agenda item, which it advised was approved by Mayor Anderson, for the Council to discuss the “adoption of Arizona Revised Statute 4-207.” The Council has been provided with a letter and a copy of the A.R.S. code. This item will be for discussion only. **Direction was provided to staff to bring back this proposal with more information as soon as possible.**

7. **REPORTS**

a. Department Report on Water Division

Staff will give a presentation on Water Division activities and issues.

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**

Pursuant to ARS 38-431.03(A)(4), the City Attorney 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 6-0.

Brown v. City of Kingman

Blaschak v. City of Kingman

MOTION TO PAY THE DEDUCTIBLES FOR BOTH CASES WAS APPROVED BY A VOTE OF 6-0.

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

Posted _____ by _____